

T.C.
YALOVA ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ

CHINA’S SOUTH CHINA SEA DISPUTE: THE GROWING SINO-AMERICAN COMPETITION IN THE ASIA-PACIFIC (1945-2017)

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Enstitü Anabilim Dalı: ULUSLARARASI İLİŞKİLER
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Tez Danışmanı: Dr. Öğretim Üyesi Mehmet Ali UĞUR

TEMMUZ 2020

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SOSYAL BİLİMLER ENSTİTÜSÜ
DOKTORA İNTİHAL YAZILIM RAPORU
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Tez Başlığı: China's South China Sea Dispute: The Growing Sino-American Competition in the Asia-Pacific (1945-2017)

Yukarıda başlığı belirtilen tez çalışmamın toplam 183 Sayfalık kısmına ilişkin aşağıda belirtilen filtrelemeler uygulanarak alınmış olan ve 07/05/2020 tarihinde aşağıda ismi yazılı araştırma görevlisi tarafından şahsıma iletilen iThenticate. intihal tespit programına göre tezimin benzerlik oranı %16'tır.

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PREFACE

Throughout history, one of humankind's biggest struggles has been to understand the world and environment which he/she lived in. It can be said that this desire to understand has formed the beginnings of all scientific fields. In terms of social sciences, and more specifically IR, the struggle to understand the factors which shape state behaviors, and in many cases, the circumstances which lead to wars, have been one of the most important focus points in this field. This study, which examines the South China Sea disputes and growing competition Sino-American competition in the Asia-Pacific is in essence another similar attempt to find answers to these important questions stated above. I hope that this study will be able to make a humble contribution to the IR field in terms of finding answers to these questions.

I would like to express my deepest gratitude to my supervisor Assist. Prof. Dr. Mehmet Ali UĞUR for his guidance, advice, criticism, encouragement and insight all throughout the long and arduous process of writing this dissertation. Without his invaluable support it would not be possible for me to finish this thesis successfully.

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Finally, I would like to thank my Family. My wonderful wife Özlem for her encouragement and support all throughtout this study and my lovely daughters Aslı and Ada for their patience. This dissertation is dedicated to them.

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ABBREVIATION LIST

A2/AD	: Anti-Access/Area Denial
ACFTA	: ASEAN-China Free Trade Area
ADIZ	: Air Defense Identification Zone
ADZ	: Air Defense Zone
AIIB	: The Asian Infrastructure Investment Bank
APEC	: Asia-Pacific Economic Cooperation
ASCM	: Anti-Ship Cruise Missiles
ASEAN	: Association of South East Asian Nations
BRI	: Belt and Road Initiative
CCP	: Chinese Communist Party
CDB	: China Development Bank
CIC	: China Investment Corporation
COC	: Code of Conduct
COMAC	: Commercial Aircraft Corporation of China
DOC	: Document of Conduct
EEZ	: Exclusive Economic Zone
FON	: Freedom of Navigation
GDP	: Gross Domestic Product
IMF	: International Monetary Fund
IR	: International Relations
ITLOS	: International Tribunal for Law of the Sea
KMT	: Kuomintang Party
MDA	: Maritime Domain Awareness
NATO	: North Atlantic Treaty Organization
OBOR	: One Belt One Road Initiative
PCA	: Permanent Court of Arbitration
PLA	: People's Liberation Army
PLAN	: People's Liberation Army Navy
PPP	: Purchasing Power Parity
PRC	: People's Republic of China
ROC	: Republic of China
SCS	: South China Sea
SOA	: State Oceanic Administration
TPP	: Trans-Pacific Partnership Agreement
UAV	: Unmanned Aerial Vehicles
UK	: United Kingdom
UNCLOS	: United Nations Convention on the Law of the Sea
US	: United States of America
WRI	: World Resources Institute
WTO	: World Trade Organization

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Yalova University Institute of Social Sciences Doctoral Thesis Summary

Thesis Title: China's South China Sea Dispute: The Growing Sino-American Competition in the Asia-Pacific (1945-2017)	
Thesis Author: İzzet Soner AYHAN	Advisor: Assist.Prof. Mehmet Ali UĞUR
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Department: International Relations	Field of Study: International Relations
China in the last several decades has achieved one of the most outstanding economic development miracles in the world. Fueled by the enormous economic gain made in this period, and in accordance with its Grand Strategy to revive the glorious ancient Chinese Empire of the past, China has once again started its rise in its region by accelerating its efforts to transform itself from a developing country to a regional and perhaps to some extent global power. As a result, China has started to alter the political, economic and security structure in its region in order to meet its needs as a rising power. This means changing and reshaping the regional political, economic and security structure shaped by the United States after the Second World War. In this respect Beijing's recent actions such as island building, unilateral announcements of Air Defense Identification Zones (ADIZ) on disputed islands and oil researches in the contested waters of the SCS are all very contentious actions aiming to change the status quo in the region in favor of China. It can be said that the SCS today has become a testing ground for China's ambitions to challenge the US dominance in the Asia-Pacific and to re-shape the current security structure in the region. This situation has also turned the SCS into a regional flashpoint with a potential to spark a larger armed conflict between China and the US. Beijing's success in achieving its claims and objectives in the SCS will be the first real test for China as a new potential global power and will also be decisive in the future political and security structure of the Asia-Pacific region as a whole. This dissertation analyzes the political, economic and military indicators of Beijing's attempt to challenge the current global dominance of the US in Asia-Pacific in general alongside China's actions and policies in the SCS and how they relate to China's ambitions to re-shape the security structure in the region. The study analyzes the legal status of China's claims in the SCS from UNCLOS perspective which is the most important international legal body with respect to maritime claims. In addition, this study employs a new formulation model based on Stephen Walt's 'Threat Perception Theory' in an attempt to assess the rising potential threat levels which China and other claimant states and US pose to one another in the region. Finally the study examines the regional actors and more importantly Washington's response to Chinese actions and policies in the SCS, such as 'Containment' and 'Rebalancing,' and focuses on the political and military implications of these actions in regard to America's current global dominance and China's ambitions to become a dominant power in the region.	
Key Words: Sino-American Competition, Asia-Pacific, South China Sea, Power and Threat, UNCLOS	

Yalova Üniversitesi Sosyal Bilimler Enstitüsü Doktora Tez Özeti

Tezin Başlığı: Çin'in Güney Çin Denizi İhtilafı: Asya-Pasifik'te Artan Çin-ABD Rekabeti (1945-2017)

Tezin Yazarı: İzzet Soner AYHAN

Danışman: Dr. Öğr. Üyesi Mehmet Ali UĞUR

Kabul Tarihi: 17/06/2020

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Bilim Dalı: Uluslararası İlişkiler

Son 40 yılda dünya tarihindeki en büyük önemli ekonomik gelişim mucizelerinden birisini gerçekleştirerek 2018 itibarı ile ABD'den sonra Dünya'nın en büyük ikinci ekonomisi haline gelmiş olan Çin, bu dönem elde ettiği ekonomik kazanımları kullanarak geçmişte olduğu gibi bir kez daha bölgesindeki başat güç haline gelmeyi hedeflemektedir. Çin "Büyük Strateji" olarak da adlandırılan bu hedefine ulaşmak için bölgesel bir güçten süper güce dönüşüm süreci ile ilgili adımlarını son 10 yılda hızlandırmıştır. Bunun kaçınılmaz bir sonucu olarak Pekin yönetimi yükselen yeni bir güç olarak ortaya çıkan ihtiyaçlarını karşılamak için kendi bölgesindeki siyasi, ekonomik ve güvenlik yapısını değiştirme girişimlerine başlamıştır. Bu durum hâlihazırda bölgeye hakim olan ve ABD tarafından 2. Dünya Savaşı sonrası inşa edilen yapının değiştirilmesi anlamına gelmektedir. Bu bağlamda Pekin yönetiminin son yıllarda Güney Çin Denizi'nin tartışmalı sularında başlattığı suni inşa adası, tek taraflı deniz ve hava sahası ilanı ve petrol sondaj çalışmaları gibi eylemleri bölgedeki dengeleri Çin lehine değiştirme potansiyeline sahip oldukça tartışmalı ve tehlikeli adımlar olarak kabul edilmektedir. Çin için Güney Çin Denizi bugün ABD'nin bölgedeki ve daha geniş boyutta Asya-Pasifikteki hakimiyetine meydan okuduğu bir test alanı haline gelmiştir. Bu durum Güney Çin Denizini her an ABD ve Çin arasında geniş çaplı bir askeri çatışma başlatma potansiyeline sahip bir fiili çatışma bölge haline getirmiştir. Pekin Yönetiminin bölgedeki hak iddialarını kabul ettirmesi ve belirlediği hedeflere ulaşması Çin için yeni bir süper güç adayı olarak ilk gerçek test olacaktır. Bu bağlamda Çin'in hedeflerinde başarılı olup olmaması sadece Güney Çin Denizi için değil Asya-Pasifik bölgesinin siyasi, ekonomik ve güvenlik yapısının geleceği açısından da belirleyici olacaktır.

Bu çalışma Pekin yönetiminin ABD'nin Asya-Pasifik bölgesindeki hâkimiyetine meydan okuyan siyasi, ekonomik ve askeri girişimlerini analiz ederken aynı zamanda Çin'in Güney Çin Denizinde eylem ve stratejilerinin Çin'in bölgedeki güvenlik yapısını yeniden şekillendirme girişimleri ile nasıl örtüştüğünü incelemektedir. Bu çalışmada ayrıca Çin'in Güney Çin Denizindeki hak iddiaları bu konu ile ilgili olarak günümüzde en geçerli uluslararası hukuki organ sayılan UNCLOS açısından incelenmektedir. Buna ek olarak çalışmada Çin ve diğer bölge devletleri ve ABD arasında artan potansiyel tehdit seviyeleri ölçebilmek adına Stephen Walt'ın "Tehdit Algılama Teorisini" temel alarak bu çalışma için oluşturulmuş olan matematiksel bir formül da kullanılmakta ve Çin'in bölgedeki eylemlerinin bölge devletleri arasındaki tehdit algısını nasıl etkilediği incelenmeye çalışılmaktadır. Son olarak da bu çalışma bölgesel devletlerin ve daha önemli olarak ABD'nin Çin'in Güney Çin Denizindeki eylemlerine ve stratejilerine nasıl tepki verdikleri 'Çevreleme' ve 'Yeniden Dengeleme' gibi stratejiler üzerinden analiz edilmekte ve bu politikaların ABD'nin hâlihazırda bölgedeki ve Asya-Pasifikteki hakimiyeti ve Çin'in bölgedeki başat güç olma hedefleri açısından etkileri ve önemi incelenmektedir.

Anahtar Kelimeler: Çin-ABD Rekabeti, Asya-Pasifik, Güney Çin Denizi, Güç ve Tehdit, UNCLOS

INTRODUCTION

Since its foundation by Mao Zedong and his comrades in 1949, the People's Republic of China (China) has come a long way in developing itself from being a hunger stricken undeveloped country to today's World's second biggest economy in the world (databank.worldbank.org, 2017). China with \$11 trillion dollars' worth of GDP has become the second largest economy in 2017 after the United States (US) with \$18 trillion dollars according to World Bank data. China, in 2021, is expected to surpass the US as the biggest economy of the world and if it succeeds in continuing its current growth rate, it is expected to double the American economy by 2038 in terms of GDP (www.bloomberg.com, 18.10.2017). Especially during the last couple of decades, Beijing has spent significant amount of its economic gains in developing its infrastructure and modernizing its military and has achieved remarkable success in high-tech prestige fields such as space exploration (www.nytimes.com, 2018).¹ Also, in addition to the immense amount of overseas investments and projects especially in Africa and Asia, China has launched many ambitious initiatives such as 'One Belt One Road', 'Maritime Silk Road' and 'Asian Infrastructure Investment Bank' as a move to further increase its economic influence throughout the world. At the same time contrary to China's traditional 'Non-Interference' policy in the past, thousands of Chinese peacekeepers including combat troops are now serving in many parts of the world under the International Peace operations (peacekeeping.un.org, 2019). When all these and many other similar developments are put together one thing becomes certain; China, as part of a 'Grand Strategy', is slowly but surely transforming itself into a major and to some extent, a global power that must be taken into serious consideration by other actors with global reach including the traditional dominant power of East-Asia and the Asia-Pacific: the US.

The US politically, militarily and economically has long been the most powerful global actor and thus has shaped much of the political and economic global system and also of course East-Asia and the Asia-Pacific. Although there have been many important developments in the past decades, in terms of international system dynamics, it can be said that there has been no significant challenge to the global power status quo up to present. However, with its rapidly growing economy, modernizing military, cutting edge space technology and immense financial resources, China today, has actually triggered the process of altering the status quo in Southeast and East Asia and the Asia-Pacific with its political, economic and military strategies, actions and initiatives and has started to challenge and re-shape the political, economic and security structure which the US established following the Second World War. In this sense, it is clear that today the US has to compete with a surging China in order to maintain and preserve its dominance and influence in Southeast and East Asia and even Asia-Pacific as US power and thus

¹ China has become the third nation to successfully make a soft landing on the moon in 2013 with its space program which today is considered the most active space program in the world and aims to land a probe on the far side of the moon which has never been done before and also plans to launch its second space station, The Tiangong-2 (Heavenly Palace) this year. It is important to remember that China was barred from the International Space Station program by the American Congress since 2011 due to 'national security' concerns and therefore decided to build its own space station (www.nytimes.com, 07.12.2018).

reputation in this region is no longer uncontested. This contest and re-shaping process of the region by Beijing can be most visibly seen in the South China Sea (SCS).

The SCS is both economically and strategically one of the most important regions in the world. Some analysts even go as further as to call it “*the 21st century’s defining battleground*” and the “*throat of global sea routes*” in order to emphasize the significance of the region with respect to its potential in shaping East Asia and Asia Pacific both politically and economically (Kaplan, 2011, para. 12). The immense hydro-carbon reserves and fish stocks believed to exist in the region make it indispensable for the surrounding countries. As many of six countries in the region have laid claims to the features and waters in the SCS, with China leading the way with the largest claim. Also, in terms of maritime transportation, trillions of dollars’ worth of trade passes through this region every year. In this sense, SCS’s real importance also lies in its geographical location as it connects both the Indian and Pacific. Therefore, from a military strategic viewpoint, it is evident that dominating this region will not only bring significant economic gains but will also provide immense tactical advantages to the country controlling it.

As many political analysts state, the SCS disputes have become a matter of much more importance than just territorial claims in recent years. Also, they have become more important than access to potential energy resources. Actually, they have become the center point of the emerging and inevitable Sino-American competition and even soft-rivalry in the Southeast and East Asia and Asia-Pacific. As a consequence of Beijing’s island building activities and increasing militarization of the region since 2010, the SCS has started to be associated with broader security and strategic issues concerning Beijing’s ambition to re-shape the overall political and security structure of the region. Hence, this situation has turned the dispute into a dangerous flashpoint for concern as in response to China’s moves, the US has reaffirmed its interest in the region and the Asia-Pacific as a whole and started to strengthen both its political and military presence while also strengthening its security relations with its allies and the claimants of Association of Southeast Asian Nations (ASEAN) in the dispute (Buszynski, 2012: 140).

Asia contains more than half of the world’s population along with two of the three largest economies in the world. In addition, the world’s fastest growing economies that generate more than 40 percent of the world’s GDP growth are in East Asia (Kilinger, 2015). In the heart of this immensely important part of the world lies the SCS region. As stated before, domination of this region by one single power will definitely bring huge tactical and strategic advantages in terms of controlling the flow of trade and commerce through this region in addition to the potential vast oil and natural gas resources and fish stocks believed to be present. Also, clearly from Beijing’s point of view, domination of the SCS by China and denying access to the US will be a significant blow to the traditional US domination in the region present since the Second World War. It will perhaps also signal the first step of replacing the US as the major dominant power first in Southeast and East Asia and then throughout the whole Asia-Pacific region. Therefore whether Washington’s ‘Asian Pivot’ and rebalancing acts will be enough or successful to contain Beijing in the

SCS and continue US dominance in the Asia-Pacific region is an important concern as the answer will determine not only China's future as a potential major regional and global power but also Washington's future position as a hegemon power in the Asia-Pacific in general.

Research Questions and Thesis Statement

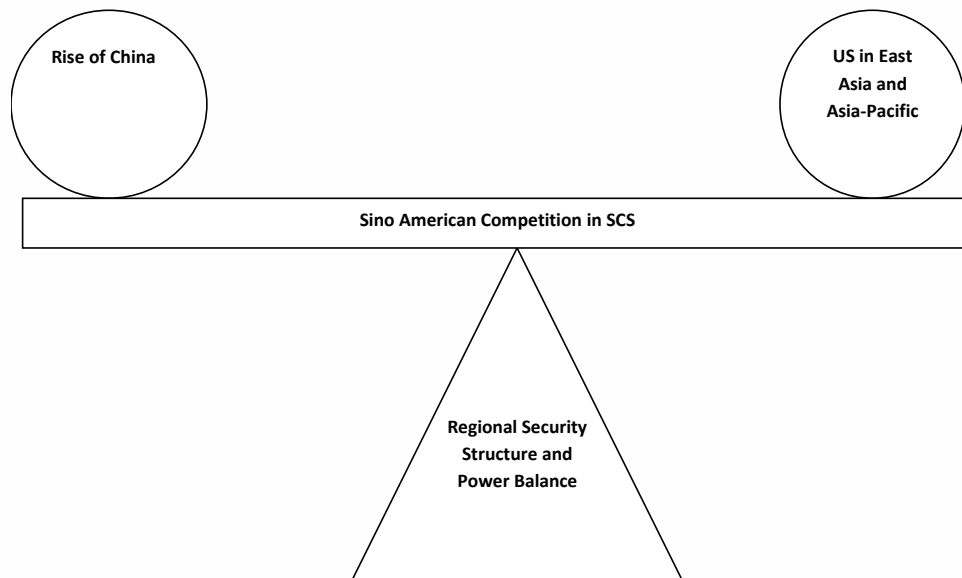
The research questions of this proposed study are based on three levels: action, policy and theory. On the visible action level, the following research questions are asked; which actions are indicators of China's attempt to challenge the American dominance in the Southeast Asia and Asia-Pacific? Chinese actions such as island building, land reclamation or unilateral announcement of Air Defense Identification Zones (ADIZ) in the SCS are important developments, but what are their implications with regard to regional security structure? And lastly, how do regional actors and Washington react to unilateral Chinese actions and do they make an impact on their current engagement with China and the US?

On the policy level, what do China's and other related actors' policies in the SCS indicate? Do the rebalancing and containment policies of the US, the traditional dominant power in the Pacific rim, imply a policy change in the Asia-Pacific with regard to Beijing's policies and actions in the region? What is the significance of these policies in respect to Asia-Pacific political and security structure and do these policies suggest a new re-alignment and strategic architecture in this region in the future?

Finally, on a theoretical level the following research questions are asked; Which International Relations (IR) theory best explains the developments in the SCS? Are mainstream western IR theories capable of explaining the actions and changing policies in the region or do we need a more Asian oriented IR theory that better reflects the thinking and perspective of the Asian people?

Beijing's recent unilateral actions such as island building, unilateral announcements of Air Defense Identification Zones (ADIZ) on disputed islands and oil researches in the contested waters of the SCS are all very contentious actions aiming to change the status quo in the region in favor of China. In this respect, this dissertation essentially argues that the SCS has become a testing ground for China's ambitions to challenge the US dominance in the Asia-Pacific and to re-shape the current security structure in the region while also turning the SCS into a regional flashpoint with a potential to spark a larger armed conflict between China and the US. In addition, this dissertation also claims that Beijing's success in achieving its claims and objectives in the SCS will be the first real test for China as a new potential global power and will also be decisive in the future political and security structure of the Asia-Pacific region as a whole.

Figure 1: Balance of Power in East Asia and Asia-Pacific



In this dissertation, after analyzing the political, economic and military indicators of Beijing's attempt to challenge the current global dominance of the US in Asia-Pacific in general, this study will analyze China's actions and policies in the SCS and how they relate to China's ambitions to re-shape the security structure in the region. In addition, after analyzing the legal basis of the claims in the SCS, this study will employ a formulation model based on Stephen Walt's 'Threat Perception Theory' in an attempt to assess the potential threat levels which China and other claimant states and US pose to one another in the region. Finally the study will examine the regional actors and more importantly Washington's response to Chinese actions and policies in the SCS, such as 'containment' and 'rebalancing,' and focus on the political and military implications of these actions in regard to America's current global reach and China's ambitions to become the dominant power in the region.

In order to clarify the purpose of this study, it must be noted that this study is not a 'Chinese Study' from 'within' China. It must rather be regarded as a study from 'outside' China to understand and analyze a regional political rivalry which is increasingly becoming a global competition and rivalry between two of the most powerful states in the world. Therefore, although this study does include reading of Chinese historical, cultural or political elements, these are only done to understand their role in the current growing Sino-American competition and rivalry in the SCS and Asia-Pacific.

The first part of this dissertation will focus on the political, military and economic indicators of Chinese attempt to change the current political structure in the Asia-Pacific and emphasize the significance of these actions. The second part of the study will analyze the disputes from a legal perspective. The Third part will focus on Chinese actions and policies in the SCS in respect to Beijing's global ambitions. In the fourth part, the study will employ a basic formula based on Stephen Walt's Balance of Threat theory in order to measure the level of threat which China and other states in the region pose to one another.

Finally, the fifth part will focus on Washington's and regional actors' response to Chinese actions along with their local and global repercussions. After analyzing these indicators and discussing their significance, lastly this study will attempt to make projection about the possible changes to the future of Asia-Pacific political and security structure and will try to reach an overall conclusion on the SCS issue and its political/military implications.

Literature Review:

In Turkey, issues related with the Middle East are perceived as the most important factors that shape global security structure. However, there are many other strategically important regions in the world today which have become as important, if not more important than the Middle East. It is a fact that in the past decades and into some extent today, the developments in the Middle East have played an important role in shaping international politics and global security. Nevertheless, with the introduction of new energy technologies and the decrease in dependency to Middle East oil, global actors have started to turn their attention to other strategically important regions in the world. In this sense, the South China Sea today has become one of the hottest spots in the world as we see two of the world's most powerful actors literally come face to face. In this respect, due to the growing importance of the subject, there have been an increasing number of academic studies on the SCS dispute by Western and non-Western scholars along with Turkish scholars. Although these studies approach the disputes and Sino-American strategic competition from their own vantage point, the one thing that most analysts agree on is that the Sino-American relations have become the most important defining factor of East-Asian and the wider Asia-Pacific political and security structure (Shambaugh and Yahuda, 2008: 13).

As stated, due to the growing importance of the SCS issue and its implications with regard to China and the US, there have been an increasing number of academic studies and analysis on the subject. An important percentage of these studies approach the issue by employing three major schools in the IR theory: Realism, Liberalism and Constructivism.

An important amount of these studies approaches the issue from a realist perspective and emphasize the growing struggle for power and dominance in the region. In this sense, some analysts even go further as to liken the great power in the region to the late 19th century 'Great Power Politics' in Europe. They draw parallels between China's current grand strategy in the region to that of the strategy practiced by Bismarck's Germany in an effort to provide China space for development as a great power while at the same time without provoking a major war or military conflict with other powerful rivals in the region, individually or collectively (Ikenberry and Mastanduno, 2003: 5). These analysts also include Henry Kissinger, who is considered an important figure of the realist school. Kissinger, in his book, approaches the issue largely in terms of the balancing of rival powers and states that "*the relations of the principal Asian nations bear most of the attributes of the European balance of power system of the 19th century*" and emphasizes that "*China is on the road to superpower status*" (Nau, 2003: 213).

In addition, especially some of the Western analysts who use the realist lens portray China as a ‘strategic competitor’ whose growing regional political, economic and military influence in Asia need to be ‘contained’ in order to preserve the current US-led security order in the region (White and Taylor, 2009: 85). In the majority of these studies, the focus is on the balancing actions of the US and also on bringing suggestions on how the US should ‘balance’ or ‘contain’ a rising China in the region (Broderick, 2015).² In this respect some studies stress the necessity for the US to strengthen its military capacity in the region and its allies to answer potential threats and to preserve security in the Asia Pacific and specifically the SCS region (The Asia-Pacific Maritime Security Strategy, 2015). Similarly, other studies focus on the importance of answering what they call ‘Chinese Aggressiveness’ and emphasize the importance of regional cooperation in achieving this goal (Poling, 2015).³

Another issue addressed in these studies focused on the security perspective is the lack of strategy in countering Chinese tactics in the SCS. These studies point out that without a proper strategy, the US may face the risk of losing its influence in the SCS and in general the Asia-Pacific to China (Dolven et.al, 2015).⁴ Also some scholars stress the importance of US to employ policies which it can back up as, in case of any failure to put policies into action, this will bring Washington’s credibility and strength put into question in the region. They stress that Washington may lose its “political reputation and credibility in the region (McDevitt, 2014).”⁵ In this context, another leading realist figure John Mearsheimer argues that China like all great powers before will “*inevitably seek regional hegemonic dominance*” and thus, unavoidably cause a great power war with the current dominant power of the region US unless Washington takes preemptive measures to stop China, that is to contain it as this the only appropriate option (Mearsheimer, 2006: 160). In addition to these studies with regard to security concerns some studies stress that as China strengthens its military presence in the region it will feel more confident and less threatened by other states in SCS dispute and less likely to use force. However, they also

² In a recent study titled “Chinese Activities in the South China Sea: Implications for the American Pivot to Asia” (2015) Kelsey Broderick focuses on the rebalancing efforts of US and its allies in the region. Broderick states that the US should not wait for China to build its military in the region but instead act urgently and develop a proactive plan for the SCS. Broderick states that in order to solve the SCS disputes peacefully, US must make a greater commitment to its allies in the SCS and that the US and regional countries must act now and force China for a peaceful resolution of the disputes while China’s military capabilities in the region is still relatively weak.

³ Gregory Poling, in his study titled “Grappling with the South China Sea Policy Challenge” (2015), states that SCS disputes have become “a major threat to regional security and also for the non-claimant countries including US, Japan and Australia.” Poling states that the “US should continue with the freedom of navigation operations in order to prevent any more China’s land reclamation in the region.”

⁴ In a joint study prepared by the Congressional research Service, experts point that the US does not have a coordinated overarching strategy to counter Chinese tactics and that current US strategy is inadequate to deal with the current developments in the SCS. Also, in the study, experts add that if the US continues with its current policy in the region, there is a risk that the US may provoke strong Chinese reaction or be seen as ineffectual if it fails to stop Chinese activities.

⁵ Michael McDevitt, in his study titled “The South China Sea: Assessing US Policy and Options for the Future” (2014), notes that The South China Sea is not the central strategic element in the overall US-China relationship and warns that the US policy in the SCS dispute should not be overwhelmingly anti-Chinese. Also, McDevitt emphasizes that the US should not announce policies which it is not prepared to back-up as this will affect the credibility of the Washington in the region.

add that if security ties between other claimants improve, China may feel more threatened and be more likely to use force (Fravel, 2011).

Nonetheless, from what might be considered as a constructivist approach, certain analysts take position against these arguments stated above which foresee a power struggle in the region to the 19th century European great power rivalry and propose an alternative approach to the subject. In this context, analysts like David Kang argue that “*Asia is not going to follow Europe’s past of great power competition*” and that instead the region will naturally return to a “*21st century form of the pre-19th century Sino-centric hierarchical system*” where many Asian states will turn to ‘accommodating’ China as the emerging dominant power in the region (Kang, 2014:165).

Kang, in supporting his view, argues that contrary to European international relations, Asian international relations have historically been hierarchic and more peaceful and stable than those in the west due to the region’s “*historical acceptance*” of a Sino-centric hierarchical order.

In addition, some analysts approaching the subject from a Liberal approach have emphasized the importance of existing international order and its influence to bring stability to the region. Some analysts like Alistair Ian Johnston for instance, argue that the current international order’s potential to ‘socialize’ Chinese officials into ‘*norms and practices of the current system*’ is much greater than what the realist analysts suggest. Johnston underlines China’s increasing participation to international organizations such as United Nations and Asian Regional Forum and increasing trade relations with the region to show that international institutions can influence and convince China to act in ways that are in accordance with generally accepted international norms. Also, in this context, analysts such as Henry Nau argue that the increasing economic, social and cultural relations in the region is an important factor that eliminates rivalries or any possible large-scale armed conflict in the region (Ikenberry and Mastanduno, 2003:10).

In addition to these IR theoretical explanations, some other scholars tend to explain the issue from a legal perspective. These studies especially focus on the disputes from the point of view of international law and emphasize the different interpretation of international law by different claimants (Bader et.al, 2014).⁶ Also these studies stress the difficulties in resolving the SCS disputes peacefully due to the complex structure of the disputes and attitudes of claimants more specifically China (Poling, 2013).⁷ Moreover, studies state that US offers to act as a mediator based on ‘international law’ is doubtful as

⁶ In another joint study titled “Keeping the South China Sea in Perspective” (2015), researchers Jeffrey Bader, Kenneth Lieberthal and Michael McDevitt, identify certain characteristics of the SCS dispute. Firstly, the claims in the SCS are emotional territorial claims in a region of rising nationalism and carry the risk of accidental conflict that can quickly escalate to large scale military conflict. They also state that the conflicting claims to potentially rich resources can affect the freedom of navigation in Exclusive Economic Zones (EEZs). Lastly, they state that the related countries in the SCS disputes differ over the interpretation of international law, especially the United Nations Convention on the Law of the Sea (UNCLOS).

⁷ Gregory B. Poling, in his study titled “The South China Sea in focus: Clarifying the Limits of maritime Dispute” (2013), focuses on the legal basis of the dispute and emphasizes the rich natural resources in the region. In his study, he concludes that it is not possible to resolve the overlapping claims to the islands and smaller land features in the SCS in the short and medium term.

it is not a signatory to United Nations Convention on the Law of the Sea (UNCLOS) (Yujuico, 2015).

When we look at studies that reflect Chinese perspective on the SCS dispute, we see that most Chinese scholars see the US responsible for the increasing tensions in the SCS and accuse Washington for exaggerating and using the SCS disputes to stop China from increasing its influence in the region (Shulong, 2014).⁸ Again some Chinese scholars emphasize that Beijing does not want the SCS issue to dominate its relations with the Association of Southeast Asian Nations (ASEAN) states (Zhang, 2013).⁹

What we observe in Turkish academic circles is mostly in the same line with realist readings. In this sense we see that a growing number of Turkish scholars have started to show an interest in China's rise as a potential future super power and the SCS dispute (Karaca, 2003).¹⁰ These studies again mostly focus on the security aspect of the SCS dispute and its effects on global security structure (Ekrem, 2013).¹¹ In addition, some scholars focus on the growing competition between China and the US and the effects of this competition on the security structure in the region and Washington's evolving and changing strategies and policies with regard to China's rise both in the region and in the world (Temiz, 2017).¹² Other Turkish scholars focus on the economic aspect of the Sino-American competition in the Asia-Pacific and emphasize the significance of new trade deals in regard to the growing competition between Washington and Beijing (Alagöz, 2015).¹³ China's increasing assertive policies in the region and its effects on the stability of the Asia-Pacific is another issue which has been studied by Turkish scholars (Korkmaz, 2015).¹⁴

⁸ In his article, Shulong points out that the US uses the disputes such as the SCS in order to strengthen its influence in the region. Shulong accuses the US for exaggerating the situation in the SCS and taking advantage of the problems in the region to increase its military presence in the region. Shulong warns that this approach of the US is negative and destructive in the region.

⁹ Zhang argues that China's recent assertive approach in the SCS is mainly result of a growing concern within China that Beijing's more moderate policy in the past has failed to effectively protect Chinese interests against other claimant countries in the region. Zhang also notes that China does not want the SCS dispute dominate its relations with the ASEAN states.

¹⁰ Karaca focuses on the transition of China from a regional power to global power and concludes that the only potential power to challenge the unipolar world order created by the US would be China.

¹¹ Ekrem states that china's policies in the Pacific region is creating enemies and new alliances against China and causing regional states to move closer to the US.

¹² In his article, Temiz states that China's Rise and the growing competition between China and the US both in the region and the world has forced Washington to change its national security strategies and policies in an attempt to respond to the new threat perceptions with regard to China's political, economic and military rise in the region.

¹³ Alagöz focuses on the economic aspect of the Sino-American competition in the Asia-Pacific. She states that the Trans-Pacific partnership (TPP) should be considered as an attempt to strengthen US's influence in the region and to limit China's increasing influence. Professor Alagöz concludes that the growing competition between China and the US carries the risk of disturbing the sensitive balance in the region and thus lead to instability.

¹⁴ Korkmaz emphasizes that although China is an economic partner for the regional countries, it is also a competitor and that China's assertive policies in the Pacific and especially the SCS aims to weaken the influence of the US in the Asia Pacific. Prof. Korkmaz concludes that as long as China continues its assertive polices and US continues its balancing activities, it would be difficult to find a peaceful solution to the disputes and bring stability to the region.

Theoretical Framework

Ever since the first recognition of International Relations (IR) as an independent academic discipline in the early and mid 1900s, many thinkers and scholars in this field have tried to develop and use various theories and models in order to analyze, understand and explain the factors that shape relations between states and state behaviors. It can be said that the devastating results of the First World War has played an important role in these efforts as in a way, it encouraged or motivated many thinkers and scholars to focus and try to analyze and understand the factors that led to the 'Great War' which caused a worldwide destruction on a scale never witnessed in the history of humankind. Idealism or as later called liberalism or utopianism was one of the first school of thought that came out as a result of these efforts which were later followed by other widely acknowledged IR theories such as Realism, Neo-Realism, Neo-liberalism and Structuralism. Although most of these theories follow a chronological order, it must be pointed that to an important extent, these theories or school of thoughts have developed as a general criticism of the former one and focused on and emphasized a new or different aspect of state behaviors and international relations. Therefore, it can be said that every new theory or model brought a new contribution to the IR field as it presented a new perspective and understanding to international relations and in many cases such as Realism and Neo-Realism, instead of invalidating the former one, it actually strengthened it by adding new elements and aspects to that theory which they focused on.

However, with almost all studies in IR, we see that inevitably the same question always becomes prominent, that is which theory or model best explains the actions and relations between states? More particularly, with regard to this study, which IR model or theory best explains China's and other related countries actions and policies in the SCS? Is the Realist or Neo-Realist approach more useful and comprehensive than the Liberal or a Constructivist approach? Or are these theories too Western and therefore insufficient to fully grasp the fundamental basic factors that shape East Asian politics and as a result a more Asian oriented IR theory or model is needed?

Although both the Liberal and Constructivist and indeed to an important extent an Asian IR perspective do provide a significant contribution to our understanding of the international relations in East Asia, this study will mainly employ a Neo-Realist perspective; the 'Balance of Threat' and 'Offensive Realism' models to analyze and explain the growing competition between Beijing and Washington in the SCS and East Asia in general. However, before moving to a more detailed focus on these two Neo-Realist models and their significance and relevance with the focus of this study, in the following part, it will be first explained why a liberal, Constructivist or what is sometimes called as a new 'Asian model' have not been used as the main theoretical tools of analysis of this study.

The Liberal Theory was an outcome of the efforts of thinkers and scholars especially in the US and England to understand the factors that led to the devastating WWI in order to avoid the circumstances which led to this war to happen again in the future. Compared to the later appearing Realist IR approach, Liberal theory had a much more optimistic view

of humankind in general and was based on the notion that humans would prefer peace to war and that the real reasons of war were mostly unlawful and corrupt international system and militarist dictators' unrestrainable desire for power. Most prominent figures of this school of thought such as Woodrow Wilson and Norman Angell stressed the importance of democratic and lawful governance and focused on establishing international organizations such as the League of Nations and thus strengthening the role of international law in international relations (Brown, 1993:20). In addition, instead of focusing on the struggle for power and the conflicts caused by this struggle, the classical Liberal Theory mainly focuses and emphasizes economic cooperation and the expansion of commercial ties and trade between states. Liberal School argues that the growing trade relations and that how this makes the costs of war so high that no rational state would choose to go to war or use military force to solve problems with other states (Ravenhill, 2009:189). In this sense, Liberal scholars stress the importance of mutual interests and focus on the international cooperation between states (Shirayev and Zubok, 2014:78). As a result, a Liberalist International Relations perspective emphasizes the importance of upholding international law and the constraining effects of economic interdependence and how these together with democratic governance shape states' behaviors and constrain them from using military force to settle their differences, and thus create a more peaceful environment.

From a Liberal perspective, the increasing cooperation and trade among Southeastern and East Asian states especially in institutionalized regional groupings such as the ASEAN and the deepening economic interdependence resulting from the growing trade between these states are important factors to help develop a peaceful security structure in the region. Furthermore, especially China's membership in these international organizations and constraints resulting from the increasing interdependence with other countries will inevitably affect the ways in which China chooses to pursue its interests. From this point of view, China would definitely prefer stability to conflict as stability is one of the most important requirements for China to continue its economic development which it very much needs to meet the demands of its growing middle class. Therefore, this liberal view does help us understand why Beijing has been more willing to participate in international organizations and join efforts to develop regional and global cooperation in many fields especially in the last 20 years. Consequently, as China continues its rise, the constraints on its international behavior and costs of using force will equally increase as much of China's great economic growth has been achieved through greater participation in the global economy. Therefore, the Liberal perspective is relatively optimistic that a rising China will continue to act in a restrained manner and avoid "stirring the water" in East Asia and will be willing to "play the game" according to the rules (Saunders, 2008: 142). In addition, Liberal scholars emphasize that China's growing involvement in regional and global multilateral institutions and institutional interactions with other countries will gradually produce a better communication and mutual understanding and ultimately even a level of trust between China and the rest of the world (White and Brendan, 2009:86).

However, when we come to the weaknesses of the Liberal theory, we see that although the Liberal perspective does explain the increasing role of international organizations

such as ASEAN and the economic relations between states and thus the resulting interdependence between states because of growing economic ties, it does not give us a satisfactory explanation to why states that have significant economic ties such as China and the US come very close to military clash or even total war with one another especially in disputed areas such as the SCS. China and the US have important economic ties and in economic terms it can be said that they have become interdependent to one other as thousands of American companies such as 'Apple' which operates in China and vice versa. Yet these economic ties do not stop these countries from perceiving each other as their main potential rivals not only in economic terms but also militarily and preparing and designing their militaries for a full-scale potential future war with each other.

Furthermore, the role of international law which is considered as one of the main pillars of Liberal approach fails to explain why China despite being an official signatory of UNCLOS continues its activities and strategies in the SCS regardless of the 2016 ruling of the Permanent Court of Arbitration (PCA) which ruled that China's actions and strategies in the region were unlawful. In addition, a Liberal approach fails to explain why the growing economic interdependence and economic cooperation have not resulted in the elimination of distrust between countries in the region, with relations between China and Japan being the prime example as the deep mistrust between these two countries still being at high levels especially with regard to East China Sea Dispute (Yahuda, 2008:342). Furthermore, from a strategic viewpoint, it is clear that when a political or strategic objective becomes to be of fundamental importance it will override any priority placed on economic objectives. China's Taiwan policy is good example for this reality. In this context, although economic ties with Taiwan are becoming increasingly important for China, it is clear that this situation will almost never affect China's official policy of reunification with Taiwan. Today there is little doubt that China will use military force if Taiwanese political leaders choose to declare independence, no matter how great the economic relations are between the two sides, just as the European economic interdependence did not stop European powers from starting the First World War (McDougall, 2007:72). In conclusion, it is evident that although Liberal approach does explain the growing international institutionalism, economic cooperation and interdependence in East Asia, it is not capable of telling why despite all the growing economic relations, we see that the tensions between China and Washington are at an almost all times high especially with regard to the SCS dispute. Therefore, it becomes clear that international trade, economic cooperation and mutual economic benefits are not always enough and capable to analyze and explain the relations between states and that a different approach is needed; perhaps something more important and comprehensive than international institutionalism, international law and economic cooperation.

The third prominent IR theory, Constructivism, adds a much more different picture than both the Liberal or Realist perspectives by arguing that relations between states are not just shaped by material forces such as power and wealth but also by other factors such as ideas, norms, history, culture and identity. Accordingly states' interests and objectives are not static but change through a process of mutual interactions and socialization (Acharya, 2008: 69). For Constructivist scholars, the above stated aspects such as culture, identity,

ideas carry equal if not more importance in the decision-making processes of states and therefore not only political or economic but also cultural and social interactions between states have an important potential to affect the relations between countries.

With regard to East Asian international relations, constructivist investigations have focused on the role of ideational forces such as culture, norms and identity as important factors that shape the regional order and relations in East Asia. More specifically, a Constructivist approach will focus more on assumptions. These assumptions will be about which elements of Chinese culture and identity matter more in explaining China's policies in the region.

For Constructivists, a region is a collection of actors "*that achieve cohesion and creates an identity* (Job, 2009:38)". Therefore, a region is socially constructed. This shared identity, however minimal, will play a role in relations and therefore must be taken into account while analyzing the factors that shape the international relations of East Asia. In addition, Constructivists point to the importance of the increasing social interaction of peoples in the region and how this socialization could play an important role in the transformation of the policies in the region (Acharya, 2008: 72). Furthermore, they emphasize the importance of how the role of states is affected by the outlook of people within those states, especially the key decision makers and to how that outlook can be shaped by historical experiences (McDougall, 2007: 323).

However, critics of the constructivist approach argue that especially in East Asia, there is greater diversity than commonality between cultures of different countries in the region. Also, critics of this approach point to the difficulty in understating the culture of even a single state for example China as there are many different interpretations of the relatively harmonious Chinese culture (Yahuda, 2008:342). In addition, despite the increasing social interaction between countries for example the growing number of Chinese and Japanese tourists and businessman visiting each other's country, it is apparent that nationalism still runs high in these two countries as we see in the many protests by both countries people with regard to the East China Sea disputes. Therefore, it is clear that shared identities and increasing social interaction, thus constructivism is not able to fully explain why countries which can be said to historically share an 'East Asian' identity and cultural identities in the region are strengthening their militaries in significant levels as if they are preparing for a large scale armed conflict with each other in the region.

In addition to these western IR theories, there is especially among Asian scholars a growing argument that the prominent IR theories or models used in Asian studies are too 'Western.' The supporters of this view stress that the IR theories used for explaining Asian political studies, such as Realism, Liberal and Constructivist have been originated in the Western culture and therefore like the discipline itself, remain an "*American social science* (Acharya, 2008:76)." In this sense, they argue whether these IR theories are really relevant in studying Asian international relations with regard to differences in historical traditions and experiences along with intellectual developments paths. These arguments today have intensified, with the increasing efforts in theorizing Asian international relations. As seen in many Asian writings, the view that western IR theories are not

capable of fully analyzing Asian international relations is becoming stronger. They argue that in order to fully understand and analyze Asian international relations, an Asian perspective must be used instead of a Western one. As a result of this debate, a search for an 'Asian IR theory' has gained momentum. In this respect, some Chinese scholars have even started to work on developing a Chinese school of IR, mostly based on either Chinese historical practices such as 'Warring States Period' and the 'Tributary System,' or from the 'Metaphysical Chinese Worldview (Acharya, 2008:75).'

Although there are many supporters of this view, there also many critics both from the Western and Asian IR circles. Western critics of this view argue that despite Asian international relations did have some distinctive features historically, this distinction has disappeared with the increasing integration of the region into the modern international system. They argue that especially with the First Opium War, the Sinic and considerably stable international relations system or as referred the 'Tributary System' in East Asia ended and both China and Japan along with other states in the region rapidly evolved into western style states following Eurocentric Westphalian system basics instead of the hierarchic Sino-centric 'Tribute' system that dominated East Asia for centuries. In this sense, they continue by arguing that especially with the arrival of Western powers in East Asia and the modernization period, Asian international relations have in a sense acquired the behavioral norms and attributes associated with the modern inter-state system that originated in Europe as Westphalian model (Acharya, 2008: 58). In this context, it is important to note that Japan, which did not invade any country between 1592 and 1895, after adopting western political norms and behavior rapidly started to follow a 'Western' approach in international relations and in a very short time engaged and occupied China, annexed Taiwan and moved into Korea (Kang, 2014:170). In addition, East Asia which was considerably more stable and peaceful than Europe, after the arrival of the European colonial powers and with the end of the Sino-centric East Asian system, and the introduction of 'Western' behaviors and norms in international relations, quickly became a region increasingly shattered by both internal and external conflicts and wars. Therefore, it can be said that although Asian international relations unlike the Westphalian system, emphasized formal hierarchy among nations with China at the top as the central power and peripheral states and other lesser states as 'vassals,' resulted in less need for interstate war as long as the hierarchy was not broken. This system with the arrival of the Western powers to the region, gave way to the Westphalian system and Western behaviors and norms which focused on formal equality but informal hierarchy and almost constant interstate conflict (Kang, 2003:164). Therefore, from this point of view, analysts argue that that core concepts of IR theories such as hegemony, distribution and balance of power, economic interdependence are as relevant in Asian context as anywhere else (Ikenberry and Michael Mastanduno, 2003). In addition, there are also many Chinese critics of this view which reject western IR theories in Asian IR studies. These critics argue that IR theories must have a universal frame and that attempts to develop IR theory should be guided by scientific universalism, rather than cultural specificity. They also emphasize that instead of totally rejecting western IR theories by stating that they are irrelevant, the limits of existing IR theories must be widened by

including the 'Asian Experience.' They support this view by stating that any Chinese or Asian IR theory developed may have little relevance elsewhere in the world and thus would not have a universal value.

The Realist school of thought came out as a criticism of the Liberal Theory which was the dominant school of thought in IR between the two World Wars and gained momentum and wider acceptance during the cold-war period. Perhaps one of the most prominent figures of this school, E. H. Carr, was a well-known critic of the supporters of the Liberal IR approach and frequently referred to liberalists as utopians by stating that their efforts to bring states together through the League of Nations and solve their conflicts through international law, collective security and diplomacy were vain and hopeless and cut off from the reality of international relations and world politics and that there was no moral dimension in international relations.¹⁵ In this sense, Carr and the Realist perspective painted a much more pessimistic and darker world picture where there was no right or wrong but only winners and losers. From a political philosophical point of view, Realists based their theory on a Hobbesian world view where humans were flawed and could not be trusted due to their evil nature. As Carr pointed out in his book "The Twenty Years Crisis," in an anarchic world, where resources were scarce, it was only natural for humans to struggle for these resources and try to get as much as they can get due to their selfish and greedy nature and that just like humans, states also existed in an anarchic world where they had to constantly struggle and fight for these scarce resources, thus power and contrary to the utopian perspective, they should not be expected to obey international law or moral rules (Brown, 1993:21) In this respect, for Realist scholars of IR, power and the search and struggle for power has been the main driving force behind states' actions in an anarchic world. Therefore, realist scholars focus their attention on the role of power in international relations and how states' actions have been motivated by power considerations.

The Neo-Realist IR school of thought, or as also called structural realism which was put forward by Kenneth N. Waltz in the later years was actually to a large extent based on the assumptions and principles of the realist theory which put emphasize on the role of power and the inevitable struggle for power in an anarchic world in international relations. The fundamental difference between Realist IR school of thought and the Neo-Realist IR school of thought was their approach to the cause of war and conflict between states. While classical realists emphasized on the negative aspects of human nature, Neo-Realists focused on the system by stating that the anarchic international system where there was no international police force to control states was the main reason of wars as all states had to struggle for more power to ensure the safety of their existence. In this respect, as states could not truly trust any other state for their own security, they are in a constant struggle to gain power or at least maintain a balance of power with other states in order to secure the safety of their existence. In this context, for Neo-Realists, the

¹⁵ In his book titled "the Twenty Year's Crisis," Carr criticizes famous liberalists of the period such as Norman Angell by stating that the newly established League of Nations was in fact only a "hopeless dream" that was never going to be able produce any concrete result with regard to World Peace (Brown, 1993:22).

concept of 'Balance of Power' between states has been one of the most important factors dominating state behaviors in international relations (McDougall, 2007:3). Waltz in this sense states that basically, in an anarchic world, the only way for states to achieve peace with one another is by forming and preserving a balance of power with other states and that just as in physics, any change in the balance of power has important consequences. In this sense, starting with Thucydides and the Peloponnesian War, 'Balance of Power' and attempts to change the balance of power have been seen as the major reason behind many wars in history.

The focus of this study is the growing Sino-American competition in the Asia Pacific with regard to China's SCS disputes. From a classical Realist perspective the SCS and in general Southeast and East Asia, is a region that is increasingly shaped by conflict especially centering upon the challenges to the US posed by a rising China. Beijing's increasing efforts to strengthen its military capabilities and military presence in the region by using its massive economic power is a strong indicator showing China's desire to change the security structure and thus the 'Balance of Power' in the region. In this sense, perhaps one of the most suitable IR theory or model to use in this study is the Neo-Realist perspective as 'Power' and conflicts caused by the struggle to increase or maintain 'Power' play the most important role in the growing competition between Beijing and Washington.

However, 'Balance of Power' in some cases is not able to explain state behaviors as sometimes we see that states do not feel in danger when other states gain power as we see in the example of the rise of US after the Second World War. It is clear that countries such as United Kingdom (UK) or neighboring countries such as Canada did not feel disturbed by Washington's power gain during this period. Therefore, scholars like Stephen Walt argue that states ally to balance against threats rather than against a nation's power alone and focus on the 'Balance of Threat' between states rather than 'Balance of Power' in explaining states relations and behaviors with regard to one another.

The 'Balance of Threat' theory proposed by Walt argues that four major factors determine the threat perception of states: Aggregate Power, Geographic Proximity, Offensive Capabilities and Offensive Intentions. (Walt, 1985, pp. 8-12) Walt explains aggregate power as the overall amount of a state's resources such as population, land size, economic and industrial capabilities. In this sense, Walt sees aggregate power as the necessary factor for a state to be considered as a threat. Therefore, Walt argues that the greater the aggregate power, the greater the potential level of a state is. However, Walt states that aggregate power alone does not necessarily label a state as a threat. As he points out, other factors such as geographic proximity, offensive capabilities and most importantly offensive intentions must come together in order to be able to perceive a state as a threat. In this sense, with regard to geographic proximity, Walt points out that states that are nearer pose a greater threat than those which are far away. In addition, with regard to Offensive capabilities, Walt states that countries with stronger military forces are more likely to be perceived as threats than those which have weaker armed forces. And lastly with regard to offensive intentions, Walt points out that states that show more

aggressive behaviors are more likely to be perceived as threats. (Walt, 1985, pp.8-12) As a result, in order to have a better understanding of the changing threat perceptions in the region, this study will employ the 'Balance of Threat' model proposed by Walt in an attempt to calculate or measure the level of threat which China and other claimants in the SCS pose to each other and the threat which China and the US pose to each other.

