



Joint Master Degree Thesis

## **China's Challenges in SCS with U.S. Intervention**



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May, 2018

## **Abstract**

South China Sea was a peaceful area but in recent years the peace is broken. As there are energy and resources, neighboring countries fight for them and claim sovereignty over the sea on the base of *United Nation Convention on the Law of the Sea*.

In this paper, the claims by China, Vietnam and Philippines will be discussed and the conflicts among the three countries will be illustrated. Vietnam, as the ‘friend’ and ‘comrade’ of China, cooperates with China on economy but occupies the most islands in South China Sea; and Philippines, as an ally of United States, unilaterally initiated arbitration trying to internationalize the disputes, but now it began to repair bilateral relation with China by cooperating with China on economy.

United States, the ‘world police’, intervenes in those disputes by the form of *freedom of navigation program*, also with the excuse of *United Nation Convention on the Law of the Sea*.

Although there are other ‘internal’ or ‘external’ countries that have disputes with China in South China Sea, the above three countries are more representative.

China claims its sovereignty in South China Sea by the reason of historic title and processes land reclamation, but faces lots of challenges from the three countries.

What challenges does China have in South China Sea with United States’ intervention? It is worth studying.

## **Keywords**

South China Sea, China, Philippines, Vietnam, United States,

Freedom of navigation, *United Nation Convention on the Law of the Sea*

## Table of Contents

I. Introduction.....	1
1.1 Problem Formulation.....	1
1.2 Background - U.S. FON Program.....	1
II. Methodology.....	3
2.1 Research Approach.....	3
2.2 Literature Review.....	5
III. Theory.....	7
3.1 Realism.....	7
3.1.1 Classical Realism, Neorealism and Post-neorealism.....	7
3.1.2 Six Principles of Classical Realism.....	9
3.1.3 Balance of Power Theory and Realist Theories of Alliances.....	10
3.2 Sea Power Theory.....	12
3.2.1 The Establishment of Sea Power Theory by Mahan.....	13
3.2.2 Corbett's Contribution to Sea Power Theory.....	15
IV. Analysis.....	17
4.1. The Overview of SCS.....	17
4.2 Territorial Disputes.....	23
4.2.1 Claims of China and its Island Construction.....	25
4.2.2 Vietnam's Defiance and Resolution by Dialogue.....	33
4.2.3 Disputes with Philippines and Improvement of Bilateral Relations...	40
4.3 U.S. Intervention.....	43
4.3.1 Pressure of Diplomacy and Public Opinion on China.....	43
4.3.2 Direct Intervention in the Disputes.....	45
4.3.3 Deepening Military Cooperation with Philippine and Vietnam.....	47
V. Conclusion.....	49

### **Abbreviation List**

AIIB - Asian Infrastructure and Investment Bank

APEC - Asia-Pacific Economic Cooperation

B&R - Belt and Road Initiative

CAAC - Civil Aviation Administration of China

CNN - Cable News Network, a U.S. broadcast company

CPC - Communist Party of China

EEZ - Exclusive Economic Zone

EIA - U.S. Energy Information Administration

FON - Freedom of Navigation

PLA - People's Liberation Army

PRC - People's Republic of China (including Taiwan Province)

SAM - Surface-to-Air Missile

SCS - South China Sea

UN - United Nations

UNCLOS - United Nations Convention on the Law of the Sea

UNESCO - United Nations Educational, Scientific and Cultural Organization

U.S. - United States

### **Islands' Names in SCS Lists (English - Chinese)**

Fiery Cross Reef - Yongshu Jiao

Scarborough Shoal - Huangyan Dao

Subi Reef - Zhubi Jiao

The Macclesfield Bank - Zhongsha Qundao

The Paracel Islands (Archipelago) - Xisha Qundao

The Pratas Islands (Archipelago) - Dongsha Qundao

The Spratly Islands (Archipelago) - Nansha Qundao

Triton Island - Zhongjian Dao

## **I.Introduction**

The SCS was a peaceful sea, but in recent years, the peace was broken.

As two neighboring countries, Vietnam, the ‘friend’ and ‘comrade’ of China, ‘was up to tricks’ in SCS; and Philippines, the ally of U.S., initiated SCS arbitration case trying to internationalize the SCS issue. But they participated in B&R positively and would like to shelve disputes for domestic economic revival.

As an extraterritorial state, U.S. navy went to SCS to ‘safeguard’ FON in this area, which is one of main divergences and disputes between China and U.S. Although U.S. officials concerned about China’s policies on SCS, what they worried about is that China may restrict the navigation of foreign ships (Roy, 2018). China insists on its sovereignty over SCS and claims that it would not prohibit navigation of foreign ships. And China said that the military activities of U.S. navy are threats to regional peace and stability and also violate international law (FMPRC, 2017 February 21).

### **1.1 Problem Formulation**

So in this paper, it will be discussed: ‘What are China’s challenges in SCS?’ with sub-questions: (1) What are internal challenges for China brought by Vietnam and Philippines; and (2) What are external challenges for China with U.S. intervention?

### **1.2 Background - U.S. FON Program**

In 1979, the Carter administration initiated the FON program to suppress what U.S. deemed as excessive maritime claims. Because the American government noticed that many countries expanded their scope of jurisdiction over territorial sea, which exceeded traditional claims and threatened the freedom of navigation. On the other hand, the FON claimed by U.S. was challenged by third United Nations Conference on the Law of Sea so U.S. wanted to take precautionary measures to prevent any adverse impact once the UNCLOS took effect (Girrier, 1990). The aim of FON program was to defend the core interest - FON as Elliot L. Richardson said that U.S. navy should have the ability to exist and assemble anywhere it is ordered to be so

that its mission of deterrence can be accomplished, which is significant to American maritime interests. And the activities of U.S. navy should not be constrained and when navigating or stationing, no country cannot control it (Richardson, 1979). Although relevant documents about FON programs of Carter administration has not been decoded, it can be inferred that U.S. does not tolerate any claims that had negative impacts on its FON.

On December 13<sup>th</sup>, 1982, National Security Decision Directive 72 (as well as U.S. Program for the Exercise of Navigation and Overflight Rights at Sea) was published by Reagan administration, which defined what was 'excessive maritime claims' (The White House, 1982). On October 10<sup>th</sup>, 1983, Reagan administration put forward the Statement on United States Ocean Policy, in which the U.S. would obey traditional principles for utilizing the sea in UNCLOS and its right of FON in EEZ was also illustrated (Reagan, 1983). On March 16<sup>th</sup>, 1987, the White House came out with National Security Decision Directive 265 (as well as Freedom of Navigation Program), which reaffirmed its policy and what was 'excessive maritime claim' (The White House, 1987). On October 12<sup>th</sup>, 1990, Senior Bush administration issued National Security Directive 49 (as well as Freedom of Navigation Program U) to replace previous Directive 265 and gave advice on management and organization of FON. In 2004, the White House published National Security Presidential Directive NSPD-41 / Homeland Security Presidential Directive HSPD-13 (as well as Maritime Security Policy), which underlined its ambition to safeguard the freedom of the sea, like protecting its legal military and commercial navigation (The White House, 2004). In 2009, Junior Bush administration emphasized that it was U.S. national interest to ensure navigation and overflight right in Arctic regions.

It can be concluded that FON program is a series of statements and documents from Carter administration and continues to be extended.

One aspect for the excessive maritime claims about this paper's theme is the claims of historic waters or historic bays (The White House, 1990).

The FON program is coordinated by U.S. Department of State and Department of Defense through diplomatic representations and consultations and military operational

activities. U.S. has also made treaties with other countries to promote stability on the sea and the performance of international law (U.S. Department of State). Every year, the Department of Defense reports the implementation of military assertions of FON program in previous year to the President and the Congress.

The trend of FON program operation is as below: (1) in 1990s, their operations were located all over the world, giving the priority to Africa and Asia; (2) in around 2000, the number of military assertions had dropped from 26 in 1996 to 5 in 2006; (3) while in 2009 the number went back to 11 and 19 in 2014. Ten Asian countries had become the focus of military assertions from 2000 to 2014, rating 70% of all the objects of FON in this period. Even in four years in succession, countries with their so-called excessive maritime claims were all located in Asia. From 2004 to 2014, the number of southeast Asian countries rated 47% in all FON operations (U.S. Department of Defense). The main emphasis of FON program has turned to Asia, more precisely to South China Sea, which relates to several southeast countries.

## **II.Methodology**

### **2.1 Research Approach**

First of all, this paper is written by the author (Zhang Dimin) himself. And all the citations in bracket have their resources in bibliography part for detail. It can be seen from the table of contents that there are five parts in this paper: I. Introduction; II. Methodology; III. Theory; IV. Analysis; and V. Conclusion. This paper is well organized in order to reach the standard pattern regulated by Aalborg University.

In the 'I. Introduction' part, the meaning or significance of the paper is introduced. Problem is formulated right at the beginning of this paper, which can help people to know clearly what will be researched in this paper. And the background of U.S. FON program is illustrated, which also gives the definition of FON program and explains what is the meaning of 'with U.S. intervention'.

In the 'II. Methodology' part, also this part, how is this paper arranged will be listed. And also literature review will be shown. What methodology is used in this

paper will be answered, too.

In the 'III. Theory' part, two theories are introduced - the realism tradition and sea power theory. This paper focuses on SCS and there are huge resources in this area. For national interest, neighboring countries fight for those resources, which will be discussed in 'IV. Analysis' part. The realism is comprehensively illustrated because it is very good at explaining the problem. For example, when analyzing China's construction in SCS, the circumstance of security dilemma is built and the behaviour of relevant countries can be explained. And for U.S. militarily supporting Philippine and Vietnam, realist theories of alliances can be used. The SCS issue is about geopolitics around the sea and the neighboring countries want to be maritime supremacy or keep safety, so the sea power theory is needed and will be discussed.

In the 'IV. Analysis' part, there are three sub-parts. For the first one, 'the significance of SCS', it aims to explain the speciality or the importance of SCS from geography, resources and economic significance, which tells the reason why China firmly defends its sovereignty in SCS and why Vietnam and Philippines invaded and illegally occupied some islands in SCS. Then for the second part, 'territorial disputes', it mainly focuses on internal challenges brought by Philippines (in the east of SCS) and Vietnam (in the west of SCS). China's sovereignty is firstly illustrated, which is fundamental and premise for its construction in SCS. And then Vietnam's acknowledgement of China's sovereignty on islands in SCS will be introduced because according to *estoppel* principle, Vietnam's later behaviour is illegal. When there is dispute, two countries negotiated together and solved problems in SCS. Two states cooperate on economy and shelve the dispute, which proves that the negotiation put forward in *Declaration on the Conduct of Parties in the SCS* (DOC) is the best way to solve the SCS issue. At last, for the Philippines arbitration case, it is also analyzed from international law to demonstrate that the international tribunal for the law of the sea has no jurisdiction. And by referring to treaties that define the boundary of Philippines, it can be seen that islands under China's sovereignty are not the territory of Philippines from the very beginning. After the arbitration, Philippine changed idea and cooperated with China, which also proves the correctness of

negotiation. For the last part, it shows that U.S. military activities, external challenges in SCS and it supports militarily to Vietnam and Philippine.

Geographically speaking, Vietnam and Philippine are two important neighboring countries and politically speaking, those two have many conflicts with China. One is 'friend' and 'comrade' of China and the other is an ally of U.S. While U.S. provides military support to both countries. So those two are representatives in SCS.

In the 'V. Conclusion' part, according to the 'major premise' - theory and the 'minor premise' - facts in analysis, the problem put forward in the introduction are answered.

In this paper, international law is well used to strengthen its logic, because only the theory of international relations is too weak to defend this paper's idea. While with the logic of international law, any challenge to this paper must refer to another law that should be more probative than the idea of this paper.

For the data collection, as this is not an entirely economic study, some statistical data is referred in the analysis part, which is only for qualitative research. And for the resource of the data, most of them are second hand data from website, like U.S. department of defence, department of state and the White House and China Xinhua News and Vietnam's general statistical office. Because the statistical data of Philippine is hard to find, it is referred to China's statistic bureau.

## 2.2 Literature Review

Scholars from U.S. wrote a lot papers about SCS issue. Matthew C. Waxman (2015) pointed out that the arbitration brought by Philippines exaggerated the effect of international law and the unilateral initiative was wrong. Because of limitation of UNCLOS and the tribunal, the arbitration cannot make any progress for the SCS issue and would make it even worse. Paul Gewirtz (2016) said in his paper that there existed limitation in the arbitration because on the one hand, tribunal had no jurisdiction on the sovereignty and on the other hand, China had excluded historical title out of compulsory dispute settlement procedures of UNCLOS. Jeffrey A. Bader (2016) wrote that China and relevant parties should reach an agreement on DOC but

not arbitrate or refer to general experience. Do Thanh Hai (2015) gave some measures on pacifying the situation in SCS: (1) an information center should be built for sharing intelligence between parties; (2) a plan should be made for preventing any emergencies or confrontations; (3) all parties should stop reclamation; and (4) sanctions should be made in case of violating the rules.

Besides focusing on the Philippines arbitration, U.S. scholars concerned about U.S. interest in SCS. Lynn Kuok (2016) thought that U.S. FON was necessary and legal, which could strike on the ambiguity of nine-dash-line with the arbitration together. He thought that U.S. should insist on its interest in SCS and continue FON program. And he said that U.S. should interact with relevant parties to raise the cost of China to control SCS. Gregory B. Poling (2015) have the same idea. Both of them emphasized the significance of SCS to U.S. SCS is the important area for trading and investment so the security there and the FON have special meaning for U.S. He thought that U.S. should safeguard FON and the international law to prevent China and other countries from monopolizing resources in this area. He suggested that U.S. should constrain China by FON and provide technical, legal and diplomatic support to other claimants.

Some U.S. scholars forecast the situation in SCS. Jerome A. Cohen (2015) thought that although China made great progress in these years, there still existed economic, social and political problems. China would not collapse as former Soviet Union but would not be strong enough to govern the world. China's rising seems to be a threaten to Asia. Gregory B. Poling (2016) thought that external countries, such as U.S., Japan, Canada and India would play important role in SCS. Efforts from many aspects would stop China's expansion and ASEAN would protect interests of all parties and handle the disputes.

Chinese Scholars also gave their opinions. Some scholars discussed reasons of U.S. FON program (Yang, 2014; Feng, 2016); some scholars focused on practise of FON and analyzed international law theory of FON (Zou, 2013; Liu, 2014; Yuan, 2015; Zhang, 2015); some scholars interpreted the connotation of FON in different times (Mou, 2014; Ye, 2015; Li, 2015) and some scholars analyzed the debate on

FON in the perspective of geopolitics and Sino-U.S. relation (Wang, 2013; Ye, 2015; Li, 2015; Huang 2017).

### **III. Theory**

The international relation theory is very important in analyzing international politics. It can guide our research and examine the assumptions and perspectives. By conceptualizing the world, simplifying the complexities and outlining possible solutions, international relation theory grasps the essence of the world. Theory can also assess the political practice, which can be also challenged and investigated by different theories.

In this part, the realist tradition and the sea power theory will be introduced, which are helpful to the analysis in the next part.

#### **3.1 Realism**

Hans J. Morgenthau (1948: 312) said that *‘Man’s aspiration for power is not an accident of history; it is not a temporary deviation from a natural state of freedom; it is an all-permeating fact which is of the very essence of human existence.’* And Kenneth Waltz (1979: 72) wrote that *‘Structures never tell us all that we want to know. Instead they tell us a small number of big and important things.’*

From the two theorists’ words, it can be seen that realist perspectives on states’ behaviour focus on human nature and systemic structures. In the 20<sup>th</sup> century, there are three thoughts that derived from realist tradition: (1) classical realism, (2) neorealism and (3) post-neorealism.

##### **3.1.1 Classical Realism, Neorealism and Post-neorealism**

The classical realism was raised in 1930s and established in 1950s. It maintained its prominent position until 1980s when the neorealism was thought to represent the realist tradition. Classical realism is also known as political realism. The critics of liberal tradition by Hans Morgenthau (1946) and E.H. Carr (1939) indicated the initiative of classical realism. There were many kinds of realist books in Europe, such

as those by Martin Weight (1946 / 1977), and Georg Schwarzenberger (1941), as well as in U.S. such as by Reinhold Niebuhr (1932) and Frederick Schuman (1937). Carr's book emphasized a few realist features and perfectly explained how those features could be used in criticizing other traditions, especially some of the liberal thoughts.