Here it must be noted that, just as any other IR theories or models, there is also criticism of 'Balance of Threat' model with regard to calculating or measuring the level of threat perception between states. In this context, critics of this model state that balance of threat model is too narrow as it is only designed to deal with traditional security issues in the statist-military realm and therefore is inapt to deal and explain non-traditional security threats such as climate change, terrorism, epidemics or pandemics such as Ebola or other threats such as illegal immigration (Scheerder, 2012). In this sense, it is stated that in the 'Balance of Threat' model, the security threat is always of military nature and between states. Furthermore, critics point out that there is no clear hierarchy between the factors or elements of the threat model and that with regard to the factor of offensive intentions, there is no clear explanation of which state actions can or should be considered as aggressive intentions. It is clear that all of these criticisms point out to important inabilities with regard to 'Balance of Threat' model, especially with regard to non-traditional threat studies. However, with regard to threat and perception of threat concept among states, it is also clear that the 'Balance of Threat' model is still widely considered as one of the most important undertakings in IR field with regard to analyzing and explaining the concept of threat between states.

In addition to employing 'Balance of Threat' model in this study to attempt to measure the changing threat level between states in the SCS, the same model will also be used as one of the basic methods of analysis of this research. The reason for this is that this model helps us to have a more comprehensive understanding of the state behaviors in the SCS region with regard to the SCS disputes and thus enables us to make predictions about possible future political scenarios in the region. Walt argues that states generally show two kinds of behaviors when facing a threat. These are 'Balancing' and 'Bandwagoning.' According to this model, states facing a common external threat will align with others to oppose the states posing the threat. In this sense, the more the threatening state shows aggressive behavior, the more the other states will align against it. In addition, Walt argues that the nearer a powerful state is, the greater the tendency for those nearby to align against it will be. Also, the weaker a state is, the greater tendency it will have to align with the threatening power. Lastly, in wartime, according to this model, the closer one side is to victory, the greater the tendency for others to bandwagon with it will be. In this sense Walt suggests that states generally tend to balance against common threats. However, he adds that weaker states usually tend to bandwagon rather than balancing (Walt, 1987:32). In this context, 'balancing' and 'bandwagoning' together with 'balance of threat' will be used as the primary tools especially with regard to analyzing and explaining other neighboring claimant states policies and actions in the SCS.

In addition to 'Balance of Threat,' the second IR model which will be used to analyze and explain Beijing's and Washington's current behaviors in SCS and in general Asia-Pacific will be 'Offensive Realism' based on the Neo-realist theory of IR. While 'Balance of Threat' model helps us better understand and explain regional states behaviors in the region with regard to SCS disputes and the growing Sino-American competition, 'Offensive Realism' enables us to analyze, explain and to a certain level, predict China's and Washington's behaviors and actions in the region.

Offensive realism, which is an IR model proposed by John J. Mearsheimer, states that in an anarchic international system, where there is no central authority, "*the overriding goal of each state is to maximize its share of world power, which means gaining power at the expense of other states* (Mearsheimer, 2001:1)." One of the most significant areas which it differs from 'Defensive Realism,' another model based on Neo-realist theory, is related with the answer to the question how much power is enough. While Defensive Realists claim that states acquire power only to maintain the balance of power with other states, Offensive Realism argues that states see having overwhelming power as the best way to assure their own survival. In this sense, although China's actions and policies in the Asia-Pacific at first sight could be considered as of defensive intentions and nature, the method which it uses, which can be summarized as security through domination and hegemony brings its policies closer to Offensive Realism. According to Mearsheimer, the structure of the international system forces states to act aggressively towards each other in order to ensure their own security and survival as states can never be certain of each other's intentions or never can be certain that the other state will not use its offensive capability against itself. In this context, Mearsheimer defines power as military power and latent power which consists of wealth and population and argues that having overwhelming power is the best way to assure one's own survival (Mearsheimer, 2001).

With regard to China's rise as a major power in Asia-Pacific, Mearsheimer argues that in accordance with the 'Offensive Realism' model, China's economic rise will result in military power which China will inevitably use to become a dominant power in the region. In this sense, he likens the rise of China to that of the US in the 19th century, where the rising new world power started to follow an expansionist policy in its close periphery and drove out traditional colonial powers such as Britain, France and Spain from its claimed sphere of influence. He further predicts that as a result, likewise, China will also attempt to drive the US out of the region in order to impose its own dominance and influence and that the US will try to prevent this from becoming by following a policy of containment against China which will aim to diminish the growth of the economic, political and military power of the strategic competitor. Mearsheimer identifies this period as a '*power transition*' period in which the international system has been most prone to major international conflict (Mearsheimer, 2001). In this respect, it can be said that what we see in the SCS and East-Asia today mostly supports Mearsheimer's arguments stated above and helps us to understand the motives especially with regard to Beijing's and Washington's policies and actions in the region.

To sum up, it is clear that different IR theories and various perspectives emphasize different aspects of international relations and help us to understand and analyze these factors that shape international relations. With regard to the focus of this study, it is also clear that a liberal perspective can help us better understand the growing economic relations and thus the increasing economic interdependence in the region. Also, liberal model can show us how economic relations and interdependence in addition to international organizations influence policies in the region with regard to China's relations with the regional countries and US. In addition, a Constructivist perspective can be useful in understanding and analyzing the cultural, social and historical factors that influence China's and other countries behaviors in the region. Furthermore, an Asian perspective can provide us a new insight into the ideological factors derived from the Asian experience that may influence Asian international relations.

This study, due to its relevance to the focus and purpose of this study, will employ a Neo-Realist perspective and use two models developed on this theory, 'Balance of Threat' and 'Offensive Realism' to analyze and explain China's SCS dispute with regard to the growing Sino-American competition in the Asia-Pacific. More specifically, this study will use 'Balance of Threat' model for analyzing the potential level of threat which states in the region pose to each other and to explain regional states behaviors. In addition, 'Offensive Realism' model will be used to analyze and explain Chinese and American behaviors in the region. However, this does not mean that this study rejects all other IR perspectives. On the contrary, in order to reach a better understanding of the factors that shape East Asian and Asia-Pacific relations, all the above stated perspectives will be put to use when deemed necessary.

Research Methodology

This research will focus on Beijing's actions and policies in the SCS with regard to its rise as a potential global power and its implications in respect to Sino-American competition for dominance in East Asia. Thus, the main dependent variable of this research will be the rise of China and the growing Sino-American competition in the SCS and the Asia-Pacific while the three independent variables will be China's political, economic and military actions in the region.

In order to explain, understand and analyze these variables and to be able to make projections about the possible future of the SCS and the Asia-Pacific region in general, in addition to the theoretical approaches stated in the previous section, this study will also utilize the 'Balance of Threat' model developed by Stephen Walt as its basic method of analysis.

Stephen Walt, in his 1987 book titled "The Origins of Alliances," defines threat as the combination of the elements of a state's 'Aggregate Strength' (size, population and economic capabilities), its 'Geographic Proximity', its 'Offensive Capabilities' and its 'Offensive Intentions.' Therefore, in an attempt to measure the potential threat levels which states pose to one another in the region, this study will use data related with the above-mentioned elements of threat described by Walt. Based on these mentioned

elements, while assessing the level of threat, this study will use the following suggested basic formula constructed by using the definition of Walt:

Threat Assessment Formula

$$\text{Threat} = \frac{\text{"P"}(P_1 + P_2 + P_3) + \text{"G"} + \text{"M"} * \text{"T"}}{\text{"X"}(X_1 + X_2 + X_3) + \text{"Y"}} \quad \begin{matrix} \text{(Threatening State)} \\ \text{(Threatened State)} \end{matrix}$$

In this formula, “P” will stand for the aggregate power of the threatening state and will be given a value between 1 and 30. It will consist of the total value of three separate values named “P1”, “P2” and “P3.” In this sense “P”= “P1” + “P2” + “P3.”

In this calculation, “P1” will be the size of the threatening state and will be evaluated according to the following Scale.

Table 1: Scale for the Size of the Threatening state “P1”

Size (Km ²)	Value
More than 10 million	10
5 million – 10 million	9
2.5 million – 5 million	8
1 million – 2.5 million	7
750 thousand – 1 million	6
500 thousand – 750 thousand	5
250 thousand – 500 thousand	4
100 thousand – 250 thousand	3
50 thousand – 100 thousand	2
Below 100 thousand	1

“P2” will be the population of the threatening state and will be evaluated according to the following scale.

Table 2: Scale for the Population of the Threatening State “P2”

Population	Value
Over 1 Billion	10
500 million – 1 Billion	9
250 million – 500 million	8
150 million – 250 million	7
100 million – 150 million	6
75 million – 100 million	5
50 million – 75 million	4
25 million – 50 million	3
10 million – 25 million	2
Below 10 million	1

“P3” will stand for economic capabilities of the threatening states and will be evaluated according to the Gross Domestic Production (GDP) value of that state according to the Scale below:

Table 3: Scale for the Economic Capabilities of the Threatening State “P3”

Gross Domestic Production (GDP) \$	Value
Over 10 Trillion	10
6 Trillion – 10 Trillion	9
4 Trillion – 6 Trillion	8
2 Trillion – 4 Trillion	7
1 Trillion – 2 Trillion	6
750 Billion – 1 Trillion	5
500 Billion – 750 Billion	4
250 Billion – 500 Billion	3
100 Billion – 250 Billion	2
Below 100 Billion	1

Geographic Proximity “G”

“G” will stand for the geographic proximity of the threatening state to the threatened state and will be evaluated according to the proximity of the two states studied. In this sense, the closer the two states are, the higher this value will be. Sharing a land border will have the highest value and in case the two states do not share an official land border “G” will be evaluated according to the distance of the two states’ closest major cities. It is important to note that these two cities will be chosen from the mainland of the two states rather than any island or rock formation. For example, when measuring the threat level of China to the US, the two cities that will be taken into account for evaluating “G” will be Shanghai and Seattle as both of these major cities are on the mainland of these two countries. (Hawaii will be excluded as it is not on the mainland part of the US) “G” will be evaluated according to the table below:

Table 4: Scale for the Geographic Proximity of the Threatening State “G”

Distance between the closest major cities of the two states (km)	Value
Sharing a land border	10
1 – 100 (km)	9
100 – 250	8
250 – 500	7
500 – 1.000	6
1.000 – 2.500	5
2.500 – 5.000	4
5.000 – 10.000	3
10.000 – 15.000	2
More than 15.000	1

Offensive Capabilities “M”

“M” will stand for the ‘Offensive Capabilities’ of the threatening state and will be evaluated according to the amount of annual defense spending of the threatening state in accordance with the Scale below:

Table 5: Scale for the Offensive Capabilities of the Threatening State “M”

Annual Defense Spending (\$)	Value
Over 500 Billion	10
250 Billion – 500 Billion	9
100 Billion – 250 Billion	8
50 Billion – 100 Billion	7
25 Billion – 50 Billion	6
10 Billion – 25 Billion	5
5 Billion – 10 Billion	4
1 Billion – 5 Billion	3
500 Million – 1 Billion	2
Below 500 Million	1

Offensive Intentions “T”

“T” will stand for the ‘Offensive Intentions’ of the threatening state is perhaps the most elusive factor in measuring the level of threat between states and therefore instead of adding to the total like the other elements in this formula, it will be multiplied with the total of the other elements of the threatening state. “T” will be evaluated according to the number of incidents which occur between the two states which in nature can be considered as aggressive or threatening incidents. The element of “T” will be determined according to the number of these occurrences and will be chosen among especially potentially dangerous cases between the two states such as, incidents where shots are fired or exchanged by the armed forces of the two states, harassment of civilians, government officials or armed forces, arrests of the other party citizens or officials and et cetera. In terms of international relations, it is clear that these are all very dangerous developments between states which have the potential to escalate into a limited armed conflict or even war and therefore carry uttermost importance. In this regard the value of “T” will be given between ‘1’ and ‘5’ and will be evaluated according to the Scale below:

Table 6: Scale for the Offensive Intentions of the Threatening State “T”

Number of Separate ‘Threatening’ Incidents Annually	Value
More than 5 incidents	5
4 – 5 Incidents	4
2 – 4 Incidents	3
1-2 Incidents	2
None	1

“X” and “Y”

“X” will stand for the aggregate strength of the threatened state and will be evaluated in the same method of “P.” “Y” will stand for the Defensive Capabilities of the threatened state and likewise will be evaluated in the same method of “M”.

According to the Threat Assessment Formula, the highest level of threat one state poses to another will be as below:

$$\text{Threat} = \frac{“30” + “10” + “10” * “5” \text{ (Threatening State)}}{“3” + “1” \text{ (Threatened State)}} = 62,5$$

The lowest level of threat will be as below:

$$\text{Threat} = \frac{“3” + “1” + “1” * “1” \text{ (Threatening State)}}{“30” + “10” \text{ (Threatened State)}} = 0,125$$

The calculated threat levels will be evaluated according to the following chart:

Table 7: Threat Level Assessment Table

Calculated Threat Level	Explanation
20 – 62,5	Critical Threat: An attack is expected anytime. The higher the result, the higher the possibility of attack.
10 – 20	Severe Threat: An attack is highly likely
5 – 10	Substantial Threat: An attack is a possibility
1 – 5	Moderate Threat: An attack is possible, but unlikely
0 – 1	Low Threat: An attack is unlikely

At this point, it must be noted that the above mentioned formula and the elements and evaluation criteria are all part of this study's attempt to formulate and quantify the level of threat which states pose to each other with regard to Stephen Walt's definition of 'Threat' in International Relations. The evaluation tables above have been prepared according to basic quantitative logical mathematical approach with regard to the current values of states in the world today and with the aim to be functional in terms of the objective of this attempt. Therefore, the results of this formula should not be considered as definite or final as clearly there can be other factors which shape and influence the perception of threat between states such as social, cultural or religious factors. Also, as stated in the Theoretical section before, this model also has its own several shortcomings such as the uncertain hierarchy between the elements of threat or the ambiguousness of the actions that can be considered as aggressive intentions in addition to the fact that the scaling for the tables prepared can be open to discussion. As a result, the above stated formulations and calculations should rather be seen as explorative attempt to contribute to our understanding of International Relations with regard to the threat element between states and should not close the door to any other approaches or calculation methods with respect to the concept of threat in IR.

With regard to the accuracy of this study, it is also important to clarify two important points in the methodology section of this study. The first of these points concerns several important terms which will be used all throughout this study. From an academic perspective, I believe that it is important to explain and clarify what is meant by several important terms such as 'East Asia' and 'Asia-Pacific'. Although commonly used in the world, and also in this study, these two terms actually have different underlying meanings and important implications with regard to their use in this study. Therefore, it is important

to fully understand the meanings of these words and what they imply in order to have a better understanding of the subject and this study.

The first use of the term 'Asia-Pacific' dates back to the 1960s and 1970s. During this period, the use of this term was first promoted especially by countries such as US, Japan and Australia in an effort to link East-Asia to the wider Pacific region. Historically, the US considers itself as a 'Pacific' country. However, the term 'Pacific region' did not contain any specific reference to Asia. Therefore, by using the term Asia-Pacific, US policy makers aimed to justify their involvement and presence in the East-Asia. In this sense it is no surprise that the US chose to incorporate the state of Hawaii into the federal structure just to provide the US a powerful justification to engage into Pacific affairs. From a political perspective, it is evident that this term legitimized and, in a sense, justified the involvement of the US in East Asian affairs as the US could not describe itself as an Asian nation. Clearly, the term 'East Asia' geographically was much more limited and naturally excluded countries such as US and Australia. However, with the promotion of the term 'Asia-Pacific,' the US could in a sense justify its extensive involvement in East-Asia politics. Therefore, the US showed great effort to establish this term in Asian international relations (McDougall, 2007:7). Although they did not carry the equal importance of US, other US allies in the Asia-Pacific such as Australia, Canada and New Zealand also supported the use of this term for similar reasons.

Unlike the western oriented term 'Asia-Pacific' which includes Western powers such as US in Asia, the term 'East Asia' is considered as an Asian oriented term and strictly excludes Western powers such as US from the region. The first and perhaps one of the most important advocates of this term was Mahathir Mohammad, the Prime Minister of Malaysia from 1981 to 2003. Despite the fact that Malaysia became a member of the Asia-Pacific Economic Cooperation (APEC) in 1989, Mahathir preference was for an East Asian economic grouping (McDougall, 2007:7). Today, East Asia is usually defined as consisting of China, Japan, North Korea, South Korea, Mongolia and Taiwan.

The common definition of 'Asia Pacific' includes East Asian countries and the Western Powers of the Pacific; the US, Australia, Canada and New Zealand. The term 'Southeast Asia' consists of Brunei, Myanmar, Cambodia, East Timor, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam. It is important to note that apart from East Timor, all of the Southeast Asian countries are members of the Association of Southeast Asian Nations (ASEAN). The term 'Far East' which consists of China, Japan and other countries in East Asia, today is mostly considered as a Eurocentric and historically dated term and rarely used in international relations and also in this study (www.dictionary.com, 2017).

In addition, other several important terms used in this study and which also must be defined for the sake of clarity of this study are the terms 'Superpower,' 'Great power' and 'Regional power.' In this study, 'Superpower' will be used to define countries which can project force around the globe and intervene in any regional dispute whenever it deems necessary for its interests. The term 'Great power' on the other hand will be used to define countries which have the potential to rise to superpower status. Lastly 'Regional

power' will be used to define countries whose influence does not extend beyond its own region (Job, 2009:34).

The second of these important points that must be clarified is the period which this study focuses on. Although the SCS disputes are an ongoing issue, with daily occurring new developments, this study mostly focuses on the modern period or more clearly post World War II period up to US President Donald Trump's announcement of the US National Security Strategy in December 2017. As this study aims to explain and analyze the developments and underlying implications and motives with regard to the SCS disputes, I believe that the mentioned period will be sufficient with regard to the objectives of this study stated above.

This research will use both qualitative and quantitative methods in order to analyze the disputes and developments in the SCS. The qualitative analysis will mainly focus on the international law, historical facts, government statements and official announcements. The quantitative analyses on the other hand, will focus on basic military, economical and legal and other related statistics. The primary data will be gathered from official web sites and publications of related official institutions and states as well as news from international and national media. The secondary data will be collected from books and other research conducted on the subject.

PART 1: CHINA'S TRANSFORMATION INTO A GLOBAL POWER

1.1. Political Factors:

Since the leadership change in the Chinese Communist Party in 2012, China's international behavior has become increasingly assertive particularly in the South China and East China seas and throughout the Asia-Pacific in general. Therefore as tensions continue to escalate between China and the regional players such as Japan, Vietnam and the traditional dominant power of the region; US, it has become crucial to try to analyze and understand Beijing's strategic thinking and motives in order to be able to forecast future developments and how they can shape the security and political structure of the region.

1.1.1. China's Grand Strategy

As witnessed by many visitors to China, Chinese people tend to call their country as the 'Middle Kingdom.' This not only reflects their pride and passion for the glory days of Imperial China, but also shows how they perceive their country as the center of the world and reflects their Sino-centric world view. Perhaps, as stated by experts, one of the most important reasons for this perception can be the fact that China for many centuries has been isolated from most of the world by deserts, Mountains and oceans. Thus, both admired and attacked by the nomadic tribes regarded as 'barbarian' by the Chinese from the north and northwest and cut off from other civilizations by deserts, mountains and oceans, the Chinese civilization with time has developed its own unique sense of place and identity under the 'heavens' by calling their country as the 'Middle Kingdom (Kim, 2008:38).' Thus, in this sense, from a Constructivist IR perspective, it is easier to understand why the Chinese civilization and culture have in thousands of years gradually established and developed their own independent and unique identity as the Chinese civilization was for the most part of its development less open to effects from other cultural and civilizations.

Indeed, there can be no doubt that with its countless contributions to world history, Chinese civilization is one the most ancient and influential civilizations in the world. In accordance, throughout its long imperial history, China has mostly been the predominant political, economic and military power of Southeast and East Asia. However, it must be noted that China has played the role of a 'Civilization' instead of 'State' or 'Sovereign power' introduced with the Westphalian system. From an IR theoretical perspective, this situation is one of the most important aspects of East Asian international relations which the 'Asian IR School' base their theory upon. Critics of the western IR theories in this sense point out to the difference of the development of state identity between Western states that have always focused on clearly defined borders and the Southeastern and East Asian kingdoms which have acted more as a civilization rather than a state and thus which have not focused on establishing clear borders among themselves but instead acted as civilization centers. As a result of this different approach to sovereignty and state, Asian IR theory supporters have argued that western based IR theories are not capable to understand the international relations between East Asian states and that therefore an Asian IR theory is needed. Although this difference is accepted by many scholars, they

argue that the arrival of the western colonial powers to East Asia has brought with itself the Westphalian system to the region and that regardless of the pre-colonial period, today all countries have accepted the Westphalian norms of international relations and that therefore Western IR theoretical schools like realism and liberalism is as much capable in analyzing East Asian international relations as any other region in the world.

As a ‘Middle Kingdom’ the Chinese Empire, in time, developed itself as a unique civilization. More importantly, it saw itself as a model for others in its periphery to follow (McDougall, 2007:8). Yet this perception of Chinese civilization as a model for other kingdoms to follow was not based only on a cultural level as these peripheral kingdoms had to pay annual tribute. Therefore, this resulted in not just the cultural or economic dominance of China in East Asia but also to political dominance in its periphery which the Chinese referred to as the ‘Chinese Civilization Area.’

Naturally, this period of centuries long dominance of China has resulted in the creation of a deep-rooted belief that China is the geopolitical center of the region especially in the minds of the Chinese people and their leaders. Although experiencing a period of humiliation between 1840 and 1945, which left deep scars on all Chinese people’s conscience, China, especially with the start of the modernization period by Deng Xiaoping, has steadily started its rise, again. Beijing today is once again rapidly becoming the political, economic and to an important extent, military dominant power in its region. As a result, in international relations academic circles, many analyzes are made on the Grand Strategy of China. As can be seen in most of these analyses, the main objective of Beijing’s Grand Strategy can be summarized as this: to displace US as the dominant power and central provider of security provider first in Southeast and East Asia and later in the Asia-Pacific and once again to create a Sino-centric political and economic system in the region. This naturally means changing the current political, economic and security structure in the region and building a new one in accordance with Beijing’s interests and objectives.

Before moving into a more detailed analysis of China’s “Grand Strategy,” it is important to point out that China officially has never used the term “Grand Strategy” in its official documents or papers such as the “White Papers” released by the Chinese State Council Information Office reflecting the official stand of the Chinese Government on important topics such as National Security, Military Strategy or National Defense (english.www.gov.cn, 2020). Therefore it must be said that the term “Grand strategy” is not an official term used or emphasized by Beijing but rather a term used by academic scholars or political analysts in an attempt to summon or put together the whole of the core long-term strategic goals or objectives of Beijing regarding domestic and foreign policies in one conceptualized strategy. In this sense, this term actually represents the whole of the foreign and domestic politic goals of China which show or indicate a consistency towards a common goal with regard to China’s long-term ambitions or objectives in the world (Norton, 2015, 2). The following section will provide a more detailed analysis of this conceptualized strategy.

1.1.2. The Basis of China's Grand Strategy

In an anarchic and ever-changing international system, almost all states formulate and pursue strategies in order to survive and maximize their powers. As stated, since the ancient times, Imperial China has both been the political and economic dominant power for most part of the time in East Asia. Today, although officially never declared, it is no secret that Beijing once again aims to become the dominant power, first in its periphery and then throughout most of the Asia-Pacific. Chinese leaders and Chinese people believe that due to China's size, population, civilization, history and recent growing economic wealth, China rightfully belongs to the 'great nations club' of the world. In accordance, Chinese people along with their leaders have a strong belief that it is their duty, right and destiny to once again become the major great power in their region. In this sense, as President Xi Jinping often likes to state in his speeches, the 'Chinese Dream' is the revival of the Chinese nation as a global power. Therefore, the only way to complete this rejuvenation is to actually become a great power. So, although we can talk about Beijing's many different strategies such as regional, economic or political, it is clear that China's Grand Strategy is actually the 'Chinese Dream' that is becoming great, again.

In this context, it must be noted that the primal driving force behind the Chinese 'Grand Strategy' has almost always been nationalism in accordance with Chinese people's pride with their civilization, culture and country. Therefore, the age of humiliation and as a result the general shared perception of China's 'injustice' and 'inhumane' treatment at the hands of first the Western powers and then Japan have been a very powerful motivation in the shaping of China's Grand Strategy and its policies and actions with regard to this strategy. Therefore, it can be said that this Chinese nationalism, which has increasingly become the major factor shaping China's policies and actions has mostly been fueled by China's historical experience and humiliation at the hands of first the Western and later Japanese imperialism during the 19th and early 20th centuries. In fact, in this respect, the communist movement in China and the foundation of CCP is often considered as one response or one way to the challenge of bringing China back to its 'rightful' place in the world, the other being the Kuomintang party (KMT) found by Chinese nationalists led by Chiang Kai-Shek. Especially during the Deng Xiaoping era, and the start of economic modernization, nationalism has emerged as the dominant motivation in the massive effort to catch the western developed countries in terms of industrialization and production. Furthermore, as stated by political analysts, particularly with the start of modernization period, communism has increasingly started to lose its role as the major ideological factor in Chinese foreign policy (McDougall, 2007:56). Thus, when examining general Chinese foreign policy statements, we see that nationalism has more and more become the major underlying theme while references to any communist appeal or formulations become almost extinct. Therefore, especially today Chinese nationalism has increasingly become the major force behind China's both domestic and foreign policies.

Imperial China and the Chinese nation have achieved great victories and important accomplishments throughout their history. However, they have also experienced great losses and humiliations. Especially the latter, have thought important and to some extent

painful lessons to the Chinese nations and leaders. Therefore, in order to understand China's thinking and actions today, we must first look at these lessons and how they shape China's current strategic thinking.

It is important to note that, after the fall of the Han Dynasty in 220 A.D. the Chinese State has not always been united under Chinese rule. Almost half of the time, the Chinese state has been through turbulent domestic conflicts, and ruled by foreign occupiers and foreign rule. One of the lessons which history has thought to china is their persistent sensitivity to internal disorder caused by foreign threats. It is important to remember that since the ancient times, almost all ruling regimes of the day have been brought down by internal uprising and external invasion. Especially, throughout Chinese history, almost all foreign incursions and occupations have occurred after periods of domestic weaknesses. Therefore, in the minds of many Chinese people and Chinese leaders alike, it is no surprise that there is a strong connection between political and social weakness and foreign domestic aggression (Swaine and Tellis, 2000: 28). As a result, from the Chinese perspective, two security goals form the basis of all strategies Beijing formulates. These are preserving domestic order and wellbeing inside China and keeping external threats out of Chinese territory (Swaine and Tellis, 2000: 10). In this sense history has taught the Chinese people that a weak, divided and impoverished China will always invite foreign interference and aggression.

In this context, the 'Opium Wars' in the 19th century especially have had a great effect on all Chinese people, as a painful reminder of how the security of China is directly related with the strength, unity and development level of the Chinese heartland. As happened many times before in the long history of Imperial China, domestic instability, poverty and failure to keep up with developing technology has invited foreign aggression and invasion by external forces. This long period which started with the aggression of the Western colonialist powers in the 1800s and which ended with the defeat of another aggressor imperial Japan at the end of Second World War has reinforced the common thinking 'Never Again' in almost all Chinese people's consciousness. This 'Never Again' expression today is one of the most important motivations behind China's strategy to become the major power in East Asia and reflects Chinese people's determination to never experience such humiliation again. In this sense, clearly, a strong, united and wealthy China is the only way to deter outside external forces from interfering or occupying their country. Moreover, from the Chinese perspective, a powerful government is necessary to prevent any internal social unrest as a state that is unable to control its borders and deter foreign powers is seen as weak and unable to govern its citizens. Therefore, avoiding any internal social and economic problems in China is perhaps the first and most important element in protecting the Chinese heartland from any foreign aggressors and invaders. In this sense, it is easier to understand why Beijing uses such extreme and harsh tactics against any internal social or political uprising as we see in the Chinese government reaction to Tiananmen Square incidents or any other protest towards its government no matter how peaceful these protests are. Although according to western perspective these peaceful protests are normal ways of citizens showing their opinion,

from the Chinese perspective, they are serious threats to the very existence of the Chinese Communist Party and thus China which must be dealt with and stopped at all costs.

1.1.2.1. The Periphery Factor

Imperial China, until the late 19th century, had managed to incorporate most of the northern and eastern parts of its historical periphery either by the use of force and occupation as seen in Tibet and Xinjiang or by the ‘Sinicization’ of the region through cultural assimilation and promotion of Han Chinese migration and settlement as seen in the cases of Inner Mongolia and Manchuria (Swaine and Tellis, 2000: 39). As a result, the Chinese imperial borders have reached their maximum by the beginning of the 20th century.

Before we analyze the periphery factor and how it affects Chinese strategic thinking, we must first examine the creation and development of the Chinese heartland. The Chinese Heartland which largely consists of today’s north and south China between the Huang He (Yellow) River in the north and the Yangtze River in the south, has emerged over 2.000 years ago due to several historical developments. The first of these developments was the emergence of the Qin Dynasty in 221 B.C. Although Qin Dynasty lasted for only 15 years, its creation has an important significance in Chinese history as it is the first single unified Chinese state found after long battles and diplomacy between rival feudal kingdoms. The second important development is the institutionalization of the imperial Chinese state during the former Han Dynasty between 206 B.C. and 24 A.D. This institutionalization brought with itself the political centralization and military control on over most of the Chinese heartland. The third important development was the gradual migration of the northern Chinese people southward, eastward and towards South-southwest all across the high plateaus of Central Asia and the jungles of south and East Asia. The last important development was the gradual acceptance of Confucianism as the spiritual foundation of the Chinese society. This process which started during the former Han Dynasty continued until the end of the Tang Dynasty (Swaine and Tellis, 2000: 37).

Since the first Chinese Dynasty, the defense of China’s cultural, geographic and social heartland has been closely dependent on its capability to defend its long borders and vast periphery beyond its borders. Therefore, for the imperial Chinese state, this symbolic dominance over the periphery was regarded crucial for the imperial era as it was the most important way to assure the hierarchical and Sino-centric international order which was established by the Chinese Empire in hundreds of years.

Any fluctuation in the Chinese state’s capacity to defend its borders and control its peripheries has almost always resulted in nomadic aggression and occupation from the north and east and followed by internal disorder, mutiny and chaos within the Chinese mainland. As a result, in order to protect and control its borders, imperial Chinese state has showed great effort and used many different strategies. One of the most known of these efforts is the famous Great Wall of China. This immense wall was built as a protection against the constant attacks of the nomadic tribes in the north. In addition to this great wall, many other protective structures such as forts and walls were built to assure the the safety of the Chinese heartland from major security threats.

Secondly, control and pacification of the periphery has been one of the biggest concerns of throughout most of Chinese history. The imperial Chinese state's control or influence over the periphery was formed in two ways. First actual control in the form of military, political or economic dominance and secondly a symbolic control in the form of traditional tributary relation with periphery vassal states and kingdoms also referred to by western historians as the 'Tribute System.' It is important to note that the Chinese themselves did not call this system 'Tribute System' but mostly Western Sinologists did in order to conceptualize the sum total of the complex institutional relations between the Chinese Empire and the periphery vassal states and kingdoms (Perdue, 2015: 1002). Based on a strict formal hierarchical order with the Chinese Emperor at the top as the ruler of the 'Middle Kingdom,' this system defined most of the international relations in East Asia for many centuries while reinforcing China's image or perhaps a myth as the sole most developed and powerful state. Therefore, it is no wonder that today Chinese leaders along with Chinese people are very much fond of China's increasing and growing strength and presence in the region which for them is the revival of the great Chinese Empire to the world stage.

In this context, as stated before, the end of the Sino-centric 'Tribute System' has had a major effect on not only China but also the other peripheral states that formally existed as a part of this system. In this sense, the first Opium war between 1839 and 1842 presents the beginning of the end of this system. Clearly, the crushing defeat it experienced in its first military confrontation with the western powers which were deemed as 'outlandish barbarians' by the Chinese has had a devastating effect on the Sino-centric image of China as the sole power 'under the heavens (Kim, 2008:39).' Though with reluctance, the formal acceptance by the Chinese Emperor of direct intercourse with the western powers which it deemed as inferior and not equal to Chinese civilization and empire in 1860 further marked the end of the long lasting 'Tribute System' in East Asia and thus the end of whatever Chinese political dominance and influence was left in the region. Although the tribute system formally continued with Korea until 1894, it was in fact damaged beyond repair by 1860.

From an IR theoretical perspective, the Sino-Western confrontation witnessed in the 1800s was in fact also a system-to-system conflict between two opposing perceptions of world order and international relations. In this sense, the end of the 'Tribute System' in the late 1800s can also be considered as a mark of the acceptance of 'Western World Order' and thus, a 'Eurocentric International Relations System' by East Asian peoples. After this point, as observed repeatedly, the international relations game in East Asia have mostly been played according to western rules based on the Westphalian system brought by the colonial powers to East Asia.

To sum up, throughout Chinese history until today, all Chinese states including Imperial China, Republican and Communist governments considered the control and influence of their periphery as one of the most important strategy for their existence and survival. Therefore, whenever a Chinese state established its internal order and unity, it immediately started to seek to establish or re-establish and increase its control and

influence on its periphery. One of the most important reasons for this inclination is the fact that the Chinese periphery expansion actually deemed as necessary for the defense of the Chinese heartland. Therefore, the aim of Chinese periphery expansion on most part is to secure and protect the established Chinese land from security threats and foreign influence from outside and to secure and strengthen the Chinese state's authority, legitimacy and status within the Chinese heartland. Although until late 1800s this was achieved through a Sino-centric Asian international relations system based on the tribute system, after the defeat of Imperial China and the end of the tribute system, this goal has been pursued within the newly accepted Western international relations system, behaviors and norms. Currently Chinese policies and actions in the South China Sea and East China Sea clearly show that that this perception with regard to China's periphery is still very valid in strategic consideration of the Chinese leadership today. Once controlled to maintain the order across the Middle Kingdom, The Periphery is still a central component of the Chinese grand strategy, even though they are no longer subjects of the tribute system.

1.1.2.2. The Taiwan Factor

As many Chinese experts state, one cannot fully understand the thinking behind the strategy development of Chinese people and its leaders without first comprehending the Taiwan issue and its impact on the development and strategic thinking of China. From Beijing's perspective, the return of Taiwan is vital for erasing the entire humiliating history of the 'Age of Humiliation.' After the Communist Revolution and the accompanying civil war in China, almost all the world including the US expected Chinese communist forces to pursue Nationalist Party leader Chiang Kai Shek who fled to Taiwan and complete the communist victory by eliminating nationalist forces in the island. However, the unexpected invasion of South Korea by communist north changed the expected chain of events. With the start of Korean War, the US and China entered into an intensive conflict and Washington changed its policy in accordance with the new developing Cold War and decided to defend Taiwan against a communist invasion as East Asia became divided between China and the US (Freeman, 2017). Washington's involvement and support to Taiwan and Chiang Kai Shek made it almost impossible for the People's Liberation Army (PLA) to pursue Shek and defeat the nationalist forces in Taiwan due to the superiority of the US armed forces in the region. Up to this day, China has not given up its claims on Taiwan and its reunification aims to which it sees as an inseparable part of its territory along with Tibet and Xinjiang. However, while Tibet and Xinjiang have been taken into Chinese control, Taiwan is still apart and a missing part of Chinese territory. For the Chinese leadership and Chinese people, this situation has several implications on China's national strategies. The most important of these are:

- The reality that the objective of unifying China under a single, central authority – a fundamental aim of both the 1911 and 1949 Chinese revolutions – has not been accomplished.

- The fact that the Chinese civil war has not been concluded as Taiwan, an integral part of China, is still under the control of parties other than the China Communist Party (CCP).
- Again, the fact that one of the most fundamental objectives of the Chinese communist revolution which is to end all foreign domination of over Chinese territory has not been realized as Taiwan is still within Washington's sphere of influence (Freeman, 2017, para. 6).

As can be understood from these implications, for Beijing, the reunification of Taiwan with the Chinese mainland is an undisputable core objective which must be ultimately realized in the future. The only question is when and how this reunification will be made. As long as Taiwan is under the control of forces other than CCP, it is clear that China's Grand Strategy of rejuvenation of 'Great China' once again cannot be achieved. In addition, Taiwan being under the US sphere also means the containment of China behind the 'First Island Chain' and preventing People's Liberation Army Navy (PLAN) to reach Open Ocean due to the strategic location of the Taiwan Island. Therefore, from Beijing's perspective, the reunification of Taiwan with China strategically is a high priority in order to break the rival containment circling the Chinese coasts and to give way for the PLAN to reach Open Ocean. As a result, since 1979, Beijing has been pursuing the goal of reunification by all possible measures except actual war. Consequently, Beijing's military modernization program is very much in accordance with this ultimate reunification goal and indicates the undisputable importance of the Taiwan issue and China's commitment to ultimately reach this objective in accordance with its Grand Strategy.

As a result of its military modernization and expansion program, Beijing currently possesses significant military superiority over Taiwan and is prepared to go to war over Taiwan in case of a declaration of independence or any change with the current status quo. However, Chinese officials are also aware of the fact that an actual war will bring disastrous consequences for all parties involved and therefore prefer a strategy of 'winning without actually fighting'. Due to its current advanced military capabilities, which it did not possess during the 1995-1996 Taiwan strait crisis, PLA today has the ability to deflect or counter any US intervention in an cross-strait conflict, and therefore is in a much more powerful position for deterrence against any serious moves in Taiwan towards independence without actually having to go to war.

China's Anti-Secession Law passed in the National People's Congress in March 2005 specifies three circumstances in which China must use force against Taiwan. These are:

- if Taiwan under whatever name or method accomplishes the fact of Taiwan's separation from China,
- if a major event leads to Taiwan's separation from the rest of China or,
- if all possibility of peaceful unification is lost (www.china-embassy.org, 2017).

Taiwan is one of the most if not the most important concern for China's leadership since the establishment of the People's Republic of China (PRC) in 1949. For the Chinese leadership, Taiwan's independence and separation from the mainland is an unacceptable development which must be avoided regardless of all political or military costs. Taiwan's reunification with China is therefore a vital objective for Beijing and therefore has a deep impact on its long-term strategies. This effect can be most seen in its military modernization program which aims to push US out of Southeast and East Asia to make way for reunification with Taiwan.

1.1.3. China's Grand Strategy Today

Before we go further on analyzing China's current regional and global objectives within its Grand Strategy, firstly an important question must be answered. Where do China's core interests lie? China's core interests naturally lie in the region which China is located, Asia. In other words, the geostrategic focus of China's Grand Strategy is Asia and more broadly the Asia-Pacific region. Therefore, we can say that China's regional strategy and objectives to a very large extent reflect the core of its Grand Strategy. Thus, the practices and principles of its regional strategy which pursue a combination of economic, political, and military interests actually reflect its global strategies on a broader scale. As will be explained below, for the most part, due to its limited political, economic and military capacities, China's approach to its regional and indeed global strategies has been pragmatic and calculative in nature.

In this context, it must be noted that since the establishment of the People's Republic of China (PRC) in 1949, the top concern for almost all Chinese leaders and administrations has been maintaining political stability and more importantly, in this way, ensuring the continued rule of the Chinese Communist party (CCP). In this sense, it can be said that the CCP comes before the country as even the People's Liberation Army (PLA) and other Chinese military forces constitutionally are directly under the control of the party. Especially after the death of Mao, in an effort to raise the political support for the CCP, Chinese leaders have focused on two things: raising the living standards of the common Chinese people by rapid economic growth and appealing to nationalist sentiments of the common Chinese people (Saunders, 2008: 128). Economic modernization was accepted as the only probable method to achieve the goal of rapid economic growth. And in order to realize this economic modernization, Chinese leadership gave great importance to maintain a stable international environment and thus in this period, avoided any hostile confrontation with Western countries and especially the US, the dominant power both in East Asia and the World. In accordance, by carefully managing its relations with the US, other great powers and developing countries, China did indeed achieve rapid economic growth up to levels not seen in modern world history. In this context, political analysts believe that after many decades of unprecedented rapid economic growth, and in accordance with its Grand Strategy, China has started to change this traditional low profile policy to a much more assertive and ambitious one which is most visible in the example of the SCS dispute.

1.1.3.1. The Modern Era

After the collapse of the Qing Dynasty, in 1911, the newly founded Republic of China carried out military moves to regain control in Mongolia, Xinjiang and Tibet. ROC aimed to regain control over its lost territory and to strengthen its defense against threatening imperial powers especially from the east such as the Russian and British Empires by forming a buffer zone between itself and these powers (Swaine and Tellis, 2000: 39). Despite all military efforts, the new regime could not achieve control over the lost territory especially due to internal political conflicts between the Republicans and Communists and the weakness of the new regime. As a result, the nationalist regime tended to use diplomatic efforts which seemed to yield better results than the military efforts in order to gain control of its lost territories but still never managed to gain full control over most of these lost territories.

Similarly, the People's Republic of China, during its early years, carried out intense military campaigns against its periphery in an effort to regain the control of lost territories in the west and north (Swaine and Tellis, 2000: 44). However, contrary to the former regime, the communist government did achieve important success in its military campaigns largely due to its stronger position in terms of military power. As a result, the Communist regime in a short time regained full control over its lost territories such as Tibet, Xingjian, Manchuria and Mongolia and with its massive army was also able to form an important amount of influence over its nearby periphery such as Korea and Nepal. Here, it is important to note that historically, although Chinese states have resolutely deployed military force in order to regain and control its periphery, they have also used non-coercive methods such as diplomacy and trade. These methods aimed to ensure their security and maintain control over extended periods. Historically, almost all Chinese states, especially when faced with a superior power, have used political balancing, tactical alliances, policies of appeasement and acceptance of more equal interactions in order to maintain its influence and pacify its strategic periphery and its potential adversaries. Therefore, it can be said that historically Chinese leaderships approach to foreign policy with respect to its grand strategy has been a pragmatic and calculative one using military power against adversaries deemed as inferior and using non-coercive measures against superior adversaries (Swaine and Tellis, 2000: 95).

In this context, after the foundation of PRC, the new Chinese state has used a strategy consisting of two approaches: balance and maneuver towards economically and militarily its most important adversaries: Soviet Union and the US. However, in order to deter any attacks from these superpowers, and to establish its position as a rising regional dominant power, Beijing build one of the world's biggest standing army, millions in number when put into account its reserves. This army mostly made up from infantry was designed to defeat a superior army by using conventional tactics such as guerrilla warfare as seen in the US-Korean war. In addition, its nuclear arsenal especially modernized after the 1980's has been a key factor in Chinese deterrence policy against its two superior rivals.

It's important to note that this deterrence policy was mostly aimed to secure and protect the Chinese heartland and deter attacks on Chinese soil rather than gaining new territory and projecting Chinese influence beyond the heartland. In this sense, it can be said that the new PRC combined a strong military defense with extensive diplomatic and economic maneuver and alliance behavior similar to the Imperial and Republic Chinese State periods.

With respect to its Grand Strategy, one important factor which led to China's 'Calculative Strategy' after the start of the 1978 modernization period was its weakness, especially in terms of economy and military power. Therefore, it can be said that this calculative approach was born from necessity rather than free choice. As seen historically, the key to secure domestic order and unity has been a powerful leadership combined with a strong economy. Having one of the biggest populations in the world, it has been no surprise that the priority objective of the communist Chinese regime has been to feed its massive population while also increasing domestic wealth and strengthening its economy. As the second largest economy in the world and with the highest GDP growth rate among the major economies of the world, China, in a very short time has successfully lifted more than 800 million people out of poverty while continuing to grow in a rapid pace (www.worldbank.org, 2017). This has largely been achieved within the international economic system which the US shaped after the Second World War. Therefore, especially with the 1978 modernization period which started with Deng Xiaoping, China has showed great effort to integrate with the global economic system while developing economic ties and relations with its neighboring countries. During this period, with respect to its 'Calculative Strategy', while trying to get the most from the global economic environment, Beijing has been careful not to disturb the economic and political environment in its region and beyond as this could harm its economic development and its trade with other countries, especially the US and neighboring countries. In the meantime, Beijing has shown efforts to increase its economic influence and effect by joining global economic organizations such as the World Trade Organization (WTO).

As a result of this 'Calculative Strategy,' China has managed to develop its economy, modernize its infrastructure, increase its production and export capacity, acquire technological know-how and raise the wealth of its citizens in a very short time compared to other developed or developing countries in history. Thus, especially after the leadership change in the Communist Party in 2012, it can be said that in almost every field from space technology to modern infrastructure, Beijing has come closer to completing its transformation from a weak developing state to a powerful and developed regional and to an important extend, a global player. As a result, the necessity to follow a calculative strategy to realize China's 'Grand Strategy' that is to become the major and decisive power in the Asia-Pacific has started to be deemed as unnecessary by both the new communist leadership and the growing Chinese middle class public in general pursuant with the rising nationalism and increasing self confidence in the country especially after the leadership change in 2012.

As a result, Beijing, in the last 10 years has started to follow a more assertive strategy to realize its grand strategy in accordance with its new position and status as a potential global power with massive economic, technological and military capabilities. China has participated and benefited largely from the post-war Bretton Woods system that was established by the US after the Second World War. However, today China has started to build and establish a new alternative economic and security system that mostly excludes the US. It is clear that most of these institutions directly or indirectly aim to replace the economic and security structure established by the US following the Second World War (Przyhstup and Saunders, 2017). Some of these Chinese led initiatives institutions include important undertakings such as the ‘Belt and Road Initiative’, ‘The Asian Infrastructure Investment Bank’, and the ‘Asia for Asians’ security concept.

It can be said that the main objective of this new strategy is to end the dominance of the regions classical dominant power the US and consequently to pacify other potential regional adversaries in the region which might obstruct China’s plans, interests and objectives both in the region and beyond. This new strategy or phase can be seen in many areas, but it is most visible in the actions and policies of China in the South China Sea. Therefore, as argued in this study, the SCS will be an inevitable testing ground for China’s new policies and strategies in the region and if or how they will change and shape the current security structure in the region which was mostly formed by the US after the Second World War. In this regard the outcome of the actions and policies in the region will also determine the future of the US which is both the classical dominant power in the region and China’s biggest competitor in the Asia-Pacific.

1.1.3.2. China’s “Malacca Dilemma”

With respect to the geographical focus point of this study and in order to better understand China’s strategic thinking behind its political, economic and military planning in the SCS and in general, in addition to Taiwan, it is also important to examine the Straits of Malacca. However, before analyzing the impact and importance of the Malacca straits for China with regard to its “Grand Strategy” in transforming itself into a dominant power in first in Southeast and East Asia and later in the greater Asia-Pacific, it is necessary to give some background information about the straits.

As can be seen in Map 1, the Straits of Malacca is a narrow but lengthy waterway located between the Malaysian Peninsula and the Indonesian island of Sumatra in Southeast Asia region. It is considered as one of the most important waterways in the world and has a shared border with Indonesia, Malaysia, Singapore and Thailand. As a result, all four countries have territorial and maritime jurisdiction about their respective areas which makes the straits legally complicated with respect to cross border issues. The straits connect the Indian Ocean to the SCS and for a long time are considered as the main passage from the Indian Ocean to the SCS. It extends more than 500 nautical miles long, making it the longest navigational strait in the world. However, in certain places it is quite narrow and is approximately 11 nautical miles wide at its narrowest point. As a result of the heavy shipping traffic crossing the straits, it is also open to navigational accidents and dangers. Thus, every year many maritime accidents involving ships from various

nationalities occur in the region. In addition to the maritime accidents, maritime crimes such as piracy and illegal trafficking are common occurrences throughout the straits raising many security and commercial worries for ships using the straits. Although neighboring countries operate security operations on a daily basis and have strict control throughout the straits, it cannot be said that illegal activities or maritime accidents have been completely prevented in the region.

Map 1: Map of Malacca Straits



Source: South Asia Journal, 2012

As a maritime transportation route, the Malacca Strait is considered as one of the busiest maritime straits in the world with more than 60,000 ships using the straits annually. It is important to note that this figure is nearly three times of the Panama Canal and twice the traffic that travels through the Suez Canal (www.funfforpeace.org, 2012). Experts estimate that a third of all global trade and two thirds of the entire world's liquefied oil and natural gas pass through these straits mostly en route to the energy hungry East Asian economic giants such as China, Japan and South Korea.¹⁶ In this sense, the straits are considered as the 'energy lifeline' for these energy dependent states and are not only valuable and critical to states that border the straits but equally or even more important and critical for these energy hungry East Asian states which are almost totally dependent on the trade and oil which pass through the straits. With regard to Malacca Straits and the SCS, Jose Almonte, the former national security adviser of the Philippine government has stated that:

¹⁶ According to the US Energy Information Administration, approximately 13.6 million barrels of petroleum alone pass through this straits every day (www.funfforpeace.org, 2012:5)

“The great power that controls the SCS will dominate both archipelagic and peninsular Southeast Asia and play a decisive role in the future of the western Pacific and the Indian Ocean-together with their strategic sea lanes to and from the oil fields of the Middle East. (Zhao, 2010:135)

As stated before the straits fall under the territorial and maritime jurisdiction of the four bordering states and as a result, despite the heavy international traffic and the immense importance of the straits for the giant East Asian economies, the safety and security of the straits is for the most part under the jurisdiction of Indonesia, Malaysia and Singapore. As a result, these three states have the right to regulate and control the straits especially with regard to territorial waters, maritime security and environmental issues in accordance with the UNCLOS. In this sense, unlike the SCS, China has no jurisdiction or control over these waters which are so critical and vital for its survival. This situation brings us to the so-called ‘Malacca Dilemma’ of China.

The “Malacca Dilemma” was first stated by Chinese president Hu Jintao in order to emphasize Beijing’s dependency on the straits for trade and energy and was used to underline the importance for China to find an alternative waterway and to reduce Beijing’s dependency on the straits (Hamzah, 2017, para. 6). In this sense this term underlined how vulnerable China was with regard to the safety of its energy and trade flow as almost 80% percent of its energy imports reach china through these straits (www.fundforpeace.org, 2012: 14) A possible threat of a naval blockade by the US or any other Chinese opponent such as India or Japan clearly would have a devastating effect on not only China’s industrial production abut also the everyday life of millions of Chinese people dependent on the foreign oil and trade for their survival. As a result of this new approach, especially after 2003, China has intensified its efforts to find a solution to overcome its dependency on this relatively remote waterway.

One of the first results of these efforts is seen in the military modernization program of China which gained immense momentum in the last two decades. One of the most important results of this new program was the transformation of China from what can be considered as a traditional land force to a developed and capable naval force. It is clear that by transforming itself to a naval force and by forming a capable and modern ‘Blue Navy’ with multiple domestically built aircraft carriers, Beijing aims to have the technology and capacity protect and deter any naval blockade to the straits by any Chinese opponent and thus maintain and provide the security of the energy and trade flow through the straits. In addition, Beijing has increased its efforts in developing military cooperation and provided military financial assistance to these states especially to Malaysia in an attempt to gain more military access to the region and to reduce the security involvement of US and its allies such as Japan. In this sense China has already rejected proposals of security patrols from Japan in the region (www.fundforpeace.org, 2012: 14)

In addition to military efforts to overcome this so-called ‘Malacca Dilemma,’ China has also increased its economic and financial efforts to form an alternative to the straits and reduce its vulnerability in terms of energy and trade flow. It is important to note that most of these efforts have been carried out within China’s comprehensive international

development project the belt and road initiative. In accordance with this strategy China has financed the ‘Trans-Myanmar Oil and Gas Pipelines’ between the port of Sitwe in Myanmar and Kunming in China’s Yunnan province which aims to provide 22 billion tons of crude oil and 13 billion cubic feet of gas to pass through these pipeline every year.(Hamzah, 2017). In addition, China has also provided funding for the construction of the Pakistan-China Economic corridor which will link Gwadar port in south Pakistan to China’s north-western Xinjiang region. Once completed, this corridor will provide transportation of supplies from the Persian Gulf to china via this land corridor. Moreover China is also proposing to build an oil pipeline and a railway line between the western and eastern coasts of the Malay peninsula in order to by-pass the narrowest chokepoint of the Malaccan straits the strait of Singapore which is under the control of one of Washington’s closest allies in the region: Singapore. Another indication of Beijing’s determination and ambition to overcome the Malaccan dilemma is Beijing’s proposal to build a canal across the Isthmus of Kra in southern Thailand and thus almost totally enable transport ships to bypass the Malaccan straits. Although not officially confirmed, negotiations and talks are continuing between the parties of china and Thailand with respect to the construction of this canal which is a huge undertaking all by itself (Damiano, 2018).