Classical realism is a rich current with the contribution of many theorists and is a mixed theory of international relation theory, political theory and historical analysis. John Herz (1950) put forward the term 'security dilemma', and in *A World Restored*, Henry Kissinger (1957) discussed the multi-polar order of 19<sup>th</sup>-century Europe. Raymond Aron (1976) tried to theorize international relations and gave explanation of the war. Morgenthau highlighted on politics, power and the national interest and he thought that the power is everywhere and there is no power-free zone. There is connection between power and politics and power is the essence of politics. States are always pursuing interest.

Classical realism also illustrated the role of norms in international politics. Inis Claude (1993: 215) said that '*states do not, but certainly should, consistently engage in principled behaviour in the international setting*'. He also described the tradition of adhering to principle, ranging from the launch of international law to the establishment of international institutions, which reflected the reformation of international relations. According to George Kennan (1995), '*a principle is a general rule of conduct by which a given country chooses to abide in the conduct of its relations with other countries.*' Because many classic realists believed in certain religion, they share the same characteristic that they had developed strong linkages between religion, politics and realism. Thus their values relate with morality, ethics, human nature, values and principles.

For the neorealism current, the 'neo' does not mean only an inheritance of classical realism. While it took classical realism as a starting point and engaged in another new current. Kenneth Waltz is the representative of neorealism. Neorealists characterize actors *a priori*, and neglected the features of real actors. It constituted the structure of international system on the basis of limited prime players. Then in different settings, possible behaviors of these states are conceptualized as various

polarities.

There are three layers in neorealism: (1) anarchy, (2) functional differentiation of units and (3) changing configurations of polarity. But then the anarchy was a constant and polarity changed seldom, the balance of power was the principal element to be considered when explaining the behaviour of great power. Barry Buzan (1993) had different views. He introduced two factors - process variables and interaction capacity. Steve Smith and Martin Hollis (1990) focused on ontology and epistemology from a neorealist position. Glenn Snyder (1984, 1997) developed alliance theory based on neorealism.

Although Waltz (1979, 1996) thought that the neorealism is not a theory of foreign policy, his systemic theory explained state behaviour (Fearon, 1998). So neorealism can explain many kinds of state behaviour, such as balancing, bandwagoning and seeking relative or absolute gains. No matter what kind of behaviour, it can be explained by systemic structural factors - by changing polarities and by balance of power theory.

The realism tradition does not end but continues to develop a new current - post-neorealism. Unlike neorealism, a clear-cut break with classical realism, post-neorealism seems as a continuation of neorealism but with slightly new emphases. For example, one of the emphases is about the difference between offensive and defensive realism. Both of them are about state security. Offensive realism, with John Mearsheimer as the representative, means maximizing the state power compared to other state in the anarchic world, while defensive realism, with Michael Mastanduno as the representative, directs states to minimize power losses compared to their enemies.

### 3.1.2 Six Principles of Classical Realism

Six principles of political realism are very famous :

*‘(1) Political realism believes that politics, like society in general, is governed by objective laws that have their roots in human nature ...*

*(2) The main signpost that helps political realism to find its way through the*

*landscape of international politics is the concept of interest defined in terms of power ...*

*(3) Power and interest are variable in contest across space and time ...*

*(4) Realism maintains that universal moral principles cannot be applied to the action of states...*

*(5) Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe ...*

*(6) The difference, then, between political realism and other schools of thought is real and it is profound ... Intellectually, the political realism maintains the autonomy of the political sphere.’ (Morgenthau, 1948: 4-10)*

Morality, politics, power, interests, human nature and objects laws are all contained in the six principles.

### 3.1.3 Balance of Power Theory and Realist Theories of Alliances

Waltz (1979: 11) said that *‘If there is any distinctively political theory on international politics, balance-of-power theory is it’*. And half of *Politics Among Nations* by Morgenthau is about balance of power theory.

*‘Because any state may at any time use force, all states must constantly be ready either to counter force with force, or to pay the cost of weakness. The requirements of state action are, in this view, imposed by the circumstances in which all states exist (Waltz, 1959: 160).’*

According to his view, anarchy is for states clearly not merely a problem to be solved or avoided but simply an essential condition to life.

It is called as security dilemma, developed by John Herz:

*‘a structural notion in which the self-help attempts of states to look after their security needs tend regardless of intention to lead to rising insecurity for others as each interprets its own measures as defensive and the measures of others as potentially threatening (Herz 1950: 157).’*

Waltz explains that:

*‘The opportunity and at times the necessity of using force distinguishes the*

*balance of power in international politics from the balances of power that from inside the state ... The balance of power among states becomes a balance of all the capabilities, including physical force, that states choose to use in pursuing their goals (Waltz, 1959: 205).'*

A country's ability contained 'population and size of territory, resources, economic strength, military capability, political stability and competence (Waltz 1979: 31).' So in order to survive in an anarchic environment, states may form alliances or coalitions with others to pursue balance of power or they can choose to align with stronger powers rather than opposing to it.

Waltz (1978) also develops a theory of balance of threat, which means that it is threat that a state needs to balance. So the threat is contained when assessing the power. The condition of balancing behaviour is only when the power of a state is perceived to be threatening. Although Randall Schweller (1994) focused on power, he argued that states tend to bandwagon rather than to balance power. Inis L. Claude (1962) and Ernest Haas (1953) criticized that there were too many meanings of balance of power.

Realists conceptualized and theorized alliances in a richer manner than any other theorists. Because classical realism and neorealism are different, their views on alliances are different, too. On the one hand, classical realism focused on the characteristics of historical examples of alliances and contemporary ones. The alliance has limited usefulness when countering a specific threat and will be dissolved once the threat disappears. And members of alliances only calculate their costs and benefits but not base on their ideational commitments, which would enforce their cohesion. And alliances can make or preserve balances of power. On the other hand, neorealism focused on the structure of the world, assessing the alliance differently in unipolar, bipolar or multipolar system because different alliances have different patterns in different polarities (Snyder 1990: 107). And 'free-riding' is the keyword of alliances of neorealism because the alliance makes collective action, in which some members of the alliance may pass their burden to other partners or have the willing to free-ride.

### 3.2 Sea Power Theory

The sea is the birthplace of all creatures and human civilization is relevant with the sea. Throughout the history, the human's cognition on the sea and its value has four stages, as: (1) the abundant source of fish and salt and the convenience for transportation in 15<sup>th</sup> century; (2) the important passage of world traffic from 15<sup>th</sup> century to the beginning of 20<sup>th</sup> century; (3) the important space for the survival of mankind and the state security from the end of the first world war to the 1980s; (4) the important component of supporting system of human life on the United Nations Congress on Environment and Development in 1992. The development of human civilization depends on how to exploit the sea (Yang, 2006: 153).

The thought of sea power initiates from the establishment of maritime civilization in ancient time and by now there are four stages in its development: (1) the moat as defending; (2) the passage for trade; (3) the main battlefield; (4) the constraint for land. And the thought of sea power originated from polis-time of ancient Greece. The philosophers use the term "thalassocracy" to express the maritime supremacy or the rule of the sea in Mediterranean (Modelski & Thompson, 1988: 5). Herodote, Thucydides and Xenophon had emphasized on the importance of controlling the sea. Cierco had indicated that the man who can control the sea can control the world (Shi, 2008: 2). In 1616 on a letter to the Queen, the British explorer Walter Raleigh had written that the country that controls the sea controls the world trade and thus controls the worldwide fortune, in other words, the world itself (Wang, 2000: 31). Francis Bacon thought that the state that is the maritime supremacy can be free to use military forces but the state that only has advantage of land force feels difficult to strategize (Bacon, 1958: 115). In 1930s, Antoine Henri Jomini pointed out that the control of sea is very important and if a country has a long coast and has the command of the sea or has allied with maritime supremacy, its ability to defend war can be increased several times because the ceaseless supply can be brought through the sea and the country can assault any enemy from everywhere (Niu, 2003: 210). Hegel (2001: 41) stated that the sea is what connected the world. Peter I said that if a ruler only possesses ground

forces, he has one hand, but if he also owns the navy, he has two hands.

(Pappoukenko, 2001: 141) Those discourses are only origins of sea power, however, not at the theoretical level.

It is colonel Alfred Thayer Mahan who proposed the theory of sea power as one of the geopolitics. After him, Sir Julian Stafford Corbett and commander Gorshkov, Sergey Georgievich put forward the maritime strategy theory and maritime threaten theory. In the second half of 20<sup>th</sup> century, each state has its own interpretation of sea power, such as Nicholas John Spykman's rimland theory, John J. Mear-sheimer's off-shore balancer theory, Jr. John F. Lehman's maritime superiority theory, Barry Posen's command of space theory, Wu Chengzu's maritime circle theory, Kavalam Madhava Panikkar's sea power theory in Indian Ocean, J.R.V. Prescott's maritime geopolitics theory. In this part, the theories of Mahan and Corbett will be introduced.

### 3.2.1 The Establishment of Sea Power Theory by Mahan

The emergence of Mahan's sea power theory is strongly associated with the trend of international politics, the U.S. internal politics and the development of military technology. The publishment of *The Influence of Sea Power upon History 1660-1783* by Mahan marked the establishment of sea power theory. *The Influence of Sea Power upon the French Revolution and Empire 1793- 1812* and *Sea Power in its relations to the War of 1812* by him perfected his thought. All his works and papers are on the sea power and make it a huge ideology system and at last as an important school of geopolitics.

In a broad sense, the sea power contains not only the naval force at war but also trade, shipping and solid harbor in peace time and it involves all aspects of a nation's prosperity that depends on or utilizes the sea (Mahan, 1998:1). And the sea power composed of two parts: naval force as the core and nonmilitary forces at sea. For the nonmilitary forces, there are overseas trade as the core and maritime facilities, tools and methods aimed at acquiring commercial interest. There are three steps: (1) production, (2) shipping and (3) colony. Production is the source of overseas trade and

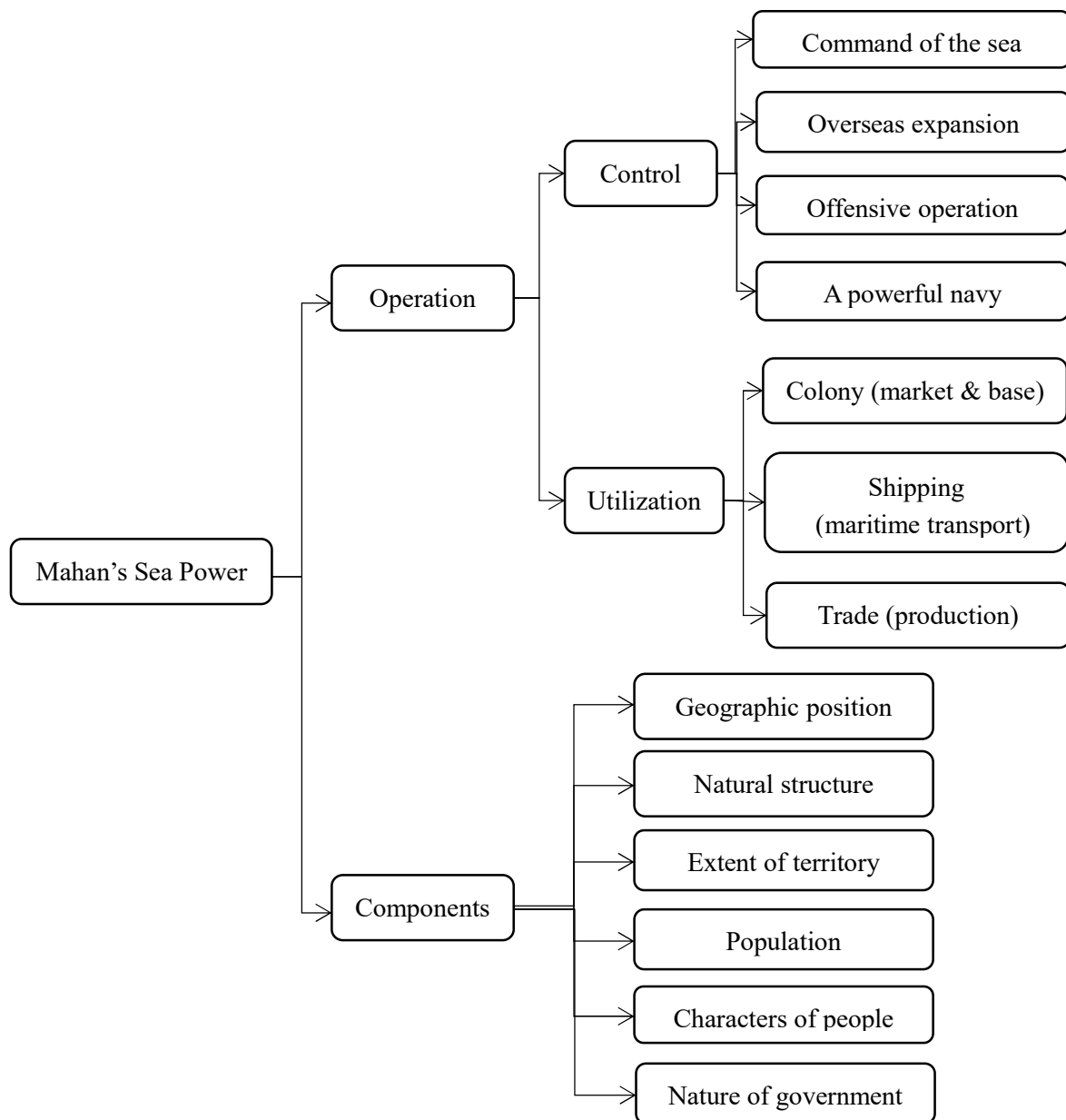
shipping is the indispensable process for transportation, in which navy is needed for convoy. Raw material, market and labour can be supplied by colony and navy can be fed, docked and repaired in the colony so that the ability of oceangoing voyage is improved.

Mahan pointed out that controlling the sea is the important factor that determined the history. Communication can influence success or failure of a war. Generally speaking, communication is the most important factor in politics and military strategies and sea power plays a prominent role in history because water transport is more convenient and carries more than land transport. Sea is the main medium of commercial communication and the word 'trade' can be associated with sea as commerce on the sea is the main source of fortune which symbolizes substantial and spiritual vitality of a country. The nation that controls the sea controls traffic lines, which determines the success or failure of a war. And a major war decides the destiny of one or several countries (Mahan, 1997: 260).

There are six components of sea power: (1) the geographic position, (2) the natural structure, (3) the extent of territory, (4) the population, (5) the characters of people and (6) the nature of government (Mahan, 1998: 55). The geographic position is the coastal zones or islands that can easily access to the sea; the natural structure is composed of resources, harbors and climate; the extent of territory means the square of land, especially the length of coastline; the population refers to the number of people who work on maritime industry or relative activities; the characters of people are enthusiasms for development into sea; the nature of government examines if the administration supports sea industry consistently (Shi, 2008:11).

Navy, as the core of sea power, depends on fuel, which is of course the focus of strategic consideration (Mahan, 1997:307). So the navy must establish military bases abroad. The military significance of the base is decided by its geographical position, power and resources. The geographical position is the crucial one, which is formed naturally and the latter two factors can be compensated later (Mahan, 1997: 313). In summary, the core of naval strategy is to seize and command the sea power, by insisting the principles of concentration of forces, battle of fleet, offensive operation

and operation on interior lines (He, 2007: 42).



***Feature 1: The Component of Mahan's Sea Power Theory***

***Source: Niu, 2003: 394.***

### 3.2.2 Corbett's Contribution to Sea Power Theory

Julian Corbett created the maritime strategy theory, which integrates strategies from national level, maritime (military) level and naval level, departing from the point of safeguarding national overall and long-term interest. His theory is different from Mahan's because Mahan's theory based on Jomini's strategy theory and Corbett's is in

accordance with Clausewitz's war theory. In the time Mahan lived in, the U.S. was on the rise and its navy was needed to break the inherent sphere of influence. At the age of Corbett, the naval force of Britain peaked and its navy was required to turn to become sharp weapons to establish colonies and assault land powers. To some extent, Corbett enriched and advanced sea power theory to make it more integrated and precise.

Corbett argued that the sea is important to Great Britain. He thought that there are positive and negative values of sea because unlike land, the sea is not only the medium of communication but also a 'barrier'. If Britain controls the sea, it can move this 'barrier' to put military pressure on enemies and use this 'barrier' to prevent them from doing so. The significance of sea power is not only command of sea but also convenience for trade and military guarantee. If Britain lost control of the sea, it loses everything (Corbett, 1988: 39-40). So no matter what substance of war or no matter limited war or total war, the prerequisite for winning the war is to seize the command of sea totally and forever (Corbett, 1988: 74). Controlling the sea is only at war. While in peace time 'controlling' is a metaphor that means occupying vantage points and possessing enough naval force to implement effectively control once a war breaks out. 'Controlling' does not equal to prohibit enemies from doing anything but should be that enemies cannot make effective intervention until bending to the will of Britain (Corbett, 1988: 159). At last, Corbett proposed the thinking of being cautious in war. He emphasized that the highest level of war is not by military confrontation but by paying small price to achieve final goal of a war (Fu, 2009). Corbett was influenced by the thought of Clausewitz and thought more on what is war than on how to win a war. In the Corbett's war system, the war is one of choices to realize strategic targets but not the only one. His theory was of great significance on lowering the cost of supremacy.