To sum up, as China’s rise continues, so does its dependency to foreign oil and energy. As an energy poor country, China has recently surpassed the US as the world’s leading crude oil importer in 2017 (eia.gov, 2018). Although China has intensified its efforts especially within its Belt and Road Initiative (BRI) to form alternative transportation routes that would enable to by-pass the Malaccan straits, it is clear today that at least for the near future China will have to be dependent on the straits for its massively important energy and trade flow. Therefore, it can be said that the Malaccan straits will continue to play an important role in shaping its political, economic and military policies and strategies especially with regard to the possibility of a US naval blockade of the straits that may paralyze China’s economy and industry as a whole.

1.2. Military Factors

“to subdue the enemy without fighting is the acme of skills.”

Sun Tzu (ancient Chinese general and philosopher)

As the world’s second ranking biggest economy in terms of Gross domestic product (GDP) and the biggest economy in terms of GDP based on Purchasing Power Parity (PPP) in 2015, China has without doubt achieved an outstanding success in terms of economic growth in a very short period (data.worldbank.org, 2017). However, with regard to the objectives of the Grand Strategy, it is clear that Beijing cannot complete its transformation into a global superpower without first becoming a modern and capable global military power. Therefore, pursuant to its Grand Strategy objectives, Beijing has in the last 10 years started to use an important part of its accumulated wealth in modernizing and strengthening its military forces.

1.2.1. China's Military Modernization

China's comprehensive military modernization is one of the most important elements of its Grand Strategy and is in nature, a very comprehensive modernization program. Therefore, a lot of effort has been shown by Beijing in the planning and realization of this program. Although the start of the military modernization period goes all the way back to the beginning of 1980s, one important and in a way embarrassing event for Beijing which has accelerated and shaped the future of the program has been the famous Taiwan Strait Crisis in 1995-1996. China, during 1995-1996, due to increasing pro-independence trends in Taiwan started to use a more assertive and even aggressive military language towards Taipei in order to change the pro-independent trend in the country. However, the arrival of two US aircraft carrier groups to the straits immediately changed the military balance in favor of US and Taipei. China, not having any similar naval power to answer US naval presence could do nothing to stop Washington's interference. This embarrassing incident led Beijing to accelerate the intensity and volume of its modernization program in the late 1990's and to focus on developing capabilities including surface, sub-surface, missile and etc. to counter any US naval and air intervention in Southeast and East Asia (www.uscc.gov, 2018: 282). In addition, Beijing's 2004 decision to prepare PLA for non-traditional missions beyond its immediate periphery such as humanitarian assistance, disaster relief, counterterrorism and international peacekeeping operations has helped the PLA to gain much needed global operational experience and increase its ability to project military power throughout the Asia-Pacific and beyond (www.uscc.gov, 2018: 283).

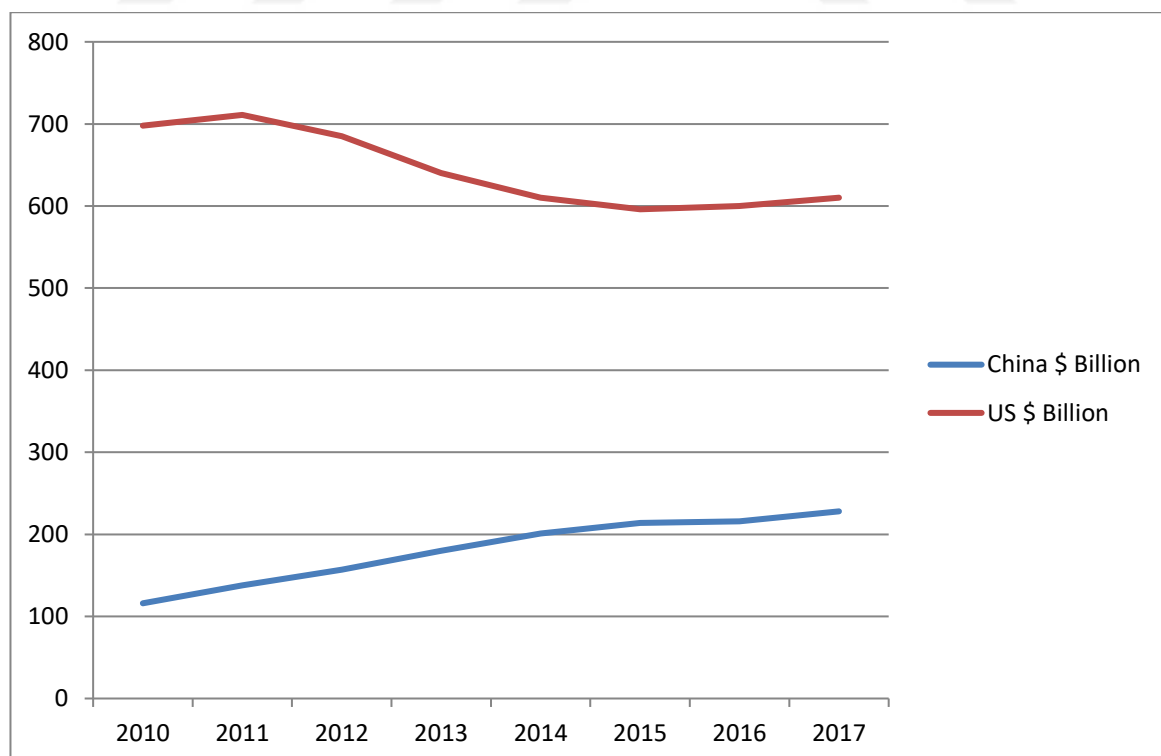
China's military modernization program not only aims to modernize its military into a technologically advanced force but also aims to transform the very structure of its military, changing it from a traditional cold war structure to a modern effective one which focuses on the integration and joint operations of different forces in the military. As president Xi stated to a committee of CCP leaders in March 2014, *"there cannot be a modernization of national defense and the military without modernization of the forms of organization"* (www.nytimes.com, 25.05.2014). Beijing aims to develop a strong professional force which is 'fully capable of fighting' and can 'win every war' by increasing its 'combat realism' in training. As stated in the Third Plenum of the 18th congress of the Chinese Communist party by Xi Jinping, the national level reforms include nearly four dozens of areas for the PLA. The areas where reforms are focused can give us an idea for the operational and institutional areas which Beijing deems most important and/or most in need areas of improvement. Some of the most important and significant areas of military reforms are:

- Command and control for joint military operations,
- Changes in military organizations including rebalancing of force structure to put greater emphasis on the navy, air force and second artillery which contains nuclear missiles,
- The decision to build new type of operational forces with latest cutting edge technologies,

- Development of long range naval and air logistics capabilities,
- Domestic Research and development R&D of advanced weaponry and equipment in all areas including space and cyber warfare,
- Creating new regulations and systems to fight corruption in military forces which is deemed as a serious threat by Chinese leadership,
- Establishment of a 'National Security Commission' headed by Xi Jinping in order to improve the centralized management and control of civil and military national security actors (China's rise: the strategic impact of its economic and military growth, 2015: 60).

It is important to note that, since 1989, nearly every year China has increased its military spending in double digits and is second only to US in terms of annual military spending (McCarthy, 2017). As of 2017, in terms of annual military spending, China is second only to the US with 228 billion dollars with the US ranking first with 610 billion dollars of annual military spending. In order to underline China's determination in strengthening and modernizing its military power, it must be noted that all other important potential competitors states such as India's and Russia's annual military spending is under 70 billion dollars (data.worldbank.org, 2017). As seen in Graphic 1, especially after 2010, China has been steadily closing the military spending gap with the US as a result of a constant stable rise in its annual spending figures whereas Washington in the same period mostly due to budget cuts has decreased its annual military spending.

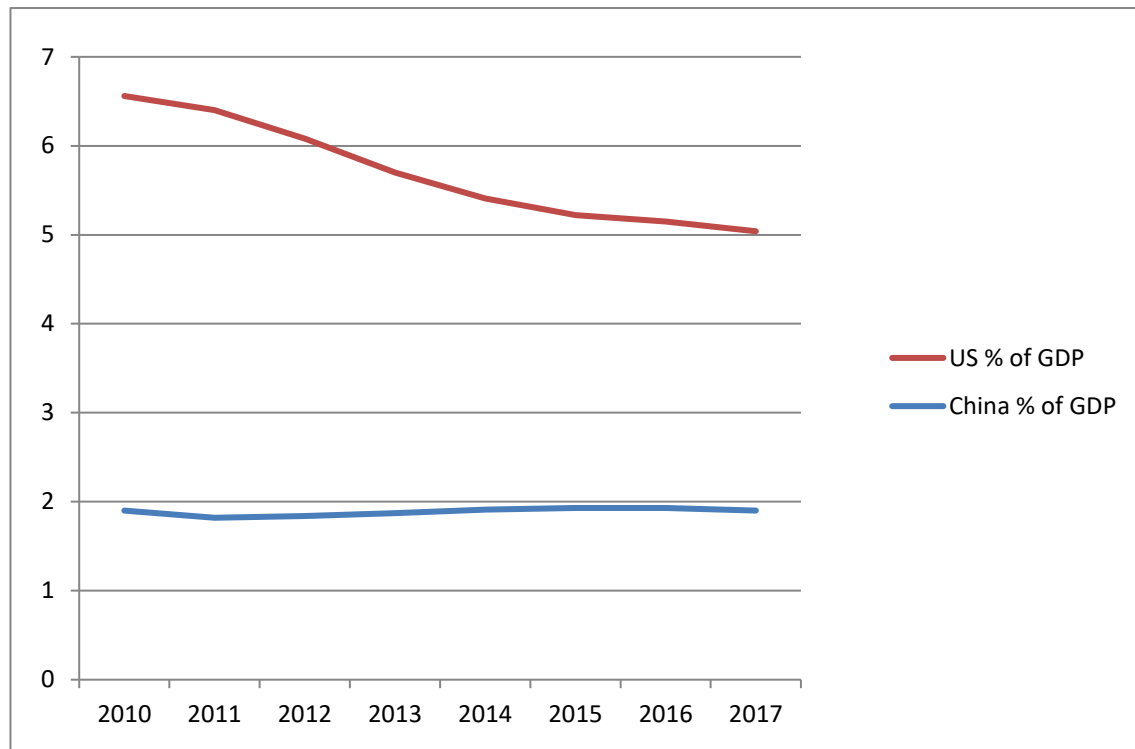
Graphic 1: China's and US Military Spending Statistics (Year / \$ Billion)



Source: Graphic designed by using World Bank data (data.worldbank.org, 2017)

In addition, as can be seen in Graphic 2, it is important to note that china since 2010 has been able to keep its annual military spending under approximately %2 of its Gross Domestic Production (GDP) whereas Washington in the same period has not been able to lower this percentage not even under %3 of its GDP (Kaplan, 2015: 38). China's success in keeping its military spending under %2 percent of its GDP is important as this clearly provides a greater chance for Beijing to continue its current its military modernization and expansion program when compared with the US which despite all its military budget cuts has not been able to reduce this percentage under %3 of its GDP.

Graphic 2: China's and US Military Spending Statistics (% GDP / Year)



Source: Graphic designed by using world bank data (data.worldbank.org, 2017)

It is clear that in order to be a global superpower in accordance with its Grand Strategy, China must first be the dominant major power in its own periphery and particularly Southeast and East Asia, and this means only one thing: pushing the traditional dominant power US out of the region. The very first step of this process has already started in the SCS with the anti-access and area-denial practices of China in the region aiming to prevent other countries, especially the US from having the capability to intervene in waters or airspace near China (Navarro, 2016: 13). However as learned by the lessons during the Taiwan Strait Crisis in 1994, China cannot achieve this goal without a large scale but also capable and modern military and naval power. Thus, in terms of military and naval capability, Beijing, in the last 10 years, has not only focused on securing the quantity superiority but also the quality superiority in its region.

In Southeast and East Asia, due to geographical reasons, military conflicts are mostly expected to be naval. As we see in the military programs of the regional countries, almost

all countries in the region are giving great importance to modernizing and expanding their naval forces. Air forces along with ballistic missiles are also considered within naval force.

China in the last decade, especially after the humiliating 95-96 Taiwan Strait Crisis, has learned that it is not possible to pursue or protect its interests and strategic goals without a powerful and modern naval force. As stated, during the 1995-1996 Taiwan Crisis, in order to discourage increasing pro-independence trends in Taiwan, China attempted a show of forces by especially its ballistic missile forces targeting Taipei. However, two US carrier Strike groups which arrived in the region immediately changed the military balance and stopped china's threats as China did not have any similar naval power to answer the US naval power in the region.

Therefore, the most important aspect of Beijing's military modernization and reform program has been to transform its traditional military power which mostly consisted of land units and which was built on the notion that quantity beats quality into a smaller but modern power which depended more on quality rather than quantity.

The ambitious Chinese military modernization program involves all aspects of Chinese defense industry and Military forces including military structure to cyber-warfare and space technologies, but the main focus is clearly on naval and air forces. Traditionally, China has for the most part of its history has been more a land power rather than a sea power. But, as some experts state, especially with its current military developments, China seems to be following a more naval strategy aiming to become a global naval power. As stated by military experts, by 2050, China is aiming to possess a global blue-water navy with multiple numbers of domestically built aircraft carriers capable of projecting power anywhere in the world (Navarro, 2016: 14). If china succeeds in keeping up its current naval modernization and expansion, by 2050 it would have nine aircraft carriers concentrated in the Western Pacific and Indian Oceans by which at the same time the US would have about the same number for policing the entire globe (Kaplan, 2015: 36).

The core objective of Chinese naval modernization and expansion is to transform Chinese navy from a 'Sea-denial' type aiming to defend the coastline to a more formidable 'Sea-control' type that is a blue-water oceanic force such as the US and United Kingdom navies (Ota, 2011). In relation with this doctrine in 2010, China has become the world's largest shipbuilder by overtaking South Korea and most of its best submarines and surface warships are now armed with advanced air defense and long-range anti-ship missiles (Kaplan, 2015: 37).

Modernization of Chinese military can be summarized as a great undertaking to reduce its existing vulnerabilities and weaknesses while increasing the effectiveness of its military forces and eventually developing power projection and extended territorial defense capabilities necessary for the long anticipated great power status in the near future (Swaine and Tellis, 2000: 113).

Map 2: First and Second Island Chains



Source: (www.bbc.co.uk, 2014)

China's Grand strategy, which ultimately aims to become a global great power with a powerful navy necessitates Beijing to break the bonds of what are referred to as 'the First and Second Island Chains' surrounding China's coast. As stated before, China is aware that it cannot become a major power and achieve its goals with regard to its 'Grand Strategy' without first securing its close periphery, particularly the South China Sea and East China Sea. This apparently involves pushing the traditional dominant power the US out of these regions. Furthermore, Beijing knows that if it will achieve its goal in becoming a major or even a global power, it must clearly be able to project power outside its close periphery similar to what the US has done for a long period. This makes it inevitable to reach open oceans far beyond China's historic waters and the only way to do this is to breakthrough these island chains which for a long time are considered as barriers holding and containing China and preventing China to reach open seas. Therefore, these island chains play an important role in the strategy and policy designs of China and how it shapes its naval strategies with regard to its military modernization program going on for nearly two decades.

The First Island Chain starts from the Kuril Islands and Japan in the north through Taiwan and the Philippines and down to Malaysia in the south. The second island Chain runs again from the Kuril Islands in the north all the way down to New Guinea and directly through the strategic American base Guam. For Beijing, it is clear that if China would become the dominant power in the Asia-Pacific and particularly in East Asia, it first has to break the

bonds of these so-called 'island chains' as from China's perspective, it is clear that as long as these island chains are in the control of countries antagonistic towards China, it will be a barrier for China's ambition to reach the open ocean and become a global power in 2050 as planned (Tweed and Leung, 2018, para. 6).

SCS plays a crucial role in this strategy to break through these island chains as strategically whoever controls the SCS will also control the Southeast Asia and consequently East Asia. Thus, the military modernization program, which aims to realize China's Grand strategy mostly focuses on one important factor that stands in the way that is the US military presence in the region and in general the whole of Asia-Pacific. Although there are many states which can reject China's claims in the region such as Japan, Vietnam and the Philippines, the most important challenge was expected to come from Washington. Therefore, much of the Chinese military modernization program has been aimed to push the US military out of the SCS and then gradually from the rest of the Asian-Pacific.

1.2.2. China's Aircraft Carrier Program

As stated before, one of the most important focus points of the Chinese military modernization program has been the modernization of the PLAN. The most important component of the efforts to modernize the PLAN has without doubt the launch of the new Chinese aircraft carrier program.

Since the end of the Second World War, the US military has been the dominant power of East Asia and Asia-Pacific in general. The geographical structure of the region has resulted in military conflicts to generally occur in the form of naval wars. As a result, Washington's military superiority in East Asia and Asia Pacific mostly owes this advantage to the presence of the powerful US Navy. And in the core of this naval power doubtlessly lies the US aircraft carriers which are regarded as the most effective and powerful piece of weaponry of the US arsenal.

Beijing for a long time has been aware that it cannot change or reshape the current security structure in East Asia or reach its strategic goal in becoming the major power in its close periphery without first building a capable, modern and effective navy. Following the examples of the US and other global actors such as United Kingdom and France, the only way to form a powerful and effective navy is to have aircraft carriers. Therefore, especially in the last twenty years, great effort and funds have been diverted to reach this goal.

Specifically, China aims to build two aircraft carriers for each of its three navies: Northern Navy, Eastern Navy and southern Navy (Axe, 2017, para. 1). The reason for this is that by having two aircraft carriers, each navy will be able to have at least one aircraft carrier when the other one is ported for maintenance or repair. It is important to note that China aims at least two of these aircraft carriers to be nuclear powered.

In order to better understand the strategic motives and goals of Beijing, it is crucial to examine the program which today has reached to 4 aircraft carriers in total with some

being completed and some still under construction. The following part focuses on some important aspects of the Chinese aircraft carrier program.

The history of the first Chinese aircraft carrier goes back to the beginning of 1990s to the collapse of the Soviet Union. The halt of the construction of the Varyag, which was planned to be the second aircraft carrier of the Soviet Union presented a chance for China to acquire the half-built ship from Ukraine which then was a newly independent state which inherited the ownership of the ship. Although during the purchase process China announced that it was going to use the ship for touristic purposes, once after brought to China it became clear that Beijing had military plans for the use of the ship. After the completion of the construction and refurbishing in China, Liaoning became China's first aircraft carrier and entered service in 2012 (Sutton, 2019, para. 2). Although Liaoning is a cold war period designed conventional powered non-nuclear aircraft carrier, it holds great importance as it is the first clear signs of Beijing's ambition to have a greater military influence in its region and perhaps beyond. However, it must be noted that Liaoning, due to its design, has a ramp-launch technology. Compared to the catapult launching system used in US aircraft carriers, the ramp-launch system allows aircrafts to take off with less weight meaning less fuel and bombs. This in turn limits both the range and effectiveness of the planes that take off from this type of aircraft carriers meaning that US carriers in the region will be superior to Chinese aircraft carriers in both range and effectiveness. Nevertheless, as China aims to deploy this aircraft carrier mostly in seas close to Chinese mainland, this disadvantage to a degree will be compensated by easier logistic support from China compared to the US aircraft carriers located in the region. Furthermore, Liaoning has provided important technical expertise and experience with regard to aircraft technology and production know-how which China lacked almost totally. Therefore, although not totally domestic produced, Liaoning has been an important milestone in China's goals to acquire and develop its own aircraft design and construction industry. In addition, the new weapons systems and technologies installed on Liaoning in recent years have turned this cold-war period designed aircraft carrier into an effective and capable weapons platform should China decide to use it any military conflict in the region. Liaoning currently is part of the Chinese Northern Fleet of the PLAN and is operating in Western Pacific (Axe, 2019).

Shandong, the second aircraft carrier of China, structurally is mostly a copy of Liaoning, but it also is an important milestone for the PLAN modernization program as it's the first domestic built Chinese aircraft carrier in Chinese history. It is built in Dalian shipyard in Shanghai and similar to Liaoning, it is a conventional powered aircraft carrier (Joe, 2019). In addition, as in Liaoning, it has a ramp-launch aircraft take-off system. Together with its sister aircraft carrier Liaoning, Shandong has provided critical and important knowledge and know-how regarding aircraft carrier construction and design along with aircraft navigation and operation. At the moment Shandong has completed its tests and has entered into service in late 2019 (Chan, 2019).

The third Chinese aircraft carrier has a code name of 003 and although there isn't much information about this ship it is known that it is being constructed in Jiangmen shipyard

in Shanghai (Joe, 2019). It is known that 003 is again a non-nuclear-powered conventional aircraft carrier similar to Liaoning and Shandong but the most important aspect of 003 is that it is equipped with an electro-magnetic catapult launch similar to the newest US aircraft carriers (Axe, 2019). As a result, 003 will be able to launch aircraft with more fuel and weapons compared to Liaoning and Shandong meaning that it will have greater effectiveness and range thus increasing China's military capabilities in the region significantly.

The fourth Chinese aircraft carrier is code named as 004 and less information is known about this ship. It is expected to be built in either Jiangnan or Dalian shipyard (Joe, 2019). Although by design it is expected to be similar to 003, its importance lies in its power system as it is expected to be China's first domestically built nuclear powered aircraft carrier (Sutton, 2019). This of course is a huge step in Chinese arms industry. If achieved, China will be the third country in the world after the US and France to have a nuclear-powered aircraft carrier and will enter a new league with regard to naval power in the world.

When compared to the US, Chinese aircraft carrier program still lacks far behind with respect to capacity, size and technology. The US navy, with its 10 Nimitz class nuclear powered aircraft carriers is significantly ahead of PLAN despite the latest Chinese efforts to modernize and strengthen Chinese naval power (Sutton, 2019). In addition, having had its first aircraft carrier in 1912, the US Navy is also massively ahead with regard to aircraft carrier operation and navigation experience. However, the speed and momentum of the Chinese aircraft carrier program compared to other important actors such as India or Russia is outstanding. If China succeeds in continuing the current scale, momentum and speed of its aircraft carrier program it is clear that it will become a very serious adversary to the US in East Asia and even in the larger Asia-Pacific. The scale, momentum and speed of this program is also an important indicator of China's urgency and determination in catching up with US military power in the region. Again, this momentum and urgency can be seen as an indicator of Beijing's decades long desire to change or reshape the status quo in the region with a new one in accordance with the growing needs, interests and plans of a rising China.

1.2.3. China's Military Power

As a result of its massive scale military modernization program, compared to 1995-1996 Taiwan strait crisis period, Beijing currently has a much more capable and modern military power with power projection capabilities in almost all areas including cyber and space warfare. Just to give an idea of the scale of Chinese military buildup we can look at some figures. For example, China's share in Asia's total defense budget increased from just %4 in 1990 to %35 in 2013. China's official defense expenditures today are bigger than what Japan, India and South Korea spend combined (data.worldbank.org, 2017). Beijing, in the last 13 years has succeeded in developing its own domestic defense industry and has managed to commission more fighter jets, navy ships and military satellites than all its neighbors combined (Holslag, 2015: 115). It is also important to note that while China is expanding and modernizing its navy, the second most powerful naval

service in the world; it is mostly doing this by developing its own shipbuilding facilities and advanced capacities in subsurface warfare and ballistic missile technology such as the famous DF-21 missile also called as 'Carrier Killer' by Chinese military experts. If china succeeds in expanding its submarine fleet to 78 by 2020 as planned, it will reach the level of US Navy's undersea fleet in terms of quantity (Kaplan, 2014: 14).

Today, US Naval force is shrinking in an unseen rate in the American military history. The size of the US Navy has come down from almost six hundred warships in the Reagan era to the mid-three hundreds during the Clinton era to under three hundred now and might go still lower by the 2020's due to retirement of current classes of submarines and surface warships, cost overruns and future budget cuts as a result of fiscal deficits (Kaplan, 2015: 14). In fact, currently the US navy is smaller than at any time since 1917 (Talent, 2016: 33).

In terms of space and cyber warfare capabilities according to US defense science board, china today already has offensive cyber capabilities that can inflict significant damage on critical infrastructure of any country targeted including the US. Beijing has reportedly used lasers to temporarily blind US satellites and has been conducting cyber-attacks on US battle communication networks which are seen as the weak spots of US military forces. China has one of the most advanced space programs in the world and as a direct result of this technology has the capability to use space weapons designed to limit or prevent the use of space based assets by adversaries in a crisis or conflict (Gertz, 2016: 88). Today Beijing has reached the capacity to use conventional and miniature satellites as well as undersea and aerial targeting technologies to direct its 1500 short range ballistic missiles to hit US aircraft carriers.

In addition, China has a significant fleet of large amphibious assault vehicles aimed at power projection along its periphery and particularly Taiwan. Moreover, Beijing has the most active land-based ballistic and cruise missile program in the world, according to the US Department of Defense (DOD). As a result, today, china currently has the world's largest and most lethal inventory of conventional ballistic missiles as well as massive numbers of highly advanced long-range land, air and sea-based cruise missiles (Kaplan, 2015. 26). Chinese ballistic missile program basically focuses on its ability to detect, track and target US carrier battle groups by multiple means as far away as possible from the Chinese mainland (Military and Security Developments Involving the People's Republic of China, 2015: 34) With its 'Sea-air' and 'space based detection and tracking systems' combined with long-range high speed 'surface to surface' and 'air to surface' missiles, Beijing currently has significant denial capabilities in its region and has the ability to raise the cost for any military interference to its forces by its adversaries including its most important potential rival in the region, the US. When all these are put together, it is clear that Chinese military force in East Asia has become an important rival to US and its allies in the region and unlike in the past, has to be seriously put into consideration in related political and military calculations in the Asia-Pacific. As stated before, China's rise has become a growing political, military and economic challenge for the US in East Asia and Asia-Pacific. As a result of the large scaled and ambitious

military modernization program carried out by China in the last decade, China has also rapidly become a security challenge for US in the region. China's military strategies and actions in the SCS have particularly become a major concern and even a threat for the military presence and security structure of US in the region which for the last 70 years have mostly been unchallenged and uncontested.

1.3. Economic Factors

“Victory without war does not mean that there is no war at all.

*The wars one must fight are political wars, economic wars,
science and technology wars, diplomatic wars.”*

Wu Chun Qiu (Navarro, 2016: 20)

1.3.1. China as an industrial powerhouse

China, in the last 20 years, with respect to its Grand Strategy to displace the US in the Asia-Pacific and to become once again the major and dominant power in the region, has achieved significant development in the field of military modernization and development. However, it is clear that Beijing owes a great much of this military modernization and development to its unprecedented economic achievements in the last 30 years. Chinese leaders are aware that the economic development is the primal driving force behind China's development. In a sense, it is the fuel for China's transformation from a regional power to a major global power. At the core of this economic development lies china's gigantic industrial revolution. As industrial power has been seen as the cornerstone of comprehensive national power, ever since the foundation of the PRC, Chinese leaders have mostly put the greatest emphasize on national industrial development of China and have shown great effort to bring China to the level of other industrialized countries such as US, UK and Japan. Especially after the opening of economy and industrial modernization period which started with Deng Xiaoping, China has achieved significant developments in industrial and hence economic field. Today, Chinese leadership sees industrial power as the cornerstone of their national power which increases its strategic capabilities to compete globally. Therefore, they continue to give the greatest priority to developing this industrial power. As premier Li Keqiang states: *“Industrialization must be given primary importance as it is the driver of modernization* (Holstag, 2015: 125).”

China is not only developing its national industry in size but is also developing it in terms of form. While developing industrial production in terms of volume, it is also moving towards a production which is more intensive in terms of labor, capital and technology so as to reach greater added value in its production. In this regard china today has focused on high-tech production capabilities and has entered into competition with high-tech producing countries such as US, Japan and South Korea for advanced electronics, semiconductors, cars, civil aviation, bullet trains, biotech and etc. (Holstag, 2015: 125). Only recently, on May 5, 2017, Chinese Commercial Aircraft Corporation (COMAC), a state-run company founded in 2008, successfully completed the maiden flight of its first Chinese built passenger jet, the C919, designed to compete with Airbus 320 and Boeing 737 aircrafts. With this new jet, china aims to break into the commercial aircraft market

long dominated by US Boeing and European Airbus companies. The Chinese state media celebrated the flight with huge national pride and as “*another fulfillment of Chinese Dream*” referring to one of President Xi Jinping’s favorite terms the ‘Chinese Dream (Phillips, 2017).’

1.3.2. Sino-American ‘Trade Wars’

One of the most significant indicators of the competition between China and US is the famous Trans-Pacific Partnership (TPP) created by the Obama administration as an ambitious attempt to balance and to an important extent, contain China’s economic rise in the Asia-Pacific. This multinational deal which excludes China, though not officially stated, aims to decrease Beijing’s economic power by promoting trade between member Asia-Pacific countries and hence decrease China’s share of trade in the Asia-Pacific. In response to this attempt mainly led by US and Japan, the two traditionally dominant economic powers in the Asia-Pacific, Beijing has started its own initiatives. As an answer, China has increased its efforts to counter the TPP and increase and expand its export markets by focusing on developing markets such as Africa and Asia and directing its vast financial resources to promote and develop trade especially in Eurasia and Africa regions. In addition, more importantly Beijing has started two important initiatives in an attempt to reshape the current global economic system created after the Second World War. These two Chinese initiatives are: The Asian Infrastructure Investment Bank (AIIB) and OROB initiatives. Although there are many other small and medium size Chinese economic initiatives to develop Beijing’s economic impact and influence, the two initiatives stated above form the main pillars of the economic leg of Chinese Grand Strategy to create a new economic international system better suited for China’s regional and global ambitions in the long run.

1.3.3. The Asian Infrastructure Investment Bank (AIIB)

The AIIB is without doubt one of the greatest milestones in China’s rise in accordance with its Grand Strategy to make China great again. In fact, it must not be forgotten that all recent initiatives of China such as military modernization, economic and financial initiatives and new set of policies in Southeast and East Asia are all integrated with each other and are all parts of one great plan that is considered as the Grand Strategy. Therefore, the AIIB and other economic and financial initiatives of China should be examined within this scope. When evaluated from this scope, China’s actions in the region become much more understandable as it becomes clear that the current economic and financial system created and dominated by the US and its allies do not let China pursue its greater global ambitions.

Headquartered in Beijing, the AIIB, which China is set to provide up to 50% of its \$50 billion-dollar initial subscribed capital, aims to finance infrastructure projects in especially energy, transportation and communication areas in Asia (Dominguez, 2015, para. 2). According to its official “Articles of Agreement,” AIIB’s purpose is to:

- “foster sustainable economic development, create wealth and improve infrastructure connectivity in Asia by investing in infrastructure and other productive sectors,”
- “promote regional cooperation and partnership in addressing development challenges by working in close collaboration with other multilateral and bilateral development institutions (www.aiib.org, 2017).”

However, its implications are far greater than the objectives stated in its official articles of agreement. Firstly, the AIIB is the first major international financial organization not led by the US or any of America’s traditional allies. Therefore, it can be said that it is the first alternative to the American economic system which dominated the world since the Bretton-Woods institutions created after the Second World War. Therefore, in order to understand the significance of the AIIB, first the current global economic and financial system led by the US and its allies must be examined.

Without doubt, World War Two brought great destruction to the world in almost every sense. Although the US, Great Britain and the Soviet Union were the victors of the war, in the real sense only the US and to some extent the Soviets had the financial, technological and human capital power and capability to reconstruct the collapsed infrastructures and economies of the European and Asian countries stricken by war. Therefore, it is no surprise that in all the financial and economic institutions created in the 1944 Bretton-Woods Conference, the US had the greatest control by far. The US is the largest stakeholder in the World Bank which focuses on finance projects to end poverty and bring economic development with nearly %20 of the overall voting power. Again, in the International Monetary Fund (IMF), the US has significant power with %17 of the total voting power. In the World Bank inspired Asian Development Bank, the US holds %15 of the total voting power alone (Lee, 2015, para.2). Compared to other member countries’ voting power in these institutions, the US clearly has a significant power in the decision-making process. It is also important to note that the US has repeatedly delayed the reforms requested by other members to give more voting power to developing countries such as China, India and Brazil and thus continues to enjoy almost full control of these international financial organizations. China and other developing economies such as India or Brazil for a long time did not have the financial capital and economic power needed to start a new financial lending system such as the World Bank or IMF but now as China has surpassed almost all countries in terms of economic development and industrial development it has reached that critical point where it can now start its own economic and financial initiatives for an alternative global financial and economic system in which it can have a more saying in decision making process. Therefore, the AIIB initiative led by China is a very crucial step to break away from the current global economic and financial system dominated by the US since the end of the Second World War.

The first public proposal of AIIB was made by Chinese Premier Li Keqiang at the Boao Forum for Asia in April 2013 as a multilateral development organization which aims to boost economic development and regional economic cooperation by supporting investments in infrastructure and other projects in Asian countries (Kalha, R.S., 2014,

para.1). Many countries in Asia and other parts of the world decided to take part in this massive economic initiative led by China. Today 54 countries have signed the founding charter of the AIIB, 35 as regional members and 19 as non-regional members with another 24 prospective members expected to join the bank in the near future (www.aiib.org, 2017). Germany, one of Washington's most important allies in the world, is the fourth largest stakeholder in the AIIB after China, India and Russia. For Asian countries, two important factors are behind their decision to join this large-scale financial initiative led by China. Firstly, economic factors; According to World Resources Institute (WRI), for the period between 2010 and 2020, the overall need for infrastructure investment is estimated to be about \$8.22 trillion (Dominguez, 2015, para. 9). However, it is clear that the US dominated financial institutions such as World Bank and Asian Development Bank are not capable of providing the necessary funds for these infrastructure investments. For example, in 2014 financial year, World Bank's total infrastructure spending was \$24.2 billion while Asian Development Bank's was \$21 billion (Dominguez, 2015, para. 9). This has been an important factor for the participation of many Asian countries to the AIIB as the current financial institutions could not provide the necessary funds for the much-needed infrastructure projects in these countries.

Secondly, in terms of political reasons, many developing Asian countries were not satisfied with the governance structure of the IMF and World Bank due to the dominant position of the US and European countries voting power which was much greater than the developing Asian countries. In the new AIIB, Asian countries have a much greater voting power when compared with IMF and World Bank. In the AIIB, %75 of all the voting power belong to Asian countries (Weiss, 2017, para. 2). Thus, Asian countries will have a greater say in the administration and distribution of the long much needed infrastructure project funds.

Non-regional countries such as United Kingdom, Germany and France have also participated in the AIIB despite US's strong opposition and warning (Dominguez, 2015, para. 17). Non-regional countries mostly participated because of the great financial benefits expected from the AIIB and also to have a better place in the rapidly developing Asian markets where these countries have great economic interests.

Overall, it is clear that up to now, China has reached several of its aims with the AIIB initiative in terms of member countries participation in this ambitious and large scale economic and financial initiative. This is also very important when considering the fact that the US and its biggest ally in the region Japan did everything to keep their allies out of this initiative and persuade them not to join by pointing to environmental and institutional dangers the AIIB poses to the region and the world. However, the US could only keep Japan, its biggest ally in the region out of this initiative as even its long-lasting allies such as U.K. and Germany and France, Korea and Australia decided take part. This reality also demonstrated the trust and to some extent the acceptance of member countries of the rise of China and the new Sino-centric economic and financial global structure expected in the near future. China, with the AIIB, is on the path to complete the financial leg of its transformation from a regional power to a global power with a much more

expanded financial footprint in the shaping of Asia and to some extent other parts of the world in the future. However, if the AIIB forms the financial leg of China's Grand Strategy, the economic leg is formed by its ambitious and without doubt the biggest economic initiative of the 21st century: the 'One Belt One Road' initiative.

1.3.4. Belt and Road Initiative (BRI)

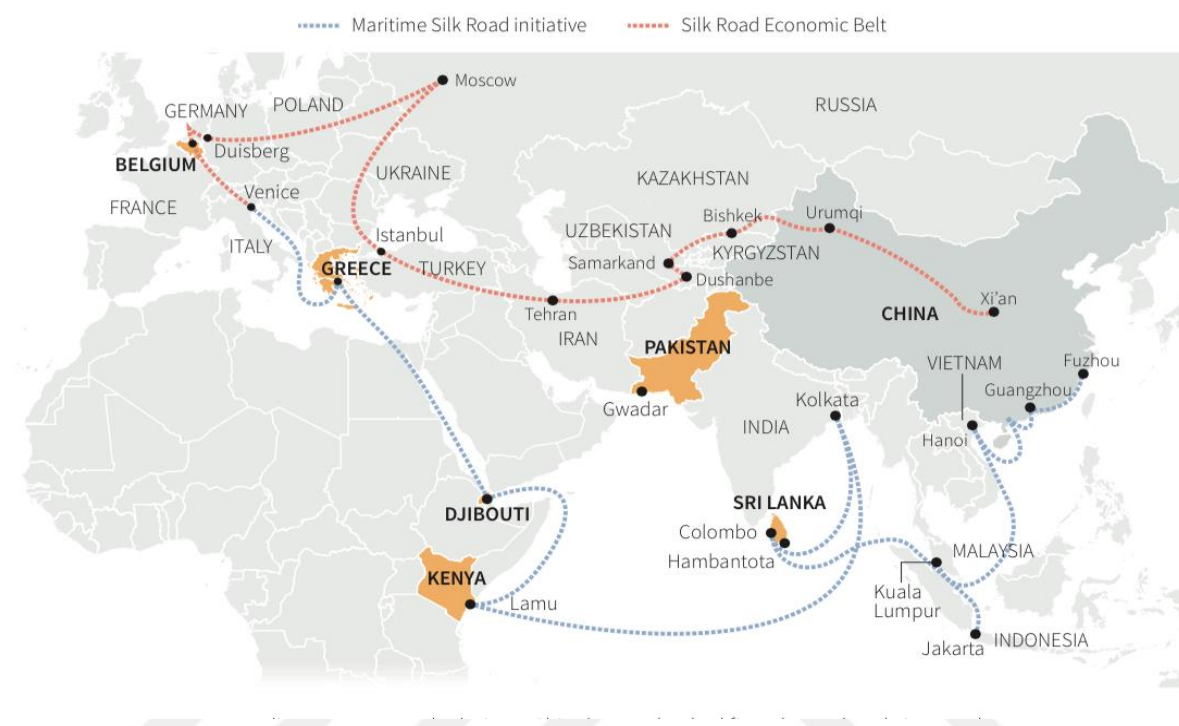
China's 'Belt and Road Initiative' (BRI), formerly referred to as One Belt One Road Initiative (OBOR) forms the second main leg of Beijing's economic and financial attempts to re-shape the economic system in the greater Eurasia in accordance with its Grand Strategy. This gigantic initiative was first officially announced in 2013 by President Xi Jinping in Kazakhstan in a speech he made at Kazakhstan's Nazarbayev University (www.fmprc.gov.cn, 2017). BRI is actually an umbrella term used for China's massive scaled plans to re-establish both the Overland Silk Route Economic Belt and the 21st Century Maritime Silk Route. This gigantic initiative, which some experts consider as the biggest development push in history, has the potential to overshadow Washington's post-war Marshall Reconstruction Plan, by involving about 65% of the world's population, one-third of its GDP and aiming to help move about a quarter of all its goods and services (Phillips, 2017).

In order to give an idea of the scale of the BRI, we must note that China alone has announced its plans to invest nearly \$900 billion in countries along the route to boost the road, rail and maritime trade with new infrastructure projects such as ports, roads, bridges and etc. within the initiative (Yini, 2015: para. 1). More than 60 countries, including Turkey, with a combined GDP of \$21 trillion, have expressed interest in participating in the OBOR action plan announced by Chinese officials. In this context, Beijing has already signed bilateral cooperation agreements with a number of countries such as Hungary, Mongolia, Russia, Tajikistan, and Turkey and a number of projects, including a train connection between eastern China and Iran that may be expanded to Europe, new rail links with Laos and Thailand and high-speed-rail projects in Indonesia are already under way (Jun, 2017: para. 2). In addition, to this day, more than 200 national and multinational enterprises have signed cooperation agreements for projects along BRI's routes. In the next few years, Beijing is expected to invest \$160 billion in various projects in infrastructure, energy, tourism and other fields related with BRI (Jun, 2017: para. 2).

Ever since the first announcement of BRI initiative by Xi Jinping in 2013, Beijing has shown great effort for the international promotion and completion of BRI, and therefore has taken immense efforts to fund this gigantic initiative. With \$890 billion expected investment, China Development Bank (CDB) is the biggest funding source led by China to finance the projects within the BRI initiative, but it isn't the only one. Beijing has also led the formation of a number of international funds such as the 'Silk Road Infrastructure Fund' which Beijing established in 2015 and alone has contributed \$40 billion through its financial institutions and reserves. The most important contributors to the Silk Road Infrastructure Fund are again other Chinese financial institutions such as the state-owned Export-Import Bank of China, China Investment Corporation (CIC) and China Development Bank (The Silk Road Economic Belt and 21st Century Maritime Silk Road

Initiative of China, 2016). Thus, it can be said that Beijing has allocated an important amount of its financial resources for the realization of its ambitious BRI initiative. However, its expectations from the realization of this initiative are also as great as it aims to realize both significant international and domestic objectives.

Map 3: OBOR Land and Sea Routes



Source: <https://www.nst.com.my/opinion/columnists/2018/07/388961/benefits-and-risks-obor-partnership>.

1.3.4.1. International Objectives

Officially, OBOR initiative which passes through the continents of Asia, Europe, and Africa, aims to connect the rapidly growing Southeast and East Asia economies at one end and developed European economies at the other, while providing participating countries with huge potential for economic development (Koboetic et al, 2018: p.114). Beijing has stated that with this massive scale initiative, it aims to invest Chinese economic and intellectual capital into the Eurasian region and thus build infrastructure and production hubs that will benefit both China and the host nations (Geoffrey, 2016: pp 1-10). In this respect, it is clear that Beijing aims to increase trade and exports amongst Eurasian states and drive the economic development in the region. In addition to economic development, as Premier Li Keqiang states, BRI also aims to “*deepen international cooperation and promote world peace*” through the sustained bilateral investment and economic interdependence it produces (Till, 2016: 2).

Although Beijing has repeatedly stated that BRI only aims to achieve economic and diplomatic objectives, it is clear that once fully realized, this initiative which aims to revive the ancient overland and maritime silk roads will provide significant geopolitical and strategic benefits for Beijing. Firstly and most importantly, from an economic point of view, it is clear that with this massive scale initiative, Beijing aims to enlarge and strengthen its economic footprint in Asia, Europe and Africa and more importantly, create

the infrastructure for a new Sino-centric economic and financial system and infrastructure in Eurasia in accordance with its economic interests. Secondly, and perhaps as equally importantly, China, with the pipeline and other large scaled energy and transportation infrastructure projects, aims to bring a solution to what is called its “Malacca Dilemma.” As stated before, China’s almost total dependency on the relatively remote Malaccan straits where China has no legal jurisdiction or control create a very important degree of vulnerability for Beijing in terms of energy and trade flow. As a solution, with various transportation infrastructure projects, China hopes to be able to diversify its energy and trade routes with the middle east and beyond and this way reduce its dependency and thus its vulnerability in terms of its “Malacca Dilemma.”

From a military point of view, China will be able to use the roads and rail corridors built as part of the BRI initiative during any potential future conflict to quickly mobilize and transport its troops and thus gain immense strategic advantage. Especially the deep-water ports built as part of the new Maritime Silk Road will enable the PLA Navy to militarily secure its sea lanes of communication and trade which are vital as Beijing is a net importer of energy, raw materials and food (Christopher, 2015: pp. 1-18).

From a diplomatic perspective, BRI will help China to build its much needed ‘Soft Power’ image as the BRI and projects related with the initiative will attract more states to join and benefit from the infrastructure projects offered by OBOR and provide China to offer its development strategy to other developing countries participated in the initiative as a successful model of development (Crabtree and Ming, 2017: para. 24). Finally, from a political perspective, by reviving the antique silk roads, Beijing aims to re-establish its trade and economic privileges and superiority which it lost to the colonial powers in the 19th century and thus, re-introduce a Sino-centric regional order which china will be the dominant power in its region and Asia-Pacific in general.

1.3.4.2. Domestic objectives

In addition to its international objectives, China also has important domestic objectives which it wants to achieve with BRI in accordance with its Grand Strategy. The first of these objectives is to secure the economic growth of China. As stated before, since the first dynasty, domestic order and peace have been directly related with the economy of the Chinese state, thus any economic downfall has led to domestic uprising and riots and this in return has opened the way for foreign occupation of the Chinese mainland. Therefore, for the CCP, sustaining the economic growth and increasing the prosperity of the Chinese people in general have always been a vital concern for the Chinese state. BRI, by opening up trade with new markets, aims to sustain China’s economic growth long into the future while also raising the living standards of a significant percentage of the Chinese population. This in return will provide the CCP to secure its legitimacy and ensure domestic stability in the country. In addition, again related with economy, OBOR aims to address the problem of disparity of economic growth which exists between different provinces in China. It is long known that the central and western provinces of China have been left behind by economic policies implemented in China since it opened up to the global economy in the 1970s (Peter, 2016). Beijing, with BRI, aims to solve this

problem by connecting relatively poorer provinces such as Xinjiang to Asian economies in the south and west. This will be done through massive scaled infrastructure projects and thus support the rapid economic development of these relatively undeveloped regions in the west. This will also help the CCP to fight with the social unrest witnessed in these regions as poverty and poor living conditions are seen by CCP as the most important causes of this problem in the region. Of Course, these efforts of developing these long neglected farther western southern regions have also created an outcry of the local peoples with different ethno-linguistic identities as these efforts inevitably bring what is mostly seen as forceful Sinicization of the region by the CCP. In this sense China is under an immense challenge of dodging all criticism regarding its treatment of these communities (Uyghurs, Tibetans, etc.) Beijing's official policies and methods to fight what is seen by the CCP as radical religious or ethnic separatist movements are harshly criticized by international human rights advocates due to the inhuman and cruel nature and scope of these methods. Although these criticisms are condemned by the CCP as organized efforts to stop China's exceptional rising to power, it is clear that this situation will be one of its most important and difficult challenges ahead of China in the coming years in terms of its international prestige and human rights records.

Finally, with BRI, Beijing aims to strengthen the sense of ethnic solidarity amongst the more developed and wealthy eastern provinces and the poorer and less developed western provinces which in return will serve to prevent separatist desires or ambitions and thus keep the diverse people of China together in unity.

In terms of domestic objectives within the BRI, it can be said that Beijing aims three significant domestic objectives. These are first to sustain economic growth, second to solve the economic disparities among different regions and third to fight radical religious extremism and third to hold the diverse populations of China together. These are all significant domestic objectives for the CCP which it must secure in order to complete its transformation from a regional power into a major dominant power in the Asia-Pacific in accordance with its Grand Strategy. In this respect it comes as no surprise that the CCP has prioritized the BRI initiative and allocated massive financial resources for the completion of this massive initiative.

To sum up, as stated by many economic analysts, China's economic growth today has come to the level of challenging American economic primacy not only in Southeast and East Asia but all around the globe. China has already become South Korea's, Japan's and Australia's biggest trading partner by surpassing the US (wits.worldbank.org, 2017). The importance of this situation lies in the fact that all three countries are Washington's oldest and most important strategic allies in the Asia-Pacific. It is clear that this increasing trade will provide Beijing an important leverage with regard to economic influence and interdependence in the region. In addition to increasing its trade, especially in the last decade after the Xi Jinping's coming to power and the leadership Change in China in 2012, China has increased its efforts of what many consider as the establishment of an alternative Sino-Centric economic system and a threat to American strategic economic dominance in the world. Clearly, the future or success of this newly built Sino-Centric

economic system and its global will be decisive in shaping the economic structure in Asia-Pacific and indeed the world. In this sense, it can be said that to some extent the future of America's economic dominance will also depend on the outcome of these Chinese economic initiatives. It is clear that the US will also focus on maintaining its economic global dominance in the region mostly by using its traditional tools of global economy such as IMF, World bank or WTO as a response to China's ambitious economic and trade initiatives in the region and to a larger extent Asia, Africa and Europe. In this sense, the US will naturally try to compete with these new Chinese economic initiatives in order to maintain its economic and financial privileges resulting from the US led economic and financial international organizations. The growing economic and financial power of China resulting from China's decades long trade surplus has significantly contributed in China's decision to finance these newly established Chinese led economic and financial initiatives. As stated before, China's success or failure with these initiatives will be an important factor in determining the future of the US shaped economic and trade system in the region.

PART TWO: TERRITORIAL DISPUTES IN THE SOUTH CHINA SEA (SCS)

2.1. A General Look at SCS Islands

The first notable feature common to all islands is that none of the 250 islands, islets, rocks or features in the SCS have an indigenous people of their own. In addition, only a few have fresh water source to support permanent human habitation. Furthermore, an important number of these islands or features are submerged during high-tide. These are important points which will later be put into attention while examining the legal grounds of the claims regarding international law. When all put together, they only have a total land surface area of less than 15 km² at low tide (Singh, 2016: 56).

Concerning the seabed, it is important to note that these islands and features are located in shallow waters. The average sea depth of these waters is 200 meters. As result, the sea around these islands are too shallow for big ships and most of the time dangerous in terms of maritime navigation. The only exception to this situation is in the Spratly islands, where there is a sharp change in the depth of the sea near the island of Palawan features and as a result, the sea depth reaches to almost 5000 meters.

At this point it is important to note that although the disputed land features in the SCS have their own names used by their claimant states in their native language, this study will mainly use the English names of these disputed land features in the SCS mentioned below due to several reasons. The first reason for this decision is the fact that in international academic circles most of these land features in the SCS are widely known by their English names. Secondly and perhaps more importantly, the use of the English names of these disputed land features will provide a more objective approach with regard to the different claimant states in the SCS. Therefore, although this study will provide the local names of the disputed land features in the SCS whenever necessary, it will mainly use the English names of these features due to the reasons stated above.