The maritime (military) strategy is guided by the national strategy. When strategic deterrence failed, the limited war should be initiated by army-navy-joint assault on critical zones to compel enemies to yield. When upgrading to total war, Britain should ally with land powers and commit limited troops to reduce damages. Corbett pointed

out that the war mode of Britain or other maritime state is by limited war to achieve the goal of total war and to cooperate with land power (Corbett, 1988: 66).

## IV. Analysis

### 4.1. The Overview of SCS



*Figure 2: Map of SCS and Claims of Neighboring Countries*

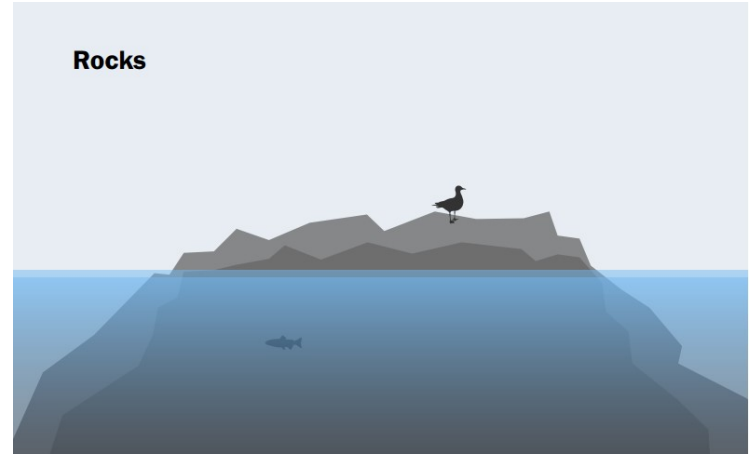
*Source: EIA, Middlebury College, National Geographic, CIA Factbook, 2014*

SCS is a semi-closed sea basin, along with Vietnam, Philippine, Malaysia, Brunei, PRC as rim countries. Its width is about 550 - 650 nautical miles and its length is over

1200 nautical miles so its square is 3.5 million square kilometers. The SCS is between the Pacific Ocean and the Indian Ocean, which is also known as the vital international passageway (Robert, 2013). The Spratly Archipelago contains the most broadly scattering islands, rocks and low-tide elevations in the SCS (Wu 2013: 4),

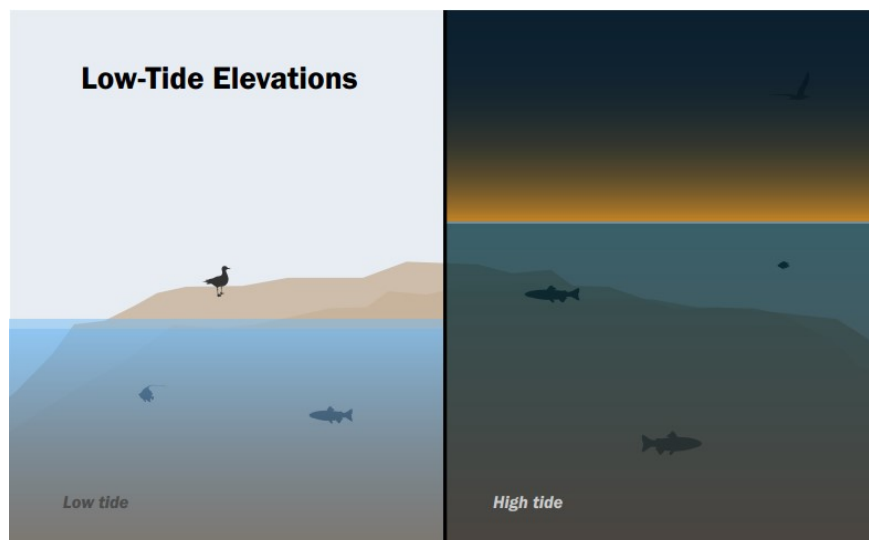


**Figure 3: Maritime Feature - Islands**  
**Source: Freund, 2017:8**



**Figure 4: Maritime Feature - Rocks**  
**Source: Freund, 2017:9**

(According to UNCLOS there are three maritime features: islands, rocks and low-tide elevations. Article 121 (1) says that an island is a naturally formed area surrounded by water and always above water, which can support people's living and economic activities; Article 121 (2) writes that a rock is also a naturally formed area surrounded by water and always above water, but which cannot support people's living or economic activities; Article 13 (1) regulates that a low-tide elevation is till a naturally formed area but above water at low tide and under water at high tide.)



**Figure 5: Maritime Feature - Low-Tide Elevations**  
**Source: Freund, 2017:9**

with the location from 3°36' N to 11°57' N and from 109°06' E to 117°50' E and its area is 823 thousand square kilometers. Among the four archipelagos, the features of Spratly Islands are the most in distributing scope, numbers and have the most neighboring countries (Yang 2015: 1), while it is the most controversial, influential and active area.

SCS is located in the south to China, including the waters with the Pratas Islands, the Paracel Islands, the Maccelsfield Bank and the Spratly Islands in it; SCS is seated in the east of Vietnam and is named as 'Yellow Sea' in which the Paracel Islands are nominated as the 'Huangsha Archipelago' and the Spratly Islands the 'Changsha Archipelago' by the Vietnamese government; SCS is situated in the southwest to Philippines and is named as the 'West Sea of Philippine'. Some parts of the Spratly islands are under administration of Palawan province; SCS 'cuts' Malaysia and is certainly an important maritime passage for it. Most of SCS it claims is called as 'Sabah Sea' (Yang 2015:155). From the different names of SCS, the political claims and interests of different adjacent countries can be understood, which causes the complexity of SCS.

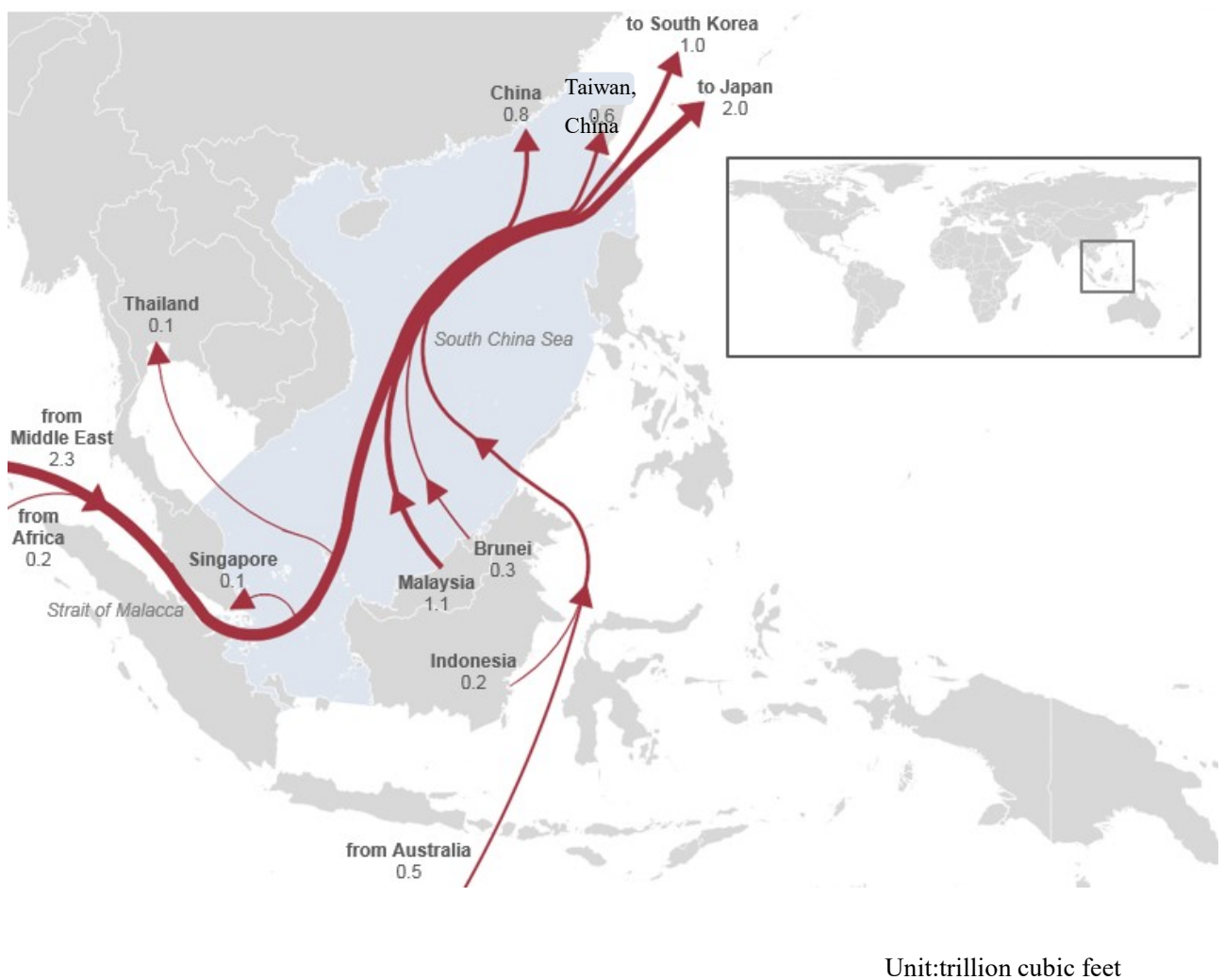
The fishery resource is abundant in SCS. SCS is one of famous fish farms in the world. From Han Dynasty, the Spratly Islands are an important place for Chinese fisherman's production activities, which sustained the lives of them and the *Genglubu* (《更路簿》) can prove this (Hainan Daily, 2016 March 07). Today not only Chinese but also people from Vietnam and Philippines fish here.

Secondly the oil and gas resource in Spratly Islands is huge. In 1968 the Committee for Coordination of Joint Prospecting for Mineral Resources in Asia Off-shore Areas founded by the United Nations Economic Commission for Asia and the Far East detected that the area near Vietnam and in the eastern and southern part of Spratly Islands contained abundant oil and gas resource (Wu 2013: 7). According to incomplete statistics, there contains 34.97 billion tons of petroleum resources with 118.2 million tons which can be collected and 8 trillion tons of natural gas (Yang 2015: 5). The economic value of SCS is promoted with the abundant energy reserves. The oil crisis in 1970s indirectly made SCS have more strategic significance, which

intensified the scramble for resources among neighboring countries. To some extent, the conflict in SCS is in essence the war for energy (Wu 2013: 9).

In addition, there exists other resources, such as wind power, solar energy and tidal energy.

According to statistics provided by EIA, the SCS is an important passage for liquefied natural gas (LNG) transportation and Asian countries count on it (EIA, 2016).



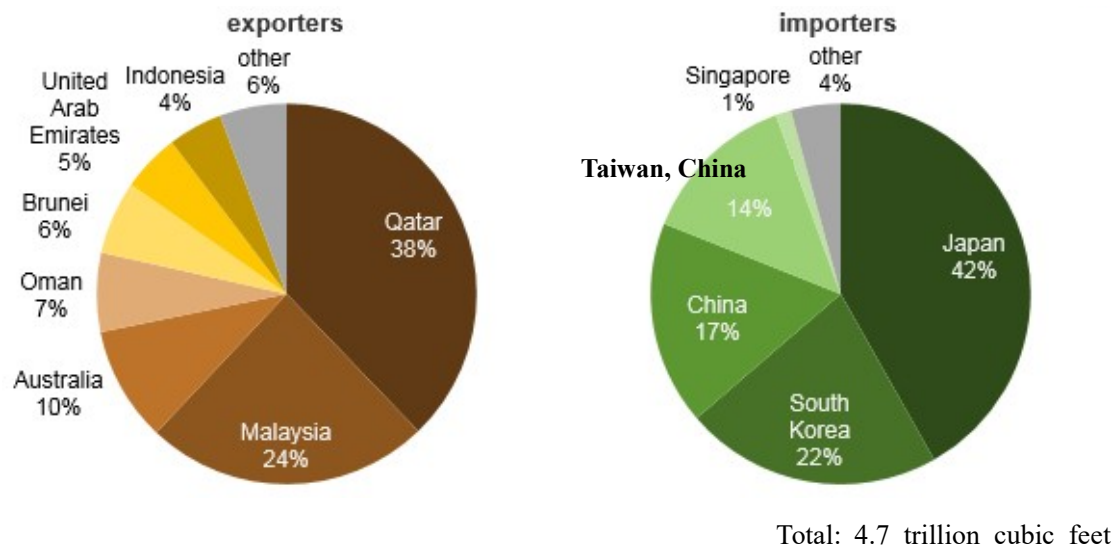
**Feature 6: Major LNG Trade Flows Through SCS (2016)**

**Source: EIA, 2016.**

For example, almost 40% of global LNG flew through SCS in 2016. SCS is also an important route for Malaysia and Qatar to transport their LNG and 60% of LNG flows are from the above two countries. Half of Qatar's LNG export and all the Malaysian LNG export are transported through SCS. And Oman, Brunei and the

United Arab Emirates shipped their LNG exports through SCS, which counted 84% to 100% of their total LNG exports (EIA, 2016).

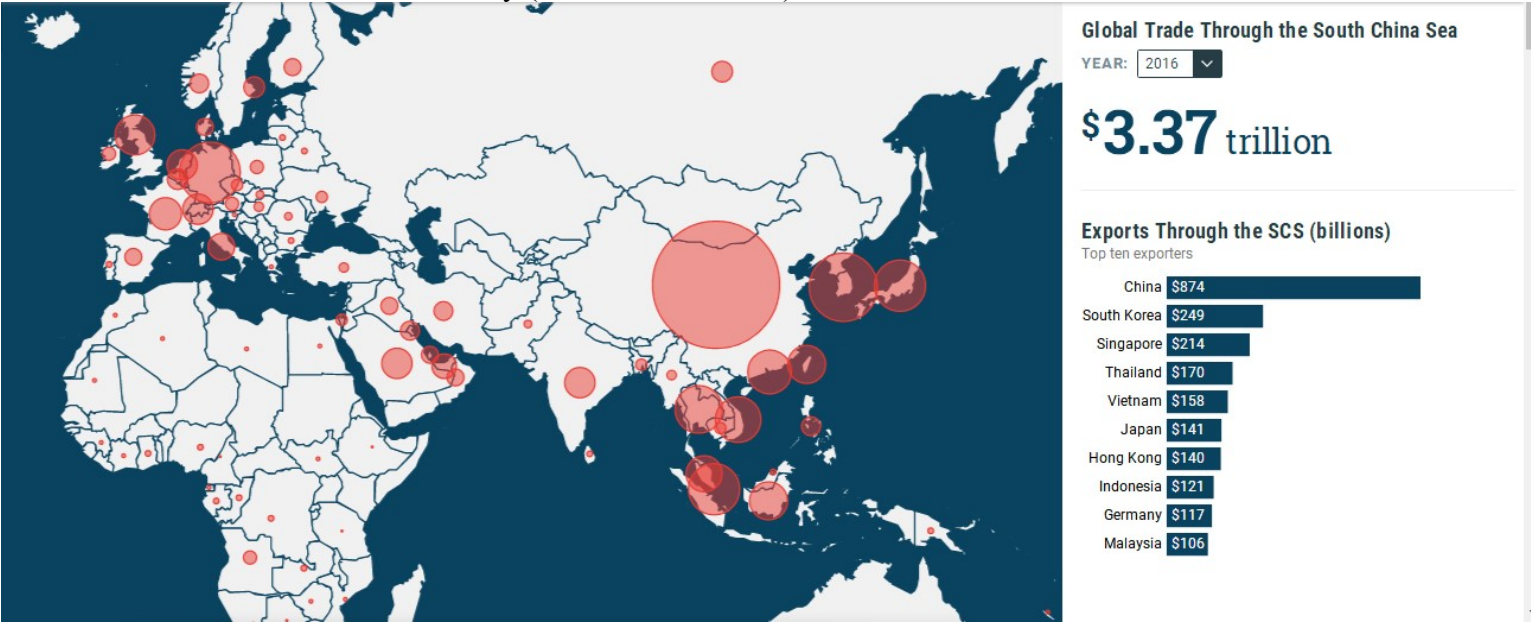
As LNG import countries, China, South Korea and Japan rely heavily the route through SCS, which counted 94% of total LNG that flew here in 2016 (EIA, 2016).