The SCS islands and features are grouped as below:

- The Spratly Islands located roughly in the center of the SCS between Vietnam and the Philippines is one of the most disputed archipelagos in the world. All six sides of the SCS disputes; China, Taiwan, Vietnam, The Philippines, Malaysia and Brunei lay claims over the islands. All claimant states except Brunei have military outposts in various islands and islets (Singh, 2016: 60).
- The Paracel Islands, which are made up of more than 30 small islands and islets are located approximately between the coastlines of Vietnam and China. They are called as “Xisha” islands by China and “Hoang Sa” by Vietnam. China, Vietnam and Taiwan claim the islands, but they are currently occupied and controlled by China (www.scmp.com, 2017).
- The Pratas Islands, located in the northeastern part of the SCS roughly between Hong Kong and Taiwan are called as “Dongsha” by Chinese sources. They are disputed between China and Taiwan but occupied by Taiwan (Singh, 2016: 56).

- The Macclesfield Bank; located in the east of the Paracel islands and north of the Spratly islands is one of the largest atolls in the world with an ocean area of 6.448 km² with no land above sea level and completely submerged. It is disputed between China, Taiwan and the Philippines (Esplanada and Bordadora, 2012, para. 11).
- The Scarborough Shoal; disputed between China, the Philippines and Taiwan with only rocks above sea level (Singh, 2016, pp.66-70).

2.2. The SCS Dispute: The Contending Claims

This section of the study will take a more detailed look at the claimant countries and their claims with regard to the SCS disputes. China and the Chinese claims will be examined lastly and will be given a more detailed analysis as contrary to the other claimants in the SCS, Beijing claims almost the entire SCS and the islands and features in it.

Brunei

Although claims the part of the SCS nearest to its continental shelf and EEZ. Brunei bases its claim on UNCLOS stating that the south part of the Spratly chain is an integral part of its territory.

Malaysia

Unlike Brunei, Malaysia has military control on three islands that it claims part of its continental shelf. Malaysia, by land reclamation, has turned one of these reefs into an island and has built a diving resort for touristic purposes. Malaysia bases its claims on these reefs and island upon the definition of continental shelf in UNCLOS.

The Philippines

The Philippines claim the Spratly Islands and Scarborough Shoal in the SCS. It bases its claim of sovereignty over the Spratlys on the concept of “*res nullius*” and geography. The Philippines officially state that their claim was “*res nullius*,” as in the past, there was no effective sovereignty over the islands by any country until the 1930’s when France and then Japan occupied and acquired the islands. They further continue by stating that when Japan renounced its sovereignty over the islands according to the San Francisco Treaty after the end of the Second World War, there wasn’t any specific stated beneficiary. As a result, Manila argues that the islands became “*res nullius*” and open to annexation. Consequently, in 1956, a private Filipino citizen, Thomas Cloma, unilaterally declared a state on these features in the SCS calling it “Freedomland”. In 1978, Philippines government declared the Spratly Islands as Philippine islands (Ruff, 2016, para. 11).

The Philippines base their claim to Kalayaan (Spratly islands) on a geographical basis by arguing that Kalayaan island group is different from other islands in the SCS, due to land size. Manila’s second argument is that all claims of the Philippines are in accordance with the UNCLOS EEZ clause. Lastly, Manila states that with regard to maritime law, Beijing can not claim the Spratlys because China is not an archipelagic state (Pham, 2016).

Vietnam

After China, Vietnam is the biggest claimer in the SCS and in terms of military activities, the second most active country after China in the region. Vietnam claims islands in the Paracel and Spratly island chains. Vietnam currently occupies a total of 31 islands in the Spratlys and Paracel islands in total Vietnamese government claims both the Spratlys and Paracels (Zhou, 2015).

Vietnam states that its claim on the Spratlys and the Paracels are based on both historical and conventional grounds. Firstly, from legal point of view, Vietnam states that its claims are in accordance with the delimitation rules of continental shelf and EEZ specified by UNCLOS. Secondly, from a historic point of view, Vietnam states that since the 17th century, Vietnamese sailors and fishermen have used these islands. (Singh, 2016: 70).

In addition, Vietnam also states that the Spratlys were not included in the Cairo Declaration, which was drafted by the WWII Allies and China towards the end of the war and which listed the territories that the allies intended to take from Japan and return to China. Therefore, Vietnam argues that the Cairo declaration does not support Beijing's claims that the islands belong to China in accordance with the Cairo Declaration (Singh, 2016: 70).

Another historical point which Vietnamese officials emphasize is the San Francisco Conference. Japan. Hanoi, as a response to Chinese claims on the Spratlys and Paracels reminds that although the Soviet Union proposed that the Paracels and Spratlys be recognized as belonging to China, this proposal was rejected by an overwhelming majority of the delegates. Furthermore, on July 7, 1951, Tran Van Huu, head of the Government's (State of Vietnam) delegation to the conference declared that the Paracels and Spratlys were an integral part of Vietnamese territory. In this respect, concerning the Spratlys, it is important to notice that the San Francisco treaty does not state these islands as belonging to China (Singh, 2016:70).

It is important to note that in this study, the claims of Taiwan (ROC) with regard to the SCS will be examined within Chinese claims for two reasons. Firstly, because China regards the whole of Taiwan island and its surrounding area as an integral part of its territory and therefore all land and sea related with Taiwan is considered as sovereign possession of China. Secondly and more importantly because both China and Taiwan base their claims on the same so called "*Nine Dash Line*" map and use the same historic arguments to support their claims. The "*Nine-dash Line*" map encompasses almost all of the SCS which China claims that historically belongs to China.

2.3. Basis for China's Claims in the SCS

As often seen in Chinese arguments related with the SCS claims, China regards the SCS as 'Historical Waters' belonging to China. Beijing claims that Chinese sailors discovered the SCS islands as early as during the Han Dynasty in 2 BC and also claims that Chinese maps have marked the SCS islands on ancient Chinese maps (dm.china-embassy.org, 2014). In addition, Chinese historians claim that several islands which are believed to be the Spratlys have been labeled in Chinese maps Since the Yuan Dynasty in the 12th

century. It is important to note that China's current borders were largely formed during the Manchu dynasty in the 18th century. China argues that the territory and islands which Chinese sailors and fishers discovered and navigated were incorporated into China during the Manchu dynasty and that the territory was labeled as Chinese territory on historical documents and maps giving China a historical claim to these regions (dm.china-embassy.org, 2014). Beijing also uses archeological findings found in these islands as evidence for its claims.

2.3.1. Contemporary Basis of Chinese Claims

Prior to the foundation of the People's Republic of China (PRC), The Republic of China (ROC) included the SCS as part of its administrative territory from 1932 to 1935 through the map compilation committee. However, with the start of the second Sino-Japanese war in 1937, the ROC government turned its attention to the war. With the end of Second World War, the ROC government reclaimed the islands at the Cairo Conference. It is important to note that the ROC was the first government that physically occupied the Spratly islands and has been stationed on Taiping Island, also known as Itu Aba internationally, the largest island in the Spratlys, constantly since 1956 (Thim, 2012: para. 4).

The 1958 Declaration is accepted as an important turning point as for the first time, China linked its claims to territorial sovereignty with the assertion of maritime rights, specifically, rights to territorial waters. Starting from the mid 1970's to the present, almost all Chinese official government statements have used roughly the same language to describe China's sovereignty claim in the SCS;" *China has indisputable sovereignty over the Spratly Islands (or SCS islands) and adjacent waters.* (Fravel, 2011: 13)"

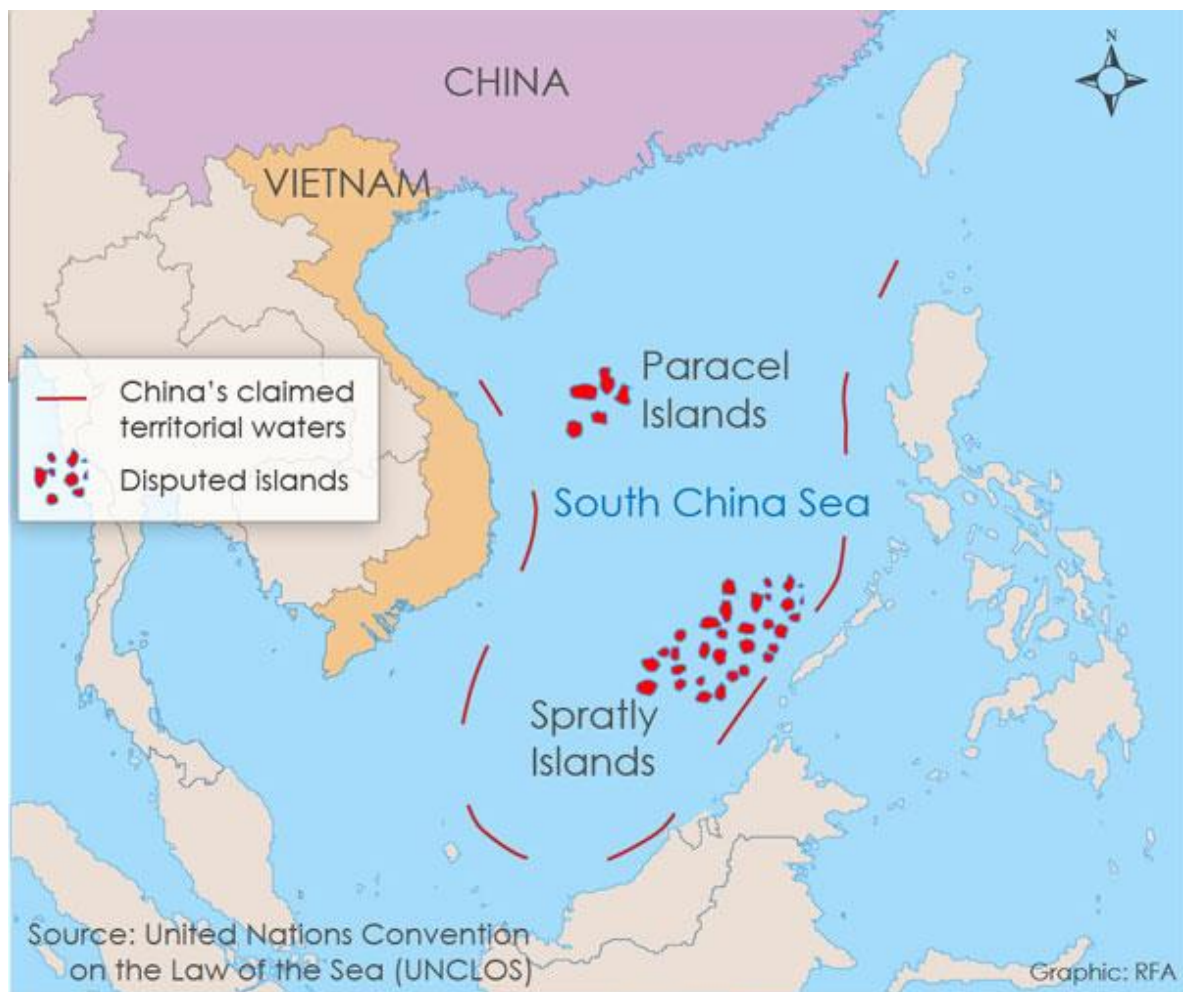
China also started to detail its claims in the SCS through internal legislation as the international maritime legal regime started to evolve around the UNCLOS initiative. The domestic legislation which Beijing started to work on aimed to ensure that China's legal system was in accordance with UNCLOS requirements. One of the most important outcomes of these efforts is the *Law on the Territorial sea and the Contiguous Zone of the People's Republic of China* which was passed in 1992. Basically, this law emphasized the 1958 declaration. However, it contained a much more specific language. With this law, China claimed sovereignty over all of the island groups in the SCS by stating that as the islands belong to China, the area around them also falls under Chinese sovereignty, creating a de facto territorial sea.

The second law, the 1998 *Law of the People's Republic of China on the Exclusive Economic Zone and Continental Shelf* emphasizes the importance of not letting legal developments affect the historical rights of the People's Republic of China. Together, these two Chinese laws provide the basis for China's maritime rights claims in the SCS. In accordance with these two laws, in April 2011, China submitted an official diplomatic letter, (*note verbale*) to the UN Commission on the Limits of the Continental Shelf (CLCS) stating that the Spratly islands were "*fully entitled*" to territorial waters, an EEZ and a continental shelf (Swaine and Fravel, 2011: 3).

2.3.2. The “Nine-Dash Line” Map

It can be said that China’s famous ‘*Nine-Dashed Line*’ map (Jiudianxian) is the center of almost all Chinese documents related with China’s claims in the SCS. This map which is also referred to as the ‘*Cow’s Tongue*’ in China due to its shape, can even be seen in the new passports China started to issue to its citizens since 2002. However, immediately after the issuing of these new passports, a lot of tension occurred between China and the other claimant countries in the SCS region as it showed the whole of SCS as sovereign Chinese territory.¹⁷ In this sense it is important to examine the origin of this map in order to get a better understanding of China’s claims in the SCS.

Map 4: Map of the Nine-Dash Line



Source: <http://www.rfa.org/english/commentaries/line-07162015121333.html>, 2018

¹⁷ In 2002 China issued new passports that included the Nine-dashed line map on the insert, most probably as an attempt to argue in the future that when countries allowed Chinese citizens carrying this new passport to enter, they would be acknowledging China’s rights to control the area of the SCS enclosed by the nine dash lines. The Philippines immediately stopped visa stamping Chinese passports containing the map so as not to allow China the political position that by stamping such passports the Philippines recognized China’s sovereignty over the SCS (Fones, 2016: 112)

The origin of the ‘*Nine-Dashed Line*’ map goes all the way back to June 7, 1933, when right after the problem with Japan regarding status of Manchuria, Chinese authorities embarked on a substantive work to draw the boundaries of the immense geography of the country in order to counter further efforts to carve out more Chinese land by foreign powers. As a result, the Chinese government formed the ‘Land and Water Maps Inspection Committee’ to revise China’s maps and to define its maritime territory in the SCS. In April 1935, the committee proclaimed that China held sovereignty over all of the SCS down to the fourth-degree north latitude and issued a map delineating the entire SCS as its possession and its “*living places of Chinese fishermen.*” (Fones, 2016: 107) This first map contained eleven dashes instead of nine but was not published until December 1947 when the government of Nationalist Party of the Republic of China (ROC) first published this map. With the publication of this map, the ROC government aimed to delineate its maritime boundaries in the SCS. After Mao came to power in 1949, the map was re-published by the new PRC but this time with nine-lines instead of eleven as two dashes in the Gulf of Tonkin were erased in accordance with the agreement between North Vietnam and PRC. This version of the map is still being widely used today and is accepted as the basis for China’s claims in the SCS (Fones, 2016: 111). The nine-dashed lines are still depicted on maps published in China or Taiwan today. However, it is important to note that, up to today, China, in none of its official submissions to the UN and international community including its 2009 ‘Notes Verbales’ to the UN Secretary General, has openly stated the exact geographic coordinates of these nine dashes. Therefore, although this famous map with nine dashes has been repeatedly used in almost all official statement of Beijing with regard to its SCS claims, up to today, no other party with regard to SCS disputes knows the exact extent or locations of these dashes. (Limits in the Seas, 2014: 4)

2.3.3. Significance of the Nine-Dash Line” and Chinese “Historic Waters”

For many Chinese policy analysts and politicians and for Chinese citizens alike, the Nine-Dashed Line map is the most important historical document which justifies China’s claims to the SCS. From the Chinese point of view, this map clearly shows that the SCS is ‘Historic Waters’ of China and therefore just as this sea belonged to China in the past, today Beijing historically and rightfully is the owner of these waters and islands in the SCS. In accordance with this general Chinese view, many Chinese policy analysts argue that the waters within the U-shaped line and all land features that fall within it should be considered as sovereign Chinese waters and lands subject to the full measure of Beijing’s authority, as either internal waters or territorial seas. In this context, in May 2009, as an act to clarify Beijing’s formal view with regard to the ‘Nine Dash Line’ map and Chinese claims in the SCS and also as an objection to the submissions by Vietnam and Malaysia (jointly) and Vietnam (individually), the Chinese government sent two ‘Notes Verbales’ to the UN Secretary General with request to circulate to all UN member states. In these notes China made the following official statement:

China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. The above position is consistently held by the Chinese

government and is widely known by the international community. (Limits in the Seas, 2014: 1)

The map included in these two notes verbales of Beijing in 2009 contained the famous “Nine Dash Line” map. As a result, it can be said that for Beijing, the ‘Nine Dash Line’ map and concept of ‘historic waters’ together are the two most important grounds which enable China to legitimately claim broad control over the SCS waters and territory within the line’s boundaries.

2.4. Important Areas of Dispute in the SCS

Since the end of the Second World War, the SCS has been the focus of several conflicting maritime claims by the surrounding littoral countries. The most complicated of these disputes are related with the Spratly islands in the southern reaches of the SCS, the Paracel Islands which are occupied by China and also claimed by Vietnam and the Scarborough shoal located north of the Spratlys in the Philippine EEZ. In order to give an idea of the complexity of these conflicting claims, it must be noted that in the Spratly islands alone there are more than 740 reefs, islets, atolls and islands to which six countries lay claim: China, Vietnam, Taiwan, Malaysia, Brunei and the Philippines (Singh, 2016: 5). The following section will take a more detailed look at these three areas of dispute and the actions of the claimant countries up to this day.

2.4.1. The Spratly Islands

As stated, the Spratly Islands dispute is one of the most complicated territorial disputes in Asia. It involves hundreds of small islands, reefs, submerged banks and rocks with a total land mass of only a few square kilometers in an ocean area of several hundred thousand square kilometers. China, Malaysia, the Philippines, Taiwan, Brunei and Vietnam have standing conflicting claims on these islands and features. Over the past, all claimant countries except Brunei have occupied some of the Spratly locations with military outposts or civilian facilities. In the Spratlys, since 1996, Vietnam has occupied or controlled approximately 22 features, China 10 features, the Philippines 8 features, Malaysia 4 features and Taiwan 1 feature the Itubaba Island (Singh, 2016: 36).

2.4.2. The Paracel Islands

Another important flashpoint in the SCS disputes is the Paracel islands located in the northwest part of the SCS. China today occupies and administers all of the Paracels although Vietnam still maintains its claim to sovereignty over them. It must be noted that the deadliest armed conflicts in the SCS disputes have occurred in the Paracels during China’s seizure of these islands from Vietnamese forces. China first started to occupy these islands from the Vietnamese in 1974 when the Chinese armed forces attacked and took possession of several of the islands in the Paracels. Starting with this first occupation, China continued to take over the Paracel islands from the Vietnamese mostly by force and eventually took control over almost all Paracel islands in a short time. (Fones, 2016: 50)

Similar to the 1974 armed conflict incident, in 1988, China once again took over another feature in the Paracels by force after an armed conflict with the Vietnam forces stationed

on a minor formation in the Paracels. During this fierce but short armed conflict, sixty-four Vietnamese soldiers were killed, and three Vietnamese ships were destroyed. Although it is not clear who started to shoot first, it is widely accepted that the Vietnamese soldiers on the reef were protecting their national flag previously planted (www.rfa.org, 2018).

2.4.3. Scarborough Shoal

Scarborough Shoal located to the west of the Philippines is a triangle-shaped chain of reefs and rocks with a perimeter of 46 km. It is claimed by both China and the Philippines. The shoal which was under the control of the Philippines until 2012 was taken by Chinese military the same year after a military standoff between the two states which resulted in the Philippines military to abandon the shoal and leave it to Chinese control (Scarborough Shoal Standoff: A Timeline, 2012).

2.5. SCS Disputes - Legal Perspectives

Conflicting claims have been an important aspect of the territorial disputes in the SCS. Although there have been several diplomatic attempts of governments in the past to solve the disputes through bilateral negotiations, these have not been successful because of the huge economic, political and military significance of the region for the claimant countries and also the rising nationalistic feelings in these countries which see any land compromise as a failure of their governments. China, in this sense has the strictest approach as officially it repeatedly states that “*China has indisputable rights over the SCS*” meaning China’s sovereignty over the SCS is not open to discussion. Therefore, as solving these disputes through bilateral or joint negotiations prove to be almost impossible; claimant countries have turned to international tribunals and even have gone to International Arbitration Court as the only peaceful tool to settle their complex territorial disputes with their neighbors. Today, the main international legal text that regulates and deals with international maritime law is UNCLOS. As almost all related countries state that they have a historic right over their claims and base their claims on international law of the sea (UNCLOS), the next section of the study will take a closer look at UNCLOS and how it approaches to maritime claims and the concept of historic waters related with these claims.

Map 5: Map of the South China Sea Dispute



Source: <http://thehelenwang.com/2016/01/will-china-challenge-u-s-global-dominance/>, 2017

2.5.1. UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS) is a very comprehensive international treaty and is the outcome of the third United Nations Conference on the Law of the Sea (UNCLOS III) which took place between 1973 and 1982. Finalized after almost 10 years of preparation and discussions, the convention deals with almost all issues related with the seas and oceans such as navigational rights, territorial sea limits, economic jurisdiction, legal status of resources on the seabed beyond the limits of national jurisdiction, passage of ships through narrow straits, conservation and management of living marine resources, protection of the marine environment, procedure and settlement of disputes between states. As stated in the UN's related web page,

“the Convention is an unprecedented attempt by the international community to regulate all aspects of the resources of the sea and uses of the ocean, and thus bring a stable order to mankind's very source of life (www.un.org, 1998).”

2.5.1.1. Historical Background

UNCLOS replaces the older 'Freedom of the Seas' concept, dating from the 17th century. In the older 'Freedom of the Seas' concept, countries usually measured their coastal territory limits according to the so-called 'Cannon-Shot range' rule. According to this rule, states were expected to exercise control over their territorial seas as far as their land-

based cannons could reach. In the eighteenth century the range of land-based cannons was approximately one marine league, or three nautical miles. Therefore, countries were expected to exercise control over 3 miles of territorial sea (www.un.org, 1998). All waters beyond this 3 miles of national territorial sea boundaries were considered as international waters *Mare Liberum*, free to all nations, but belonging to none of them.¹⁸ However, starting with the 1900s, with the rapid developments in technology, changing security concepts and the growing need for natural maritime sources, states started to claim a greater part of the surrounding seas and oceans. This led to different practices of territorial seas by different countries. While some states continued to practice the older freedom of the seas concept and exercised control over three miles of territorial seas, others extended their territorial seas to 12 miles and some as in the case of U.S to 200 miles. As this situation, led to confusion and conflict, countries turned to international organization to bring an order to the increasing conflicts between states. These efforts resulted in UNCLOS I in 1958, UNCLOS II in 1960 and finally UNCLOS III in 1982.

It can be said that UNCLOS III is the result and final outcome of all other previous efforts in this field and as aimed “*provides an overarching international agreement regulating the various uses of the world’s oceans and seas* (www.un.org, 1998).” It also constitutes the main body which countries can turn for their maritime disputes concerning territorial waters. Today 164 member states have signed and ratified the Convention. With regard to this study, it is important to note that all claimant countries have signed and ratified UNCLOS.¹⁹

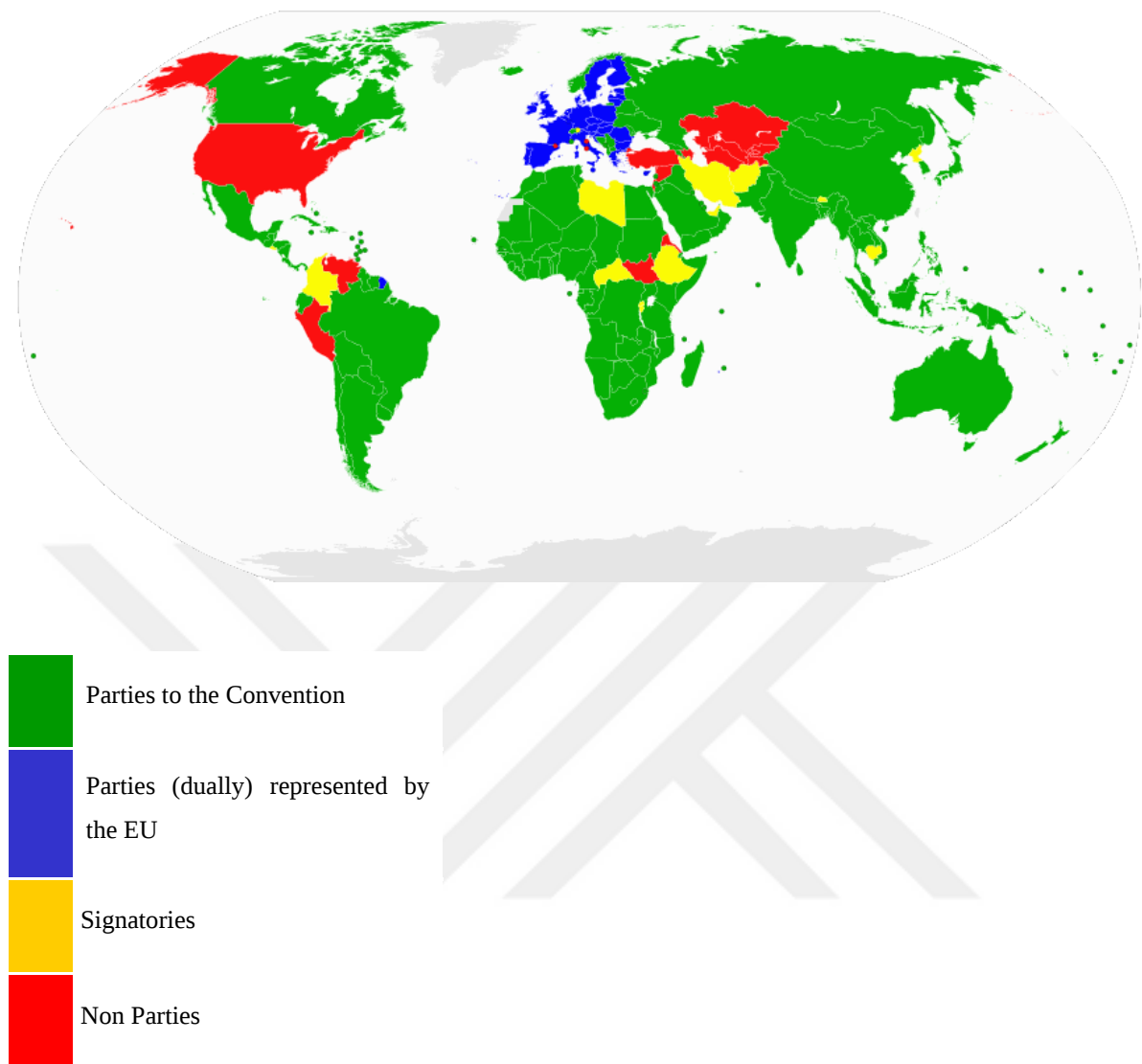
2.5.2. The SCS disputes from UNCLOS Perspective

As Stated, UNCLOS today is the main international body that regulates and deals with maritime claims in the world. Before examining what UNCLOS says about the SCS claims through several court rulings of The Permanent Court of Arbitration (PCA) in The Hague according to UNCLOS, it would be useful to first look at the main principles of UNCLOS and how it approaches maritime claims in general.

¹⁸ Dutch philosopher Hugo Grotius, in his book “*Mare Liberum* (English: *The Free Sea* or *The Freedom of the Seas*), written in Latin and published in 1609, comes up with the principle that seas are international territory open for all nations free use. (oll.libertyfund.org)

¹⁹ Taiwan is not a member of the UN and is not a signatory of UNCLOS. (www.un.org, 1998)

Map 6: Map of Signatories of UNCLOS



Source: http://www.bluebird-electric.net/oceanography/Ocean_Plastic_International_Rescue/United_Nations_Convention_On_The_Law_Of_The_Sea UNCLOS.htm, 2018

2.5.2.1. Main Principles of UNCLOS

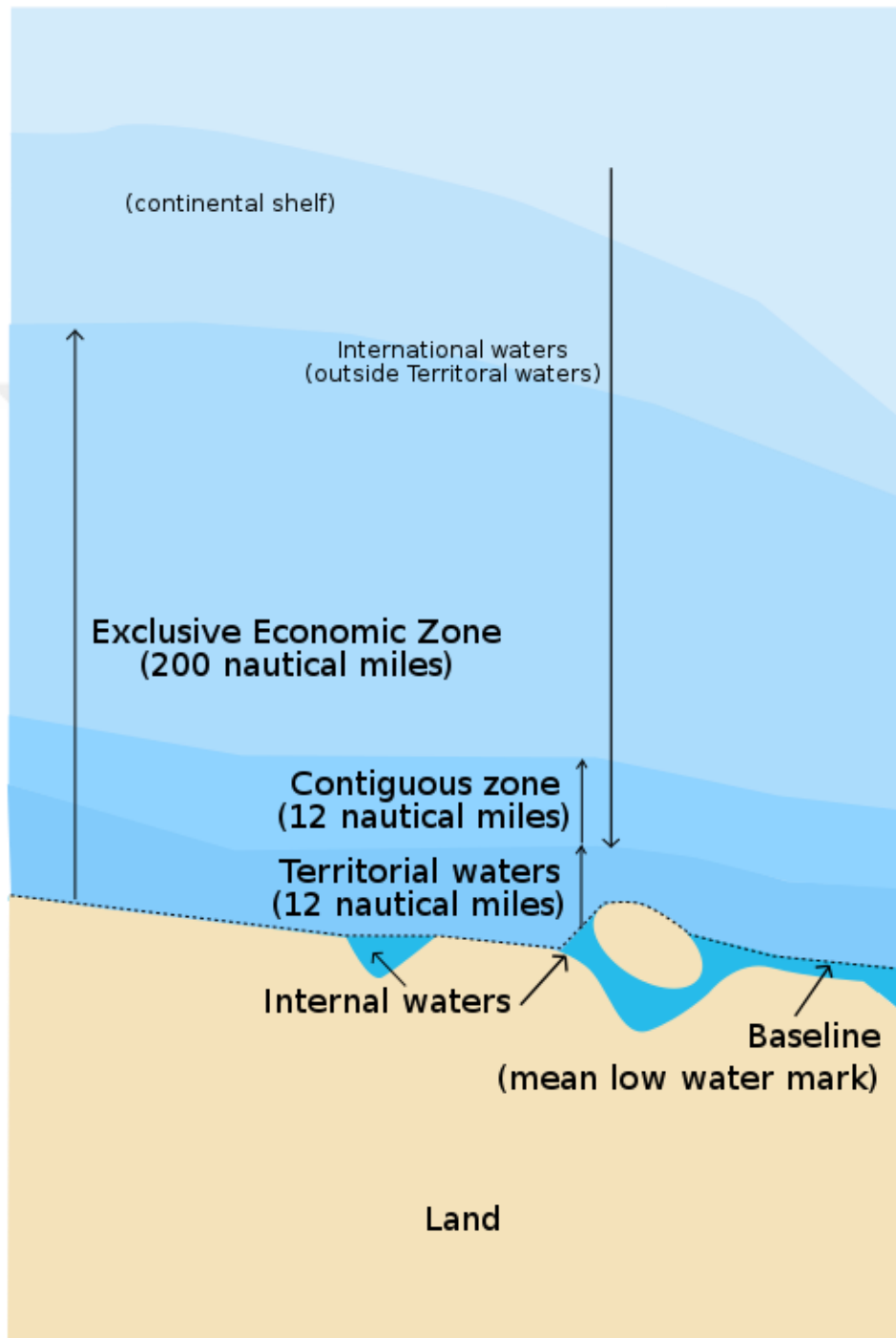
Without doubt, the most important aspect of UNCLOS and one that should always be kept in mind is that UNCLOS is based on the principal that the land dominates the sea. Therefore, all maritime claims must always be based on a land feature. Within this understanding, UNCLOS recognizes that coastal states have the right to claim maritime zones in which they may exercise certain rights. These maritime zones are listed and defined as below:

- **Territorial Sea:** As stated in Article 3 of UNCLOS “*Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.*” As stated in Article 2, in this belt of sea called as territorial sea states have full sovereignty including over the air space over the territorial sea as well as to its bed and subsoil. (UNCLOS articles 2-3)

- **Contiguous Zone:** In accordance with article 33 of UNCLOS, a coastal state may also establish a zone adjacent to its territorial sea as a “contiguous zone.” Within this zone, the coastal state is not sovereign, however it may exercise the control necessary to prevent and punish infringements of the customs, fiscal, immigration, and sanitary laws and regulations that apply in its territorial sea. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured. The contiguous zone may extend up to 24 nautical miles from the coast. (UNCLOS article 33)
- **Exclusive Economic Zone (EEZ):** As stated in UNCLOS Article 55, “*The exclusive economic zone is an area beyond and adjacent to the territorial sea.*” A coastal state, in accordance with UNCLOS, may claim a belt of sea up to 200 nautical miles from its coast as its “exclusive economic zone (EEZ).” In this area, according to article 56, the coastal state is entitled to “*sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.*” In addition, in accordance with the UNCLOS, the coastal state in its EEZ also has the right to establish and use “*artificial islands, installations and structures.*” Article 57 of UNCLOS states that “*The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*” As stated in UNCLOS article 59, in case of overlapping EEZ’s, it is up to the neighboring states in dispute to delineate the maritime border through negotiations by applying certain principles specified by the convention (e.g. meridian line principle). However, as we see in the SCS case, matters can become much more complex when states use small islands instead of coastline or continental edge to define their EEZs and furthermore when several other states also claim the same small islands.
- **Continental Shelf:** UNCLOS Article 76 defines the continental shelf as “*the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*” Within the Continental Shelf, article 77 of UNCLOS states that a coastal State has the ‘exclusive right’ to ‘explore’ and ‘exploit’ natural resources. The coastal state’s right is exclusive in the sense that “*if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.*” Concerning the limits of continental shelf, article 76 states that, continental shelf “*shall not exceed 350 nautical miles from the*

baselines from which the breadth of the territorial sea is measured.”
(UNCLOS articles 76-77)

Figure 2: Delimitation of Territorial and International Waters



Source: https://www.researchgate.net/figure/268503615_fig2_Figure-2-Delimitation-of-territorial-and-international-waters-Source-Own-elaboration, 2019

As stated before, the main principle of UNCLOS is that all rights or all maritime zones result from the land, that is, all claims related with maritime zones must be based on a land formation since the definition of a state begins with a land territory. UNCLOS, in article 121, states that these maritime zones may extend not only from the primary land area of a coastal state, but also from any islands over which it is sovereign. This is the point where the most heated arguments and discussions occur between the claimant countries as what defines an island. As this is at the core of almost all disputes and arguments related with the SCS disputes, to understand the rival claims, one should look into the definition of an island. The following section focuses on islands with regard to UNCLOS.

2.5.2.2. Definition of Island

One of the key features stated in UNCLOS is that islands are entitled to the same maritime zones as land territories, meaning any country which owns an island can claim the maritime zones around that island. However, as stipulated in article 121 (2), “*Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf*” and are only entitled to a 12-mile territorial sea. In addition, artificial islands are not entitled to any maritime zones except a 500-meter safety zone. Therefore, for claimant countries in the SCS, it is very important to distinguish any formations they own as ‘islands’ in order to benefit from the EEZs surrounding these formations. This is where the UNCLOS gains importance as countries try to base their island claims in accordance with the definitions stated in UNCLOS. As islands are entitled to their own EEZs, almost all arguments are centered on whether a formation natural or artificial can be considered as an island. While UNCLOS does not contain any provisions for determining sovereignty over the disputed islands, UNCLOS does have a number of rules pertaining to islands and archipelagos.

When we look at UNCLOS, we see that in Article 121(1) islands are defined as “*naturally formed area of land, surrounded by water, which is above water at high tide.*” Here, we must note that UNCLOS does not mention any criteria regarding the necessary size for accepting any formation as an island. However, in Article 121 (3) there is another very important criterion regarding the status of the land features to be accepted as islands. That criterion is that “*Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.*” Although this statement at first seems clear, in fact it raises many questions for claimant countries regarding the status of their claims. These questions are often related with the minimum requirement for habitability and economic life. UNCLOS does not define these terms; therefore, parties to the conflict generally base their claims on their own understanding of these requirements which often leads to disagreement between claimant countries regarding the status of their claims. In addition, claimant countries’, especially China’s island building activities, that is, building artificial islands on tiny rock formations make the subject all more difficult and controversial as these activities change the geological structure of these formations. As stated, UNCLOS does not define any clear minimum requirement for human habitation and economic life so it is difficult to evaluate the status

of these more than 50 formations claimed as islands by the claimant countries. However, one important recent court ruling helps us to assess the status of these formations in accordance with UNCLOS is the ruling of the Permanent Court of Arbitration in Arbitration made on 12 July 2016. Therefore, the next section will examine this ruling in order to get a better understanding of how international law approaches to the status of these formations with regard to UNCLOS through this case instituted by the Philippines against China concerning China's claims and actions in the SCS.

2.5.3. The Philippine Ruling

Without a doubt, one of the most important developments with regard to the legal status of the claims in the SCS has been the ruling of The Permanent Court of Arbitration in The Hague on 12 July 2016. The ruling regarding the case brought to the court by the Philippines in January 2013 is considered as the first real challenge to the Chinese claims and Chinese land reclamation and island building activities in the region with respect to international law, specifically UNCLOS. As stated, the case was brought to the court in 2013 as Manila struggled to stop Beijing's expansion in the SCS through land reclamation and island building activities. Manila, by going to the court argued that in accordance with the international law and U.N. Convention of the Law of The Sea (UNCLOS), Beijing's reclamation activities and related island building activities did not constitute legitimate (natural) islands and therefore EEZs and that its ongoing reclamation activities were damaging the marine environment and violating the Philippine's sovereign rights in the SCS.²⁰ It is important to note that this case was the first in its kind with respect to the SCS disputes as other countries refrained from going to the court although they were disturbed and affected by Chinese activities in the SCS. This mostly was the result of the close economic ties and even to some point economic dependency of the other claimant countries to China as they did not want to harm their relations with Beijing by going to court.

However, The Philippines, contrary to the other states in the SCS economically had relatively less economic relations with China and closer historical economic and military relations with the US and therefore was able to go to The Hague despite China's warnings not to. As a reaction, as soon as Manila took the case to the court, Beijing constantly claimed that the Permanent Court of Arbitration did not have jurisdiction and followed a policy of non-participation and non-acceptance (Alison, 2016, para. 3). In addition, China blocked all fruit imports from the Philippines and imposed a ban on Chinese tourism due to 'safety' concerns. Also President Xi Jinping skipped the Philippines on his 2013 Southeast Asian tour while he visited and signed agreements with other ASEAN member countries that had been silent on the land reclamation activities of China in the SCS such as Singapore, Indonesia, Thailand and Myanmar (Nguyen, 2013, para. 10). All of these clearly suggest that Beijing in various political and economic methods tried to punish Manila for taking the disputes to international court. In addition, it can be

²⁰ A more detailed text of the ruling is at the appendices section.

said that China's policies and punitive actions towards the Philippines with regard to Manila's decision to take the disputes to international court were aimed at warning and stopping other claimants in the SCS from following the steps of Manila.

The Arbitration Court in Hague, as expected by many legal experts, decided in favor of the Philippines. The ruling, by many analysts, is considered as a serious blow to China's ambitions and plans for the region as the five-judge panel ruled unanimously that China did not have 'historic rights' to the regions in accordance with its famous 'Nine Dash Line' map.

In addition, the tribunal more importantly stated that none of the land features in the Spratly Archipelago located in the center of the SCS could be considered as islands which under international law would give them a 200-mile EEZ. Accordingly, as none of the features claimed by China is capable of generating an EEZ, the Tribunal declared that certain sea areas claimed by China are in fact within the EEZ of the Philippines as they are not overlapped by any possible entitlement of China.

Finally, concerning China's land reclamation and island building activities in the SCS, the Tribunal found that China's before mentioned activities in the Spratly islands have caused significant harm to the coral reef environment and that China had violated its obligation under Articles 192 and 194 of the Convention to preserve and protect the marine environment with respect to fragile ecosystems and the habitat of "*depleted, threatened, or endangered*" species.

2.5.3.1. The Basis for the Ruling

At this point it must be noted that the ruling or 'award' is not a PCA ruling. Rather it has been released by the PCA but made by an Arbitral Tribunal constituted under the United Nations Convention on the Law of the Sea (UNCLOS) (Kotani, 2016, para. 2). Therefore, The Tribunal's ruling is completely based on UNCLOS. Concerning the status of the debated islands, the Tribunal, emphasized on article 121 and "*habitability and economic life*" factors in this article. The tribunal, while explaining this article states that the "*habitability and economic life*" should be understood as the objective capacity of the feature in its natural condition, without external additions or modifications and without outside support. In this respect, according to the court, for any formation to be considered as an island, it should be able to sustain over an extended period of time, either

(a) *A stable community of people for whom the feature constitutes a home and on which they can remain or*

(b) *Economic activity that is not*

(I) *Dependent on outside resources, or*

(II) *Purely extractive in nature without the involvement of a local population.*

The court, in its ruling, stated that applying these standards, it saw "*no indication that anything fairly resembling a stable human community has ever formed on the Spratly Islands.*" Rather, the islands have been a "*temporary refuge and base of operations for*

fishermen and a transient residence for laborers engaged in mining and fishing.” Furthermore, the Tribunal noted that the current presence of official personnel on many of the features is dependent on outside support and not reflective of the capacity of the features.

2.5.3.2. Implications

Before examining the implications of the 2016 ruling of the Court of Arbitration, it is important to note that although a signatory of UNCLOS, China has officially declared in 2006 that it has excluded from the compulsory dispute settlement procedures of UNCLOS concerning sea boundary delimitations. (www.fmprc.gov.cn, 2016) China has excluded from the compulsory dispute settlement procedures of UNCLOS in accordance with Article 298 which permits signatory states to declare their unacceptance of the compulsory dispute settlement procedures stipulated in the treaty. Therefore from the first day of the submission of the case to PCA, Beijing has in many occasions repeatedly stated that China neither “*accepts or recognizes*” the PCA ruling as it is against the declaration of China’s exclusion from the compulsory dispute settlement procedures of UNCLOS. (www.fmprc.gov.cn, 2017) It is also important to remember that the Court has no powers of enforcement and that while the ruling of the court is final and binding, there are no clear mechanisms for the implementation of the ruling (Kotani, 2016. Para. 14). Therefore, in the end it will come down to how the Philippines and China decide to resolve their SCS disagreements through diplomacy and negotiation. For instance, the Tribunal, in its ruling, has not ordered China to vacate the islands, rocks and reefs that it has occupied. In this sense, the Philippines’ victory over this case is can be considered only as a nonbinding legal recommendation and most probably will not cause China to leave the islands which it claims in the SCS as China has already officially rejected the ruling. Concerning the ruling, Chinese Foreign Ministry stated that “*the Ministry of Foreign Affairs of the People's Republic of China solemnly declares that the award is null and void and has no binding force. China neither accepts nor recognizes it* (Aneja, 2016, para. 3).” However, in terms of international law, it is clear that it has significant implications. In this respect, the ruling has even been called as the “*the most significant international legal case for almost the past 20 years since the Pinochet judgment* (www.theguardian.com, 2017, para. 23).” The following part will analyze these implications.

It must firstly be stated that the case has managed to draw the world’s attention to the SCS and the much-debated activities of China in the region such as land reclamation and militarization of disputed islands. As the case drew more attention by the world media, we have seen a rise in the number of news related with the disputes in the SCS, especially with regard to global media. Secondly, the case and ruling have set an example for other claimant countries in the region in dispute with China over the SCS. The Philippines was the first country to take Chinese actions and claims to international court but after this case, it is more likely that we may see other claimants go to court regarding Chinese claims and turn it into an international issue, something which Beijing strictly opposes. Finally, and most importantly, in terms of international law and UNCLOS, which also

China is a signatory, the ruling has refuted all Chinese arguments that the SCS historically belongs to China and found Chinese land reclamation and island building activities against UNCLOS. Therefore, if China continues its island building and land reclamation activities in the SCS, it will be acting against international law norms which China is also a signatory and lose its legitimacy with respect to international law. This, in return can damage China's reputation efforts to present itself as a peaceful rising power in Asia and harm its plans in accordance with its grand strategy.

To sum up, for many Chinese officials and analysts, this ruling has been perceived as a source of resentment as from the Chinese perspective it fails to take into account and respect China's ancestral heritage. As a response, China has stated that its claim predates UNCLOS and that therefore UNCLOS should be adjusted so that it also accommodates historical rights (Buszynski, 2012: 140). In this context, in order to legitimize their claims, the Chinese side has turned to constant diplomatic pressure to either revise UNCLOS and international law or gain a special exception in which China's ancestral claims would be accepted and recognized by international law. In this sense it can be said that Beijing's reaction to the court and its ruling is that China because of its historical past, its unique role in East Asia and world history must be treated differently from other states in the disputes and must be given a special or privileged right with regard to UNCLOS and international law concerning its '*indisputable*' ancestral claims to the SCS.

PART 3: CHINESE ACTIONS AND SCS DIPLOMACY

When examining Beijing's past and present actions in the SCS, it becomes clear that China is pursuing a long-term strategy with the ultimate goal of gaining effective control of the entire SCS. This ultimate goal, illustrated by the famous 'Nine-Dash Line' map, is an important part of China's 'Grand Strategy' and must be achieved as an important step to fulfill the Chinese dream which aims to put China once again in its glorious top place in East Asia and Asia-Pacific. In order to reach this goal, China has used different strategies in different periods and has increased and strengthened its political, economic and military presence in the region. The following section examines China's actions in the SCS and how these actions are related with the various strategies it has employed to gain the effective control of the entire SCS. In this sense, the most widely used and clearly most effective of these Chinese strategies have been the 'Delaying Strategy' and 'Salami Slicing.'

3.1. China's "Delaying" and "Salami Slicing" Tactics in the SCS

After a destructive Japanese occupation and a long and bloody civil war, China, economically and militarily was in a very poor condition when it announced the foundation of the People's Republic of China on October 1, 1949. Being aware of this situation and the limited military and economic capacity, Chinese leadership choose to follow a lower profile and to pursue a strategy of delay in order to achieve its goal in the SCS. In this sense it can even be said that China choose not to solve its disputes with its neighbors concerning the SCS although it insisted on continuing bilateral negotiations with claimant countries which it knew would not produce any significant results due to the large extent and nature of Chinese claims. Within this strategy, while continuing and encouraging talks with claimant countries for the resolution of disputes, China gradually took control over the features in the SCS in line with its growing economic and military capacity. This strategy, which is called as 'Salami Slicing' by political analyst, involves the slow accumulation of small changes, none of which by itself will amount to a reason of war "casus belli", but which add up over time to a substantial change in the strategic picture (Haddick, 2012). The first stage of this strategy was realized with the de facto military takeover of islands the Paracel islands group near Vietnam.

As stated above, instead of occupying all the features in the SCS and Paracel islands in one operation, China choose to occupy Woody Island, the main island in the archipelago in 1949. This is also considered as the first de facto occupation of China in the SCS. After the occupation, Beijing decided to build a permanent military base on the island in order to strengthen its naval capabilities in the region. In this respect, China transformed Woody Island into a small naval base and carried out routine patrols to the nearby islands from this newly built base in Woody Island and the largest Chinese Naval base in Hainan Island.

Between 1960 and 1973, as part of its buildup of its military presence in the region, China conducted five patrols per year, on average, between Hainan and the Paracels. During this same period, the South Vietnamese presence in the Paracels started to decline and was reduced to a weather station on Prattle Island in the crescent group while Chinese fishing

vessels increased their activities in the region (Fravel, 2011:298). In January 1974, as a result of a confrontation over two Chinese fishing vessels, China further strengthened its control over the Paracels following a brief clash with South Vietnamese forces. Following the clash, Beijing occupied the islands. Concerning the taking over of the Paracel Islands from Vietnam, political experts state that China appears to have been waiting to occupy the islands when South Vietnam was defeated because North Vietnam had acknowledged China's claims to the Paracels and the Spratlys in a series of diplomatic notes in 1956 and 1958(Fravel, 2011:299). China's second step of expanding military control over the SCS continued with the Spratlys further south of the SCS.

Although China strengthened and consolidated its presence in the Paracels after 1974, China's position in the SCS still was deemed as weak as despite its 1951 and 1958 claims, China had not occupied any of the features in the Spratly Islands, which is considered as the most important and biggest island chain in the center of the SCS. In addition, while China did not control any of the features in the Spratlys, Phillipines, Taiwan and Vietnam especially in the early 1980's, had occupied many islands and reefs between them and continued their occupation. As a result, after focusing on improving its maritime capabilities in the mid-1980s, China turned to a new strategy which aimed to take control of the Spratly island chain (Fravel, 2011:300).

In accordance with this new strategy and following Chinese leaders' decision in early 1987 to establish a permanent position in the region, the PLAN moved into the Spratly island chain in order to occupy nine vacant features in the Spratlys which it designated. Pursuant to this plan, at the end of January 1988, a PLAN task force arrived at Fiery Cross (Yongshu) reef. However, China's move sparked a race with Vietnam to seize other unoccupied reefs in the Spratlys and as a result, on 14 March 1988, after China had occupied three features, a deadly clash occurred over Johnson (Chigua) reef, in which seventy-four Vietnamese soldiers were killed. Following this clash, China had achieved its goal as it took control of the nine features in the original plan (Fravel, 2011: 298). This important clash which resulted in the death of 74 Vietnamese sailors in fact started a new period of instability and competition in the SCS. Following this incident, other Claimant states started occupying additional features in the region. This struggle to strengthen positions in the Spratlys resulted with Beijing's occupation of the Mischief (Meiji) reef in late 1994 (Fravel, 2011:300). Therefore, it can be said that in the 1990's, with the first signs of improvement regarding its naval capabilities, we see a more assertive China with regard to its claims in the SCS as it repeatedly showed its willingness and determination to take control of its claims in the SCS even by force if necessary.

In sum, it can be said that since the mid-1990's, China has successfully pursued a strategy of delaying the resolution of the dispute in the SCS with the goal to consolidate its claims especially to maritime rights or jurisdiction over these waters, and to deter other states from strengthening their own claims at China's expense including resource development projects that exclude China (Fravel, 2011: 293). In this sense, until the 1980s, the main driver of China's delay policy was its limited naval capabilities but after strengthening its position in the Spratlys through the occupation of seven features between 1988 and 1994,

the principal goal of China's delay policy has been the consolidation of its presence in the region through land reclamation and island building activities (Fravel, 2011:302).

3.2. China's current strategy in the SCS

China's ratification of UNCLOS in 1996 has been an important milestone with regard to China's strategy in the SCS as following the ratification of UNCLOS, China has focused its efforts on to assert and exercise maritime rights in the newly occupied islands and in the SCS in general. It can easily be said that this new strategy of China, which includes island building, land reclamation, naval exercises and etc. has become the dominant feature in the SCS disputes, especially after 2010. Within this new context, China's also has put great importance on developing and strengthening its ability to administer the newly occupied and claimed islands and seas. As political analysts point out, by using this strategy, China also aimed to prevent any development activities such as oil and natural gas research and exploration that exclude China and to ensure that it has control of any such development projects in the region. In general, it can also be said that with this new strategy, China wants to ensure that it will have a stronger position for future negotiations concerning SCS disputes.

In accordance with this new strategy, China has abandoned its low-key approach in March 2010 as Chinese officials started to declare the SCS as a 'Core National Interest.' As stated by political experts, this term generally is used for an issue which a state is willing to use military force to defend its interests. In order to emphasize the importance of this new approach, it must be pointed out that until now, Chinese leaders have applied that term only to Tibet, Taiwan and Xinjiang (Sirsikar, 2016: 15).

In order to achieve its goals with this strategy, especially after 2000, China has increased its efforts to develop the largest military and maritime law enforcement force in the Asia-Pacific region. The biggest reason behind this massive build up is the fact that both fishing boats and energy exploration ships have become the main tools in the competition of competing claims and interests in the SCS. Especially after 2002, we start to see that more and more claimant states start to use unilateral annual fishing bans and arrests of other claimants' fishermen in the disputed waters as an effective way to strengthen their control in their claims. This also lets claimant states to be able to mask these activities as legitimate attempts to enforce marine resources protection.

In accordance with this new approach, China in a relatively short time has managed to build a massive maritime law enforcement force in the region. In addition to building this force, it has put different maritime law enforcement agencies working under different government bodies such as China Marine Surveillance Branch, Maritime Police and Border Control, the Fisheries Law Enforcement Command, and the Marine Anti-Smuggling Police under one administration and thus has increased the efficiency and effectiveness of these forces. The new State Oceanic Administration (SOA), as stated in its official website, "*enforces laws in the sea areas under China's jurisdiction to protect the country's rights.*" Without doubt, this official statement is an important indication of the main objective of this new agency with regard to Beijing's determination in securing its claims in the SCS (english.gov.cn, 2017).

Today, China's maritime law enforcement force operating under the SOA is in fact bigger than all the other claimants maritime law enforcements forces combined and provides two important advantages to China with respect to strengthening its position in the SCS. Firstly, as this force is officially of civilian origin such as the 'Fisheries Administration,' and mostly uses non-military means such as ramming or blocking other claimants ships, it enables China to avoid using traditional uses of force such as firearms and not be labeled as using military means to exercise its control in the region. Secondly and more importantly, by using this overwhelming force, China is able to easily prevent or disrupt other claimants' maritime activities or counter-efforts in the region with sheer number superiority. As we see in many cases, while a claimant states sends one or two ships to any dispute in the region, China usually sends ten to twenty ships and thus by using its quantitative advantage easily forces other claimants to leave the region without having to need to use any firearms (Austin, 2013). China mostly uses its massive law enforcement power in two areas. These are fishing activities and energy sources exploration activities in the region.

As stated, one of the most important areas which China uses its maritime law enforcement force in the SCS is fishing. In order to strengthen and exercise its maritime rights, Chinese Fisheries administration ships started routine patrols in the disputed areas of the. China first started to impose a unilateral annual fishing bans in the SCS in 1999 and has repeated this ban every year ever since. In 1999, Beijing's first unilateral fishing ban was effective from June to July. However, in 2009, China extended this ban from May 16 to August 1 every year (Fravel, 2011:303). It is also important to note that the geographical extent of this ban in SCS is not clear and has not been clarified by the Chinese authorities, but it is believed to cover an area around the Paracels but not as far south to the Spratlys. Vietnam has repeatedly protested this Chinese fishing ban imposed in the SCS as it directly affects its own fishing industry, however it has not been successful in stopping it. In order to enforce the ban and protect its own fishing vessels from other law enforcement vessels of other claimants in the region, China has frequently used its 'Fishery Patrol' vessels which are in fact converted naval ships. China as an important way to strengthen its claim in the SCS, has expanded the duration of a summertime unilateral fishing ban above twelve degrees north that had been implemented since 1999 and has appointed law enforcement vessels to enforce this ban (Fravel, 2011: 305)

As a result of this unilateral Chinese fishing ban, we see a growing number of confrontations at sea. In 2008 and 2009 alone, Chinese law enforcement vessels confronted and expelled 135 and 147 foreign boats, most of which were Vietnamese (International Crisis Group, 2012). In addition, China has repeatedly detained fishing boats and their crews, sometimes levying a fine or even confiscating the boats. According to Vietnamese media reports, only in 2009, China has detained 32 fishing boats and 433 crew members (Thayer, 2010: 24)

Although China has decreased the practice of detaining Vietnamese fishing boats in 2011, it still continues to confiscate the catches of ships it claims are operating in Chinese

waters around the Paracels. Chinese Fisheries Administration vessels, in addition to exercising control over the waters that China claims, also aim to protect Chinese fishermen and boats when challenged by ships from other states.

Another area where China uses its law enforcements agencies in the SCS is the exploration activities of oil companies in the region. The Chinese Marine Surveillance Force (MSF), which acts under the State Oceanographic Administration, has become the main actor for confronting other claimants' activities related with oil natural gas exploration in the SCS. In this sense, similar to the Fisheries administration, the Chinese Marine Surveillance Force main responsibility is to "*safeguard maritime rights and interests*" and enforcing Chinese maritime laws in the seas which China claims (Maritime Authority to Boost Capabilities, China Daily, July 10, 2013). Therefore, in order to strengthen its position in the SCS and avoid other claimants from conducting oil or natural gas exploration researches in the waters which Beijing claims, the MSF regularly patrols the claimed waters and interferes and, in many cases disrupts other claimants oil exploration activities in the region. In accordance with this purpose, the MSF started regular law enforcement cruises to 'protect rights' in 2006. As a result of these patrols, starting with 2011, China started interfering with seismic surveys conducted by Vietnam and the Philippines within their claimed EEZ's and severed and cut the cables of the Vietnam and Philippines vessels and by doing so stopped them from continuing their exploration activities (Buszynski, 2012: 141). China has repeatedly complained that the ASEAN claimants in the SCS have intruded into 'Chinese waters' in the SCS and stated that it is within China's rights to forcefully stop these intruders from entering Chinese waters. In this sense, for example in May 2011, two Chinese law enforcement ships belonging to the Chinese maritime Surveillance department cut the exploration cables of a Vietnamese oil survey ship searching oil and gas deposits in 120 kilometers of the southern Vietnamese coast which is considered as Vietnams EEZ. Following this incident, the Vietnamese Foreign Ministry released several videos of Chinese ships actually cutting the cable attached to the Vietnamese vessel. As a response to the Vietnam foreign ministry videos, the Chinese Foreign Ministry Spokeswoman Jiang Yu declared that the Chinese vessels which cut the cable of the Vietnamese survey ship have engaged in "*completely normal marine enforcement and surveillance activities in China's jurisdictional area.*" In addition, the following month, a Chinese fishing boat similarly rammed and cut the survey cables of another Vietnamese survey vessel (Buszynski, 2012: 141). Although these confrontations did not attract much global attention, in fact, their strategic implications are very important. By physically stopping other claimants in the region from conducting oil exploration activities in the region by using its massive law enforcement forces, China has strengthened its de facto jurisdiction and administration in the disputed waters. In addition, in a statement made by the Chinese Foreign Ministry, China has emphasized that the cable cutting was done 'intentionally' as a warning for other claimants in the region that might consider conducting oil researches in the seas which China claims. (Fravel, 2011: 307). In addition to physically preventing and disrupting other claimants' exploration activities, Beijing repeatedly has sent official warnings to Western energy firms not to negotiate offshore drilling agreements with the

Vietnamese or other claimants in the region *if they don't want their business interests in china to suffer*.

In sum, today, China's current strategy in the SCS to strengthen its claims and deter other claimants from doing so is mostly dependent on its aggressive but non-lethal maritime tactics of using surveillance, enforcement, and fishing vessels in large numbers as a tactical force against other claimants in the SCS with the aim to create 'situations of strength' rather than provoke a full blown armed conflict. As stated by political analysts, by using these effective tactics, Beijing has physically managed to strengthen its presence and control in the region and has gained the upper hand in the SCS (Austin, 2016).

More importantly, China has managed to strengthen its position without having to cross the 'red line' that is to use its Navy or other military assets. Therefore, it can be said that China's strategy in the SCS has managed to strengthen its position while preventing other claimants from using their own military assets as the maritime law enforcement vessels which China uses for these purposes are not officially part of Chinese armed forces. However, it must be noted that as most of the confrontations result in physical contact between ships such as ramming, there is always a potential for these confrontations to escalate into deadly incidents or even military conflicts.

3.3. ASEAN and Chinese Diplomacy in Action

ASEAN which is perhaps the most highly developed international organization in Southeast Asia plays a major role with regard to political and economic issues in the region and thus also has an important role with regard to the SCS disputes. As a regional organization, it has brought together almost all states in Southeast Asia and has helped in developing political and economic cooperation among members and their relations with other states in the region. Although officially the aim of ASEAN is to develop political and economic cooperation among member states, it is clear that as stated by political analysts, the real aim is to provide a means for member states to coordinate their policies with regard to China, which is becoming the dominant power in the region (McDougall, 2007:222). By coming together, these states hope to provide a balancing power against a growing China especially with regard to important issues such as the SCS disputes that involve both member states and China. As stated by analysts, Southeast Asian states are aware that they cannot contain China's growing power and influence in the region separately. Thus, in a sense, they hope to 'socialize' China and persuade Beijing to follow peaceful regional norms and peaceful security policies in the region. This persuasion mostly depends not only on ensuring China's appropriate position in the regional hierarchy but also convincing Beijing of the legitimacy of US presence and position in the region. In addition, ASEAN states want to make it clear that as part of their traditional policy almost all states in the region refuse to openly to 'choose sides' between Beijing and Washington (Goh, 2009:118). In this sense, ASEAN states are reluctant to abandon the San Francisco system and while developing relations with China, they have also been careful to maintain or even tighten political and military ties with the US (Wesley, 2009:62).

When we look at the disputes in the SCS, we see that China's growing strategic competition or even rivalry with the US is reducing role of ASEAN and its potential to negotiate a peaceful resolution to the disputes with China as it makes Beijing more unresponsive to ASEAN and more concerned with Washington's move in the SCS especially in terms of military and naval activity in the region (Buszynski, 2012: 144).

In this respect it can be said that with regard to China's strategies and policies regarding SCS disputes, diplomacy also plays a crucial role in achieving its claims in the region in addition to its maritime expansion activities in the SCS. Especially, in terms of managing rising tensions of other claimants in the region, China has successfully used its diplomacy tool and has been able to lower tensions despite its expansion in the SCS being regarded as illegal by other claimants.

Traditionally, and today, China's consistent strategy regarding the SCS is to have only bilateral negotiations with other smaller claimant countries and is strictly against any effort to multi-lateralizing the issue, especially any effort of interference from the US. In this sense, China has repeatedly rejected and protested any attempt to mention the SCS disputes in formal resolutions of the ASEAN despite other claimant countries such as Vietnam's and the Philippines' request by constantly stating that SCS is a bilateral issue, not a multi-lateral one. In addition, Beijing has been insistent on not bringing the SCS issue to the ASEAN Regional Forum (ARF) which China is also a member, in accordance with its strict strategy and principle that SCS is not an international issue and cannot be discussed in international platforms (Xinbo, 2009:57). Thus, one of the most important objectives of Chinese diplomacy in the region has been to avoid and weaken Washington's capacity to 'Contain' China in Southeast and East Asia by preventing US interference in regional issues and specifically SCS disputes. Beijing in the past has many times criticized the US built security structure in Southeast and East Asia and Asia-Pacific which is also called as the 'San Francisco System' by accusing it to be directly aimed at China. For China, this system was seen as both 'outdated' and 'dangerous' and was considered as major potential cause of conflict in East Asia. Therefore, in the past China had focused on trying to persuade ASEAN and other Asian countries to leave this system by offering stronger ties with China and in order to isolate US in the region. However, as a result of the reluctance and refusal of the member countries to leave this system, China turned to a more moderate policy with regard to US alliances in the region and instead of focusing on weakening the ties of the countries in the region with US, started to focus on strengthening its own ties and thus indirectly to decrease the possibility of the US to build a containment coalition against itself in Southeast and East Asia and Asia-Pacific. This way, Chinese diplomacy hoped that US allies under this system would at least hesitate when pressured by Washington to act against or contain China as they would not want to danger their current significant relations with China (Wesley, 2009:62).

Especially, with the start of the 2000s, we witness a sharp shift in China's strict policy in the SCS and as Beijing turned to a policy what experts have called as 'Smile Diplomacy.' One of the most important reasons for this sudden policy change has been regarded as the

loud protest of other claimants in the international political arena in the region especially Vietnam and the Philippines with regard to China's assertive SCS policies. Beijing saw that as more of its neighbors started to worry about its rising military power and assertive policies in the SCS, the more they tended to turn to cooperate with US in order to balance what they perceived as a Chinese threat. Also as stated by political experts, China realized that by overacting and over expanding in the SCS, it was undermining its broader grand strategy by threatening states in Southeast Asia and thus potentially increasing US involvement in the region. In this sense, in order to reassure its Asian neighbors that a stronger China will not become a threat to their interests, China has focused on a variety of economic and diplomatic initiatives and strategies by using its well-trained and capable diplomats. Economically, China has emphasized how a rapidly growing Chinese economy would positively affect other ASEAN economies in the region and that in this sense all other neighboring countries would benefit from China's growth. Thus, China focused on persuading neighboring and other Asian countries to strengthen their economic ties with China through what is called as 'commercial diplomacy' which includes trade and investment. As a result of this new approach, Beijing aimed to increase its economic influence in the region and to create an important level of economic dependence with China (Saunders, 2008: 133).

3.3.1. Document of Conduct (DOC)

In accordance with the economic steps, the focus of these diplomatic initiatives basically was to reassure and persuade ASEAN states about Chinese intentions by turning to multilateral negotiations instead of bilateral negotiations separately with ASEAN states. With this new Chinese approach, China aimed to especially convince neighboring ASEAN states by showing that China was willing to start multilateral negotiations with these states and thus, forgo its bargaining advantages that a stronger country enjoys in bilateral negotiations. In this sense, this willingness to negotiate in the ASEAN + China framework in fact was successful in reassuring weaker ASEAN states that China did not pursue a 'divide and conquer' strategy regarding its diplomatic relations with other ASEAN claimants in the SCS. In accordance with this new strategy, China also started to hold a series of annual summits in addition to participating more actively in the ASEAN Regional Forum and its unofficial counterpart the Council for Security Cooperation in the Asia Pacific (CSCAP) (Saunders, 2008: 133). The signing of the "Declaration of Conduct on the SCS" (DOC), which is a non-binding pledge to resolve territorial disputes peacefully was another confidence-building measure by China to reassure ASEAN claimants about the peaceful intentions of China with regard to the SCS disputes. This move was especially important to reassure ASEAN claimants which protest China's expansion in the SCS but also recognize the fact that they lack the power to stand up to China on their own. Furthermore, in order to complete these confidence building measures, at the 2003 Bali Summit, China signed the treaty of Amity and Cooperation with ASEAN and thus became the first non-member state to sign this document which emphasized ASEAN's preferred principles of international conduct such as non-aggression, non-interference, and peaceful resolution of disputes (Saunders, 2008: 132).

In this sense, it can be said that China's new 'Smile Diplomacy' aimed to present a more positive image in the region and thus avoid the formation of a group of Southeast or East Asian states that ally against China as a threatening rising power in the region. In addition, with its 'Smile Diplomacy,' China, also aimed to reduce Southeast Asian States' desire to further improve ties with its main competitor and rival the US, and thus prevent an environment for a greater US role in these disputes and in the region. Relations with the ASEAN have played a key role in de-escalating tensions and avoiding the above undesired results due to Chinese activities in the SCS as all other claimants in the SCS except Taiwan are also members of ASEAN. As a result of China's diplomatic efforts to de-escalate tensions in the SCS and after years of negotiations and heated discussions, In November 2002, China and the ASEAN countries signed the non-binding Declaration on the conduct of Parties (DOC) in the SCS, pledging to resolve sovereignty disputes peacefully through direct negotiations (Panda, 2017).

From an IR theoretical perspective, the diplomacy efforts of ASEAN and China with regard to its 'Smile Diplomacy' can be a good example with regard to Stephen Walt's 'Balance of Threat' model as it shows the tendency of neighboring countries to form a balancing force against a perception of a rising threat from China. Although admired by neighboring countries as a remarkable economic growth and development to follow, we see that especially after China's shift to a more assertive policy with regard to its claims in the SCS, we see that particularly ASEAN members such as Vietnam and the Philippines that have conflicting claims with China have increased their efforts within ASEAN to form a common policy against China. The main goal of these efforts is to stop Chinese aggressive actions in the SCS. In this sense, it can be said that the perceived rise of the offensive power and aggressive intentions particularly with regard to SCS claims have resulted in neighboring states to seek a way to balance a threatening Beijing in the region, which clearly supports Walt's 'Balance of Threat' model. The US in this sense has become the most important balancing power with regard to the increasing Chinese threat in the region as we see that other claimant states in the region such as Vietnam increase their political and military cooperation with Washington. However, another theme which Walt states in his 'Balance of Threat' theory also exists in the region as we see in the example of the relations between China and the Philippines. As stated before, Walt states that in case of an increasing threat, weaker states generally tend to bandwagon rather than balancing (Walt, 1987:32). Especially, after the election of President Duterte, we see that contrary to the past period which the Philippine government increased its diplomatic efforts to stop China's what they called aggressive moves and actions in the SCS, the new Duterte administration moved closer to especially economic cooperation with Beijing and even in this sense, halted its diplomatic efforts with regard to the SCS disputes. It is important to note that the Philippines does not have the same amount of defense spending and military power as Vietnam and perhaps more importantly does not have the same war experience of Vietnam resulting from Vietnam's long and bloody independence wars against superior military powers such as France and the US (data.worldbank.org, 2019). The Philippines does not have a similar experience. In this sense, from a military point of view, it can be said that when compared to Vietnam, the

Philippines can be considered as a weaker state in the region with regard to answering military aggression from a foreign power. Therefore, Manila's efforts to move closer to Beijing despite its ongoing SCS disputes with China and despite its existing security agreements with its traditional ally the US can be considered as 'band-wagoning' and is in accordance with Walt's 'Balance of Threat' theory as Philippines new approach towards China in fact reflects a powerful desire to avoid any political or military confrontation with China.

3.3.2. Expectations and Results of DOC

The DOC signed between China and the ASEAN members was at the time, considered as an important milestone with regard to solving the SCS disputes peacefully. However, it must be noted that this document signed by China and the ASEAN members only showed a commitment for preparing the actual 'Code of Conduct' that was hoped to resolve the disputes in the SCS peacefully. Here it must be noted that, as of 2017, the actual COC has not been signed as the negotiations for the preparation of the framework is still going on between China and the ASEAN members. In fact, some countries have repeatedly started to state their disappointment concerning the signing of the actual COC and blamed china for the failure in finalizing the COC as Beijing was not "*enthusiastic in pushing for cooperation in the South China Sea* (Li, 2014)." Also it must be noted that as of 2017, it has almost been 15 years since the signing of the original DOC in 2002, which also took years of preparation and discussion to sign. ASEAN members such as Vietnam and the Philippines and other claimants' expectations for resolving their disputes with China in a peaceful way have started to diminish as the more time it takes to finalize the COC.

After the launch of the 'Smile Diplomacy' by China and China's new approach with regard to its relations with ASEAN, most ASEAN states assumed that China would be more open and willing for negotiations with regard to SCS disputes and that China would settle for a favorable regional agreement with other claimants that would let a peaceful share of the oil, gas and fisheries reserves in the region. In accordance, ASEAN states based their engagements with China on this assumption and that Chinese leadership would appreciate the norms which would govern the behavior in the SCS (Buszynski, 2012: 144). Thus, with the start of this new period with China, ASEAN states were careful in order not to provoke China with regard to SCS disputes and as a result expected that China with time would answer these efforts by adopting what is called the 'ASEAN Way' in settling its disputes with ASEAN members peacefully.

However, China's reluctance in finalizing the COC (Code of Conduct) started to change ASEAN member states expectations with regard to China's new peaceful approach in settling SCS disputes with other ASEAN Claimants. Furthermore, political analysts have started to consider it as another of Beijing's delaying tactics that has been used by China for 15 years while completing its land reclamation activities and island building activities in the SCS (Poling, 2017). In this sense, it can be said that the DOC and its much awaited final COC has been a disappointment for the claimant countries in the SCS. On the other hand, China has greatly achieved its aims with this diplomacy as it managed to strengthen its claims and presence in the SCS while presenting itself open to negotiations and

supporting peaceful resolution of the disputes. As one political analyst points out “*China can indicate a willingness to negotiate without actually having to talk and instead defer resolution of the dispute to buy time to consolidate its claims* (Fravel, 2011:300).”

From a constructivist thinking, and also a liberal perspective, it is clear that engagement and socialization with international institutions such as ASEAN was considered as an important move which would expose Chinese policy makers to regional and also global norms, and thus, lead to positive changes in Beijing’s policies with regard to becoming a more ‘*Responsible Stakeholder*’ which acts in accordance with international norms and rules (White and Taylor, 2009:86). From this perspective, engagement of China which constructivist and liberal perspectives suggest instead of containment of China which realists perspective suggests is a much more effective way to bring China to act in international norms and laws and maintain peace and stability in Southeast and East Asia and thus a much more preferable policy approach from a liberal and constructivist perspective.

However, China’s reluctance in finalizing COC with ASEAN members and the frustration caused by this delay clearly shows that engagement is not a simple or easy process, especially in Southeast Asia and with regard to the SCS disputes. Therefore, although there is still hope for finalizing the COC and thus reaching a peaceful solution to SCS disputes or at least avoiding conflict in the SCS, it has become clear that there is still a very long way ahead to achieve this objective if it can ever be reached.

3.4. China’s Land Reclamation Activities in the SCS

One of the most debated issues and one that has attracted the attention of the world media in the SCS is without doubt China’s recent massive scale land reclamation and island building activities in the region. In the past, other claimants such as Malaysia, Vietnam and Taiwan have also carried out these activities on the features they control in the region in an effort to strengthen their claims and drive out other claimants in the region. However, compared with the scale and intensity of China’s land reclamation activities, they have been made on a much smaller and lesser scale. In order to give an idea of the scale of China’s land reclamation activities in the SCS we must note that by 2015, Vietnam has reclaimed approximately 80 acres, Malaysia has reclaimed 70 acres, the Philippines has reclaimed about 14 acres, and Taiwan has reclaimed approximately 8 acres in the Spratly Islands while China at the same time has reclaimed 3,000 acres of land (Przystup and Saunders, 2017: 19).

In this sense China, by transforming tiny rock formations and even reefs into full scale islands, and with the intensity and scale of its operations, has brought these activities to a new level and has made them the cornerstone of its strategy in the SCS. Therefore, due to the importance of these activities, they need to be examined more detailed and viewed from both a legal and military point of view.

3.4.1. Land Reclamation and UNCLOS

In terms of land reclamation in the SCS, China can be considered as a late comer as other claimants in the region have started land reclamation before China. However, as stated,

China has exceeded all the others combined in terms of scale and intensity. China's first land reclamation activities in the Spratlys in the southern part of the SCS was observed in September 2013. From this date to October 2015, China has built artificial islands on the seven coral reefs it occupies with a total area of 2.900 acres (Singh, 2016: 5). However, the Chinese government has not commented or made any explanation on its land reclamation works in the region until April 2015. On April 9, 2015, Foreign Ministry spokesperson Hua Chunying for the first-time has acknowledged China's land reclamation activities in the region and has stated China's intentions as below:

- “optimizing” the functions of the islands and reefs;”
- “improving the living and working conditions of personnel stationed there;”
- “better safeguarding territorial sovereignty and maritime rights and interests;”
- “better performing China's international responsibility and obligations;”
- “Satisfying the need of necessary military defense (Dolven et al, 2015: 14).”

It is important to note that although China with this official statement, has accepted its planned military use of these artificial islands, it has also put emphasize on the role of providing “*international public services*” with these newly build islands. In this respect, China has repeatedly claimed that the goal behind its construction is only to help protect troops and support civilian activity in the area, including search and rescue operations, scientific research and commercial fishing (Broderick, 2015: 5).

China's land reclamation activities in the Fiery Cross Reef, is considered as the most strategically significant one and provides a good example to better understand the nature of China's land reclamation and island building in the region. This tiny reef which was chosen by the China as a key stone in its push into the SCS has a strategic location and is surrounded by deep waters, a feature uncommon among Spratly islands. Military experts state that China has chosen this island as keystone as the surrounding deep waters of this reef has the potential to provide stealth to Chinese submarines and avoid acoustic detection by the US military. As seen in the photos in the appendices section, what has started as a tiny meteorological observation post has after intensive land reclamation and construction efforts has turned into 200 hectares of reclaimed land, about the size of 280 football fields combined. Today, with a newly built 3.300 meter airstrip and a massive newly built harbor, Fiery Cross Reef has become the single most strategic forward Chinese military base in the SCS which can accommodate a wide range of surface and sub-surface naval ships including even the largest Chinese trans port ships and station Chinese combat and transport planes.

In this sense, it is certain that these newly built artificial islands and the military facilities constructed on these islands provide Beijing an important de facto edge in securing its claims and increasing its presence and control in the SCS. However, the legality of these activities is in question as more and more countries in the region including the US have started to question china's intentions regarding these artificial islands and whether China

is acting outside of the international law according to UNCLOS and Freedom of Navigation.

As stated, China's recent land reclamation and island building activities are causing other claimants and the US important concerns and to question Beijing's intentions with regard to these activities. One of the biggest concerns is the possibility that China is attempting to elevate whatever territory it has to an 'island' status in order to gain the 200 nautical mile EEZ stated in UNCLOS (Broderick, 2015: 4). As stated, EEZ's provide important advantages to the owner country in terms of both sovereignty and the use of the natural resources within the EEZ and again according to UNCLOS, islands generate the same EEZ rights with lands. Therefore, it is important to look at what UNCLOS says about artificial islands and legal status of artificial islands.

Land reclamation and island building activities which are mostly done by pumping sand from the sea floor onto tiny rock formations or pouring concrete on these formations are in fact not a new concept as many countries in the past have carried out and are still continuing today. With regard to UNCLOS, these activities are not illegal on features over which a nation has sovereignty. However, it must be noted that China's all reclamation activities in the region are done on rock formations which are claimed by at least two states. Therefore, according to UNCLOS, they are legally questionable.

In UNCLOS, for any formation to be considered as an island, there are two important factors. In UNCLOS, an island is defined as a "naturally formed area of land, surrounded by water, which is above water at high tide." (Article 21) However, "rocks which cannot sustain human habitation or economic life of their own" are entitled only to a 12-mile territorial sea, not an EEZ or continental shelf. Elevations that are submerged at high tide and artificial islands do not establish rights in adjacent waters. Therefore, it can be said that for any formation to be considered as an island and to be titled to a full EZZ, it must first be "naturally formed" and secondly must "sustain habitation or economic life of their own."

When considering the term "naturally formed" it is clear that the artificial islands built by using dredging and sand filling from the ocean bottom do not fall within this term and therefore cannot be considered as islands as they are not "*naturally*" formed but instead formed by human activity. Secondly, it is clear that the claimants in the SCS and especially China by stationing troops and other personnel, by building social facilities, by building monuments and even agricultural activities on these artificial islands are trying to transform these rocks into islands which can sustain habitation and economic life on its own with regards to article 21 of UNCLOS.

In this sense, these efforts are to convince any potential tribunal adjudicating the sovereignty issues of these formations that the islets could sustain human life and therefore qualify as islands. However, it is a fact that each garrison or other military or civil staff stationed on these islands must be provided with food and water merely to survive as none of these artificially built islands have their own natural freshwater resource (Fones, 2016: 91). In this sense, it becomes clear that these islands cannot sustain human habitation without outside interference.

Map 7: Nine-Dash Line Map



Source: <http://bharatshakti.in/implications-of-permanent-court-of-arbitration-award-on-the-south-china-sea-dispute/>, 2019

Therefore, as stated by maritime experts, when considering UNCLOS provision of sustaining human habitation or economic life of its own and also the term “*naturally formed area of land*” it seems that the only result China get expect is a a 12-mile territorial waters as most of these artificial islands which Beijing built in the SCS were formerly accepted as rocks that only have a 500-meter safety zone.

3.5. Militarization of the Islands

It is clear that one of China’s biggest aims with regard to its recent land reclamation and island building activities is to entitle itself to an EEZ based on these islands that it has artificially built. However, this issue is a controversial one open to question as seen in the

previous section. Nevertheless, one thing which is not open to question is the militarization of these newly built islands and the significant and even decisive strategic advantages it provides to Beijing with respect to its aims in the SCS in becoming the dominant power in the region.

As stated, China's Grand strategy's first stage requires China to become the dominant power in its near periphery, or as called the 'First Island Chain.' In order to achieve this goal, Beijing evidently has to drive out the traditional dominant power of the area, the US out of the region. Militarization of the artificial islands provides China to strengthen its presence in the region while avoiding a direct clash with the other states in the region especially Washington by gradually limiting the space for other claimants to operate while also increasing its military capability in the region.

It must be noted that much of the operational value of building artificial islands in the Spratlys is due to the islands' location in the east-central part of the SCS several hundred miles south of China's mainland in addition to the military and other facilities that China has constructed on them (Dolven et al, 2015: 7). As seen in the above map, by using these artificial islands as refueling, resupply and crew rest locations, China will be able to provide its forces much needed logistic support capabilities and thus significantly increase its operational capacity in the region.

In this respect, it is clear that the ability to dock warships and land military planes on these newly built islands in the far reaches of the SCS will allow China to continue and improve its 'cabbage strategy', which is a military policy of surrounding an area with massive number of Chinese patrol ships called as 'leaves' until its completely encircled and neutralized. This strategy was first used in 2012 when Chinese coast guard vessels surrounded Philippine coast guard vessels on Scarborough Shoal. As a result of this strategy, The Philippines forces which eventually ran out of supplies were forced to abandon the shoal, and leave the shoal to China's control (Erdogan, 2015, para. 7). In this sense, the military facilities built on these artificial islands will permit China to maintain a more frequent, denser and operationally effective presence of military coast guard ships and law enforcement force vessels and thus increase its ability to enforce its territorial claims over these waters. As stated by military experts, by expanding its territory and presence through these islands, and in accordance with its policy to gain control within the nine dashed line, China will now be able to conduct similar operations on a larger scale, and gain the de facto control of more disputed islands and waters in the SCS (Erdogan, 2015, para. 11).

In addition to improving China's ability to conduct military patrols in the SCS, the military facilities constructed on these islands will significantly improve China's position in a potential confrontation with other rival claimants in the SCS especially the US, and provide the power projection capabilities which it lacks with respect to the number of aircraft carriers compared with the US. Furthermore, it must be noted that with the new military bases built on these islands, China has potentially gained the ability to execute small amphibious operations against nearby islands held by other countries (Dolven et al, 2015: 8).

3.5.1. Air Defense Identification Zone (ADZ)

Perhaps, one of the biggest concerns of the US and other claimants in the region is the possibility that Beijing might try to establish an Air Defense Zone (ADZ) in the SCS by using the military assets based on these newly built islands (Broderick, 2015: 6). Military experts point out to the fact that the sophisticated radar systems and aircrafts (including Unmanned Aerial Vehicles (UAVs) stationed at these islands could increase China's ability to maintain Maritime Domain Awareness (MDA) over surrounding waters and airspace. In addition, China could use one or more of the reclamation sites as locations for Anti-Access/Area Denial (A2/AD) by using electronic listening equipment, Surface-to-Air missiles (SAMs) and Anti-Ship Cruise Missiles (ASCMs) in addition to the radar systems and aircrafts based on these islands. It is clear that by doing so, China would be able to project elements of China's A2/AD network further into the SCS and thicken the overall density of the network. In this respect, China will be able to use the runways and refueling facilities at Fiery Cross Reef and other artificial islands to support the operations of its interceptor aircrafts and thus enhance the enforcement of its ADIZ (Dolven et al, 2015: 11). This, no doubt will result in a serious challenge for the US.

To sum up, it is evident that China's latest land reclamation and construction in the SCS and militarization activities on these islands allow China to increase and strengthen its military and law enforcement presence in the region while providing a significant advantage in terms of projecting power within the highly disputed 'Nine-Dashed Line Map' claim. In addition, by developing its A2/AD capacities significantly, China will be able to declare ADIZ if it chooses and increase its capability to militarily control the region. More importantly, in this sense by strengthening its operational capabilities with these initiatives, China can be said that has prevented other claimants in the region from challenging its territorial claims. It is clear that China, by realizing these construction and militarization activities in a short period, has actually and unilaterally changed the physical status quo in the region and built a new security structure in accordance with its own claims and aims in the region and managed to get closer to achieving its aims in accordance with its the so-called 'grand strategy.' When all these developments are added together, it is clear that China has succeeded significant progress in realizing its aims with respect to its grand strategy in building a new security structure in its near periphery, starting with the SCS. However, it is also clear that the result of China's initiatives hugely depends on the reaction of the traditional dominant power in Asia-Pacific: the US. In this respect, Washington's reaction to China's initiatives with regard to its famous "Asia pivot" and its possible containment and balancing policies in the region and elsewhere have the potential to affect the future of the region and more importantly East Asia and the Asia-Pacific in general. Whether China succeeds in building its own "Blue Navy" and realizing its A2/D2 and other military projects in the region would be significant in this sense because this would bring a direct challenge to the Western strategic maritime dominance in Southeast and East Asia which has been the reality in the region for not decades but for almost centuries and thus become a real game changer (White and Taylor, 2009: 93).

PART 4: THE THREAT FACTOR

Threat, or more accurately, the perception of threat has been without doubt one of the most dominating themes in International Relations starting with Thucydides' famous work "History of the Peloponnesian War" written in 5th century BC. I believe it is fair to say that even today when we examine state behaviors and relations with one another we can still easily say that threat and the perception of threat is one of the key factors which shape states' policies and actions towards one another in the world and of course in the SCS which is one of the main focus points of this study. Therefore, from an analytical point of view, it has become important to be able to measure and digitize the level of threat between states. As stated in the methodology section, one of the goals of this study is to attempt to come up with a basic formula to assess the level of threat which states pose to one another. In this respect, this study attempts to digitize the threat factor by using a basic formula based on Stephen Walt's definition of threat stated in his 1987 book "*Origins of Alliances*." With regard to the context of this study, this mentioned formula will be used mainly to try to assess the levels of threat between key actors in the SCS dispute and Southeast Asia in general. In accordance, with the proposed formula, the threat level between the below states will be measured in the following section: The threat level between China and Vietnam, the threat level between China and the Philippines and lastly the threat level between China and the US

In order to be able to make detailed analysis and to see the trends of threat, the formula will be applied to different years so as to be able to make comparisons and to see whether the threat level has increased or decreased in different periods between states.

4.1. The Level of Threat between China and Vietnam

As two neighboring countries with the longest coastline to the SCS and the biggest claims in the disputes, China and Vietnam have been in the foreground of the disputes in the SCS for many years. Ever since the taking over the Paracel islands by the Chinese armed forces after a fatal armed conflict in the region in 1974, the two states have been in an everlasting struggle to dominate the rocks and tiny islands in the region which in some cases have resulted in shootouts between the armed forces of these two states. In addition, the recent discovery of potential oil fields in SCS and Vietnam's attempts to discover and extract the oil in its claimed EEZ has only made the situation worse as China has increased its efforts and activities in the region to stop Vietnamese oil exploration activities which it claims are being carried out in Chinese waters. Therefore, the disputes and actions in the SCS play an important role in the two countries policies towards one another with regard to the rising tensions in the disputed waters.

It must be noted that even as further back in 1974, China had shown signs of its interest on the tiny rocks and islets in the SCS as part of its strategy to transform the SCS into a Chinese Sea as we see in the incident in the Paracel Islands where Chinese navy took control of the islands from the then South Vietnamese forces forcefully after an armed conflict. In addition, the 1987 incident, where the Chinese navy opened fire on a group of Vietnamese sailors planting a Vietnamese flag on a submerged rock formation on the Fiery Cross Reef and which left 74 Vietnamese sailors killed, also is an important

indication of both countries determination and struggle to control the rock and islets in the region (Fravel, 2011: 298). Although both incidents were followed by relatively calm periods, especially after 2010, we see a sudden rise of the number of incidents between two states with regard to SCS disputes. These incidents which almost entirely happen in the SCS show us the growing importance of the region for both states with regard to their political and economic interests and the determination of the two states with respect to urgently protecting their claims in the SCS. It is clear that the increasing incidents between the two states in the region had a great effect on the threat perception of especially the Vietnamese side with regard to China's actions and ambitions in the SCS. This situation also becomes clear when we examine Vietnam's defense spending figures after 2012. In the following section, the threat posed by China towards Vietnam will be measured by using the formula suggested in the methodology part of this study. In order to be able to make comparisons, the formula will be applied to two different years: 2012 and 2016.

4.1.1. Assessment of the Threat China Poses to Vietnam– 2012

Formula Values of China – 2012

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (69 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘10’ (1.281 km land border with Vietnam) (www.globalsecurity.org)
“M” (Military Capabilities) =	‘8’ (161 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘2’ (Two separate incidents near the Paracel islands involving Chinese Patrol ships and Vietnamese Fishing vessels. Both incidents included harassment/ aggressive behavior, use of firearms and resulted in official protests by Vietnam) (chinapower.csis.org)

Formula Values of Vietnam - 2012

“X1” (Size) =	‘3’ (310.070 km ²) (data.worldbank.org)
“X2” (Population) =	‘5’ (90.451.881) (data.worldbank.org)
“X3” (GDP) =	‘2’ (155 Billion \$) (data.worldbank.org)
“Y” (Military Capabilities) =	‘3’ (3.6 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which china poses to Vietnam is calculated below:

$$\text{Threat (2012): (China) } \frac{29 + 10 + 8 * 2}{(\text{Vietnam}) 10 + 3} = 7,2$$

When we look at the result, we see that **7.2** in the Threat level Chart equals to **“Substantial Threat”** where **“an attack is a possibility.”**

In order to make a comparison and to see the trend of threat between the two states, the formula is used again but this time with 2016 data.

4.1.2. China-Vietnam Threat Level Evaluation– 2016

Formula Values of China – 2016

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘10’ (1.281 km land border with Vietnam) (www.globalsecurity.org)
“M” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘3’ (Three separate incidents near the Paracel islands involving Chinese Patrol ships and Vietnamese Fishing vessels. In two of the incidents included harassment/ aggressive behavior, use of firearms and resulted in official protests by Vietnam) (chinapower.csis.org)

Formula Values of Vietnam - 2016

“X1” (Size) =	‘3’ (310.070 km ²) (data.worldbank.org)
“X2” (Population) =	‘5’ (94.569.072) (data.worldbank.org)
“X3” (GDP) =	‘2’ (205 Billion \$) (data.worldbank.org)
“M” (Military Capabilities) =	‘4’ (5 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which china poses to Vietnam is calculated below:

$$\text{Threat (2016): (China) } \frac{29 + 10 + 8 * 3}{(\text{Vietnam}) 10 + 4} = 10.07$$

When we look at the result, we see that **10.07** in the Threat level Chart equals to “**Severe Threat**” where “**an attack is highly likely.**”

These calculations show us that with regard to China’s rise and the developments in the SCS, China poses a significant threat to Vietnam and that the rising numbers of hostile natured incidents between the two states have raised the threat level of China to Vietnam from ‘Significant’ to ‘Severe’ threat. In order to test the accuracy of the Threat Formula, in the following section the same formula will be used to calculate the threat which Vietnam poses to China in the same period.

4.1.3. Evaluation of the threat Vietnam poses to China– 2012

Formula Values of Vietnam - 2012

“P1” (Size) =	‘3’ (310.070 km ²) (data.worldbank.org)
“P2” (Population) =	‘5’ (90.451.881) (data.worldbank.org)
“P3” (GDP) =	‘2’ (155 Billion \$) (data.worldbank.org)
“M” (Military Capabilities) =	‘3’ (3.6 \$ Billion Military Spending) (www.sipri.org)
“G” (Proximity) =	‘10’ (1.281 km land border with Vietnam) (www.globalsecurity.org)
“T” =	‘2’ (Two separate incidents near the Paracel islands involving Chinese Patrol ships and Vietnamese Fishing vessels. Both incidents included harassment/ aggressive behavior, use of firearms and resulted in official protests by Vietnam) (chinapower.csis.org)

Formula Values of China – 2012

“X1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“X2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“X3” (GDP) =	‘10’ (69 Trillion \$) (data.worldbank.org)
“X” =	‘29’ (S1+S2+S3)
“M” (Military Capabilities) =	‘8’ (161 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which Vietnam poses to China in 2012 is as below:

$$\text{Threat (2012): (Vietnam) } 10 + 10 + 3 * 2 = 1,24$$

$$\text{(China) } 29 + 8$$

When we look at the result, we see that **1.24** in the Threat level Chart equals to “**Moderate Threat**” where “**an attack is possible but unlikely.**”

Again, to be able to make a comparison and to see the trend of threat between the two states, the formula is used again but this time with 2016 data in order to evaluate the threat Vietnam poses to China in 2016.

4.1.4. Evaluation of the threat Vietnam poses to China– 2016

Formula Values of Vietnam - 2016

“P1” (Size) =	‘3’ (310.070 km ²) (data.worldbank.org)
“P2” (Population) =	‘5’ (94.569.072) (data.worldbank.org)
“P3” (GDP) =	‘2’ (205 Billion \$) (data.worldbank.org)
“M” (Military Capabilities) =	‘4’ (5 \$ Billion Military Spending) (www.sipri.org)
“G” (Proximity) =	‘10’ (1.281 km land border with Vietnam) (www.globalsecurity.org)
“T” =	‘3’ (Three separate incidents near the Paracel islands involving Chinese Patrol ships and Vietnamese Fishing vessels. In two of the incidents included harassment/ aggressive behavior, use of firearms and resulted in official protests by Vietnam) (chinapower.csis.org)

Formula Values of China – 2016

“X1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“X2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“X3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“X” =	‘29’ (S1+S2+S3)
“Y” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which Vietnam poses to China in 2016 is as below:

$$\text{Threat (2016): (Vietnam) } 10 + 10 + 4 * 3 = \mathbf{1,94}$$

$$\text{(China) } 29 + 8$$

When we look at the result although we see a rise from **1.24** to **1.94**, the Threat level Chart still equals to “**Moderate Threat**” where “**an attack is possible but unlikely.**”

As a summary, when we look at the above results, we see that compared to the level of threat which Vietnam poses to China, China poses a much greater threat to Vietnam in terms of the data used in the formulation. According to the threat formula and its results concerning 2012 and 2016, Vietnam poses only a “Moderate Threat” at very low levels

between '1' and '2' while China in the same period poses a much greater threat first as "Substantial Threat" with '7.2" and later on in 2016 increasing to "Severe Threat" with '10.07.' In accordance with the result of these calculations, especially with regard to Vietnam, we see that the states have increased their efforts in the SCS to strengthen their claims in the region and have shown significant effort in developing their military capabilities. It is clear that Vietnam with the new rising Chinese threat has increased its efforts to modernize its armed forces and especially its navy and, as what many see as a balancing behavior, has stepped up its military cooperation with other countries in the region such as Japan and Australia and naturally the traditionally dominant power in Southeast and East Asia: the US. In accordance with the results of the Threat formula used in this study, it is clear that Vietnam is preparing for a likely Chinese attack in the SCS to its claims and is looking for ways to balance the rising Chinese dominance in the SCS.

4.2. The Level of Threat between China and the Philippines

Without a doubt, together with Vietnam, Philippines is the second state which in the last decades and up to now has been most affected by Chinese claims and Chinese activities in the SCS with regard to China's strategy and policies in the SCS. Situated opposite Vietnam at the eastern edge of the SCS, through the years, Philippines along with Vietnam has been at the center of incidents especially in the islets known as Spratly islands and Scarborough Shoal on the eastern part of the SCS. As a result of the new assertive and even aggressive approach adopted by China especially after 2010 to strengthen its claims and push out other claimants in the SCS, we have started to see more and more incidents where Chinese government and non-government vessels and ships come to a standoff with The Philippine government and civilian ships. In many of these incidents, due to numerical superiority of the Chinese side, the Philippine side has retreated or lost ground to Chinese forces as seen in the example of the seizure of Scarborough shoal by Chinese government and fishing vessels in 2012 (www.reuters.com, 31.10.2016). As stated by maritime experts, it is clear that China is using its material superiority in terms of financial and technological capabilities to push other claimants in the SCS and in this case the Philippines which apparently lacks both the military and economic capabilities to answer and deter Chinese activities in the SCS which Philippines claims as its own EEZ. As a result of this situation, and perhaps the only realistic means to stop Chinese expansion in parts of the SCS which the Philippines claim as its own EEZ, the Philippine government brought this incident as a case to the International Tribunal for Law of the Sea (ITLOS) in 2013. Although the Tribunal gave its verdict in favor of the Philippines, it is clear that it had no real effect with regard to pushing China out of Scarborough shoal or out from other small islets or rocks which China gained control through the years.

From the Philippine perspective, apparently, losing its claimed regions in the SCS which are both important in terms of fishing and natural energy resources such as oil and natural gas to Chinese control is an important indicator of the growing Chinese threat in the SCS. As stated by many Philippines politicians and experts, China's aggressive and assertive

policies, strategies and actions in the SCS especially after 2010 are not in accordance with peaceful coexistence with neighbors and pose an important threat to Philippines with regard to its sovereignty in its claims EEZ in the SCS (www.bbc.com, 11.03.2014). Therefore clearly, it can be argued that China has become perhaps one of the most important threat for the Philippines with regard to its presence and sovereignty in the SCS. In the following section, the threat posed by China towards the Philippines will be measured by using the formula suggested in the methodology part of this study. Similarly, in order to be able to make comparisons, the formula will be applied to two different years: 2012 and 2016.

4.2.1. Evaluation of the threat China poses to the Philippines– 2012

Formula Values of China – 2012

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (69 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘5’ (The two states do not share and land border. Distance between two closest major cities of China and the Philippines is 1.116 km which is the distance between the Philippines capital city Manila and Hong Kong) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘8’ (161 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘2’ (One incident over the Scarborough Shoal between Chinese Marine Surveillance ships and Philippines navy ships included arrest, harassment in the form of aggressive behavior directed at individuals and equipment, official protest and a standoff between the two sides that continued for weeks and resulted in China gaining the control of the Shoal.) (chinapower.csis.org)

Formula Values of the Philippines - 2012

“X1” (Size) =	‘4’ (298.170 km ²) (data.worldbank.org)
“X2” (Population) =	‘5’ (96.866.642) (data.worldbank.org)
“X3” (GDP) =	‘3’ (250 Billion \$) (data.worldbank.org)

“Y” (Military Capabilities) = ‘3’ (2.8 \$ Billion Military Spending)
(www.sipri.org)

According to these values, the threat which China poses to the Philippines is calculated below:

$$\text{Threat (2012):} \quad \begin{array}{l} \text{(China)} \quad \underline{29 + 5 + 8 * 2} \\ \text{(The Philippines)} \quad 12 + 3 \end{array} = 5,6$$

When we look at the result, we see that although on the bottom level, **5.6** in the Threat level Chart equals to “**Substantial Threat**” where “**an attack is a possibility.**”

It must be noted that this level is lower than the level of threat China poses to Vietnam which is 7.2. One of the main reasons for this difference is the proximity factor as the Philippines does not have any land border with China and the two states are divided by hundreds of kilometers of sea.

In order to make a comparison and to see the trend of threat between the two states, the formula is used again but this time with 2016 data.

4.2.2. The Level of Threat China Poses to the Philippines– 2016

Formula Values of China – 2016

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘5’ (The two states do not share any land border. Distance between two closest major cities of China and the Philippines is 1.116 km which is the distance between the Philippines capital city Manila and Hong Kong) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)
“T” = ‘	5’ (Six separate incidents near the Spratly Islands and Scarborough Shoal involving Chinese military Patrol and surveillance ships and civilian fishing vessels and Philippines military and fishing vessels. Almost all of the incidents included harassment/ aggressive behavior towards each other’s personnel and equipment and standoff between two sides vessels and resulted in official protests by both sides) (chinapower.csis.org)

Formula Values of the Philippines - 2016

“X1” (Size) =	‘3’ (298.170 km ²) (data.worldbank.org)
“X2” (Population) =	‘6’ (103.320.212) (data.worldbank.org)
“X3” (GDP) =	‘3’ (304 Billion \$) (data.worldbank.org)
“X” =	12
“Y” (Military Capabilities) =	‘3’ (3.7 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which China poses to the Philippines in 2016 is calculated below:

$$\text{Threat (2016): (China) } 29 + 5 + 8 * 5 = 14$$

$$\text{(Vietnam) } 12 + 3$$

When we look at the result, we see that **14** in the Threat level Chart equals to “**Severe Threat**” where “**an attack is highly likely.**”

This result is higher than the level of threat China poses to Vietnam in the same year which is 10.07 as the main reason for this situation is that number of threat posing incident between China and the Philippines is more than the number of incidents between China and the Vietnam in the same year.

These calculations show us that with regard to China’s rise and the developments in the SCS, China, similar to Vietnam, poses a significant threat to the Philippines and that the rising numbers of hostile natured incidents between the two states have raised the threat level of China to the Philippines from ‘Significant’ to ‘Severe’ threat. In order to test the accuracy of the Threat Formula, in the following section the same formula will be used to calculate the threat which the Philippines poses to China in the same years.

4.2.3. Evaluation of the threat the Philippines poses to China– 2012

Formula Values of Philippines - 2012

“P1” (Size) =	‘4’ (298.170 km ²) (data.worldbank.org)
“P2” (Population) =	‘5’ (96.866.642) (data.worldbank.org)
“P3” (GDP) =	‘3’ (250 Billion \$) (data.worldbank.org)
“P” =	12
“M” (Military Capabilities) =	‘3’ (2.8 \$ Billion Military Spending) (www.sipri.org)
“G” (Proximity) =	‘5’ (The two states do not share and land border. Distance between two closest major cities of China and the Philippines is 1.116 km which is the distance between the

Philippines capital city Manila and Hong Kong) (www.distancecalculator.net)

“T” =

‘2’ (One incident over the Scarborough Shoal between Chinese Marine Surveillance ships and Philippines navy ships included arrest, harassment in the form of aggressive behavior directed at individuals and equipment, official protest and a standoff between the two sides that continued for weeks and resulted in China gaining the control of the Shoal.) (chinapower.csis.org)

Formula Values of China – 2012

“X1” (Size) =

‘9’ (9.388.211 km²) (data.worldbank.org)

“X2” (Population) =

‘10’ (1.3 Billion) (data.worldbank.org)

“X3” (GDP) =

‘10’ (69 Trillion \$) (data.worldbank.org)

“X” =

‘29’ (X1+X2+X3)

“Y” (Military Capabilities) =

‘8’ (161 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which the Philippines poses to China in 2012 is as below:

$$\text{Threat (2012): (Vietnam) } 12 + 5 + 3 * 2 = 1,08$$

$$\text{(China) } 29 + 8$$

When we look at the result, we see that **1.08** in the Threat level Chart equals to lower end to the **“Moderate Threat”** spectrum where **“an attack is possible but unlikely.”**

Again, to be able to make a comparison and to see the trend of threat between the two states, the formula is used again but this time with 2016 data in order to evaluate the threat the Philippines poses to China in 2016.