**Feature 7: Ratio of LNG Flows in SCS Respectively for Exporters and Importers (2016)**

Source: EIA, 2016

Besides resources and energy transportation, nearly 3.37 trillion dollars worthwhile global trade passed through SCS in 2016 and countries around SCS are active in world economy (China Power, 2017).



**Feature 8: Exports through SCS (2016)**

Source: China Power, 2017



**Feature 9: Imports through SCS (2016)**

**Source: China Power, 2017**



**Feature 10: Percentage of Trade through SCS (2016)**

**Source: China Power, 2017**

According to UN Conference on Trade and Development, 60% of maritime trade passes through SCS, nearly one third of global shipping go through the area. From the three patterns above, it can be seen that SCS is important for Asian countries because more than half of their trade pass through SCS. And also other countries in the rest of the world need SCS for their trade.

Country	Share of World GDP %	Trade Value through SCS USD billions	Share of All Trades %
U.S.	24.50	208.0	5.72
China	14.80	1470.0	39.50
Japan	6.53	240.0	19.10
Germany	4.58	215.0	9.00
U.K.	3.46	124.0	11.80
France	3.26	83.5	7.77
India	2.99	189.0	30.60
Italy	2.45	70.5	8.14
Brazil	2.37	77.3	23.40
Canada	2.02	21.8	2.67

***Feature 11: Trade of Top Ten Economic Entities through SCS***

***Source: Power China, 2017***

## 4.2 Territorial Disputes

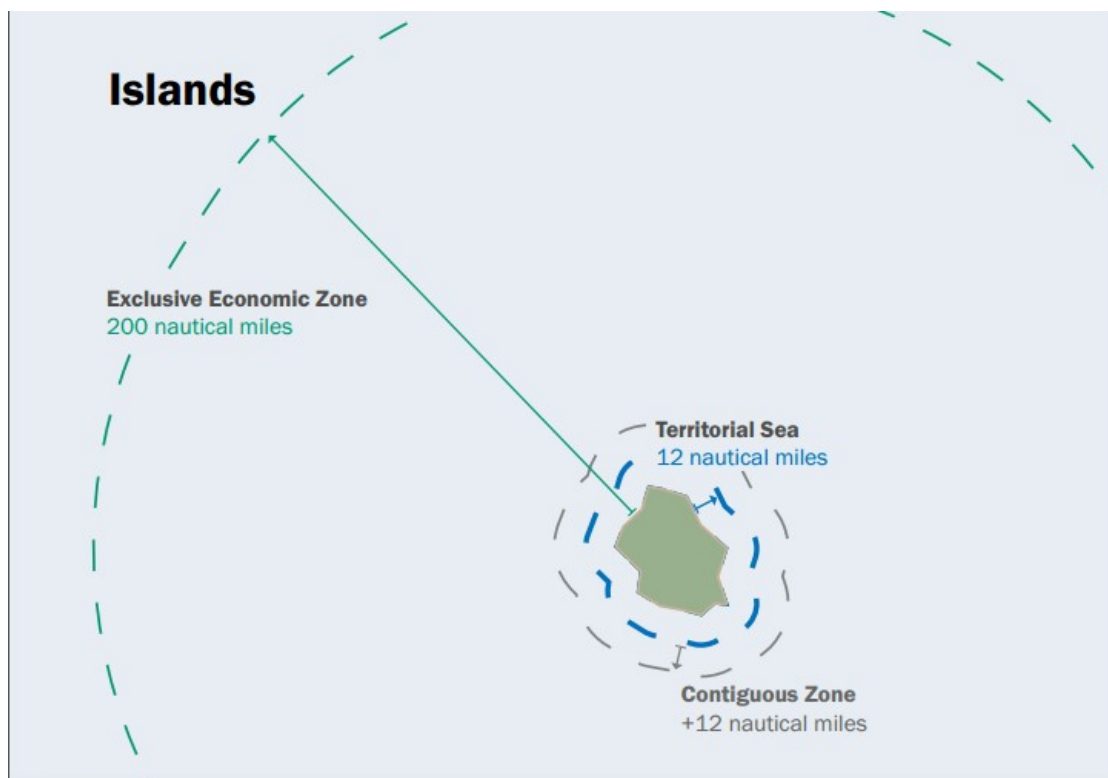
According to article 3 of UNCLOS, every state has its territorial sea extending 12 nautical miles from the baseline (the baseline is regulated in article 5, 6 and 7). The state has sovereignty over the territorial sea, extending to the airspace over and the seabed below (regulated in article 2). Then the states can also have contiguous zone that begins from the end of territorial sea, in other words, extending 24 nautical miles from the baseline (article 33). Finally the state can claim EEZ, extending 200 nautical miles from the baseline (article 57) and the state has special rights to explore and exploit the natural resources (article 58).

An island can also have those maritime zones (article 121(2)).



*Feature 12: Maritime zones of the land.*

*Source: Freund, 2017:12*



*Feature 13: Maritime zones of an island.*

*Source: Freund, 2017:15*

#### 4.2.1 Claims of China and its Island Construction

China claims its historical title over SCS . As mentioned by Hong Lei (2016), one of China's Foreign Ministry spokesman, China's historic title over SCS does not contradict with the UNCLOS because (1) the 'historic title' is a general concept of international law and UNCLOS does not contain all the principles of the law of the sea. And (2) UNCLOS does not exclude 'historic title' because it appears in article 10(6), 15 and 298, which shows respect for 'historic title'. As Chinese people lived and fished in SCS long time ago before UNCLOS took effect and the map that came out earlier in Han Dynasty indicates that SCS is a part of China, China has the historic title, which is an exception to UNCLOS (Jia, 2015).<sup>1</sup>

##### (1) PRC's Maritime Legislation in SCS

Earlier in 1958, *Declaration on Territorial Waters* was published. Article 1 said the breadth of China's territorial waters is 12 nautical miles, which is applied to all the territory, including Taiwan province and islands around it, the Macclesfield Bank, the Paracel Islands, the Pratas Islands, the Spratly Islands and any other islands that belong to PRC. Article 2 said that the baseline is straight line between base points. In addition, *The Law of Territorial Sea and Contiguous Zone*, *The Law of Territorial Sea Baseline* and *The Law of EEZ and the Continental Shelf* (according to Article 76 (1) of Annex II of UNCLOS, generally speaking '*the continental shelf of a coastal State comprises 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 where the outer edge of the continental margin does not extend up to that distance*') regulate China's

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<sup>1</sup> It is too complex to discuss what is the 'historic title' and why does it make sense in law, but a good paper can be referred - Jia Yu. 'China's Historic Title in South China Sea', *China's Law Science*, 2015, 3:179-203. And the facts that reflect China's sovereignty on SCS by the reason of historic title can be found in the White Paper on '*China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea*' by the State Council Information Office of PRC - linkage: [http://www.scio.gov.cn/zfbps/ndhf/34120/Document/1483617/1483617\\_1.htm](http://www.scio.gov.cn/zfbps/ndhf/34120/Document/1483617/1483617_1.htm).


sovereignty over the four archipelagos, their territorial sea and baseline and the EEZ of The Paracel Islands. Article 2 of *The Law of EEZ and the Continental Shelf* regulates that if there is an overlap between China and another state, the limit should be drawn based on the equity principle and treaties. Article 11 of this law said that any state conforming to international and Chinese law may enjoy the freedom of navigation and overflight but China has the right to retention (article 13). So the rights from article 88 to 115 of UNCLOS can be applied in SCS. Article 14 of *The Law of EEZ and the Continental Shelf* mentioned China's historic title, which depends on occupation of one state and general acquiescence of other states.



## (2) Construction in SCS


China claims its sovereignty over islands in SCS, so it exercised sovereignty in this area.

On July 24, 2012, Sansha City and Sansha Garrison Command were established (Huanqiu, 2012), which govern the Paracel Islands, the Macclesfield Bank and the Spratly Islands.

China began constructing civil infrastructures and military installations in SCS from 1980s. Here cites Fiery Cross Reef in the Spratly Islands as an example to demonstrate the construction there.