4.2.4. Evaluation of the threat the Philippines poses to China– 2016

Formula Values of the Philippines - 2016

“P1” (Size) =

‘4’ (298.170 km²) (data.worldbank.org)

“P2” (Population) =

‘6’ (103.320.212) (data.worldbank.org)

“P3” (GDP) =

‘3’ (304 Billion \$) (data.worldbank.org)

“P” =

‘13’

“M” (Military Capabilities) =
(www.sipri.org)

3’ (3.7 \$ Billion Military Spending)

“G” (Proximity) =	‘5’ (The two states do not share and land border. Distance between two closest major cities of China and the Philippines is 1.116 km which is the distance between the Philippines capital city Manila and Hong Kong) (www.distancecalculator.net)
“T” =	‘5’ (Six separate incidents near the Spratly Islands and Scarborough Shoal involving Chinese military Patrol and surveillance ships and civilian fishing vessels the Philippines military and fishing vessels. Almost all of the incidents included harassment/ aggressive behavior towards each other’s personnel and equipment and standoff between two sides vessels and resulted in official protests by both sides) (chinapower.csis.org)
Formula Values of China – 2016	
“X1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“X2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“X3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“X” =	‘29’ (S1+S2+S3)
“Y” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which the Philippines poses to China in 2016 is as below:

$$\text{Threat (2016): (the Philippines)} \frac{13 + 5 + 3 * 5}{29 + 8} = 2,83$$

(China)

When we look at the result, we see a rise in the level of threat which the Philippines poses to China from **1.24** to **2,83**.

However, in the Threat Level Chart, this calculated result still equals the Threat level Chart still equals to “**Moderate Threat**” where “**an attack is possible but unlikely.**”

As a summary, when we look at the above results, similar to the threat relation between China and Vietnam, we see that compared to the level of threat which the Philippines poses to China, China poses a much greater threat to Philippines in terms of the data used in the formulation. According to the threat formula and its results concerning 2012 and

2016, the Philippines poses only a “Moderate Threat” at very low levels between ‘1’ and ‘2’ while China in the same period poses a much greater threat first as “Substantial Threat” with ‘5.6’ in 2012 and later on in 2016 increasing to “Severe Threat” with ‘13.12.’ Thus, it can be said that the level of threat which China poses to the Philippines have increased more than double between 2012 and 2016. In accordance with the result of these calculations, it is clear that the SCS disputes and China’s policies and actions in the SCS have become an important concern as we see in Philippines’ appeal to the International Arbitration court regarding China’s claims and actions in the SCS. As stated before, although the verdict of the court has been in favor of the Philippines side, it can be said that the verdict has not been effective in stopping or preventing China’s actions in the SCS which according to Vietnam is illegal. Perhaps as a result of the frustration of the Philippine side which lacks both the economic and military means to answer the superior Chinese presence in the SCS, especially after the election of president Duterte, we see that the Philippine side has turned to a different strategy with regard to relations with China. Unlike Vietnam which has turned to efforts in order to balance the growing Chinese presence in the SCS, we see that Manila has been eager to take steps to get closer with Beijing, even at the cost of distancing itself from its biggest traditional ally in the region the US. It must be noted that this difference attitude or behavior is not surprising as Stephen Walt in his “Balance of Threat” model argues that when faced with a rising threat stronger states turn to balancing and weaker states turn to ‘band wagoning.’ In this sense, with its history full of victories over superior forces such as France and the US, Vietnam can be considered a stronger state than the Philippines which lack this kind of historical experience against foreign aggression. No matter what policy the Philippines pursues with regard to its relations with China, in accordance with the results of the threat formula used in this study, it is clear that China is becoming a greater threat to Manila with regard to Philippines claims and interests in the SCS.

4.3. Level of Threat between China and the US

With regard to the scope of this study, and in terms of political, economic and security and structure in Asia-Pacific and perhaps the world, it is clear that one of the most important issues has become the growing Sino-American competition and even in some cases rivalry in Southeast and East Asia and Asia-Pacific. China, which is on the steady path of becoming a superpower, is not content with the present political, economic and security structure in Southeast and East Asia today shaped by the US after the Second World War. The current structure, according to Beijing is only a means by US to contain and limit China’s growth and rise as an Asian superpower which can project power and influence not only in Southeast and East Asia but in the greater Asia-Pacific region. The ‘Chinese dream’ which is often described as the rejuvenation of the ancient Chinese Empire by Chinese leaders clearly requires Beijing to become the major and dominant power in its own traditional periphery which includes the SCS. Therefore, Chinese efforts to rapidly expand and strengthen its presence and claims in the SCS is a necessity for Beijing that needs to be realized in order to continue its path on becoming a modern version of the Chinese Empire. As a result, China’s success or failure in the SCS will act as a test with regard to Beijing’s dreams for once again becoming the dominant power in

East Asia. In this test, it is apparent that the biggest obstacle for China is the presence of the traditional dominant power in East Asia and Asia Pacific; the US. It can be said that Washington's presence and security alliance in the region which in the past has enabled the economic development called the 'Chinese miracle' today has become a threat that must be overcome in order to continue the path of becoming a super power in the region and fulfilling the Chinese dream. However, it must be noted that the same situation is also true for the US as from Washington's perspective a rising China without doubt has become one of the biggest threats to political, economic and security structure in Asia-Pacific and which has served so well for the US interests in the region for a long time. The economic boom of the US especially after the Second World War owes most of its success to the global system shaped by the US after the war. One of the most important corner stones of this system is freedom of navigation and over flight which enables free trade and the flow of goods between global markets. As stated, The SCS is one of the busiest maritime trade routes in the world with almost 5 trillion dollars of trade passing through this sea every year. It is clear that from Washington's perspective any threat to the free transit of trade through these waters as often voiced by China is a serious danger that threatens the foundations of the system built by the US in the world. In this sense, just as China perceives the US presence as a threat to its own interests, the US views China's actions especially in the SCS as a threat to its overall interests in East Asia and Asia-Pacific in general. In the following section, the level of threat which these two states pose to each other will be calculated by using the proposed threat formula mentioned in the methodology section. In order to have a better understanding and to be able to make comparison the threat levels will be calculated with in two separate years; 2012 and 2016. First the level of threat which China poses to the US will be calculated.

4.3.1. Evaluation of the threat China poses to the US– 2012

Formula Values of China – 2012

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (69 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘3’ (The distance between two closest major cities of the two states; Seattle and Shanghai is 9.190 km) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘8’ (161 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘1’ (The Freedom of Navigation Operations (FONOP) conducted by the US Navy and US Air Force in order to challenge the claimed territorial waters in disputed waters especially in the SCS have been the most

important incidents of concern between Beijing and Washington in the SCS. However, for the year 2012, no FONOP in SCS has been reported.) (news.usni.org)

Formula Values of the US – 2012

“X1” (Size) =	‘9’ (9.147.420 km ²) (data.worldbank.org)
“X2” (Population) =	‘8’ (313.993.272) (data.worldbank.org)
“X3” (GDP) =	‘10’ (16 Trillion \$) (data.worldbank.org)
“X” =	‘27’ (X1+X2+X3)
“Y” (Military Capabilities) =	‘10’ (684 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which China poses to the US in 2012 is as below:

$$\text{Threat (2012): (China) } \frac{29 + 3 + 8 * 1}{(US) 27 + 10} = 1,10$$

When we look at the result, we see that **1.10** in the Threat level Chart equals to lower end to the “**Moderate Threat**” spectrum where “**an attack is possible but unlikely.**”

4.3.2. Evaluation of the threat the China poses to the US– 2016

Again, to be able to make a comparison and to see the trend of threat between the two states, the formula is used but this time with 2016 data in order to evaluate the threat China poses to the US in 2016.

Formula Values of China – 2016

“P1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“P2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“P3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“P” =	‘29’ (S1+S2+S3)
“G” (Proximity) =	‘3’ (The distance between two closest major cities of the two states; Seattle and Shanghai is 9.190 km) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘4’ (Four separate Freedom of Navigation Operations have been conducted by the US Navy in the disputed waters of the SCS)

targeting Chinese claimed territorial waters. In these incidents Chinese military ships shadowed US navy ships and warned the US ships to leave the area. Official protests were later made by the Chinese Foreign Ministry following these incidents.) (news.usni.org)

Formula Values of the US – 2016

“X1” (Size) =	‘9’ (9.147.420 km ²) (data.worldbank.org)
“X2” (Population) =	‘8’ (323.405.935) (data.worldbank.org)
“X3” (GDP) =	‘10’ (18 Trillion \$) (data.worldbank.org)
“X” =	‘27’ (S1+S2+S3)
“Y” (Military Capabilities) =	‘10’ (601 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which China poses to the US in 2016 is as below:

$$\text{Threat (2016): (China) } \frac{29 + 3 + 8 * 4}{(US) 27 + 10} = 4,32$$

When we look at the result, we see that **4.32** in the Threat level Chart equals to higher end of the “**Moderate Threat**” spectrum where “**an attack is possible but unlikely.**”

When we look at these results, we see that as the number of hostile incidents increase between states, so does the perceived level of threat. As in the case of China and the US, although there has been no significant change in the aggregate formula values of these two states calculated we see that the level of threat has folded four times from 1.10 in 2012 to 4.32 in 2016. Without doubt, the most important reason for this rise in threat level is the increase in the number of hostile or aggressive natured incidents between these two states. However, it must be noted that according to this formula results although there has been an important rise in 2016, the level of threat which China poses to the US is still within “Moderate Threat” level, where an attack by the threatening state is possible but unlikely. Therefore, from this viewpoint, although there is a rise between the incidents defined as threatening, it is unlikely that China will choose to use military force against US side in the SCS or in any other region. In order to make comparisons and carry out further analysis, in the following section the same formula will be used to calculate the threat which the US poses to China in the same years.

4.3.3. Evaluation of the threat the US poses to China – 2012

Formula Values of the US – 2012

“P1” (Size) =	‘9’ (9.147.420 km ²) (data.worldbank.org)
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“P2” (Population) =	‘8’ (313.993.272) (data.worldbank.org)
“P3” (GDP) =	‘10’ (16 Trillion \$) (data.worldbank.org)
“P” =	‘27’ (S1+S2+S3)
“G” (Proximity) =	‘3’ (The distance between two closest major cities of the two states; Seattles and Shanghai is 10.445 km) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘10’ (684 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘1’ (The Freedom of navigation Operations (FONOP) conducted by the US Navy and US Air Force in order to challenge the claimed territorial waters in disputed waters especially in the SCS have been the most important incidents of concern between Beijing and Washington in the SCS. However, for the year 2012, no FONOP in SCS has been reported.) (news.usni.org)
Formula Values of China – 2012	
“X1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“X2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“X3” (GDP) =	‘10’ (69 Trillion \$) (data.worldbank.org)
“X” =	‘29’ (S1+S2+S3)
“Y” (Military Capabilities) =	‘8’ (161 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which the US poses to China in 2012 is as below:

$$\text{Threat (2012): (US) } 27 + 3 + 10 * \frac{1}{29} = 1.08$$

$$\text{(US) } 29 + 8$$

When we look at the result, we see that **1.08** in the Threat level Chart equals to lower end of the “**Moderate Threat**” spectrum where “**an attack is possible but unlikely.**”

Again, to be able to make a comparison and to see the trend of threat between the two states, the formula is used again but this time with 2016 data in order to evaluate the threat US poses to China in 2016.

4.3.4. Evaluation of the Level of threat the US poses to China – 2016

Formula Values of the US – 2016

“P1” (Size) =	‘9’ (9.147.420 km ²) (data.worldbank.org)
“P2” (Population) =	‘8’ (323.405.935) (data.worldbank.org)
“P3” (GDP) =	‘10’ (18 Trillion \$) (data.worldbank.org)
“P” =	‘27’ (S1+S2+S3)
“G” (Proximity) =	‘3’ (The distance between two closest major cities of the two states; Seattle and Shanghai is 10.445 km) (www.distancecalculator.net)
“M” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)
“T” =	‘4’ (Four separate Freedom of Navigation Operations have been conducted by the US Navy in the disputed waters of the SCS targeting Chinese claimed territorial waters. In these incidents Chinese military ships shadowed US navy ships and warned the US ships to leave the area. Official protests were later made by the Chinese Foreign Ministry following these incidents.) (news.usni.org)

Formula Values of China – 2016

“X1” (Size) =	‘9’ (9.388.211 km ²) (data.worldbank.org)
“X2” (Population) =	‘10’ (1.3 Billion) (data.worldbank.org)
“X3” (GDP) =	‘10’ (77 Trillion \$) (data.worldbank.org)
“X” =	‘29’ (X1+X2+X3)
“Y” (Military Capabilities) =	‘8’ (216 \$ Billion Military Spending) (www.sipri.org)

According to these values, the threat which the US poses to China in 2016 is as below:

$$\begin{aligned} \text{Threat (2016):} \quad & (\text{US}) \ 27 + 3 + 8 * 4 = 4,10 \\ & (\text{China}) \ 29 + 8 \end{aligned}$$

When we look at the result, we see that **4.10** in the Threat level Chart equals to higher end of the “**Moderate Threat**” spectrum where “**an attack is possible but unlikely.**”

As a summary, it can be said that the potential level of threat US and China pose to each other is the same, which according to the proposed threat formula is defined as ‘Moderate Threat’ where any attack is possible but unlikely. However, it must be noted that although within the scope of ‘Moderate Threat,’ the level of threat has risen significantly from 1.08 in 2012 to 4.32 in 2016 due to the increase in the number of hostile natured incidents between the two sides. The results of these calculations also indicate that as the two states with respect to ‘Aggregate Power’ and ‘Military Power’ are close, the major factor that dictates the level of threat between two sides is the number of hostile incidents between the two sides. Given the fact that China has in almost all platforms made it clear that its claims in the SCS are indisputable, it is evident that level of threat between China and the other claimants is likely to increase in the coming years if other claimants in the region refuse to accept China’s claims in the SCS.

In this sense, perhaps the state which is under the biggest Chinese threat will be Vietnam as for the most part of the disputes, Vietnam has been more vocal and determined to answer China’s aggressive natured actions and claims in the SCS. Although the Philippines is also affected by China’s claims and actions in the SCS with regard to its EEZ, the recent rapprochement between Philippines and China led by the Philippines President Duterte show us that the Philippines has entered a new phase with regard to its relations with China which can be described as ‘bandwagoning’ as a response to China’s assertive policies in the region. Therefore, it can be said that the number of incidents between China and the Philippines will most likely decline in the coming years as this rapprochement strengthens Beijing’s position in the SCS with regard to its disputed in the SCS and as the Philippines government becomes more reluctant to voice opposition against China’s actions in the SCS.

With regard to the focus of this study, when we look at the results for the threat level between US and China, it can be said that China’s rapid economic development in the last decades has brought China close to the US with respect to the ‘Aggregate Power’ such as GDP and Military Spending values. Therefore, today China poses as much threat to US as Washington does to Beijing. This means that although the US has been the major dominant power in the Asia-Pacific since the end of Second World War, as a result of the significant rise of China, this situation has now stated to be tested. The huge and outstanding economical gains made by China in the last decades have enabled Beijing to invest and modernize its infrastructure, technological know-how and most importantly its military power.

As can be seen in the calculation above, in terms of aggregate strength as described by Walt, China, especially with regard to economic power and military capabilities, has come a long way in approaching the same level of strength of the US. China’s abandonment of ‘Smile Diplomacy’ and the peaceful rise image and replacing it with a more aggressive or offensive policy in its region especially after 2010 should not come as a surprise as this new approach better reflects the Beijing’s needs and goals and most

importantly its self-confidence as a growing major power in the region. Therefore in the near future, provided that Beijing achieves in continuing its economic development which up to today has enabled China to pursue its political, strategic and military goals in accordance with its Grand Strategy to become the dominant power in its region, the competition between China and the US will inevitably grow. One of the major factors determining the nature of this competition and thus, the level of threat between China and the US will naturally be the number of hostile incidents or as stated by Walt 'offensive intentions' between the two states. In this sense, Beijing's and Washington's policies and actions in the SCS will be one of the most important factors shaping the level of threat between the two states.

At this point, it must once again be noted that all of these threat level calculations done above are only an attempt to formulate and digitize the level of threat which states pose to each other with regard to Stephen Walt's definition of 'Threat' in International Relations. Therefore, as stated before the results above should not be considered as definite or final as clearly there surely can be other factors which shape and influence the perception of threat between states such as social, cultural or religious factors. In addition, as stated in the Theory Framework section, this model also has its own several shortcomings such as the uncertain hierarchy between the elements of threat or the ambiguousness of the actions that can be considered as aggressive intentions. Therefore the above stated formulations and calculations should rather be seen as explorative and experimental attempt to contribute to our understanding of the concept and perception of 'Threat' in International Relations with regard to the threat element between states and therefore should not in any means close the door to any other approaches or calculation methods with respect to the concept of threat in International Relations.

PART 5: RISING TENSIONS AND US RESPONSE TO A RISING CHINA

5.1. US in Asia-Pacific

As stated in the introduction part, this study in essence argues that the policies and actions of China in fact reflects one of the first steps of China's rise as a major power in accordance with its 'Grand Strategy' and is actually one of the first steps of China in pushing the traditional power in the region the US out of the Asia-Pacific and thus, consolidating its power in the region as the new dominant power in Southeast and East-Asia. How US react to this Chinese challenge or new reality will mostly determine not only China's but also Washington's future in the region as it will mark a turning point in the security structure of the region. In addition, it must be noted that US response and attitude towards Chinese policies in the region clearly will be important in determining other claimants' reactions and future policies in the region with reference to balancing and bandwagoning. Therefore in this sense, US reaction to the SCS developments in fact also is an indicator of overall US reaction to the rise of China and has the potential to determine the future of both the SCS and the competition between China and the US in the Asia-Pacific in terms of whether China will succeed in shaping a new security architecture in the region. Therefore, it can be said that the global strategy of the US actually shapes Washington's approach to regional issues while at the same time developments in one region can shape the overall global strategy of Washington (Wesley, 2009:62). As a result, although the SCS disputes can be seen as a regional issue, it has much more important global implications with regard to US global policies and position. In other words, it can be said that the SCS dispute is a regional issue that has global implications. In the next section this study will examine the US response referred to as the 'Asia Pivot' in general and then focus specifically on the political and military reaction of US towards the SCS disputes and Chinese activities in the region.

In this sense, it must first be noted that the US has been and still is the main force that has shaped the current security and economic structure in East Asia and Asia-Pacific just like most parts of the world. This is not a surprise as after the Second World War, Washington had emerged as the world's greatest power with a GDP three times of Russia and more than five times of Great Britain in addition to possessing two thirds of the world's gold reserves, three quarters of its invested capital and more than half of the world's manufacturing capacity (Ikenberry, 2011: 163). Thus, it is natural that US has been the main architect behind the current global economic and political system established after the Second World War. China, in this sense, did not have much role in this process, and furthermore, wasn't even officially recognized by the dominant force of East Asia and the world, the US for almost 30 years, until in 1979 the Nixon administration officially changed its China policy and acknowledged the PRC and started relations within the international system. Thus, China despite its massive size and population, between 1949 and 1979 was left outside the system shaped by the US after the Second World War (May, 2013: 5).

When we look at the history of Washington's strategy in East Asia and Asia Pacific in general, we see that ever since US Admiral Perry's arrival to Japan in 1853, which can be

regarded as the US entrance into East-Asia politics, Washington's strategic goal and ambition has been the same, to shape the political and economic structure in the region in accordance with its own interests and to maintain its dominance as the caretaker and protector of the system that it shaped. In this sense, ever since it took the Philippines as war spoils from Spain as a result of the Spanish-American Naval War in 1898, the US has been one of the leading actors in Southeast and East Asia. As a result, after the Second World War, it can be said that Washington has built and maintained strategic ties and relations with more Asian states than any other country in the western world.

Especially with the Japanese attack on Pearl Harbor in 1941, the US has clearly shown that its security begins at the western rim of the Pacific Ocean instead of the coast of California and has acted in accordance with this strategy (Chellaney, 2012: 2). As stated by British economic historian Neil Ferguson, in this sense, even when US was almost totally beaten by the Japanese forces in 1942, Washington has never considered leaving the region and fought back with the aim of fully restoring US dominance in Asia Pacific (Ferguson, 2006: 43). This effort is very significant as it demonstrates Washington's commitment and determination to stay in the region, whatever the costs.

This belief that US security begins in western pacific, thus Southeast and East Asia, is also the reason behind many of US actions in the region during the cold war including Washington's military interventions in Korea and Vietnam. In addition, this perception also explains why US entered into a security treaty with Australia and New Zealand in 1951 in accordance with its strategy to reinforce its presence in the region. Furthermore, in accordance with this concept of Asia-pacific security, the US has shown great importance to build and maintain and develop its security treaties with Japan, South Korea, Taiwan and other Southeastern Asian states such as Singapore, Thailand and the Philippines. As a result of all these efforts which started in the height of the new Cold War in 1950s during postwar weakness of the newly established Southeast and East Asian states and decolonization of other new states, the US achieved to build a hierarchical order in Southeast and East Asia and Asia-pacific in general with the US at the top as the main dominant power and provider of stability and security in the region.

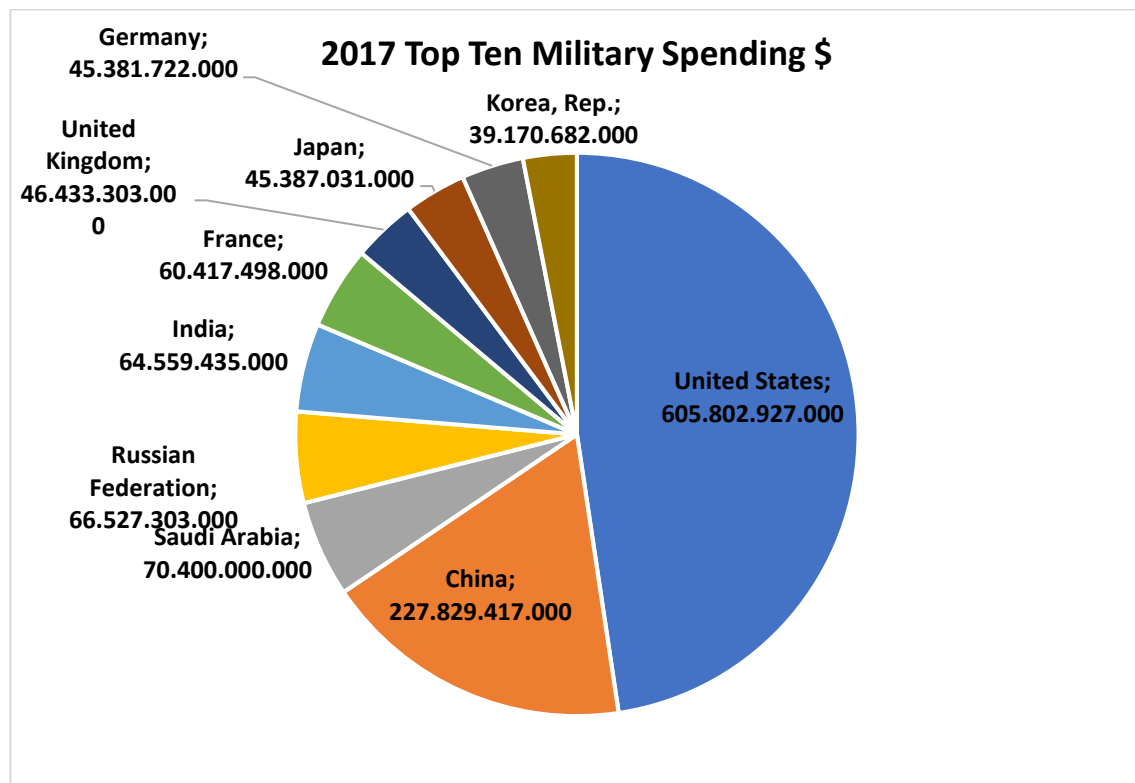
This security structure which the US built and maintained after the Second World War has had a profound effect on the region as it clearly provided the peaceful and stable environment which enabled East Asian states such as Japan, China and South Korea to grow and develop their economy. Therefore, from a strategic view, as acknowledged by many Western and Asian political analysts alike, the US has been the dominant force for stability and prosperity in the region which has permitted the rise of East Asian states after the Second World War and also during the post-cold war period (Goh, 2009: 106).

Today, it can be said that the US politically, economically and militarily is still the sole superpower which can project power and influence around the globe across many different regions. In this sense, as seen in Graphic 3, it is no surprise that its military spending far exceeds any other state or even combination of closely following states.

In addition, its advanced military technology and power enables Washington significant superiority in terms of military engagement and competition. However, its influence and

dominance in the region rests more upon the alliances and security structure it established in the region after the Second World War and which is also called the ‘Hub and Spokes’ system or the ‘San Francisco System.’ More clearly this structure allows the US to shape and maintain the security structure and to control the developments in the region in accordance with its own interests and objectives.

Graphic 3: 2017 Top Ten Military Spending Countries



Source: Graphic prepared by using worldbank data (data.worldbank.org, 2019)

This ‘Hub and Spokes’ system or ‘San Francisco’ system mostly built on a series of bilateral security treaties between the US and regional states has for a long time served as the backbone of the region’s security structure and has led the way for the postwar reconstruction of the region. In this respect, following the Second World War, the US has rapidly built and increased the number of its security alliances in the region starting with the Philippines in August 1951, Japan in September 1951, Australia and New Zealand in September 1951, the Republic of Korea in October 1953 and Taiwan in December 1954 (Wesley, 2009: 55). In addition, Washington has also developed a number of non-alliance security relationships with other countries in the region such as Singapore and Indonesia. This alliance system in Southeast and East Asia and Asia Pacific, also called as the ‘Hub and Spokes’ or the “San Francisco” system up to today has played an important role in building and maintaining stability and along with US dominance in the region through the periods of decolonization, cold war and post-cold war and Asian economic miracle periods. However, at this point it must be noted that this system in Southeast and East Asia had many differences with the security system in Europe and NATO as in fact it

supplied much “*lower levels of reassurances than Washington’s commitment to regional security supplied to European states by NATO*” and as a general rule “*involved less binding security guarantees, few if any common policy making structures and little joint military planning and integrated command bodies* (Duffield, 2003: 247).” Therefore, it can be said that the US centered alliance system in Southeast and East Asia and Asia-Pacific was much more US centered and dependent on US political and military presence and power in the region. Still this system played and still plays an important role in preserving the stability and US centered security structure in the region. It is clear that, without the US political and military presence in the region, China especially in the last several decades would have followed a much more assertive and aggressive policy in the region especially with regard to Japan, Taiwan and of course the SCS. Furthermore, this system in a way dissuaded both member and non-member states in the region from working towards building alternative regional security structure and thus in this sense, up to now has to a great extent ensured US dominance in the region. In addition, as it’s based on mutual defense treaties, this system also enabled the US to present itself as a legitimate and integral regional security factor in the region despite the occasional anti-American rhetoric in the region which can be observed time to time.

In accordance with this strategy, following the end of the cold war, the principal objective of the US during the 1990s was the preservation of Washington’s dominant position in the Asia-Pacific. After the collapse of the Soviet Union in 1991, and China still in the early process of modernization, in the early 1990’s, The US was left as the sole superpower which had the capacity to project power in almost all parts of the world. In this respect, in this period, in order to avoid any new possible challenges to American dominancy such as the challenge brought by the soviet union during the cold war, American policy makers started to show great effort in developing strategies to prevent the rise of any other state or group of states from emerging as a peer competitor with both the resources and intentions of a possible challenger to US global dominance. Thus, US policies and strategies during this period were designed in accordance with this grand strategic objective (Mastanduno, 2009: 68).

Accordingly, US strategies were aimed at engaging and including former communist enemies such as Soviet Union (Russia) and China of the cold war period into the international order built by the US by offering them new places in this US-centered structure. By following such a policy, the US hoped to persuade these states into accepting international rules and standards of behavior preferred by the US. In this sense, Washington aimed to integrate these former rivals into the global political and economic system by admitting them into certain US led global organizations which these states were not admitted before and to provide certain privileges which would benefit these states especially in economic terms. By following such a policy, the US policy makers hoped to bring these states into their own sphere of influence and ensure that they stay within the roles which Washington tailored for these states. As a result of this policy, a special attention and effort was shown to the newly established Russian Federation Republic led by Boris Yeltsin to integrate Russia into the Western club led by the US. Perhaps more importantly, as a result of this strategy, one of the biggest potential rising

power, China was presented a path to join the WTO in 2001 and gain access to western markets, technology and investment which China gladly accepted with the hope or expectation that it would comply and stay within the economic and political system and structure which Washington established after the Second World War and thus would not become a future threat to the US (Wesley, 2009: 62).

In addition to the above-mentioned US strategy, it must be noted that the US since the George H.W. Bush administration in the early 1990s has also been trying to find other ways to respond to a new rising China. Washington, in this sense, can be said that clearly saw the early signs of China's rise and tried to come up with a proper response with regard to its interests in East Asia and Asia Pacific. We see this in the statements by the officials from Washington as early as the Bush administration. For example, Condoleezza Rice, President George Bush's then security adviser had described China as a 'Strategic Competitor' and the secretary of defense of that period Paul Wolfowitz stated that China was the "*major strategic competitor*" and "*potential threat to the US and its allies in the first half of the next century*" (McDougall, 2007. 126)." Therefore it can be said that Washington's perhaps what may be accepted as an optimistic policy and approach towards these two important actors with time was replaced by a more cautious and realistic strategy and approach as once it became clear that neither Russia with its new President Putin or China which rapidly started to become an economic giant were willing to stay in the confinements of the roles presented to them by Washington. As a result, US started to focus on more realistic policies towards these two actors which were much more cautious and proactive. In this sense, from a IR theory perspective, it can be said that the US replaced its Liberal policies towards these two actors which were much more focused economic integration and cooperation in the 1990's with more Realistic policies in the 2000s which focused on balance of power and threat. However, other critical issues in other parts of the world have kept the US administrations busy and thus unable to develop a coherent strategy with respect to China's increasing power and potential in becoming a competitor in Southeast and East Asia and Asia Pacific and challenge the US led order in the region. Yet as China started to reach new levels of development in almost every field, finding a response became urgency for the US. In this sense, even before the Asian pivot of Obama administration, we started to see signals of a 'return' to Asia by Washington. For example in a speech in May 2008, US defense secretary of Bush administration Robert Gates pointed that the US had "*enduring interests in the region*" and that the US was a "*resident power*" rather than an "*occupying one*" reflecting Washington's determinacy in maintaining its presence and dominance in the region (May, 2013: 64).

As stated by political analysts, the US during this period was aware that its dominance and future of its security structure in the region depended on several important considerations such as first ensuring its superiority in resources and capabilities and secondly avoiding being coercive or overwhelming so as to be able to persuade China and other states in the region that US dominance in the region will be both tolerable and beneficial. In addition, US policy makers knew that they needed to assure Beijing that the existing US led security alliances in the region do not threaten or aim China and in fact

that on the contrary these ties would be useful in discouraging and preventing governments in Tokyo, Seoul and Taipei from turning to more provocative security policies towards China (Ikenberry and Mastanduno, 2003. 424). Furthermore, during this period, the US was in support of the newly established regional initiatives in Southeast and East Asia with the condition that they did not pose any threat to the existing 'Hub and Spokes' system or the bilateral alliances which the US established in the region.

However, China's economical rise during this period also inevitably brought the increase of China's economic influence in the region and thus has strengthened its 'soft power' especially among Southeast Asian states which admired and took China's rapid development and modernization path as a model to follow in order to also achieve what China had accomplished. It is fair to say that as stated by analysts, this rise of China's 'soft power' mostly occurred at the expense of US influence in the region (Mastanduno, 2009: 80). In this sense, incidents such as exclusion of the US from the East Asia Summit in December 2005 or the ASEAN meeting in September 2007 are all considered as the first signs of this new forming attitude among south East Asia states also referred to as 'Asia for Asians' approach that followed a new wave of regionalism led by China and which preferred to leave the traditional dominant power the US out of its circle as much as possible (Chin, 2014: para. 7). Especially with the 9/11 terrorist attack in New York and the start of the new 'War on Terror' the US unavoidably allocated most of its foreign policy sources and tools towards its 'War on Terror' in the Middle East and Afghanistan and other related regions and in a way at least on the visible surface lost its focus on East Asia and Asia-Pacific. This situation provided a perfect gap for China to present itself as a new major power with its new 'Smile Diplomacy' in Southeast and East-Asia and to fill the what can be considered as the vacuum created by US during this period in the region by focusing on building new political and economic cooperation and bridges with the states and presenting itself as a new economic model for the developing states which were in need of economic assistance in form of infrastructure projects and trade benefits. Clearly, in this period, Washington's new economic and military commitment to the War on Terror and focus on Middle East did raise questions among East Asian and Southeast Asian states with regard to US engagement and commitment in East Asia despite the repeated statements from the US side that America will never leave the region as clearly US was spending an important percentage of its economic sources and military power in its 'War on Terror' in the Middle East and Afghanistan which otherwise could be used to strengthen its economic and military ties thus political presence and power in East Asia and Asia-Pacific.

It is interesting to note that at the same period which China started to appear as a potential geopolitical and security competitor in East Asia and Asia-Pacific in general, it also became one of Washington's biggest economic partner which supplied US customers with thousands of cheap products while hosting massive amount of US foreign direct investment and currency reserve in its banks. In this sense, ironically, the US perhaps has been the biggest source of investment and technology for China and both China and the US have significantly to different degrees, have mutually benefited from this economic relationship. Thus, as a result, this economic reality has made the response to a rising

China all too much complex and sensitive for the US with regard to the present increasing economic ties and mutual economic interests among the two countries.

Without doubt, one of the most important aspects of the US strategy globally and in East Asia has been and still is 'access;' access to Southeast and East Asian markets, strategic and physical access to allies in the region to reinforce the confidence in US security commitments and political access to allow for the promotion of democracy and human rights (Przystup and Saunders, 2017: 2).

In this regard, Washington has given much more importance in building and maintaining the postwar liberal, open, rules-based international order in East Asia as it did in other parts of the world in an effort to effectively shape the international structure in accordance with its own agenda and objectives. This way, the US has aimed to allow the free flow of capital and thus promote free trade and commerce in the region together with the support of the Bretton Woods institutions such as World Bank, International Monetary Fund, General Agreement on Tariffs and Trade which was later turned into World Trade Organization.

Thus, in order to ensure the working of this system, Washington has shown great interest and promoted efforts to support a stable environment and the peaceful resolution of disputes. This commitment of the US towards maintaining the stability and peaceful resolution of conflicts in the region along with promoting trade have played an important part in the stability and prosperity of the region. Today the US still has a number of vital national interests in the region that are deemed as core interests directly related with the core interests of Washington. These can be summarized as:

- Defense of the homeland, US territories and US citizens
- Maintaining an open, rules-based international order that ensures US access to regional markets
- Resolution of disputes in the region through peaceful means rather than coercion or use of force
- Freedom of navigation in both maritime and air domains and physical access to the region
- Maintaining a balance of power that will both support regional stability and also prevent and rise of power that would deny US access to the region or threaten US interests
- Increasing and strengthening US alliance relations in the region,
- Preventing the development and spread of weapons of mass destruction and missile delivery systems
- Promotion of global norms and values such as human rights, democracy and good governance (Przystup and Saunders, 2017: 7).

Most analysts agree that any possible decline of US dominance in Southeast and East Asia will come as a result of Washington's inability or unwillingness to face challenges

from an Asian competitor or adversary. In this sense, it is clear that today, the most important likely competitor or adversary is China (Sutter, 2008: 98). However, China, in accordance with its own 'Grand Strategy' to first complete its modernization and economic growth, was careful not to directly challenge the US dominance and leadership in the region in the start of the 21st century or until the leadership change in the CCP in 2012. However, as China neared completing its transformation process with regard to its political, economic and military capacity, it became much more determined and open in challenging the US supremacy in the region, especially with regard to SCS. In this sense, as tensions continue to rise in the region with regard to SCS disputes, perhaps one of the biggest questions will be whether the US will risk a full confrontation with Beijing especially in the SCS or will it back away from its commitments and accept China's new dominance in the region. Needless to say, the answer of this question will very much affect the future of 'Hub and Spokes' or 'San Francisco' system security structure in Southeast and East Asia which the US built after the Second World War with respect to Washington's reliability and capacity to fulfill its commitments. In this sense, in the case of any serious military confrontation with China, if Washington fails or refrains from its responsibilities in East Asia and Asia-Pacific with regard to its defense treaties with its allies, this would definitely bring the credibility or reliability of the alliance system which Washington established in the region into question. In such a scenario, if Washington refrains from confronting China, or loses any military engagement against China in any circumstance, this would certainly be an alarming signal for Washington's allies in the region with regard to Washington's military capabilities and would force them to re-evaluate their defense treaties with the US. On the other hand, such an incident would certainly be a green light for China to increase the intensity of its political and military actions in order to strengthen its new position in the region against a weakening US image and power.

In this sense although the US is still the primary power in the region, it is clear that its capacity to use its power has been to some degree decreased in the last decades as a result of both a rising China and the distraction caused by the Middle East issues and in general the war against terror and other factors such as domestic economic problems domestic politics. However, it is also clear that although China is showing signs of its desire to become the dominant and security provider of the region, most ASEAN states in the region and other states in East Asia such as South Korea or Japan at least at the present, obviously are reluctant to replace the political, economic and security structure shaped by US and which has been to a large extent the source of stability that to a great amount has enabled the growth of their economies in the last decades with a new one designed, produced and presented by China (Yahuda, 2008: 341).

5.2. Sino-American Rivalry in the Asia-Pacific

For Chinese leaders the US, although not the only one, is clearly the most important factor in their strategic calculations with regard to East Asia and the Asia-Pacific in general. Without doubt, today, the Sino-American relations are marked by a mix of both cooperation and competition, that is cooperation in areas of mutual interests such as trade

and investment and competition in areas where US and Chinese interests clash such as the SCS disputes. Apparently both countries have a strong interest in maintaining a mutual effective political and economic relation as especially economic interdependence has become a major factor in their relations with increasing significant trade and investment between the two countries. As the world's biggest two economies, both countries were careful not to hurt or damage the growing political and economic relations with each other or the security environment which to an important extent permitted and helped the economic development of China and East Asia. As seen in the Tiananmen Square incident in 1987 and the Taiwan Strait incident in 1996, or the bombing of the Chinese embassy in Belgrade by US fighter jets, neither country let political crises to override the economic cooperation and trade between the two countries. Therefore, it can be said that from a liberal IR perspective, economic interests with regard to trade and overseas investments have played an important role in shaping the Sino-American relations in the previous decades as both sides focused on developing trade and thus economic gains.

As the biggest trading partner of China, Beijing has a two-sided relation with Washington. On the one hand, Beijing clearly wants to increase its already massive economic ties and partnerships with the US in order to maximize its economic gains, and on the other hand it wants to prevent the US from any effort that may aim to contain or obstruct China's rise in the Asia-Pacific region as the new dominant power. However, as China is increasing its efforts to become the political, economic and military dominant power in East Asia and further in Asia-Pacific, this competition between the two states is rapidly shifting from being a more peaceful competition to a rivalry especially in political, economic and strategic terms. As stated before, China's foremost aim is to achieve and maintain a major and dominant power status in East Asia while upholding its present territorial integrity and retrieving other territories such as Taiwan which it deems as lost to imperial or colonial powers in the past. In this sense, particularly, among Chinese political analysts and leaders, there is a growing perception that sees the political and military US presence and policies in East Asia as 'Containment' aimed to block China from retrieving its lost territories such as Taiwan and stop its rise to a great power status in the region (McDougall, 2007: 66). It is important to note that most Chinese political analysts regard the US as one of the imperial and colonial powers that exploited China during the 19th and first half of the 20th centuries along with Great Britain, Japan and other colonial powers. In addition, America's role in supporting Taiwan and the nationalists for almost 30 years did little to overcome this negative US impression in China as especially after the Korean War, US continued to be seen as the leading imperialist and colonist power in East Asia by China.

In this context, perhaps Taiwan is one of the oldest and most important concerns for the Chinese with regard to their relations with the US. The loss of Taiwan to Japan following the 1894-1895 Sino-Japanese War marks an important humiliating defeat for the Chinese with regard to the weakness of Imperial China and as stated by many Chinese analysts, this humiliation can only be overcome with the restoring of the island back to China. With its massive military presence and military alliances in the region, the biggest obstacle in this context is naturally the US. It is clear that China can only realize its wish

to become the major dominant power in East Asia when it regains or reunites Taiwan with China and Beijing is also very well aware that it can almost never regain the island without first subduing or pushing the US out of Southeast and East Asia. In this sense, it can be said that the SCS is for China the first step in realizing perhaps one of its most important priority of reuniting Taiwan with mainland China and ending the long civil war and completing the Chinese revolution. Once China succeeds in pushing the US out of the SCS and thus securing its soft belly, it will be able to focus and concentrate most of its military strength in East Asia in its efforts to reunite with Taiwan and further break the first island chain by further pushing the US military presence out of East Asia.

To sum up, for decades, there have been both the element of cooperation and competition in Sino-American relations, depending on the nature and context of the relations. Though it benefited largely from the security and economic structure established by the US in its modernization period, today it has become clear that China is not satisfied with the confined position or role presented to itself by the US and wants a new political, economic and security structure in Southeast and East Asia which better meets its interests, needs and goals and reflects its growing power in the region and Asia-Pacific in general. From a theoretical perspective it is clear that regardless of any identical backgrounds, once they feel or become more powerful, all countries in the international system would want to change or build a new political, economic and security structure that better suits their interests. Therefore, from an IR perspective, there isn't anything unique about China's desire. However, what makes China's situation unique in term of international relations is that China today has started to show that it has the capacity, the potential and the determination to really achieve this goal, especially in Southeast and East Asia. From this viewpoint, it can be said that Russia may also show the same ambition and desire to become a global power with the capacity to shape and built a new international order in accordance with its own interests. However Russia's global power potential is too much dependent on the fate of energy markets unlike China which possesses the right combination of size, economic growth and determination to achieve its grand strategy to build a Sino-centered international order first in Southeast and East Asia and later perhaps in the whole Asia-Pacific region.

In this sense, as stated by American strategists, Beijing does not need to challenge the US globally in order to force the US to leave Southeast and East Asia, it needs only to compete in its "*own backyard*" which is what China is effectively doing in the South China Sea (White and Taylor, 2009: 93). This means that unlike the US, China does not have to spread its military power all around the globe and instead it can focus and concentrate its military power in Southeast and East Asia and the SCS. Therefore, although Washington's military spending and capacity is much greater than Beijing, it has yet to spread this capacity in different parts of the world such as the Middle East, Europe and other parts of the world. In addition, strategically the SCS region is much further away from the US compared to China which gives the upper hand to Beijing in terms of logistics and supply capacity. When put together, all of these factors clearly increase the level of challenge the US faces in the SCS with regard to China's growing political and military presence and activities in the region and the SCS.

As argued in this study, what will determine the future and nature of Sino-American relations and the East Asia political and security structure the most will be Washington's response to this challenge. In this sense, the disputes in the SCS and China's policies and actions in the region with regard to its claims have the potential to determine if the growing competition between Beijing and Washington can really turn into a full-scale rivalry and even war. However, what can be said even today is that the competition factor is becoming much stronger than cooperation with regard to Sino-American relations and this competition is likely to increase more as both sides increase their efforts, one to maintain its position and privileges as the leader in the international system while the other tries to re-shape this system by forming or shaping a new political, economic and security structure in accordance with its growing position and power. For China, one of the most important steps of this 'Grand Strategy' is its policies and actions in the SCS. For the US, it has been the 'Asian Pivot.'

5.3. The Asian Pivot

The Asia pivot or as called 'the Pivot' basically represents Washington's comprehensive response and answer to the changing political, economic and security dynamics in the Asia-Pacific in general and is a reflection of Washington's determined intention to play a much more active role in Asia-Pacific and to have more say in the political, economic and security matters in the region in general. Although not officially stated, there is no doubt that in the center of this new policy is the concern over China as the rising new power in the region and in more broadly Asia-Pacific in general. In this sense, China's challenge of US dominance in the Asia-Pacific has clearly sounded the alarms in Washington and has drawn US policy makers attention to China's political, economic and military initiatives in the Asia-Pacific to achieve its goals in accordance with its grand strategy to become a great power 'again.' Therefore many policy analysts and those especially in China see this pivot as a containment policy which aims to limit the increasing role of China in the political, economic and security matters in the region, and thus stop China from replacing the US as the new dominant power in the region (The Pivot, US-China Institute, 2012).

The Asia pivot in this sense, aims to put Asia-Pacific into the center of US foreign policy instead of the Atlantic, Europe and the Middle East which mostly dominated the US foreign policy in the 20th century. The first signs of this policy shift started as early as the second term of the George W. Bush administration and gained pace after the election of Barack Obama as president. President Obama first announced the pivot in his Asia trip in Indonesia and Australia, when the US was already beginning to develop a stronger presence in Asia. The pivot has three important dimensions in general. These are political, economic and military dimensions. The political dimension of the Pivot aims to strengthen alliances in the region and to develop relations with ASEAN countries in order to balance China's increasing influence on these countries. The economical dimension of the pivot, in order to counterbalance China's rising economic influence and power in the region, aims to establish a new regional economic architecture that excludes China through the US led and US-centric Trans-Pacific partnership (TPP) project. Finally, the military dimension of the pivot aims to strengthen the military presence in the region and

to re-shape the US military in the region against the increasing Chinese military threats and capabilities in the region while at the same time increasing military cooperation with allies and other states in the region.

As stated, the US policies in East Asia and Asia-Pacific traditionally have mainly aimed to prevent the region becoming under the domination of any other rival power. Although such domination by a rival power would not necessarily mean a threat to the US mainland, it is clear that it would make it much more difficult for US to pursue its political, economic and security objectives and interests in the region. In order to avoid such a risk, as a principal strategy the US has mostly pursued a countervailing balance policy in East Asia, in order to keep a certain balance of power in the region that would not let any single state to become more powerful. In this respect, ever since the Russo-Japanese war in 1904-1905, Washington has shown effort to maintain the balance instead of seeing one other state becoming completely dominant in the region. Likewise, in the 1921-1922 Washington Conference, again the main objective of Washington has been to restrain Japan from further increasing its power in the region. In accordance, during the cold war period, the US has mostly used the 'Hub and Spokes' system to counter any Soviet or Chinese dominance in Southeast and East Asia and Asia Pacific in order to protect its political and strategic interests in the region and to maintain its dominant role in Asia-Pacific.

In this respect, the US has signed ASEAN's treaty of Amity and Cooperation and participated in the annual East Asian Summit, accelerated the Trans Pacific Partnership initiative, and strengthened its military presence in Guam as a forward deployed facility for the US military in East Asia.(Konrad p.6) As the US military involvement in Iraq and Afghanistan significantly declined, we see that Washington, in accordance with the aims of the pivot, started to strengthen its alliance relations with the Philippines and Australia while at the same time developed its military relationship with Vietnam (Lieberthal, 2011).

5.3.1. The 'Asia-Pivot,' a Success or Failure?

It is clear that the US had great expectations from the pivot with regard to regaining the same level of political, economic and military influence in the Asia-Pacific which it possessed for decades but now was slowly showing signs of losing to China due to Beijing's rapidly increasing political, economic and military policies and activities in the region. Therefore, the US administration announced the pivot with great enthusiasm and showed intensive effort to realize the goals of the pivot during the Obama administration period. However, with the start of President Obama's second term, we start to see a loss of momentum with regard to Washington's Asia pivot as the US seemed once again to lose interest and turn its attention back to Middle East.

One of the factors for this sudden shift is believed to be the removal of the two main architects of the pivot, former Secretary of state Hillary Clinton and former Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell from their posts. (project 2049, p.8) In this sense, it is no surprise that the US once again shifted its attention to the Middle East with regards to the Israel Palestinian Peace process and Iran

Nuclear deal as it was known that the new secretary of state John Kerry gave more importance to US relations with Europe and Middle East rather than Asia-Pacific (Putz and Tiezza, 2016). As an indication of these different priorities, it is important to note that Secretary Kerry's first official visits were to Europe and the Middle East while Secretary Clinton's first visits were to Asia Pacific states (history.state.gov, 2017).

Another factor which contributed to the loss of momentum of the Asia pivot is the deep cuts to US defense spending especially during Obama's second term due to economic and financial problems in the US. These cuts not only posed a threat to weaken the US military presence in the region but also created a sense of alarm among US allies who started to question Washington's capability to keep its commitments for strengthening its military presence in the region. This state of doubt among US allies in the region only got worse when president Obama had to cancel his trip to APEC and East Asia summits in October 2013 due to a threat of a US financial shutdown. In addition, it is important to note that as a result of the increase in Middle East focused security rhetoric during this period, president Obama in his September 2013 speech on foreign policy to the UN, made almost no mention of China or the rising conflict in the SCS (Broderick, 2015: 8).

Finally, a significant blow to the economical dimension of pivot has been the newly elected president Trump's announcement to abandon the TPP project which the previous Obama administration worked so hard to develop. The TPP project was considered as the most comprehensive and important response to China's growing economic influence in the region with initiatives such as the Asia Infrastructure Investment Bank and One Belt One Road and was seen as an important means to decrease China's economic dominance in the region with regard to foreign trade and investment. In this sense, The TPP aimed to construct a new US-Centric economic system in the region which excluded China and thus prevented it from further increasing its economic influence through trade and investment in the region. Therefore, the newly elected US President Trump's signing of the presidential memorandum to withdraw the US from the TPP agreement on 23 January 2017 has been a massive blow to efforts with regard to the aims stated above (www.whitehouse.gov, 2017). There is no doubt that this development has raised many questions regarding to US policies in Asia Pacific and US commitment to the region in the minds of policy makers in the region and has perhaps further opened the road to Chinese led economic initiatives in the region.

In this sense, the TPP was designed to allow the US to break into the Asia Pacific markets and thus expand US exports to the region. It was assumed that it would be one of the most important vehicles for Washington to impose new standards for 21st century free trade agreements and an effort to start the process of trade liberalization within the Asia-Pacific Economic Cooperation (APEC) framework. This way, the US planned to reduce China's increasing economic influence in the ASEAN-China Free Trade Area (ACFTA) and other China-led economic initiatives in Southeast and East Asia and in the greater Asia-Pacific region (May, 2013: 15).

In addition, even among US policymakers, there have been arguments about formulating the proper response to a rising China in Southeast and East Asia and Asia-Pacific. In this

sense, two main views stand out. The first one is supported by more liberal scholars and business people who argue that China should be engaged by building stronger political and economic relations while encouraging it to become a responsible actor within the international community and this way that China, with time, would act in accordance with international norms and rules and thus would not pose a threat to US. The second group, however, which mostly consists of US academics, members of congress, intelligence and military officials argue that China is a rising hostile power which will inevitably threaten US vital interests and dominance in Southeast and East Asia and Asia Pacific. Therefore, according to the second group, the US must take a harder line on China especially with regard to human rights and unfair trade practices and restrict technology transfer especially military technology transfer and provide a more comprehensive support to Taiwan. Thus, the second group is much more pessimistic about a possible peaceful solution to the problem of a rising China and see armed conflict with China in the near future much more probable if not inevitable (Ikenberry and Mastanduno, 2003. 455).

When all these points are put together, it is clearly difficult to say that the 'Asian Pivot' has been successful in strengthening US position in the SCS and Asia-Pacific in general. In contrary, it can be said that China has achieved much greater success in strengthening and establishing its position as a new major power in the region in accordance with its Grand strategy. In addition, it is evident that the pivot has also not achieved its goal to reassure US allies and friends in the region as budget restrictions has forced the US for military cuts in a period when China doubled its military spending since 2010 and significantly increased its military presence in the SCS (data.worldbank.org, 2017). Also, US withdrawal from the TPP has raised further questions in the region. This undoubtedly has raised doubts among US allies and other claimants in the region concerning the capability of US to answer and perhaps limit increasing Chinese influence in the region. It is clear that in the long term, failure of Asia pivot and the perceived weakness in US capabilities and inconsistency of US policies in the region will inevitably drive regional countries closer to China as we see in the latest rapprochement between China and the Philippines, which traditionally was considered one of the closest allies of Washington in the region, an action which is very much in accordance with Stephen Walt's model of weaker states turning to bandwagoning with states they deem as threat.

5.4. US Political Reactions to SCS Disputes

As one of the main architects of the security structure in Asia-Pacific after the Second World War, the US has always shown interest in the developments in the Asia-Pacific, especially those concerning any potential change to the status quo in the region as we saw in the examples of the Korean war and Vietnam war. In accordance, especially after the 1990's, as China increased its assertive strategy in the SCS and started to physically change the status quo by occupying and increasing its military presence in the region, we start to see the first official political reactions from the US towards the disputes in the SCS. In this respect, it can be said that one of the important developments that led to Washington's official statement has been the occupation of the Mischief Reef in the Spratlys by China in late 1994. This incident, which triggered loud protests by other

claimants in the region and increased the concerns over China's assertive strategies and aggressive moves as well as elevating the tensions in the region led to an official statement of US state Department in May 1995 concerning the SCS disputes and the latest developments in the region. In this statement Washington emphasizes several important elements of its policy regarding the SCS disputes. These elements are:

- Peaceful resolution of disputes: *"The US strongly opposes the use of threat of force to resolve competing claims and urges all claimants to exercise restraint and to avoid destabilizing actions"*
- Peace and stability *"The US has an abiding interest in the maintenance of peace and stability in the SCS."*
- Freedom of navigation: *"Maintaining freedom of navigation is a fundamental interest of the US. Unhindered navigation by all ships and aircraft in the SCS is essential for the peace and prosperity of the entire Asia-Pacific region, including the US."*
- Neutrality in disputes: *"The US takes no position on the legal merits of the competing claims to sovereignty over the various island, reefs, atolls, and cays in the SCS."*
- Respect of international principles: *"The US would however, view with serious concern any maritime claim or restriction on maritime activity in the SCS that was not consistent with international law, including the 1982 UNCLOS (Fravel, 2014: 4)."*

As can be seen from the statement, the US emphasizes the peaceful resolution of the disputes and emphasizes the importance of stability in the region. Also, another point that has been highlighted is the importance of maintaining the freedom of navigation for the US. Traditionally, Washington, as a general principle avoids taking sides on the disputes. However, in this statement we see that it also emphasizes the importance of acting in accordance with international law and UNCLOS. While this statement addresses all claimants and sides in the SCS disputes, it is clear that this statement is mostly a message to China in a diplomatic language to abandon its assertive policies in the region and to stop its actions which are increasing tensions in the region and to act in accordance with UNCLOS or international law.

Nevertheless, it can be said that this statement almost had no effect on Beijing as China continued its assertive policies in the region as it continued to detain other claimants fishermen in the disputed waters, prevented other claimants offshore oil exploration works and threatened foreign companies investing in these explorations and carrying out its own oil exploration activities in other claimants claimed EEZs. As other claimants raised their voices of concern and protest over these Chinese actions, the US administration decided to announce a more comprehensive US policy. In this respect it is no surprise that then Secretary of state Hillary Clinton choose the July 2010 Annual Meeting of the ASEAN Regional Forum to announce this new policy as the US, in a sense, shared the same concerns over Chinese policies in the region and in a diplomatic

way showed its support to these countries regarding growing concerns over increasing Chinese aggressive actions in the SCS. It is important to note that Secretary of state Hillary was the highest-level US official to announce Washington's policy towards SCS disputes as this shows the growing importance of these disputes with regard to the security structure in the Asia Pacific. In her statement, Clinton affirmed core elements of the 1995 policy and introduced new elements to the existing US policy such as:

- Resolving disputes without coercion
- Support for a *“collaborative diplomatic process by all claimants,” “including a willingness to facilitate initiatives and confidence building measures consistent with the 2002 Declaration on a Code of Conduct”*
- Support for drafting of a full Code of Conduct
- A belief that *“legitimate claims to maritime space in the SCS should be derived solely from legitimate claims to land feature (Fravel, 2012: 5).”*

As stated, it is important that Secretary Clinton choose the ASEAN forum to publicize the new elements of US policy towards the SCS disputes. The ASEAN states, which also include the other claimants in the region, have important economic ties with Beijing. As a result, these states naturally do not want to danger these ties by directly confronting China over SCS disputes and therefore generally do not officially protest Chinese activities in the region due to the importance of their relations with Beijing. In this sense, these states want an outside power such as the US to play that role, while ASEAN provides indirect support. Hillary Clinton's speech in this Forum in this sense indicates that Washington is willing to accept that role and the growing support of ASEAN states to the US with regard to stopping Chinese assertive policies and actions in the region and maintaining the status quo.

It is important to note that before 2010, the US had not expressed much interest in the SCS disputes beyond expressing concern with regard to freedom of navigation and over flight. As a result, the Chinese leadership believed that this disinterest would continue in the future. Therefore, Secretary Clinton's speech at the ASEAN conference came as a serious blow to the Chinese side as Clinton openly encouraged the ASEAN claimants who had been alarmed by assertive Chinese actions in the SCS to come together and pursue their territorial claims in accordance with UNCLOS and land features. This was an important challenge to Beijing's claims as Chinese claims were based on history and rights of first discovery rather than UNCLOS and legal extension of land features. It was important that Clinton also called for a collaborative diplomatic process with regard to SCS disputes as China as a general principle rejected multilateral negotiations with regard to the disputes and only accepted bilateral negotiations with other claimant states.

Secretary Clinton's speech at the ASEAN Regional Forum had an important negative effect on the Chinese side as prior to the meeting they had asked Clinton not to bring the SCS issue to the forum (May, 2013: 68). As stated by political analysts, the Chinese delegation did not expect such a forceful stand at the forum by the US. As a result, the Chinese immediately responded to Secretary Clinton's speech by rejecting any US

attempt to “*internationalize and complicate*” the SCS issue. In addition, following the forum, the PLA carried out a large scale live-fire military exercise which involved all of China’s naval fleets. In addition this large scale exercise by Beijing in the SCS was also considered as a response to the forthcoming US-Vietnam Joint exercise in the SCS which by Chinese political analysts was regarded as a part of the new US strategy to make new friends in the region and to form a new US-Vietnam alliance against China (May, 2013: 69).

When we look at both statements, we see that US actually voices two important concerns with regard to the SCS disputes. These concerns are access and stability. As stated, the security architecture in the Asia-Pacific and the SCS was mostly shaped by the US in accordance with its own interests and was built on two important pillars. The first of these pillars was providing unobstructed access to the SCS. The second one was maintaining regional peace and stability in the SCS. Maintaining these two elements in the region are in fact vital for the US interests as they provide the basis for both the economic development and the dominance of the US in the region. Clearly, as can be understood from the statements, Washington sees the actions and policies in the SCS threatening both of these two elements which the US heavily depend on for its economic development and dominance in the region.

Free, unhindered access to the waters of the SCS is important for the US for two important reasons. Firstly, this provides the basis for economic dynamism of the region which is based on international free trade shaped by the US after the Second World War and which is considered as one of the most important main engines for the economic development of the US. Secondly, free unhindered access which also means freedom of navigation enables Washington to project its military power in not only the SCS but in Southeast and East Asia and also around the world as almost all US navy vessels pass through the SCS to reach their bases in the Pacific and Indian oceans.

When considering the above reasons, it is easier to understand Washington’s concerns over China’s actions and policies in the SCS as they pose a major threat to US policies established since the end of the Second World War. Since the construction of the artificial islands in the SCS, China has started a series of military initiatives such as A2/D2 installations aiming to limit free foreign access to the SCS especially those related with US surveillance and reconnaissance activities. At the moment, China has focused its opposition to US operations in areas close to China’s coast, and its newly built islands in the SCS but as experts state, China may choose to impose similar restrictions throughout the entire SCS and block all US military access to the region. Such an action would without doubt put Washington and other claimants in the region in a very difficult position as they would have to decide whether to fight back and risk of going to a perhaps full scale war with China or militarily not to do anything at all and accept China’s dominance and claims in the SCS. In any case such a decision would have dire consequences in the region. If china chooses to follow such a path, it is certain that the newly build military installations on the artificial islands in the SCS would provide a significant and even a decisive advantage in enforcing its decision in the SCS.

In addition, another challenge which the US faces in the SCS is to maintain its principle of neutrality in the sovereignty disputes while also taking a more active position regarding the disputes in the region. As stated, for the US, it is very important to keep the stability and peace in the waters of the SCS and avoid any escalation of conflicts or clashes. However, if other claimant states start to view the US as supporting their positions, especially claimants such as the Philippines that have a mutual defense agreement with the US, they could become more assertive in challenging China and directly or indirectly draw the US into a military conflict with China. In this sense, we see that the US is aware of this fact as in a response to a standoff between China and the Philippines over Scarborough shoal, the US has repeatedly stated that it does not take sides in the dispute and refused to clarify whether the features in the SCS claimed by the Philippines are covered under the 1951 mutual defense treaty. However, the US did start new initiatives with the Philippines to increase its ability to resist Chinese aggression. This situation actually reflects Washington's attention to avoiding or fueling any escalation of conflict which may result in drawing itself to any military conflict with China in the region but while also giving support to other claimants in the region in their efforts to halt the expansion of China in the region. In addition, as a final effort to lower the tensions in the region and avoid any escalation of military conflicts, the US has many times called for all claimants in the region to reach a more specific and binding Code of Conduct that would limit the potential for any military confrontation that can escalate and harm the free access and stability in the region.

In this sense, the Trump presidency in the US has also complicated the SCS with regard to the US response as immediately after the election president Trump has outlined a hard line position on China and North Korea and thus has opened way to a greater risk of instability in the region. In accordance with this context, US political analysts focus on two main elements which define President Trump's approach to Asia-Pacific in general. The first of these elements is a confrontational attitude towards China on almost all bilateral issues with the US including important issues such as trade, protection of intellectual property and unfair export practices by China. The second is a new approach to the US allies in the region which is both supportive but at the same time containing a more 'burden sharing' approach. In this sense, although president Trump emphasizes the importance of the US alliances in the region, it also points out to the fact that much of the economic burden of these alliances is on the US and that this must change (Wainwright, 2016).

It is pointed out that the factors which contribute to these new approaches towards Asia by the new administration in Washington is the strong belief among especially US hard line policy makers that China is an aggressive competitor which for a very long time has taken advantage of US weakness towards China and therefore needs to be stopped by a show of US determination and strength. Perhaps this new approach is most visible in the SCS as Trump has many times openly criticized Chinese activities in the region by stating that China's "brazen" island building campaign in the SCS is an effort to "build a massive military complex" without asking Washington "if it was OK (Lemire and Wong, 2016)." Furthermore, president Trump has stated that he views Beijing's assertive actions

in the SCS as evidence that it has “*no respect*” to US and has promised to change this situation with regard to China by using the “*tremendous economic power*” of the US over China as a “*bargaining chip*” (Sanger and Haberman, 2016).” It is important to note that most of these statements are clearly in accordance with president Trump’s then chief strategist and political adviser Steve Bannon’s view of China as an “*expansionist*” and “*arrogant*” state which he believes will make a Sino-American war in the SCS “*inevitable within a decade*” (Townshend, 2017).”

In this sense, it is evident that the new administration in Washington views Beijing as an aggressive strategic competitor that needs to be deterred by using US strength. Perhaps this situation is most visible in the new “*National Security Strategy*” document issued in December 2017 by the Trump administration. This official document clearly reflects Washington’s perception of the growing Sino-American competition with regard to rise of China in Southeast and East Asia and the developments in the region in accordance with China’s grand strategy to become the dominant power in the region as it states that “*China’s infrastructure investments and trade strategies reinforce its geopolitical aspirations*” (www.whitehouse.gov, 2017).” Furthermore, the document points to China’s organized efforts to change the political, economic and military structure by stating that:

“*although the United States seeks to continue to cooperate with China, China is using economic inducements and penalties, influence operations, and implied military threats to persuade other states to heed its political and security agenda*” (www.whitehouse.gov, 2017).

It is important to note that the SCS disputes are specifically mentioned in this important document which clearly can be accepted as the official security strategy of the Trump administration. In this sense, the document states that Chinese policies and actions in the SCS such as “*building and militarizing outposts*” in the region “*endanger the free flow of trade, threaten the sovereignty of other nations, and undermine regional stability*” (www.whitehouse.gov, 2017).”

It is also important to note that the Trump administration views China’s military modernization as a direct threat to the US presence in the region which aims to ultimately challenge and push the US military presence from the region as this document states that “*China has mounted a rapid military modernization campaign designed to limit U.S. access to the region and provide China a freer hand there*” (www.whitehouse.gov, 2017).” Moreover, in this document which is actually considered as a formal declaration of the global policies of the US administration, we see the growing concerns of Washington with regard to increasing influence and dominance of Beijing in the East Asia and even more broadly in the wider Indo-Pacific as the document states that “*Chinese dominance risks diminishing the sovereignty of many states in the Indo-Pacific*.” Lastly, in the document we see the determination of the US administration to maintain its presence in the region and also in a sense a justification of this presence in the region as in the document it is stated that “*states throughout the region are calling for sustained U.S. leadership in a collective response that upholds a regional order respectful of sovereignty and independence*” (www.whitehouse.gov, 2017).”

With regard to the Trump administration and US alliances in East Asia, it can also be said that although the US emphasizes the importance of these alliances as demonstrated by Secretary of State Mattis's first official trip being to South Korea and Japan, it also seeks greater burden-sharing and bigger 'wins' from its rich allies such as Japan and South Korea which includes new initiatives to create more jobs for Americans. In this view, compared with the Obama administration's Asia pivot, it can be said that the Trump administration will continue giving priority to Asia-Pacific issues and responding to the rise of China but however will not as much focus as the Obama administration with regard to enforcing or developing its alliances in the region as it is more focused on important players in the region such as China and Japan and south Korea while not showing equal attention to engagement with other regional actors in the region such as Cambodia or Laos and especially those related with SCS disputes and their organization ASEAN. In addition, as stated by political analysts, it is clear that president Trump's unpredictable policies particularly on Taiwan has the potential to deepen friction with China and increase the risk of mixed signals, misunderstanding and communication breakdown between the two countries (Townshend, 2017).

5.5. US Military Reactions to SCS disputes

China, with its recent land reclamation and military buildup activities in the region, has without doubt built a significant military presence in the region superior in both quantity and quality when compared with other claimants in the region. Although in recent years other claimant ASEAN states in the region such as Vietnam, the Philippines and Malaysia have invested heavily in improving their military capabilities in the region it is clear that they lag far behind China and cannot hope to balance China militarily in the region as Beijing significantly outmatches the combined military weight of ASEAN members in manpower, equipment and military spending. In this sense, it is important to note that Vietnam and the Philippines have both invested in new coast guard vessels with help from Japan and South Korea. Vietnam has been purchasing arms from Russia in billions of dollars, including six Kilo-class submarines and 20 Su-30 fighter bombers, and India has offered a \$100 million line of credit to Vietnam to buy military equipment (www.reuters.com, 2018). However, the Philippines and Vietnam still lag far behind China in terms of power and capability as currently, China has more coast guard ships than Japan, Vietnam, Indonesia, Malaysia and the Philippines combined (Broderick, 2015: 7). Moreover, it is known that although there have been some talks; ASEAN countries have shown little interest in forming a collective defense force such as NATO in the region. Therefore, the biggest responsibility to balance China militarily in the region falls heavily on the only power that can match China militarily, the US.

Washington, especially during the second Obama administration, in order to achieve this objective most effectively and most economically has turned to strengthening its alliances in the region while also working on building new sub-alliances in the region within its existing 'Hub and Spokes' system in East Asia. The recent launch of the Trilateral Strategic Consultation system between US, India and Japan is a good example of this new approach. This new sub-alliance system has been fruitful as the three countries have

decided to hold joint naval exercise in the region as an effort to form an ‘Entente’ among the Asia-Pacific’s three important democracies; Japan, India and the US (Chellaney, 2012: 4).

The US, for the most part of the 20th and in the turn of the 21st century has been the owner of the most formidable military force in the Asia-Pacific and with its massive superior naval force has established its military dominance in the waters of the East Asia. However, today, China’s rise has started to challenge this situation in East Asia as it is increasing its efforts to maximize its powers in the Asia Pacific. Inevitably, this challenge has started to lead to confrontations between the two powers in the Asia-Pacific and as a result, new Sino-American flashpoints begin to emerge. As a consequence, the SCS has become perhaps one of the biggest potential Sino-American flashpoints in the world since China has accelerated and increased its land reclamation and unilateral air defense zones activities in the region.

In this respect, in order to answer this challenge and potential threats to its interests resulting from the increasing Chinese military presence in the SCS, and in accordance with its Asian pivot in general, the US has focused on improvement in three important areas with regards to the SCS. First, increasing its military presence and capabilities in the SCS, secondly, conducting freedom of navigation operations (FONOP) in the region and thirdly, improving military cooperation with its allies and other claimants in the SCS.

As stated by US military experts, the biggest threat posed to the US navy forces in the region is the newly developed Chinese ‘Anti-Access/Area-Denial’ (A2/D2) capabilities, including anti-ship ballistic missiles that mostly aim to eliminate the US aircraft carriers which are the most important tools for US military power projection in the region (Myers, 2018). These anti-ship missiles, named Deng Fu-21 are called as ‘Carrier Killers’ by the Chinese military and believed to pose a significant threat to US naval ships and especially US aircraft carriers in the region. With regard to this threat, and to counter the increasing Chinese military activity in the region, the US defense experts have developed a new operational concept called ‘Air Sea Battle.’ This new doctrine, which was announced in 2010 during a period when China was increasing its activities in the region, has been described by the US Department of Defense as:

“a new joint air-sea battle concept for defeating adversaries across the range of military operations, including adversaries equipped with sophisticated anti-access and area denial capabilities (Quadrennial Defense Review Report, 2010).”

This new concept which clearly aims to answer Chinese anti-access and area denial capabilities in the SCS mainly intends to ensure US access to these waters in all times and is an indicator of US awareness of the rising military capabilities of China in the SCS and the Asia Pacific in general.

In this respect, although Washington still possesses the biggest and modern naval force in the Western Pacific due to the presence of the US seventh Fleet in Japan, it has taken steps to strengthen and increase its presence even further in the region during the second half of the Obama administration. As a result, the US Navy has stated its intention to

increase the number of ships assigned to Pacific Fleet outside of US territory by approximately 30 percent over the next five years (dod.defense.gov, 2015: 22).

In accordance with this decision, the US has announced its plan to move its newest weapon systems into Southeast and East Asia and station 60 percent of its overall naval fleet in the region by 2020 (dod.defense.gov, 2015). In addition, it has announced its plans to have four 'Littoral Combat Ships' which are considered as the latest and most modern warships in the US navy to operate from Singapore by 2018. Already, as part of this new policy, since 2013, the US has deployed two US destroyers in the SCS at any one time. In addition, pursuant to this new approach, the US navy has replaced the aircraft carrier USS George Washington in 2015 with the newer USS Ronald Reagan and has sent its newest air operations-oriented amphibious assault ship, the USS America to the region. Also, as a support to its maritime forces, the US has chosen Japan as the first forward-station of its latest fifth generation stealth jet fighter F-35s. The US defense department has also announced that it will deploy most of its new F-35 stealth jet fighters to the Asia-Pacific region. As a further step to complete its pivot, the US has based an additional attack submarine in Guam and has added new features to its existing attack submarines in the region to increase their firepower capacity. Lastly, in order to strengthen and develop its surveillance capabilities in the region, Washington has announced its plans to invest \$9.9 billion over the next four years to procure the final 47 P-8A Poseidon maritime surveillance aircrafts which many of them will be deployed to the Asia-Pacific region (dod.defense.gov, 2015).

The second area which the US has focused on as a direct response to increasing Chinese activities in the SCS has been the Freedom of Navigation (FONOP) operations conducted by the US Navy and Air Force. FONOPs are described as routine activities carried out by US Navy, US Air force and US Coast Guard as part of US Department of Defense's operational activities to protect the rights, freedoms, and lawful uses of the sea and airspace guaranteed to all nations by international law. They are particularly aimed to challenge excessive maritime claims of coastal states in the world. As a response to the increasing Chinese activities and claims in the SCS, the US department of defense has increased the number of FONOP operations in the SCS since 2010. Mostly these US FONOP operations aim to assert that in contrary to Chinese claims, the new features built on low tide elevations are in fact artificial islands that are only titled to no more than 500 meter of safety zone. It is important to note that since 2015 in most of these operations where US navy ships pass within 12 miles of Chinese occupied islands, US ships have been closely monitored by Chinese navy ships. As US navy experts state, this situation that has become the new 'normal' in the SCS, is one of the most important indicators that Beijing is "slowly but surely" seeking to push the US out of the SCS. In order to give an idea of the decreasing effectiveness of these FONOP operations, it must be stated that today, it takes almost all government coordination such as the high-level Secretary of Defense, Secretary of State, and National Security Council coordination to carry out these FONOP operations in the SCS compared to the past when it required much lower government authorization and approval. This is also another indicator that FONOP operations are getting more difficult to carry with every day due to the increasing Chinese

navy presence in the region and increasing potential threats to the US navy ships posed by the Chinese military in the SCS (Corr, 2017).

The last area which the US has turned its attention to has been improving military cooperation with the states in the region in an effort to deter Beijing from further increasing its land reclamation and military expansion in the region. In this respect, the US aims to improve other regional states' navy and maritime capabilities in order to support their maritime patrol and deterrence capabilities in the SCS. As a result, the US today has been able to establish different forms and levels of military cooperation with most states in the region. This cooperation varies from such low level as defense dialogues to high level cooperation such as mutual defense agreements against foreign aggression. In this sense, Singapore, Thailand and the Philippines form the main US partners in the region. US military cooperation with these countries include large-scale military exercises, frequent military visits and as in the case of Singapore, permanent stationing of US logistics unit in the country. On the other hand, military cooperation with Indonesia, Malaysia and Brunei reflect a lower military cooperation as they mostly involve limited transit, refueling, and visiting rights, as well as joint training (Hong, 2017). In addition, the US decision to deploy 2500 marines at a new forward military base in Darwin Australia is an important step in developing its military capabilities in the region as this new forward base will serve as a launch pad for possible military operations especially in the SCS region (Chellaney, 2012).

The US military cooperation with the Philippines and Vietnam must be given a special focus as these two countries are actually the two countries affected the most by China's expansion activities in the SCS. Therefore, improving these two countries military capabilities in confronting Chinese aggression in the SCS will clearly help the US in containing and stopping Chinese expansion in the SCS. In this respect Washington has signed a new mutual defense treaty called "Enhanced Defense cooperation Agreement" with the Philippines in 2014 in addition to the already existing one signed in 1951. This new agreement which aims to increase bilateral training and preparedness exercises between the two countries enables the US to move more of its military forces in and out of the Philippines (Eilperin, 2014). With regard to Vietnam, it is evident that US and Vietnam relations have entered into a development period as China increased its aggressive behavior towards Vietnam in the region such as obstructing Vietnam oil exploration activities in waters considered within Vietnam EEZ or ramming Vietnam fishing vessels in the SCS. Vietnam, which traditionally has been heavily dependent on Russia and China for acquiring military arms, has turned its attention to the US in order to decrease its dependency to these two countries. US administration's decision to end a long-standing arms embargo on Vietnam in 2016 opens the way for defense procurement deals and other forms of military cooperation (Thomas, 2017). In this sense it is clear that both the US and Vietnam are willing to explore new ways to develop military cooperation as a way to protect their interests in the region. The end of the arms embargo also means that Washington is seeking cooperation both in political and military terms with Vietnam as an answer to the rising assertive policies and actions of China in the SCS.

As a conclusion, as stated by political analysts, China's rising power in East Asia in fact actually helps the US to justify its military presence in the region in addition to helping keep existing allies and even win new strategic partners. In this sense, Beijing's new assertive policies and strategies in the region has been an important factor in helping strengthen and expand its security arrangements in Southeast and East Asia and Asia Pacific in general and clearly, as a natural consequence, has reinforced Washington's security infrastructure. South Korea's decision to develop its military alliance with the US and Japan's decision to cancel to move the US airbase out of Okinawa are just only two examples of this new trend in the region. Furthermore, Vietnam's, Indonesia's and Singapore's decision to increase military cooperation with US are also important evidence of the strengthening US military presence in the region as a counter move to the new assertive China in Southeast Asia. However, as also stated by these analysts, this new trend can only last as long as the US is seen by its partners in the region as a reliable and credible ally and guarantor of stability and security in the region which actually depends more on political will in Washington than the US military strength present in East Asia (Chellaney, 2012). In this sense, perhaps the SCS is one of the most important places where Washington's reliability and credibility as a reliable ally and credible security guarantor will be put to the test as the rapid Chinese militarization and aggressive strategies have increased the possibility of an armed conflict between Beijing and Washington almost to inevitable.

The Trump presidency has also had effects on the US alliances in East Asia as Trump has repeatedly criticized the 'Hub and Spokes' system in East Asia during his presidential campaign stating that allies such as South Korea and Japan have been "*free riding on Washington's goodwill*" (Townshend, 2017)." In this sense, as stated by political analysts, perhaps the democratic country with the biggest potential power to that can balance the power of rising China in the long term is Japan, especially in terms of economic power, military capability, technology and demographics. Therefore, especially in the last years, we see a general encouragement from the US to allow Japan to play a more independent and effective role in helping the US in securing and maintaining stability and security, thus the American security system in East Asia. However, the Second World War experience of Japan clearly has a negative effect on other countries in the region in terms of Japanese military expansion and therefore any Japanese military initiative in the region to counter Chinese assertiveness could be considered as threat by other states in the region. In addition, it must be noted that although it is changing now, due to constitutional restraints dictated after the Second World War, armed forces of Japan have been mostly designed for defense rather than projecting power in overseas or oceans. Therefore, for the near future, most depends on the US with regard to respond to China's rising power and influence in East Asia. In this sense, after coming to office, Trump administration officially stated that the US will continue to support and protect its allies in the region but will also request more burdens sharing with its rich allies. Still the Trump administration's decision of an 54 \$ billion increase to the 2018 shows Washington's determination in maintaining its military superiority in the region as almost all of this increase is for building ships and military aircraft to establish a more "*robust*

presence in key international waterways and chokepoints” including the SCS (Townshend, 2017). This defense budget increase is also seen as move to realize Trump’s election promise to build a 350-ship navy to deter any possible US competitors, especially China. As security analysts state, this a necessary move to achieve the successful completion of Obama’s ‘timely’ but ‘weak’ pivot to Asia (Stewart, 2016).

The military initiatives mentioned above will clearly enable US to strengthen its presence in the SCS and boost its capabilities to answer increasing Chinese expansionist activities in the SCS in order to maintain the security structure it shaped after the Second World War. However, whether will these efforts be enough to stop or contain a rising Chinese military in the region is an important question which has not been answered yet. Nevertheless, one thing which can be clearly said about these military initiatives is that all of them are increasing the risk for an armed conflict between the claimant states and US and china in particularly. As US and China and other claimants increase their military activities in the region, they are also increasing the risk for a limited or potential all-out war with especially China as the possible confrontation between the militaries increases rapidly in the region.

CONCLUSION

*“For about the last 70 years, we have been the centerpiece
of the security architecture in the Pacific”*

Admiral Samuel J. Locklear, III,
Commander of US Pacific Command 2010-2013 (PACOM)

As stated in 2017 by Henry Kissinger, one of the world's most prominent figures in international relations, *“the world's gravity center is shifting from the Atlantic to the Pacific (Delaney, 2017).”* There is no doubt that, in the heart of this shift, with its massive political, economic and military initiatives in the Asia-Pacific, is China. In terms of international relations, this shift perhaps is more important than the collapse of the Soviet Union in 1991 as it potentially holds the power to change the global security and economic structure established by the US after the Second World War. China today has reached such a development level that it can no longer continue with the current economic and security structure shaped by the US in accordance with its own interests. In this sense, China, pursuant to its own grand strategy, has started to offer a different political and economic model to the countries in Southeast and East Asia and beyond, one which is more Sino-centric and Asian oriented. From an international relations perspective, this is very much understandable and predictable as China, just like all other rising powers in world history, wants to challenge and if possible, shape a new security and economy structure that better suits its interests and needs as a new major power contender.

It must be noted that this challenge brought against the US by Beijing largely focuses on Asia and more specifically Southeast and East Asia. Despite its huge economic power and modernizing military, China is still not yet within reach of being able to contest America's global dominance with regard to political, economic or military power. However, it has the capacity to challenge US dominance in these terms in Southeast and East Asia, starting with the SCS. As China increases its activities and efforts in this region for a power shift in the region, the US becomes more aware that in order to maintain its political, economic and military dominance in Southeast and East-Asia, it must first be able to maintain its dominance and control in the SCS and prevent any power-shift. As seen in many cases in the history of International Relations starting with the Peloponnesian War between Athens and Sparta in ancient Greek, this power shift or new structure construction inevitably means a fierce challenge between states as one attempts to change the structure which the other one tries so hard to maintain.

In this sense, perhaps the ‘Rise of China’ poses the greatest threat to the maintenance of the dominant global order that was established by US in the second half of the 20th century and which has so far shaped most of the world so decisively. Thus, China's growing power has pushed the Southeast and East-Asia and Asia-Pacific into a central position to affect the future course of global security (Goh, 2009: 101). As a natural result, Asia and specifically Southeast and East Asia is the region in which the current

US-centered system and global order will face its biggest challenge as this region is where the relationships between these two major powers are under the greatest strain. This is due to the fact that Southeast and East-Asia security structure and thus regional order has been and still is mostly constituted by US dominance and to change this order could be extremely disruptive and lead to large scale regional instability (White and Taylor, 2009: 87).

The SCS, in this sense, has become the most important flashpoints in the wider Asia-Pacific area where we actually see the unfolding of this challenge between the China and the US as well as the regional countries. The conflicting claims of six different countries and the historical, legal, economic and security issues underlying them has turned the SCS disputes into one of the most complicated disputes in the world. Since 2000s, in accordance with its increasing political, economic and military capabilities, China has significantly increased its diplomatic and military efforts to strengthen its claims and establish its presence in the region. In this sense, the massive land reclamation work which China recently executed has physically changed the structure of the SCS while the militarization of these newly built islands by China has brought new security challenges to the region. China's reluctance to submit the claim to a neutral arbitrator in accordance with the provisions of UNCLOS, despite the fact that China is a signatory of the UNCLOS, and also its reaction towards the ruling of the tribunal court in Hague regarding the SCS disputes, clearly indicate that any peaceful legal solution to the disputes is not probable in the near future.

However, what is certain is that the China's recent land reclamation and militarization actions in the region have certainly enabled Beijing to increase its power projection capabilities and its military dominance in the disputed waters. As a result, this has resulted in higher tensions in the region and increased any potential run-ins between its military and paramilitary forces and those of other claimant countries and the US (Poling, 2015:1). As Washington's concerns are rising about Beijing's intentions with regard to A2D2 (anti access are denial) and blocking the freedom of navigation and over flight in the region, a possible clash between the Chinese military and US military has significantly increased and almost has become inevitable, very much in accordance with Mearsheimer's predictions for the region (Mearsheimer, 2001). Especially as political analysts state, China, as its confidence grows, might one day decide or be tempted to 'test the waters' that is to test the willingness or determination of the US in protecting its interests and position in the region. Although such a test could occur over Taiwan and the East China Sea, as stated the most likely place for such a test is seen as the SCS (Ikenberry and Mastanduno, 2003:427). In this sense the SCS has become one of the world's most dangerous waters threatening the security of the region and the Asia pacific in general.

The SCS offers major economical and geopolitical advantages to any country that controls it. However, for China, there is much more to gain than just the economic and geopolitical advantages mentioned. China, as a first step of increasing its dominance in the region, has physically changed the de facto security structure in the region. In this

sense, the establishment of China's dominance in the SCS by enforcing its A2/D2 anti access and area denial in the region will indicate an important turning point for the political and security structure in the Asia-Pacific. If China succeeds in denying or even limiting US access to the SCS, this will likely be seen as an indicator that the US has started to lose its control over the region as it becomes forced to leave the waters of the SCS due to the effective exercise of A2/D2 by Chinese military. This will clearly give a strong message to the other claimants and countries in the region as it will be signal for them to shape their policies in the region according to this new reality. In accordance, after such a development, countries in the region will be more willing to cooperate with China rather than challenge it as the cost of clashing with China will rise significantly as the most important potential balancing power; the US will be seen as leaving the region and accepting Chinese dominance of the SCS. In such a situation, , China, as the new dominant power in the SCS will undoubtedly use this new situation to exercise greater influence over the policies of the countries in the region and very likely intensify and increase its efforts to shape the new political and economic terms in East Asia and Asia-Pacific region in accordance with its own interests.

In addition, whether China succeeds in changing the structure in the SCS while establishing its dominance in the eyes of the regional countries and drive out the US from the region holds global implications. The result will not only determine the future security structure in Southeast and East Asia, but most probably the whole of Asia-Pacific as well as both Beijing's and Washington's future as major power contenders in the world. Therefore, we can say that the outcome of the developments in the SCS with regard to China's policies and strategies in the region will be very much decisive in the shaping of the potential Asia-Pacific political and security structure of the future.

At this point it must also be pointed out that from an IR perspective it can be said that what we are seeing in the SCS in present is actually a repetition of what happened in the Caribbean Sea in the end of the 19th century. What even can be considered as an irony of fate, China is mostly doing what the US did by then in the Caribbean Sea that is pushing other traditional dominant actors out of its close periphery and by this way securing its dominance and influence in the region. In this sense, from an IR perspective, the similarities between the US policies and actions in the Caribbean Sea in the end of the 19th century and China's policies and actions in the SCS cannot be overlooked. Similar to the position of China today, in the second half of the 19th century the US after a devastating civil war, had started to complete its western expansion, modernization and industrialization process and especially economically and industrially had started to become an important power. What is known as the Monroe Doctrine, the US decision makers such as Theodore Roosevelt realized the fact that they could not secure their own backyard security in their close periphery and protect and pursue their own political, security and economic interests without first pushing the traditional global colonial European powers such as Great Britain, France and Spain out of their close periphery and out of their zone of influence. As a result of political and military efforts especially in the second half of the 19th century and the start of the 20th century, Washington succeeded in pushing all of the former colonial powers especially Great Britain and Spain out of the

Caribbean Sea and thus managed to establish its own political and military dominance in this region. The forced withdrawal of the European colonial powers from the Caribbean Sea is one of the turning points of US history in the 20th century as its one of the first milestones in the transformation of the US into first a regional power and then a global superpower and the started the fall of the former global power the British Empire. It is also interesting to note that Theodore Roosevelt has played an important part in this transformation as Roosevelt was both a fierce supporter of the Monroe Doctrine and also supporter of the building a modern and strong US navy capable of projecting US military power in other parts of the world. As a result of these efforts especially supported by the Roosevelt Administration, the US both managed to clear the region from the old European colonial powers and also to build the second biggest navy in the world after Great Britain. As Roosevelt famously said at a public speech at Chicago in 1903:

Speak softly and carry a big stick; you will go far." If the American nation will speak softly, and yet build and keep at a pitch of the highest training a thoroughly efficient navy, the Monroe Doctrine will go far (Humes, 2016:39).

In this sense just like the US in the end of the 19th century, China's success or failure in pushing the US out of the SCS would be an important milestone for both China's and Washington's political, economic and security development and potentially will have both regional and in the long term global consequences and implications.

Nevertheless, with regard to the growing Sino-American competition, it must also be noted that although China has achieved remarkable success in transforming itself from an undeveloped hunger stricken country to today's industrialized and second biggest economy with a huge growing middle class, it still faces enormous domestic challenges that have the potential to disrupt the rise of China which the world is witnessing today. These domestic challenges such as the effects of rapid urbanization, the growing gap between the rich and poor, corruption within the bureaucracy, the huge environmental problems such as soil, water and air pollution caused by rapid industrialization, ethnic and religious human rights problems are only some of the domestic challenges which China is trying to cope with today (White and Taylor, 2009: 92). In addition, as stated by political experts, the economic modernization which China is experiencing today always carries the risk of leading to a large-scale political change in China. Although the CCP and its authoritarian political system have so far been able to maintain its power in China, it is not clear as to whether this authoritarian system is compatible with economic modernization and a growing and demanding middle class in the long term (McDougall, 2007: 324). These are all important considerations that may have decisive effects not only on the Sino-American competition but also on China itself in the coming years.

With regard to the SCS, it must be noted that Beijing still has not been able to drive the US out of the SCS although it has announced its intentions to exercise A2D2 from the newly reclaimed islands in the SCS. Today, the US military is still very active in the region with a significant military power situated in Southeast Asia and Asia-Pacific in general. In this sense, it can be said that Washington's response to Chinese policies and activities in the SCS and the results of its famous Asian pivot will be as important as China's actions in the region in determining the outcome of this challenge in the SCS.

The Obama administration's Asian pivot, in this sense had been regarded as the most comprehensive response of Washington towards China's rise in the East Asia. It was considered as Washington's effort, even last desperate effort to re-balance and contain China in order to maintain US dominance in Southeast and East Asia and included political, economic and military aspects. However, with the start of the Obama administration's second term, factors such as budget cuts and the shift of attention once again to the Middle East issues due to the appointment of the new secretary of state John Kerry resulted in an important loss of momentum to the Asian pivot as the US failed to show the required commitment. In addition, today, with the Trump presidency, it can be said that the pivot has lost more of its momentum as one of the first actions of the new president has been to sign an executive order to withdraw US from the TPP, the deal which the Obama administration worked so hard to construct as a tool to balance and even contain China's rise in the Asia-Pacific. This clearly has been a victory for China proving that any attempt for a commercial deal excluding China in East Asia is doomed to fail while also a serious blow to American prestige in the region as it raises doubts with regard to US economic and political leadership in East Asia. Moreover, the Trump administration's abandonment of the TPP has shown that the US is reluctant to take an active role in setting standards and rules for the 36.6% of the global economy (Townshend, 2017). In this respect many related states in both Southeast and East Asia and Asia Pacific saw this trade agreement as a litmus test of US power and now have turned to considering new trade strategies towards ambitious Chinese initiatives. In addition, the Trump administration's much-debated inexperience in foreign affairs and the perceived lack of coherent vision among his top foreign affairs advisors clearly has resulted in confusion and uncertainty with regard to Trump administration's policy goals in the Asia-Pacific and among allies in the region seeking a powerful US policy in order to balance China in the region. Even before the start of Trump presidency, we had already started to see the effects of this situation, as the President of the Philippines, a country which had long been considered as one of the closest ally of US in the region, openly announced his country's "*separation from the US*" by stating that "*both in military and economics, America has lost* (www.reuters.com, 2016)." It is important to note that President Duterte made this announcement during an official visit to China in October 2016 in which the Philippines and China discussed a potential \$13.5 billion investment deal, in a period which the new US administration started to emphasize the 'America First' policy (www.abc.net.au, 2016). Lastly the recent collisions of two US navy warships with civilian merchant ships in the region in 2017 which resulted in the deaths of many US military personnel and the sacking of the commander of the 7th fleet based in Japan added a new military dimension to the already existing doubts with regard to US military readiness and capabilities in the region (edition, cnn.com, 22.08.2017).

From a theoretical perspective, the SCS is a region where almost all major IR theories and models can be put to test and also be used in order to explain the policies and actions of the related parties in the region, particularly, with regard to the two major players in the region. Although major IR theories such as liberal and constructivist theories do help to understand certain aspects of the international relations in East Asia and Asia-Pacific,

especially with regard to the economic and social aspects of the relations, it is clear that when focusing on security and high political aspects of relations, as this study does, a realist approach becomes much more useful in order to understand and explain policies and actions of the two related states; US and China. In this sense, it can be said that both states' policies and actions in the region to a great extent are in accordance with two important models derived from the Neo-Realist School of IR. These models are 'Offensive Realism' developed by Mearsheimer and 'Balance of Threat' developed by Stephen Walt and therefore has been used to understand the factors behind the policies and actions of these two major states in addition to other related regional states.

China's rise and its transformation to a great power status with to some extent even global aspirations and its growing competition with the traditional dominant power in Southeast and East Asia and the Asia-Pacific have been the major focus of this study. In this sense, offensive realism has provided a deeper insight to the factors behind the reasons for Beijing's policies and actions in the region especially with regard to its massive military modernization program and its island building and militarization actions in the SCS. As Mearsheimer states; *"the overriding goal of each state is to maximize its share of world power, which means gaining power at the expense of other states"* (Mearsheimer, 2001:1). In our case *"gaining power"* at the expense of US and other claimant states in the SCS. In addition, we have seen that China's economic rise has resulted in a greater military power which Beijing has designed and aimed to use it to become a dominant power in the region as we see in the latest Chinese militarization of the disputed islands in the SCS. Furthermore, Mearsheimer's model reflects China's grand strategy as Mearsheimer states that rising powers are impatient with the role and status offered to them in the existing system and that great powers almost never succeed in coming up with an appropriate policy or response that satisfies the new challenger. In this sense, it becomes much easier to understand the growing competition and even to a certain extent the soft rivalry between China and the US.

The Second IR model which has been used in this study; 'Balance of Threat' developed by Stephen Walt has also contributed to this study's understanding especially with regard to the threat factor and the policies of actions of the claimant countries such as Vietnam and the Philippines and their relations with China, the US and ASEAN. Walt argues that states generally react to 'threat' rather than 'power' (Walt, 1987:5). By using The Threat Assessment Formula based on Stephen Walt's definition of threat among states and specifically prepared for this study, this study has attempted to assess the level of threat and the trend of threat perceived by states in the region. The suggested formula has shown us that the level of threat among China and US is on the rise and that China is becoming a greater threat to the coastal states of the SCS as seen in the case studied of Vietnam and the Philippines. and that states according to their power may show different behaviors when faced with serious threat from a stronger opponent. Therefore, from this point of view it has been easier to understand why claimant states in the region have adjusted their policies towards China as Beijing's increasing policies and actions in the SCS were perceived as threatening moves with regard to these states' claims and interests in the SCS. Walt also states that when faced with a threat, states generally show two

kinds of responses: 'bandwagoning' and 'balancing', and that weaker states tend to 'bandwagon' while relatively more powerful states tend to 'balancing (Walt, 1987:29).' In this respect it can be said that Vietnam's and the Philippines reactions to China with regard to SCS disputes and Chinese policies and actions are in accordance with Walt's model as we see that the relatively more powerful state, Vietnam has increased its efforts especially within ASEAN and the US to balance Chinese threat whereas relatively weaker Philippines has chosen to move closer to Beijing as an response to Chinese actions and policies in the region. From this perspective, it can also be said that more and more countries in the region may choose to 'bandwagon' with China if the US and ASEAN led balancing acts prove to be useless or if China actually accomplishes to become the dominant power in first the SCS and then the rest of Southeast and East Asia and Asia-Pacific.

According to the famous ancient Chinese general Sun Tzu, "*Supreme excellence consists of breaking the enemy's resistance without fighting (Jackson, 2014).*" What China is trying to do in the SCS and in the Asia-Pacific in general is exactly what Sun Tzu states; winning without fighting. Beijing, by using almost all possible political, economic and military means, is trying to establish its dominance in the region without resorting to force. In this sense, it can be said that what China is doing in the SCS is, in nature, almost the same thing which the US did in the Caribbean Sea in the 19th century, that is establishing its dominance and driving foreign powers out from its periphery. The tactics which China used in the SCS such as land reclamation, and strategies such as 'Salami Slicing' and 'Cabbage Leaves' have so far for the most part enabled China to increase its presence and control in the SCS without going into a major clash or war with the other claimants or the US. Therefore, if Chinese actions in the SCS continue without facing a serious challenge as it did until this day, it can be said that China slowly but eventually will be able to take control of more disputed territory until it controls the entire SCS. It is clear that until this day the US, despite its significant military and political influence in the region, has not posed a serious challenge to Chinese actions in the region. In addition, the famous 'Asian Pivot', which Washington presented as a comprehensive and effective new strategy to counter balance a rising China in the Asia-Pacific has lost most of its momentum and as stated by some political experts; has almost become "*a thing of the past (Boduszynski and Le, 2017, para. 3).*" When all the points stated in this study are put together, it becomes clear that if China succeeds in continuing its comprehensive and effective strategy in the region, it will eventually establish its dominance in the SCS.

As a conclusion, in light of all the points mentioned in this study, it can clearly be said that China, as a rising economic power, is gradually preparing and transforming itself into a dominant power first in Southeast and East Asia and later in the wider Asia-Pacific region. As stated before, China owes much of its rise to the political, economic and security structure shaped by the US after the Second World War, which provided the stable environment for China to complete its modernization and industrialization and later on become an economic giant. As stated by political analysts, the closer China approaches parity with US power the more difficult it has become for Beijing to accept the political, economic and strategic limits which the US-centered order requires from

China to accept (White and Taylor, 2009: 89). Thus, it is clear that a more confident Beijing, in accordance with its grand strategy to once again lift China to its 'rightful' place in the world, wants to shape a new political, economic and security structure first in Southeast and East Asia and then in the greater Asia-Pacific region in accordance with its own interests and goals. Therefore, China's policies and actions do challenge the political, economic and security structure which the US established in the region and therefore can be considered as a threat to the traditional US dominance in Southeast and East Asia and then Asia-Pacific. The SCS is where this challenge between the two powers is most evident in the world, and thus can be considered as a testing lab for the outcome of this challenge.

In this context, this challenge brought by China in East Asia, particularly in the SCS is perhaps the most significant challenge to the global US supremacy ever witnessed since the Second World War as it directly challenges the political and economic order which the US shaped in the 20th century. As stated by many political analysts, Washington's hopes for a new 'American Century' will depend mostly on its ability to 'contain' China, its biggest competitor in the world. It must be remembered that most of the regional states which until now have mostly resisted choosing sides between Beijing and Washington will likely be more open to accept Chinese dominance in Southeast and East Asia if the US gradually retreats from the region. Here, it must be noted that although both China and the US today have become deeply interdependent as a result of the large scale economic and trade relations between the two countries. In addition the Sino-American competition is considered mostly a 'soft rivalry', as pointed out before. However, the massive militarization in the SCS by both China and the US and also other claimants has dangerously increased the potential for any armed clash or a limited armed conflict between the two sides and hence the potential to anytime spark a much larger armed conflict in the region.

This study has shown us several important points with regard to Sino-American Competition in the Asia-Pacific. Firstly, the study has shown us that China's political, economic and military actions in the last decades in accordance with its grand strategy have played the major role in the rise of this competition. Secondly, as demonstrated in chapter 4 titled the threat factor, the perceived level of threat between the two states is following a rising trend especially due to the increasing numbers of offensive natured incidents between the two states particularly in the SCS. Moreover, the study has shown us that from UNCLOS, thus International law perspective, in general Chinese claims and activities such as artificial island construction and land reclamation are not in compliance with International law and UNCLOS. Furthermore, with regard to IR theories, the study has shown us that western based IR theories such as Neo-Realism are relevant in explaining China's actions and policies in the region as well as anywhere else in the World. Furthermore, the study has also shown us that this rising Sino-American competition and increasing perception of Chinese threat in Washington have turned the Sino American competition into one of the major factors that shape US policies in the region and in general. Finally, due to its political, economic and security implications, the

study has shown us that the rising Sino American competition which has become most evident in the SCS will be one of the defining aspects of the 21st century.

The 19th century was the century of the British Empire; the 20th century was America's. Whether China succeeds in dominating the SCS and drives the US out of the region or faces a significant challenge from the resurging US and fails to establish its dominance in its own "Caribbean Sea" the SCS will be an important indicator to whether if the 21st century will become a Chinese century.



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APPENDICES

Appendix 1. Permanent Court of Arbitration – Press Release “The South China Sea Arbitration”

PRESS RELEASE

THE SOUTH CHINA SEA ARBITRATION

(THE REPUBLIC OF THE PHILIPPINES V. THE PEOPLE’S REPUBLIC OF CHINA)

The Hague, 12 July 2016

The Tribunal Renders Its Award

A unanimous (the “Convention”) in the arbitration instituted by the Republic of the Philippines against the People’s Republic of China.

This arbitration concerned the role of historic rights and the source of maritime entitlements in the South China Sea, the status of certain maritime features and the maritime entitlements they are capable of generating, and the lawfulness of certain actions by China that were alleged by the Philippines to violate the Convention. In light of limitations on compulsory dispute settlement under the Convention, the Tribunal has emphasized that it does not rule on any question of sovereignty over land territory and does not delimit any boundary between the Parties.

China has repeatedly stated that “it will neither accept nor participate in the arbitration unilaterally initiated by the Philippines.” Annex VII, however, provides that the “[a]bsence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.” Annex VII also provides that, in the event that a party does not participate in the proceedings, a tribunal “must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.” Accordingly, throughout these proceedings, the Tribunal has taken steps to test the accuracy of the Philippines’ claims, including by requesting further written submissions from the Philippines, by questioning the Philippines both prior to and during two hearings, by appointing independent experts to report to the Tribunal on technical matters, and by obtaining historical evidence concerning features in the South China Sea and providing it to the Parties for comment.

China has also made clear—through the publication of a Position Paper in December 2014 and in other official statements—that, in its view, the Tribunal lacks jurisdiction in this matter. of the Convention provides that: “In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.” Accordingly, the Tribunal convened a hearing on jurisdiction and admissibility in July 2015 and rendered an on 29 October 2015, deciding some issues of jurisdiction and deferring others for further consideration. The Tribunal then convened a hearing on the merits from 24 to 30 November 2015.

The Award of today’s date addresses the issues of jurisdiction not decided in the Award on Jurisdiction and Admissibility and the merits of the Philippines’ claims over which the

Tribunal has jurisdiction. The Award is final and binding, as set out in of the Convention and Historic Rights and the 'Nine-Dash Line': The Tribunal found that it has jurisdiction to consider the Parties' dispute concerning historic rights and the source of maritime entitlements in the South China Sea. On the merits, the Tribunal concluded that the Convention comprehensively allocates rights to maritime areas and that protections for pre-existing rights to resources were considered, but not adopted in the Convention. Accordingly, the Tribunal concluded that, to the extent China had historic rights to resources in the waters of the South China Sea, such rights were extinguished to the extent they were incompatible with the exclusive economic zones provided for in the Convention. The Tribunal also noted that, although Chinese navigators and fishermen, as well as those of other States, had historically made use of the islands in the South China Sea, there was no evidence that China had historically exercised exclusive control over the waters or their resources. The Tribunal concluded that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line'.

Status of Features: The Tribunal next considered entitlements to maritime areas and the status of features. The Tribunal first undertook an evaluation of whether certain reefs claimed by China are above water at high tide. Features that are above water at high tide generate an entitlement to at least a 12 nautical mile territorial sea, whereas features that are submerged at high tide do not. The Tribunal noted that the reefs have been heavily modified by land reclamation and construction, recalled that the Convention classifies features on their natural condition, and relied on historical materials in evaluating the features. The Tribunal then considered whether any of the features claimed by China could generate maritime zones beyond 12 nautical miles. Under the Convention, islands generate an exclusive economic zone of 200 nautical miles and a continental shelf, but "[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf." The Tribunal concluded that this provision depends upon the objective capacity of a feature, in its natural condition, to sustain either a stable community of people or economic activity that is not dependent on outside resources or purely extractive in nature. The Tribunal noted that the current presence of official personnel on many of the features is dependent on outside support and not reflective of the capacity of the features. The Tribunal found historical evidence to be more relevant and noted that the Spratly Islands were historically used by small groups of fishermen and that several Japanese fishing and guano mining enterprises were attempted. The Tribunal concluded that such transient use does not constitute inhabitation by a stable community and that all of the historical economic activity had been extractive. Accordingly, the Tribunal concluded that none of the Spratly Islands is capable of generating extended maritime zones. The Tribunal also held that the Spratly Islands cannot generate maritime zones collectively as a unit. Having found that none of the features claimed by China was capable of generating an exclusive economic zone, the Tribunal found that it could—without delimiting a boundary—declare that certain sea areas are within the exclusive economic zone of the Philippines, because those areas are not overlapped by any possible entitlement of China.

Lawfulness of Chinese Actions: The Tribunal next considered the lawfulness of Chinese actions in the South China Sea. Having found that certain areas are within the exclusive economic zone of the Philippines, the Tribunal found that China had violated the Philippines' sovereign rights in its exclusive economic zone by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands and (c) failing to prevent Chinese fishermen from fishing in the zone. The Tribunal also held that fishermen from the Philippines (like those from China) had traditional fishing rights at Scarborough Shoal and that China had interfered with these rights in restricting access. The Tribunal further held that Chinese law enforcement vessels had unlawfully created a serious risk of collision when they physically obstructed Philippine vessels.

Harm to Marine Environment: The Tribunal considered the effect on the marine environment of China's recent large-scale land reclamation and construction of artificial islands at seven features in the Spratly Islands and found that China had caused severe harm to the coral reef environment and violated its obligation to preserve and protect fragile ecosystems and the habitat of depleted, threatened, or endangered species. The Tribunal also found that Chinese authorities were aware that Chinese fishermen have harvested endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea (using methods that inflict severe damage on the coral reef environment) and had not fulfilled their obligations to stop such activities.

Aggravation of Dispute: Finally, the Tribunal considered whether China's actions since the commencement of the arbitration had aggravated the dispute between the Parties. The Tribunal found that it lacked jurisdiction to consider the implications of a stand-off between Philippine marines and Chinese naval and law enforcement vessels at Second Thomas Shoal, holding that this dispute involved military activities and was therefore excluded from compulsory settlement. The Tribunal found, however, that China's recent large-scale land reclamation and construction of artificial islands was incompatible with the obligations on a State during dispute resolution proceedings, insofar as China has inflicted irreparable harm to the marine environment, built a large artificial island in the Philippines' exclusive economic zone, and destroyed evidence of the natural condition of features in the South China Sea that formed part of the Parties' dispute.

An expanded summary of the Tribunal's decisions is set out below.

The Tribunal was constituted on 21 June 2013 pursuant to the procedure set out in Annex VII of the Convention to decide the dispute presented by the Philippines. The Tribunal is composed of Judge Thomas A. Mensah of Ghana, Judge Jean-Pierre Cot of France, Judge Stanislaw Pawlak of Poland, Professor Alfred H.A. Soons of the Netherlands, and Judge Rüdiger Wolfrum of Germany. Judge Thomas A. Mensah serves as President of the Tribunal. The Permanent Court of Arbitration acts as the Registry in the proceedings.

Jurisdiction and Admissibility, the Rules of Procedure, earlier Press Releases, hearing transcripts, and photographs. Procedural Orders, submissions by the Philippines, and reports by the Tribunal's experts will be made available in due course, as will unofficial Chinese translations of the Tribunal's Awards.

Background to the Permanent Court of Arbitration

The (PCA) is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 121 Member States. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA's International Bureau is currently administering 8 interstate disputes, 73 investor-State arbitrations, and 34 cases arising under contracts involving a State or other public entity. The PCA has administered initiated by States under Annex VII to the United Nations Convention on the Law of the Sea.

In July 2013, the Tribunal in the South China Sea Arbitration appointed the PCA to serve as Registry for the proceedings. The Tribunal's provide that the PCA shall "maintain an archive of the arbitral proceedings and provide appropriate registry services as directed by the Arbitral Tribunal." Such services include assisting with the identification and appointment of experts; publishing information about the arbitration and issuing press releases; organizing the hearings at the Peace Palace in The Hague; and the financial management of the case, which involves holding a deposit for expenses in the arbitration, such as to pay arbitrator fees, experts, technical support, court reporters etc. The Registry also serves as the channel of communications amongst the Parties and the Tribunal and observer States.

SUMMARY OF THE TRIBUNAL'S DECISIONS ON ITS JURISDICTION AND ON THE MERITS OF THE PHILIPPINES' CLAIMS

1. Background to the Arbitration

The South China Sea Arbitration between the Philippines and China concerned an application by the Philippines for rulings in respect of four matters concerning the relationship between the Philippines and China in the South China Sea. First, the Philippines sought a ruling on the source of the Parties' rights and obligations in the South China Sea and the effect of the United Nations Convention on the Law of the Sea ("Convention") on China's claims to historic rights within its so-called 'nine-dash line'. Second, the Philippines sought a ruling on whether certain maritime features claimed by both China and the Philippines are properly characterized as islands, rocks, low-tide elevations or submerged banks under the Convention. The status of these features under the Convention determines the maritime zones they are capable of generating. Third, the Philippines sought rulings on whether certain Chinese actions in the South China Sea have violated the Convention, by interfering with the exercise of the Philippines' sovereign rights and freedoms under the Convention or through construction and fishing activities that have harmed the marine environment. Finally, the Philippines sought a ruling that certain actions taken by China, in particular its large-scale land reclamation and construction of artificial islands in the Spratly Islands since this arbitration was commenced, have unlawfully aggravated and extended the Parties' dispute.

The Chinese Government has adhered to the position of neither accepting nor participating in these arbitral proceedings. It has reiterated this position in diplomatic notes, in the “Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines” dated 7 December 2014 (“China’s Position Paper”), in letters to members of the Tribunal from the Chinese Ambassador to the Kingdom of the Netherlands, and in many public statements. The Chinese Government has also made clear that these statements and documents “shall by no means be interpreted as China’s participation in the arbitral proceeding in any form.”

Two provisions of the Convention address the situation of a party that objects to the jurisdiction of a tribunal and declines to participate in the proceedings:

(a) of the Convention provides that: “In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.”

(b) to the Convention provides that:

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Throughout these proceedings, the Tribunal has taken a number of steps to fulfil its duty to satisfy itself as to whether it has jurisdiction and whether the Philippines’ claims are “well founded in fact and law”. With respect to jurisdiction, the Tribunal decided to treat China’s informal communications as equivalent to an objection to jurisdiction, convened a Hearing on Jurisdiction and Admissibility on 7 to 13 July 2015, questioned the Philippines both before and during the hearing on matters of jurisdiction, including potential issues not raised in China’s informal communications, and issued an (the “Award on Jurisdiction”), deciding some issues of jurisdiction and deferring others for further consideration in conjunction with the merits of the Philippines’ claims. With respect to the merits, the Tribunal sought to test the accuracy of the Philippines’ claims by requesting further written submissions from the Philippines, by convening a hearing on the merits from 24 to 30 November 2015, by questioning the Philippines both before and during the hearing with respect to its claims, by appointing independent experts to report to the Tribunal on technical matters, and by obtaining historical records and hydrographic survey data for the South China Sea from the archives of the United Kingdom Hydrographic Office, the National Library of France, and the French National Overseas Archives and providing it to the Parties for comment, along with other relevant materials in the public domain.

2. The Parties’ Positions

The Philippines made 15 Submissions in these proceedings, requesting the Tribunal to find that:

(1) China's maritime entitlements in the South China Sea, like those of the Philippines, may not extend beyond those expressly permitted by the United Nations Convention on the Law of the Sea;

(2) China's claims to sovereign rights jurisdiction, and to "historic rights", with respect to the maritime areas of the South China Sea encompassed by the so-called "nine-dash line" are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements expressly permitted by UNCLOS;

(3) Scarborough Shoal generates no entitlement to an exclusive economic zone or continental shelf;

(4) Mischief Reef, Second Thomas Shoal, and Subi Reef are low-tide elevations that do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, and are not features that are capable of appropriation by occupation or otherwise;

(5) Mischief Reef and Second Thomas Shoal are part of the exclusive economic zone and continental shelf of the Philippines;

(6) Gaven Reef and McKennan Reef (including Hughes Reef) are low-tide elevations that do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, but their low-water line may be used to determine the baseline from which the breadth of the territorial sea of Namyit and Sin Cowe, respectively, is measured;

(7) Johnson Reef, Cuarteron Reef and Fiery Cross Reef generate no entitlement to an exclusive economic zone or continental shelf;

(8) China has unlawfully interfered with the enjoyment and exercise of the sovereign rights of the Philippines with respect to the living and non-living resources of its exclusive economic zone and continental shelf;

(9) China has unlawfully failed to prevent its nationals and vessels from exploiting the living resources in the exclusive economic zone of the Philippines;

(10) China has unlawfully prevented Philippine fishermen from pursuing their livelihoods by interfering with traditional fishing activities at Scarborough Shoal;

(11) China has violated its obligations under the Convention to protect and preserve the marine environment at Scarborough Shoal, Second Thomas Shoal, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef;

(12) China's occupation of and construction activities on Mischief Reef

(a) violate the provisions of the Convention concerning artificial islands, installations and structures;

(b) violate China's duties to protect and preserve the marine environment under the Convention;

(c) and constitute unlawful acts of attempted appropriation in violation of the Convention;

(13) China has breached its obligations under the Convention by operating its law enforcement vessels in a dangerous manner, causing serious risk of collision to Philippine vessels navigating in the vicinity of Scarborough Shoal;

(14) Since the commencement of this arbitration in January 2013, China has unlawfully aggravated and extended the dispute by, among other things:

(a) interfering with the Philippines' rights of navigation in the waters at, and adjacent to, Second Thomas Shoal;

(b) preventing the rotation and resupply of Philippine personnel stationed at Second Thomas Shoal; and

(c) endangering the health and well-being of Philippine personnel stationed at Second Thomas Shoal;

(d) and conducting dredging, artificial island-building and construction activities at Mischief Reef, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef;

(15) China shall respect the rights and freedoms of the Philippines under the Convention, shall comply with its duties under the Convention, including those relevant to the protection and preservation of the marine environment in the South China Sea, and shall exercise its rights and freedoms in the South China Sea with due regard to those of the Philippines under the Convention.

With respect to jurisdiction, the Philippines has asked the Tribunal to declare that the Philippines' claims "are entirely within its jurisdiction and are fully admissible."

China does not accept and is not participating in this arbitration but stated its position that the Tribunal "does not have jurisdiction over this case." In its Position Paper, China advanced the following arguments:

- The essence of the subject-matter of the arbitration is the territorial sovereignty over several maritime features in the South China Sea, which is beyond the scope of the Convention and does not concern the interpretation or application of the Convention;

- China and the Philippines have agreed, through bilateral instruments and the Declaration on the Conduct of Parties in the South China Sea, to settle their relevant disputes through negotiations. By unilaterally initiating the present arbitration, the Philippines has breached its obligation under international law;

- Even assuming, *arguendo*, that the subject-matter of the arbitration were concerned with the interpretation or application of the Convention, that subject-matter would constitute an integral part of maritime delimitation between the two countries, thus falling within the scope of the declaration filed by China in 2006 in accordance with the Convention, which excludes, *inter alia*, disputes concerning maritime delimitation from compulsory arbitration and other compulsory dispute settlement procedures;

Although China has not made equivalent public statements with respect to the merits of the majority of the Philippines' claims, the Tribunal has sought throughout the

proceedings to ascertain China's position on the basis of its contemporaneous public statements and diplomatic correspondence.

3. The Tribunal's Decisions on the Scope of its Jurisdiction

The Tribunal has addressed the scope of its jurisdiction to consider the Philippines' claims both in its Award of 12 July 2016, to the extent that issues of jurisdiction were intertwined with the merits of the Philippines' claims. The Tribunal's Award of 12 July 2016 also incorporates and reaffirms the decisions on jurisdiction taken in the Award on Jurisdiction.

For completeness, the Tribunal's decisions on jurisdiction in both awards are summarized here together.

a. Preliminary Matters

In its Award on Jurisdiction, the Tribunal considered a number of preliminary matters with respect to its jurisdiction. The Tribunal noted that both the Philippines and China are parties to the Convention and that the Convention does not permit a State to except itself generally from the mechanism for the resolution of disputes set out in the Convention. The Tribunal held that China's non-participation does not deprive the Tribunal of jurisdiction and that the Tribunal had been properly constituted pursuant to the provisions of Annex VII to the Convention, which include a procedure to form a tribunal even in the absence of one party. Finally, the Tribunal rejected an argument set out in China's Position Paper and held that the mere act of unilaterally initiating an arbitration cannot constitute an abuse of the Convention.

b. Existence of a Dispute Concerning Interpretation and Application of the Convention

In its Award on Jurisdiction, the Tribunal considered whether the Parties' disputes concerned the interpretation or application of the Convention, which is a requirement for resort to the dispute settlement mechanisms of the Convention.

The Tribunal rejected the argument set out in China's Position Paper that the Parties' dispute is actually about territorial sovereignty and therefore not a matter concerning the Convention. The Tribunal accepted that there is a dispute between the Parties concerning sovereignty over islands in the South China Sea but held that the matters submitted to arbitration by the Philippines do not concern sovereignty. The Tribunal considered that it would not need to implicitly decide sovereignty to address the Philippines' Submissions and that doing so would not advance the sovereignty claims of either Party to islands in the South China Sea.

The Tribunal also rejected the argument set out in China's Position Paper that the Parties' dispute is actually about maritime boundary delimitation and therefore excluded from dispute settlement by of the Convention and a declaration that China made on 25 August 2006 pursuant to that Article. The Tribunal noted that a dispute concerning whether a State has an entitlement to a maritime zone is a distinct matter from the delimitation of maritime zones in an area in which they overlap. The Tribunal noted that entitlements,

together with a wide variety of other issues, are commonly considered in a boundary delimitation, but can also arise in other contexts. The Tribunal held that it does not follow that a dispute over each of these issues is necessarily a dispute over boundary delimitation.

Finally, the Tribunal held that each of the Philippines' Submissions reflected a dispute concerning the Convention. In doing so, the Tribunal emphasized (a) that a dispute concerning the interaction between the Convention and other rights (including any Chinese "historic rights") is a dispute concerning the Convention and (b) that where China has not clearly stated its position, the existence of a dispute may be inferred from the conduct of a State or from silence and is a matter to be determined objectively.

c. Involvement of Indispensable Third Parties

In its Award on Jurisdiction, the Tribunal considered whether the absence from this arbitration of other States that have made claims to the islands of the South China Sea would be a bar to the Tribunal's jurisdiction. The Tribunal noted that the rights of other States would not form "the very subject-matter of the decision," the standard for a third-party to be indispensable. The Tribunal further noted that in December 2014, Viet Nam had submitted a statement to the Tribunal, in which Viet Nam asserted that it has "no doubt that the Tribunal has jurisdiction in these proceedings." The Tribunal also noted that Viet Nam, Malaysia, and Indonesia had attended the hearing on jurisdiction as observers, without any State raising the argument that its participation was indispensable.

In its Award of 12 July 2016, the Tribunal noted that it had received a communication from Malaysia on 23 June 2016, recalling Malaysia's claims in the South China Sea. The Tribunal compared its decisions on the merits of the Philippines' Submissions with the rights claimed by Malaysia and reaffirmed its decision that Malaysia is not an indispensable party and that Malaysia's interests in the South China Sea do not prevent the Tribunal from addressing the Philippines' Submissions.

d. Preconditions to Jurisdiction

In its Award on Jurisdiction, the Tribunal considered the applicability of the Convention, which may prevent a State from making use of the mechanisms under the Convention if they have already agreed to another means of dispute resolution.

The Tribunal rejected the argument set out in China's Position Paper that the 2002 China-ASEAN Declaration on the Conduct of Parties in the South China Sea prevented the Philippines from initiating arbitration. The Tribunal held that the Declaration is a political agreement and not legally binding, does not provide a mechanism for binding settlement, does not exclude other means of dispute settlement, and therefore does not restrict the Tribunal's jurisdiction under Articles 281 or 282. The Tribunal also considered the Treaty of Amity and Cooperation in Southeast Asia, and the Convention on Biological Diversity, and a series of joint statements issued by the Philippines and China referring to the resolution of disputes through negotiations and concluded that none of these instruments constitute an agreement that would prevent the Philippines from bringing its claims to arbitration.

The Tribunal further held that the Parties had exchanged views regarding the settlement of their disputes, as required by of the Convention, before the Philippines initiated the arbitration. The Tribunal concluded that this requirement was met in the record of diplomatic communications between the Philippines and China, in which the Philippines expressed a clear preference for multilateral negotiations involving the other States surrounding the South China Sea, while China insisted that only bilateral talks could be considered.

e. Exceptions and Limitations to Jurisdiction

In its Award of 12 July 2016, the Tribunal considered whether the Philippines' Submissions concerning Chinese historic rights and the 'nine-dash line' were affected by the exception from jurisdiction for disputes concerning "historic title" in of the Convention. The Tribunal reviewed the meaning of "historic title" in the law of the sea and held that this refers to claims of historic sovereignty over bays and other near-shore waters. Reviewing China's claims and conduct in the South China Sea, the Tribunal concluded that China claims historic rights to resources within the 'nine-dash line' but does not claim historic title over the waters of the South China Sea. Accordingly, the Tribunal concluded that it had jurisdiction to consider the Philippines' claims concerning historic rights and, as between the Philippines and China, the 'nine-dash line'.

In its Award of 12 July 2016, the Tribunal also considered whether the Philippines' Submissions were affected by the exception from jurisdiction in Article 298 for disputes concerning sea boundary delimitation. The Tribunal had already found in its Award on Jurisdiction that the Philippines' Submissions do not concern boundary delimitation as such but noted that several of the Philippines' Submissions were dependent on certain areas forming part of the Philippines' exclusive economic zone. The Tribunal held that it could only address such submissions if there was no possibility that China could have an entitlement to an exclusive economic zone overlapping that of the Philippines and deferred a final decision on its jurisdiction. In its Award of 12 July 2016, the Tribunal reviewed evidence about the reefs and islands claimed by China in the South China Sea and concluded that none is capable of generating an entitlement to an exclusive economic zone. Because China has no possible entitlement to an exclusive economic zone overlapping that of the Philippines in the Spratly Islands, the Tribunal held that the Philippines' submissions were not dependent on a prior delimitation of a boundary.

In its Award of 12 July 2016, the Tribunal also considered whether the Philippines' Submissions were affected by the exception from jurisdiction in Article 298 for disputes concerning law enforcement activities in the exclusive economic zone. The Tribunal recalled that the exception in Article 298 would apply only if the Philippines' Submissions related to law enforcement activities in China's exclusive economic zone. Because, however, the Philippines' Submissions related to events in the Philippines' own exclusive economic zone or in the territorial sea, the Tribunal concluded that Article 298 did not pose an obstacle to its jurisdiction.

Lastly, in its Award of 12 July 2016, the Tribunal considered whether the Philippines' submissions were affected by the exception from jurisdiction in Article 298 for disputes

concerning military activities. The Tribunal considered that the stand-off between Philippine marines on Second Thomas Shoal and Chinese naval and law enforcement vessels constituted military activities and concluded that it lacked jurisdiction over the Philippines' Submission No. 14(a)-(c). The Tribunal also considered whether China's land reclamation and construction of artificial islands at seven features in the Spratly Islands constituted military activities, but noted that China had repeatedly emphasized the non-military nature of its actions and had stated at the highest level that it would not militarize its presence in the Spratlys. The Tribunal decided that it would not deem activities to be military in nature when China itself had repeatedly affirmed the opposite. Accordingly, the Tribunal concluded that Article 298 did not pose an obstacle to its jurisdiction.

4. The Tribunal's Decisions on the Merits of the Philippines' Claims

a. The 'Nine-Dash Line' and China's Claim to Historic Rights in the Maritime Areas of the South China Sea

In its Award of 12 July 2016, the Tribunal considered the implications of China's 'nine-dash line' and whether China has historic rights to resources in the South China Sea beyond the limits of the maritime zones that it is entitled to pursuant to the Convention.

The Tribunal examined the history of the Convention and its provisions concerning maritime zones and concluded that the Convention was intended to comprehensively allocate the rights of States to maritime areas. The Tribunal noted that the question of pre-existing rights to resources (in particular fishing resources) was carefully considered during the negotiations on the creation of the exclusive economic zone and that a number of States wished to preserve historic fishing rights in the new zone. This position was rejected, however, and the final text of the Convention gives other States only a limited right of access to fisheries in the exclusive economic zone (in the event the coastal State cannot harvest the full allowable catch) and no rights to petroleum or mineral resources. The Tribunal found that China's claim to historic rights to resources was incompatible with the detailed allocation of rights and maritime zones in the Convention and concluded that, to the extent China had historic rights to resources in the waters of the South China Sea, such rights were extinguished by the entry into force of the Convention to the extent they were incompatible with the Convention's system of maritime zones.

The Tribunal also examined the historical record to determine whether China actually had historic rights to resources in the South China Sea prior to the entry into force of the Convention. The Tribunal noted that there is evidence that Chinese navigators and fishermen, as well as those of other States, had historically made use of the islands in the South China Sea, although the Tribunal emphasized that it was not empowered to decide the question of sovereignty over the islands. However, the Tribunal considered that prior to the Convention, the waters of the South China Sea beyond the territorial sea were legally part of the high seas, in which vessels from any State could freely navigate and fish. Accordingly, the Tribunal concluded that historical navigation and fishing by China in the waters of the South China Sea represented the exercise of high seas freedoms, rather than a historic right, and that there was no evidence that China had historically

exercised exclusive control over the waters of the South China Sea or prevented other States from exploiting their resources.

Accordingly, the Tribunal concluded that, as between the Philippines and China, there was no legal basis for China to claim historic rights to resources, in excess of the rights provided for by the Convention, within the sea areas falling within the ‘nine-dash line’.

b. The Status of Features in the South China Sea

In its Award of 12 July 2016, the Tribunal considered the status of features in the South China Sea and the entitlements to maritime areas that China could potentially claim pursuant to the Convention.

The Tribunal first undertook a technical evaluation as to whether certain coral reefs claimed by China are or are not above water at high tide. Under of the Convention, features that are above water at high tide generate an entitlement to at least a 12 nautical mile territorial sea, whereas features that are submerged at high tide generate no entitlement to maritime zones. The Tribunal noted that many of the reefs in the South China Sea have been heavily modified by recent land reclamation and construction and recalled that the Convention classifies features on the basis of their natural condition. The Tribunal appointed an expert hydrographer to assist it in evaluating the Philippines’ technical evidence and relied heavily on archival materials and historical hydrographic surveys in evaluating the features. The Tribunal agreed with the Philippines that Scarborough Shoal, Johnson Reef, Cuarteron Reef, and Fiery Cross Reef are high-tide features and that Subi Reef, Hughes Reef, Mischief Reef, and Second Thomas Shoal were submerged at high tide in their natural condition. However, the Tribunal disagreed with the Philippines regarding the status of Gaven Reef (North) and McKennan Reef and concluded that both are high tide features.

The Tribunal then considered whether any of the features claimed by China could generate an entitlement to maritime zones beyond 12 nautical miles. Under of the Convention, islands generate an entitlement to an exclusive economic zone of 200 nautical miles and to a continental shelf, but “[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.” The Tribunal noted that this provision was closely linked to the expansion of coastal State jurisdiction with the creation of the exclusive economic zone and was intended to prevent insignificant features from generating large entitlements to maritime zones that would infringe on the entitlements of inhabited territory or on the high seas and the area of the seabed reserved for the common heritage of mankind. The Tribunal interpreted Article 121 and concluded that the entitlements of a feature depend on (a) the objective capacity of a feature, (b) in its natural condition, to sustain either (c) a stable community of people or (d) economic activity that is neither dependent on outside resources nor purely extractive in nature.

The Tribunal noted that many of the features in the Spratly Islands are currently controlled by one or another of the littoral States, which have constructed installations and maintain personnel there. The Tribunal considered these modern presences to be

dependent on outside resources and support and noted that many of the features have been modified to improve their habitability, including through land reclamation and the construction of infrastructure such as desalination plants. The Tribunal concluded that the current presence of official personnel on many of the features does not establish their capacity, in their natural condition, to sustain a stable community of people and considered that historical evidence of habitation or economic life was more relevant to the objective capacity of the features. Examining the historical record, the Tribunal noted that the Spratly Islands were historically used by small groups of fishermen from China, as well as other States, and that several Japanese fishing and guano mining enterprises were attempted in the 1920s and 1930s. The Tribunal concluded that temporary use of the features by fishermen did not amount to inhabitation by a stable community and that all of the historical economic activity had been extractive in nature. Accordingly, the Tribunal concluded that all of the high-tide features in the Spratly Islands (including, for example, Itu Aba, Thitu, West York Island, Spratly Island, North-East Cay, South-West Cay) are legally “rocks” that do not generate an exclusive economic zone or continental shelf.

The Tribunal also held that the Convention does not provide for a group of islands such as the Spratly Islands to generate maritime zones collectively as a unit.

c. Chinese Activities in the South China Sea

In its Award of 12 July 2016, the Tribunal considered the lawfulness under the Convention of various Chinese actions in the South China Sea.

Having found that Mischief Reef, Second Thomas Shoal and Reed Bank are submerged at high tide, form part of the exclusive economic zone and continental shelf of the Philippines, and are not overlapped by any possible entitlement of China, the Tribunal concluded that the Convention is clear in allocating sovereign rights to the Philippines with respect to sea areas in its exclusive economic zone. The Tribunal found as a matter of fact that China had (a) interfered with Philippine petroleum exploration at Reed Bank, (b) purported to prohibit fishing by Philippine vessels within the Philippines’ exclusive economic zone, (c) protected and failed to prevent Chinese fishermen from fishing within the Philippines’ exclusive economic zone at Mischief Reef and Second Thomas Shoal, and (d) constructed installations and artificial islands at Mischief Reef without the authorization of the Philippines. The Tribunal therefore concluded that China had violated the Philippines’ sovereign rights with respect to its exclusive economic zone and continental shelf.

The Tribunal next examined traditional fishing at Scarborough Shoal and concluded that fishermen from the Philippines, as well as fishermen from China and other countries, had long fished at the Shoal and had traditional fishing rights in the area. Because Scarborough Shoal is above water at high tide, it generates an entitlement to a territorial sea, its surrounding waters do not form part of the exclusive economic zone, and traditional fishing rights were not extinguished by the Convention. Although the Tribunal emphasized that it was not deciding sovereignty over Scarborough Shoal, it found that China had violated its duty to respect to the traditional fishing rights of Philippine

fishermen by halting access to the Shoal after May 2012. The Tribunal noted, however, that it would reach the same conclusion with respect to the traditional fishing rights of Chinese fishermen if the Philippines were to prevent fishing by Chinese nationals at Scarborough Shoal.

The Tribunal also considered the effect of China's actions on the marine environment. In doing so, the Tribunal was assisted by three independent experts on coral reef biology who were appointed to assist it in evaluating the available scientific evidence and the Philippines' expert reports. The Tribunal found that China's recent large scale land reclamation and construction of artificial islands at seven features in the Spratly Islands has caused severe harm to the coral reef environment and that China has violated its obligation under of the Convention to preserve and protect the marine environment with respect to fragile ecosystems and the habitat of depleted, threatened, or endangered species. The Tribunal also found that Chinese fishermen have engaged in the harvesting of endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea, using methods that inflict severe damage on the coral reef environment. The Tribunal found that Chinese authorities were aware of these activities and failed to fulfill their due diligence obligations under the Convention to stop them.

Finally, the Tribunal considered the lawfulness of the conduct of Chinese law enforcement vessels at Scarborough Shoal on two occasions in April and May 2012 when Chinese vessels had sought to physically obstruct Philippine vessels from approaching or gaining entrance to the Shoal. In doing so, the Tribunal was assisted by an independent expert on navigational safety who was appointed to assist it in reviewing the written reports provided by the officers of the Philippine vessels and the expert evidence on navigational safety provided by the Philippines. The Tribunal found that Chinese law enforcement vessels had repeatedly approached the Philippine vessels at high speed and sought to cross ahead of them at close distances, creating serious risk of collision and danger to Philippine ships and personnel. The Tribunal concluded that China had breached its obligations under the Convention on the International Regulations for Preventing Collisions at Sea, 1972, and the Convention concerning maritime safety.

d. Aggravation of the Dispute between the Parties

In its Award of 12 July 2016, the Tribunal considered whether China's recent large-scale land reclamation and construction of artificial islands at seven features in the Spratly Islands since the commencement of the arbitration had aggravated the dispute between the Parties. The Tribunal recalled that there exists a duty on parties engaged in a dispute settlement procedure to refrain from aggravating or extending the dispute or disputes at issue during the pendency of the settlement process. The Tribunal noted that China has (a) built a large artificial island on Mischief Reef, a low-tide elevation located in the exclusive economic zone of the Philippines; (b) caused permanent, irreparable harm to the coral reef ecosystem and (c) permanently destroyed evidence of the natural condition of the features in question. The Tribunal concluded that China had violated its obligations to refrain from aggravating or extending the Parties' disputes during the pendency of the settlement process.

e. Future Conduct of the Parties

Finally, the Tribunal considered the Philippines' request for a declaration that, going forward, China shall respect the rights and freedoms of the Philippines and comply with its duties under the Convention. In this respect, the Tribunal noted that both the Philippines and China have repeatedly accepted that the Convention and general obligations of good faith define and regulate their conduct. The Tribunal considered that the root of the disputes at issue in this arbitration lies not in any intention on the part of China or the Philippines to infringe on the legal rights of the other, but rather in fundamentally different understandings of their respective rights under the Convention in the waters of the South China Sea. The Tribunal recalled that it is a fundamental principle of international law that bad faith is not presumed and noted that provides that the "award . . . shall be complied with by the parties to the dispute." The Tribunal therefore considered that no further declaration was necessary.



Appendice 2. World Bank Military Expenditure USD 2012 and 2016 – World Bank Data

Country Name	2012 (USD \$)	2016 (USD \$)
Afghanistan	238.583.385	185.878.310
Angola	4.144.634.851	2.764.054.937
Albania	183.204.696	130.853.163
Arab World	121.983.945.406	111.883.336.631
United Arab Emirates	19.024.098.026	
Argentina	4.563.217.859	4.509.647.660
Armenia	380.571.679	431.396.219
Australia	26.216.580.848	26.382.947.050
Austria	3.187.227.449	2.885.947.386
Azerbaijan	3.246.122.613	1.396.969.108
Burundi	58.966.662	66.462.843
Belgium	5.168.997.834	4.314.102.067
Benin	78.223.091	79.581.568
Burkina Faso	147.729.699	149.467.363
Bangladesh	1.823.425.076	3.239.738.758
Bulgaria	807.529.319	755.406.458
Bahrain	1.182.180.851	1.505.534.574
Bosnia and Herzegovina	197.344.650	157.912.011
Belarus	817.069.894	597.207.572
Belize	15.219.125	21.712.888
Bolivia	499.870.043	552.381.264
Brazil	33.987.005.074	24.224.746.901
Brunei Darussalam	411.261.474	403.366.489

Botswana	326.874.162	514.463.449
Central African Republic	42.746.025	26.832.999
Canada	20.452.107.111	17.782.775.543
Switzerland	4.592.165.378	4.571.348.247
Chile	5.466.101.782	4.796.010.962
China	157.390.377.246	216.031.280.079
Cote d'Ivoire	407.596.534	602.538.731
Cameroon	354.447.463	387.437.831
Congo, Dem. Rep.	332.493.979	395.733.745
Congo, Rep.		501.812.145
Colombia	11.706.271.913	8.675.980.823
Cabo Verde	9.736.386	10.171.217
Costa Rica	0	0
Caribbean small states	355.159.680	427.200.740
Cuba	126.872.247	123.656.388
Cyprus	414.496.321	295.355.010
Czech Republic	2.220.610.395	1.954.935.000
Germany	46.470.870.905	41.579.494.874
Denmark	4.422.458.084	3.592.727.944
Dominican Republic	396.187.179	479.722.173
Algeria	9.326.287.144	10.217.081.700
East Asia & Pacific	324.058.765.713	377.693.155.656
Europe & Central Asia	401.902.057.952	350.919.486.218
Ecuador	2.589.776.000	2.513.200.000
Egypt, Arab Rep.	4.557.748.767	4.513.022.527
Euro area	192.308.439.277	170.857.774.013

Spain	18.860.623.363	14.014.439.635
Estonia	436.852.912	497.653.404
Ethiopia	366.539.018	490.177.249
European Union	219.370.031.562	196.387.424.827
Finland	3.943.239.958	3.415.008.250
Fiji	59.221.516	42.649.282
France	60.035.153.811	57.358.414.419
Gabon	278.143.957	202.815.391
United Kingdom	58.495.656.721	48.118.943.518
Georgia	491.982.529	315.194.446
Ghana	337.260.973	161.751.874
Guinea	168.913.357	161.856.744
Gambia, The	11.173.080	
Guinea-Bissau	24.491.751	
Equatorial Guinea		18.233.154
Greece	5.914.988.423	4.963.484.464
Guatemala	224.366.544	290.912.704
Guyana	33.542.607	51.562.131
Honduras	212.341.274	363.272.339
Croatia	955.320.164	702.005.706
Haiti		64.514
Hungary	1.322.277.703	1.288.676.093
Indonesia	6.531.097.955	7.385.408.685
India	47.216.920.048	56.637.622.641
Ireland	1.157.531.730	1.001.610.418
Iran, Islamic Rep.	16.493.963.287	12.263.957.415

Iraq	4.141.066.054	5.970.383.698
Israel	15.567.095.862	14.783.814.748
Italy	29.781.008.205	25.033.027.895
Jamaica	137.635.506	137.649.062
Jordan	1.472.816.901	1.768.309.859
Japan	60.011.530.195	46.471.287.714
Kazakhstan	2.177.543.205	1.281.103.432
Kenya	840.072.590	933.103.003
Kyrgyz Republic	107.529.843	115.645.312
Cambodia	217.305.728	382.100.547
Korea, Rep.	31.951.760.810	36.885.283.430
Kuwait	5.941.536.637	6.446.742.131
Lao PDR	20.327.158	
Lebanon	1.757.213.930	2.606.456.908
Liberia	15.179.000	14.712.000
Libya	2.987.413.408	
Low income	5.166.088.770	6.013.511.822
Sri Lanka	1.474.902.628	1.741.456.650
Lesotho	53.240.146	41.489.543
Lithuania	328.631.682	635.448.102
Luxembourg	237.503.050	260.729.680
Latvia	255.740.343	406.859.305
Morocco	3.402.700.836	3.327.031.890
Monaco		
Moldova	23.870.073	29.656.361
Madagascar	68.636.018	59.394.996

Mexico	6.978.776.719	6.019.769.275
Middle income	485.418.318.705	520.827.655.570
North Macedonia	119.410.403	101.492.863
Mali	148.865.780	362.398.902
Malta	49.922.009	59.672.923
Myanmar	2.969.236.076	2.455.784.120
Montenegro	67.712.201	61.714.552
Mongolia	113.622.770	96.365.298
Mozambique	139.100.553	112.203.469
Mauritania	142.299.912	136.064.876
Mauritius	16.662.230	22.958.749
Malawi	46.155.954	35.748.122
Malaysia	4.507.252.007	4.169.374.001
North America	705.232.107.111	617.889.218.543
Namibia	412.163.504	425.388.450
Niger	148.865.780	166.192.292
Nigeria	2.316.478.200	1.723.204.266
Nicaragua	70.132.970	85.073.598
Netherlands	10.364.720.787	9.115.240.932
Norway	7.143.962.183	5.997.385.048
Nepal	256.686.839	356.495.279
New Zealand	2.094.946.041	2.093.352.062
OECD members	1.168.455.073.494	1.032.470.147.165
Oman	9.250.650.195	7.935.955.787
Pakistan	7.478.971.082	9.973.768.059
Panama	0	0

Peru	2.857.983.382	2.536.072.335
Philippines	2.898.685.257	4.357.991.313
Papua New Guinea	110.623.185	79.051.319
Poland	8.986.838.792	9.164.190.587
Portugal	4.137.254.045	3.569.059.626
Paraguay	320.909.757	343.232.341
Romania	2.102.886.223	2.644.159.836
Russian Federation	81.469.399.931	69.245.309.461
Rwanda	79.793.910	107.278.619
South Asia	58.489.489.059	72.134.959.697
Saudi Arabia	56.497.866.667	63.672.800.000
Sudan		2.748.511.976
Senegal	196.661.489	304.764.264
Singapore	9.171.948.019	9.873.331.564
Sierra Leone	29.758.934	37.414.732
El Salvador	224.300.000	247.600.000
Somalia		47.706.000
Serbia	853.622.633	710.397.717
South Sudan	988.225.989	135.338.144
Slovak Republic	1.020.180.035	1.003.048.084
Slovenia	543.496.417	449.177.539
Sweden	6.243.671.605	5.427.549.191
Eswatini	90.639.795	72.447.621
Seychelles	9.924.110	26.718.459
Chad		309.567.432
Togo	62.931.050	82.019.690

Thailand	5.491.915.221	5.876.294.938
Tajikistan	76.260.472	
Timor-Leste	33.388.000	26.217.000
Trinidad and Tobago	168.762.442	216.276.660
Tunisia	681.225.951	987.734.705
Turkey	17.958.240.406	17.853.980.850
Tanzania	359.739.419	544.218.298
Uganda	351.838.247	318.551.679
Ukraine	4.136.888.486	3.423.286.811
Uruguay	924.640.336	988.223.630
United States	684.780.000.000	600.106.443.000
Venezuela, RB	5.114.847.100	218.154.893
Vietnam	3.360.860.380	5.017.401.787
Vanuatu		
World	1.739.015.173.460	1.631.218.354.101
Kosovo	43.390.404	51.937.624
Yemen, Rep.	1.618.840.127	
South Africa	4.489.590.096	3.169.756.001
Zambia	346.301.423	299.504.760
Zimbabwe	318.272.000	358.065.000

Appendix 3. World Bank GDP USD 2012 and 2016 – World Bank Data

Country Name	2012 (USD \$)	2016 (USD \$)
Aruba	2.534.636.872	2.965.921.788
Afghanistan	20.001.598.506	19.362.642.267
Angola	128.052.853.643	101.123.851.090
Albania	12.319.830.252	11.861.200.797
Andorra	3.188.808.943	2.896.679.212
Arab World	2.772.882.408.120	2.463.433.552.289
United Arab Emirates	374.590.605.854	357.045.064.670
Argentina	545.982.375.701	557.531.376.218
Armenia	10.619.320.049	10.546.135.160
American Samoa	644.000.000	652.000.000
Antigua and Barbuda	1.199.948.148	1.436.585.185
Australia	1.546.151.783.873	1.208.846.993.740
Austria	409.425.234.155	395.227.684.139
Azerbaijan	69.683.935.845	37.867.518.957
Burundi	2.333.308.099	2.959.640.987
Belgium	496.181.260.258	475.900.865.684
Benin	11.141.358.945	11.821.066.153
Burkina Faso	12.561.016.091	12.822.558.022
Bangladesh	133.355.749.482	221.415.162.446
Bulgaria	54.013.812.089	53.785.050.339
Bahrain	30.749.308.511	32.250.132.979
Bahamas, The	10.720.500.000	11.938.400.000
Bosnia and Herzegovina	17.226.849.297	16.913.330.694
Belarus	65.685.102.555	47.722.657.821

Belize	1.522.900.000	1.775.100.000
Bermuda	5.537.537.000	
Bolivia	27.084.497.540	33.941.126.194
Brazil	2.465.188.674.415	1.795.700.168.991
Barbados	4.610.000.000	4.830.000.000
Brunei Darussalam	19.047.940.300	11.400.854.268
Bhutan	1.781.281.282	2.158.972.129
Botswana	14.420.393.564	15.646.316.818
Central African Republic	2.510.126.699	1.825.018.191
Canada	1.828.689.329.349	1.528.243.213.982
Switzerland	668.043.614.123	671.309.197.377
Channel Islands		
Chile	267.122.320.057	250.440.136.356
China	8.532.230.724.142	11.233.277.146.512
Cote d'Ivoire	26.789.047.555	47.964.234.560
Cameroon	29.102.772.799	32.643.697.596
Congo, Dem. Rep.	29.306.235.826	37.134.799.975
Congo, Rep.	13.677.147.848	9.041.986.778
Colombia	370.921.317.943	282.825.012.368
Comoros	1.015.843.369	1.012.835.518
Cabo Verde	1.741.809.809	1.662.998.678
Costa Rica	46.473.128.286	57.157.992.434
Cuba	73.141.000.000	91.370.000.000
Curacao	3.131.096.089	3.122.287.933
Cayman Islands	4.291.159.006	4.898.908.676
Cyprus	24.978.513.427	20.890.936.462

Czech Republic	207.376.427.021	195.090.272.403
Germany	3.527.344.944.140	3.466.790.065.012
Djibouti	1.353.632.942	2.603.554.907
Dominica	485.996.296	576.229.630
Denmark	327.148.943.812	313.115.929.314
Dominican Republic	60.681.537.196	75.704.720.190
Algeria	209.060.307.470	160.033.844.071
Ecuador	87.924.544.000	99.937.696.000
Egypt, Arab Rep.	279.372.758.362	332.927.833.278
Euro area	12.638.927.582.293	11.965.317.176.354
Spain	1.324.820.091.195	1.232.076.017.362
Estonia	23.192.709.239	23.996.451.498
Ethiopia	43.310.721.414	74.296.618.481
European Union	14.636.155.637.904	13.882.598.814.513
Finland	258.304.834.622	240.607.907.010
Fiji	3.972.012.571	4.930.204.230
France	2.683.825.225.093	2.471.285.607.082
Faroe Islands	2.366.301.252	2.689.157.271
Micronesia, Fed. Sts.	327.248.700	332.265.200
Gabon	17.170.465.294	14.023.890.620
United Kingdom	2.704.887.678.387	2.694.283.209.613
Georgia	16.488.403.076	15.141.758.567
Ghana	41.270.954.737	55.009.730.600
Guinea	7.638.045.254	8.603.884.845
Gambia, The	1.415.006.238	1.470.006.034
Guinea-Bissau	989.327.812	1.178.204.501

Equatorial Guinea	22.388.345.810	11.240.809.132
Greece	245.670.666.639	195.222.443.513
Grenada	799.882.259	1.061.631.222
Greenland	2.609.667.674	2.707.146.783
Guatemala	50.388.460.925	66.053.725.049
Guam	5.199.000.000	5.795.000.000
Guyana	2.861.562.266	3.504.024.213
Hong Kong SAR, China	262.629.441.493	320.837.638.329
Honduras	18.528.601.901	21.717.622.071
Croatia	56.494.367.810	51.596.973.259
Haiti	7.890.647.022	7.970.649.131
Hungary	128.153.691.809	127.507.473.626
Indonesia	917.869.910.106	931.877.364.178
Isle of Man	6.433.357.030	6.592.627.599
India	1.827.637.859.136	2.294.797.978.292
Ireland	224.999.484.105	300.523.297.713
Iran, Islamic Rep.	598.868.460.913	417.983.578.231
Iraq	218.000.986.223	174.878.976.034
Iceland	14.724.078.152	20.618.363.256
Israel	257.180.147.032	318.950.599.018
Italy	2.087.077.032.435	1.875.797.463.584
Jamaica	14.807.086.889	14.075.894.320
Jordan	31.371.056.338	39.196.676.056
Japan	6.203.213.121.334	4.922.538.141.455
Kazakhstan	207.998.568.866	137.278.320.084
Kenya	50.412.754.861	69.188.755.364

Kyrgyz Republic	6.605.139.933	6.813.092.066
Cambodia	14.054.443.213	20.016.747.754
Kiribati	190.243.322	178.328.873
St. Kitts and Nevis	800.422.222	971.162.963
Korea, Rep.	1.278.427.634.343	1.500.111.596.236
Kuwait	174.070.382.279	109.419.728.567
Lao PDR	10.191.350.120	15.805.692.546
Lebanon	44.035.991.746	51.205.122.504
Liberia	2.721.000.000	3.277.826.000
Libya	81.873.662.519	26.197.143.268
St. Lucia	1.605.146.778	1.865.375.222
Liechtenstein	5.456.009.385	6.237.264.055
Sri Lanka	68.434.409.315	82.401.038.710
Lesotho	2.526.185.310	2.165.408.362
Lithuania	42.842.537.129	43.021.972.485
Luxembourg	56.677.961.787	60.691.483.443
Latvia	28.176.625.841	27.734.140.217
Macao SAR, China	43.031.577.366	45.387.299.721
Morocco	98.266.306.615	103.311.649.248
Monaco	5.743.029.680	6.472.990.923
Moldova	8.709.165.249	8.071.480.541
Madagascar	11.578.978.053	11.848.615.018
Maldives	2.886.170.572	4.379.136.462
Mexico	1.201.089.987.015	1.077.903.618.176
Marshall Islands	182.874.800	200.558.400
North Macedonia	9.745.251.126	10.672.471.861

Mali	12.441.946.098	14.020.002.871
Malta	9.205.506.528	11.444.483.134
Myanmar	59.937.797.559	67.184.236.747
Montenegro	4.087.725.813	4.377.033.429
Mongolia	12.292.770.631	11.186.734.674
Northern Mariana Islands	751.000.000	1.250.000.000
Mozambique	16.350.804.543	11.936.999.283
Mauritania	6.728.208.836	6.398.744.505
Mauritius	11.668.685.524	12.232.463.656
Malawi	6.028.487.929	5.433.040.160
Malaysia	314.443.149.443	301.255.454.041
Namibia	13.042.007.432	10.665.634.661
Niger	9.366.515.965	10.284.627.190
Nigeria	459.376.049.764	404.649.527.538
Nicaragua	10.531.964.139	13.286.048.705
Netherlands	838.971.306.991	783.528.181.705
Norway	509.506.317.147	368.819.929.542
Nepal	18.851.513.891	21.185.922.408
Nauru	96.927.201	100.087.349
New Zealand	176.247.979.236	188.223.664.747
OECD members	48.417.462.072.685	48.160.410.793.467
Oman	76.615.864.759	65.481.144.343
Pakistan	224.383.620.830	278.654.637.738
Panama	40.429.700.000	57.907.700.000
Peru	192.648.999.090	191.895.943.824
Philippines	261.920.542.606	318.627.003.965

Palau	211.103.300	300.125.600
Papua New Guinea	21.295.659.244	20.759.069.103
Poland	500.360.816.828	472.037.130.973
Puerto Rico	101.564.800.000	104.336.700.000
Korea, Dem. People's Rep.		
Portugal	216.236.608.774	206.286.022.782
Paraguay	33.283.228.891	36.054.281.572
West Bank and Gaza	11.279.400.000	13.425.700.000
Qatar	186.833.516.484	151.732.142.857
Romania	171.196.268.958	188.494.136.776
Russian Federation	2.208.295.773.643	1.276.786.979.222
Rwanda	7.687.521.844	8.734.161.828
South Asia	2.297.332.203.013	2.924.355.490.450
Saudi Arabia	735.974.843.360	644.935.541.440
Sudan	52.766.720.139	51.772.232.495
Senegal	17.824.398.469	19.040.312.815
Singapore	295.087.220.933	318.652.334.419
Solomon Islands	1.063.879.446	1.230.459.714
Sierra Leone	3.801.862.611	3.674.794.530
El Salvador	21.386.000.000	24.191.440.000
San Marino	1.604.779.648	1.468.895.284
Serbia	43.309.252.921	40.630.392.019
South Sudan	11.931.472.169	
Sao Tome and Principe	252.560.781	347.544.772
Suriname	4.980.000.000	3.128.953.537
Slovak Republic	94.416.582.465	89.640.616.271

Slovenia	46.580.457.470	44.651.537.260
Sweden	552.483.727.283	515.654.671.470
Eswatini	4.886.658.806	3.840.677.845
Seychelles	1.060.226.126	1.426.651.766
Syrian Arab Republic		
Turks and Caicos Islands	715.722.770	950.357.510
Chad	12.367.363.678	10.097.778.354
Togo	3.873.308.389	4.486.979.198
Thailand	397.558.222.957	413.430.123.185
Tajikistan	7.633.049.792	6.952.678.127
Turkmenistan	35.164.210.526	36.180.000.000
Timor-Leste	1.147.780.083	1.656.039.024
Tonga	472.358.251	401.109.307
Trinidad and Tobago	25.763.220.107	22.284.780.327
Tunisia	45.044.112.939	41.801.210.428
Turkey	873.982.246.604	863.721.648.058
Tuvalu	37.671.775	36.547.800
Tanzania	39.650.530.214	49.774.021.003
Uganda	27.084.639.297	28.967.460.677
Ukraine	175.781.379.051	93.355.993.629
Uruguay	51.264.390.116	52.687.612.262
United States	16.197.007.349.000	18.707.188.235.000
Uzbekistan	63.628.854.499	81.779.012.351
St. Vincent and the Grenadines	692.933.333	774.429.630
Venezuela, RB	381.286.237.848	
Virgin Islands (U.S.)	4.095.000.000	3.863.000.000

Vietnam	155.820.001.920	205.276.172.135
Vanuatu	781.702.874	804.332.796
World	75.145.997.061.964	76.335.795.445.380
Samoa	760.549.587	799.376.440
Kosovo	6.499.807.272	6.719.172.017
Yemen, Rep.	35.401.341.663	28.084.676.409
South Africa	396.332.702.639	296.357.282.715
Zambia	25.503.060.420	20.954.761.767
Zimbabwe	17.114.849.900	20.548.678.100

CURRICULUM VITAE

İzzet Soner AYHAN was born in Kuşadası. He graduated from Hacettepe University English Language and Literature program and then worked as English Language Teacher in Ministry of Education between 1998 and 2009. He has been working as English Language Lecturer in the School of Foreign Languages of Yalova University since March 2009. He is married with two daughters.