<i>Image</i>	<i>Incident</i>
	<p>In January, 1988, an observing station on Fiery Cross Reef built by Chinese workers, which is entrusted by UNESCO.</p>

	<p>In August, 1988, the observing station was completed.</p>
	<p>At the beginning of 1989, navy soldiers lived in the water chalets (Gaojiaowu in Chinese) to guard.</p>
	<p>In 1990s, infrastructures there got improved.</p>
	<p>Overview image on January 22, 2006</p>
	<p>Overview image on January 7, 2015, land reclamation was in progress. Ships can be seen working there.</p>

	<p>Overview image on September 3, 2015. A long air strip can be seen on the island. Ships can be seen still working there.</p>
<p>---</p>	<p>In December, 2015, a plane from the Flight Inspection Center of CAAC tested if the airport on it can be used for civil aviation.</p>
	<p>On January 6, 2016, two planes respectively from China Southern Airline and Hainan Airline successfully landed and took off.</p>
<p>---</p>	<p>On April 16, 2016, a Yun-8 Navy Airfreighter carried an injured worker who worked there and flew back to Sanya, Hainan.</p>

**Feature 14: Changes of Fiery Cross Reef**

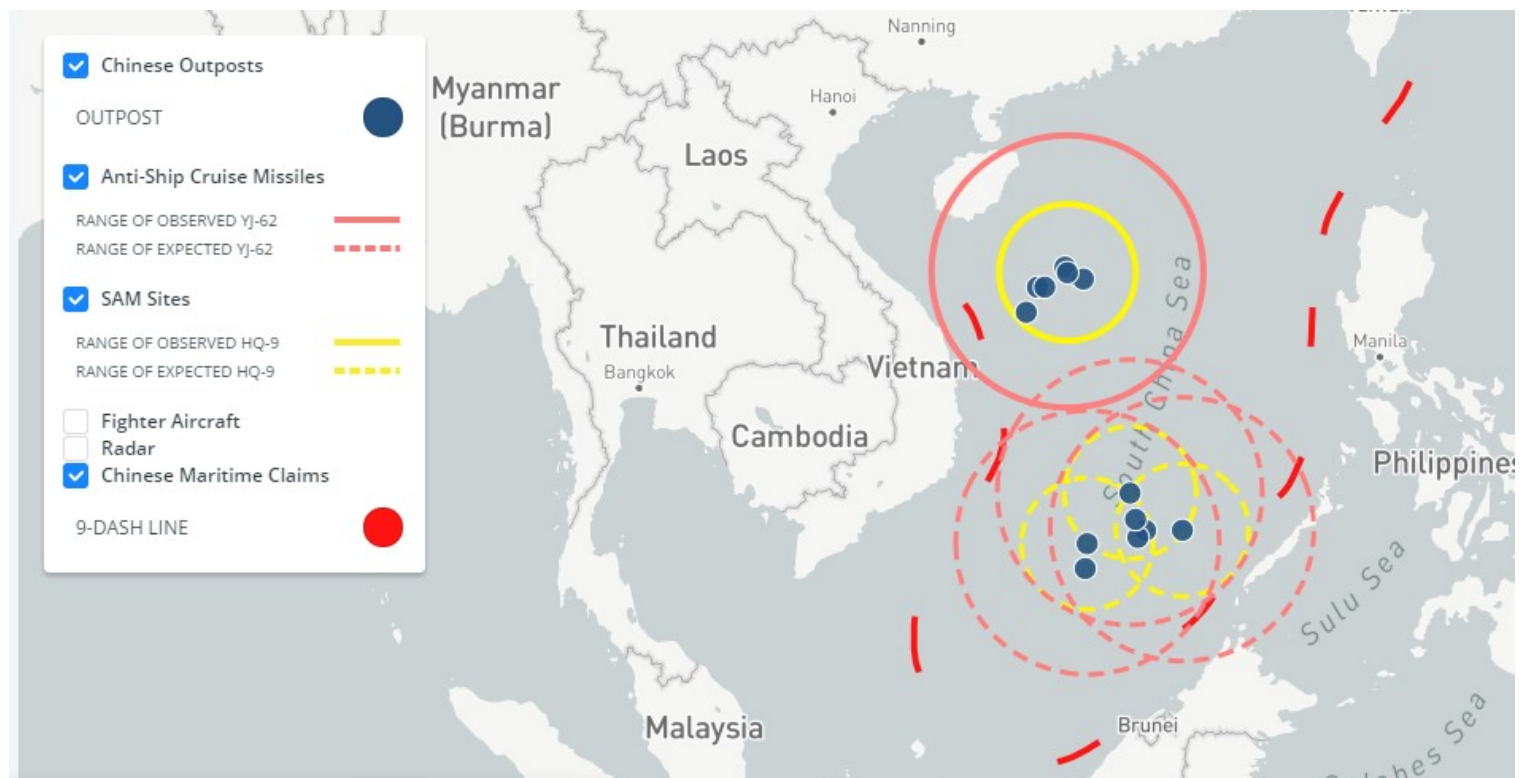
**Source: Net Ease, 2016 & AMTI-MAP**

Now, except for necessary military installations, there are other infrastructures, such as hospitals, playgrounds and grasslands and more facilities are under construction (Net Ease, 2016). Situations on some other islands are familiar and several airports have been built on some islands.

The environment for soldiers' guarding is improved. Because civil airplanes and airfreighters have successfully landed and took off from the airports on those islands, the air force fighters can garrison on those islands. As Hainan Province aims to become an international tourism island and landscapes of those archipelagos are as beautiful as neighboring countries, such as Thailand, well-equipped islands can

attract more and more tourists, which can create a huge revenue. Now travelers from many countries can go to Hainan without getting visa. Meanwhile, the airports on islands can provide humanitarian aid promptly if any ship is in danger.

Missiles have also been set up on the Paracel Islands and are expected to be put on the Spratly Islands in the future (AMTI-Map, 2017).



**Feature 15: Chinese Power Projection Capabilities in the South China Sea**

**Source: AMTI-MAP, 2017**

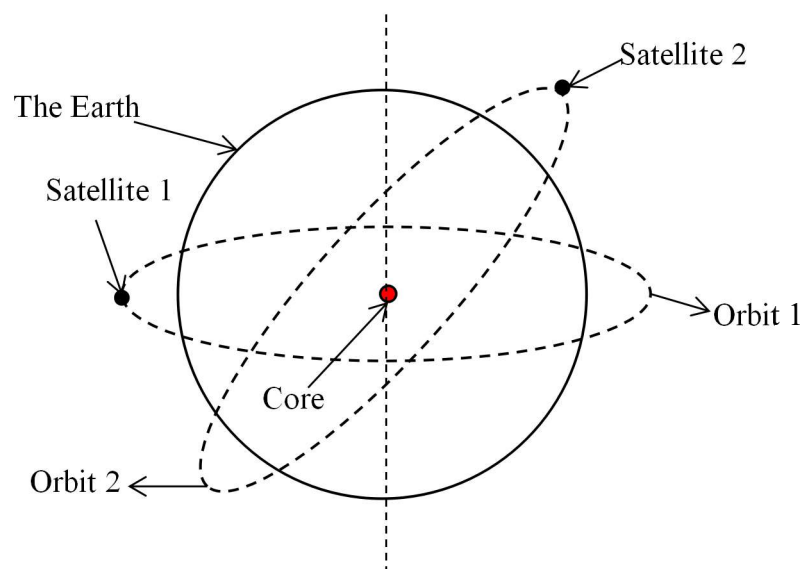
It can be seen from the map that those missiles can well protect those islands from attacks at short range of air force by SAM - HQ 9 and attacks at long range of navy by anti-ship cruise missiles YJ - 62. The scope of power projection is well covered in the area of nine-dash-line and does not infringe others' territory.

It is necessary to emphasize here that the missiles on the Paracel Islands can secure Hainan island, especially the new satellite launch site - Wenchang in the southeast of Hainan island, which is also in the scope of power projection. China aims to develop the space industry and build a space power. The synchronous satellite is important for a state and now there are only two sites that can launch synchronous satellites - Wenchang and Xichang, which are all low-latitude sites and the latitude of

Wenchang is lower, so Wenchang is more suitable. Less fuel is needed when launching in Wenchang. Because Wenchang is near the sea, it is easier to transport the rocket by ship because it is restricted by sides when transported by train and heavy-lift rocket cannot be transported by train. The Wenchang Site has special significance.

(According to fundamental knowledge of physics in Chinese senior middle school (the forces ( $F$ ) below are vectors.):

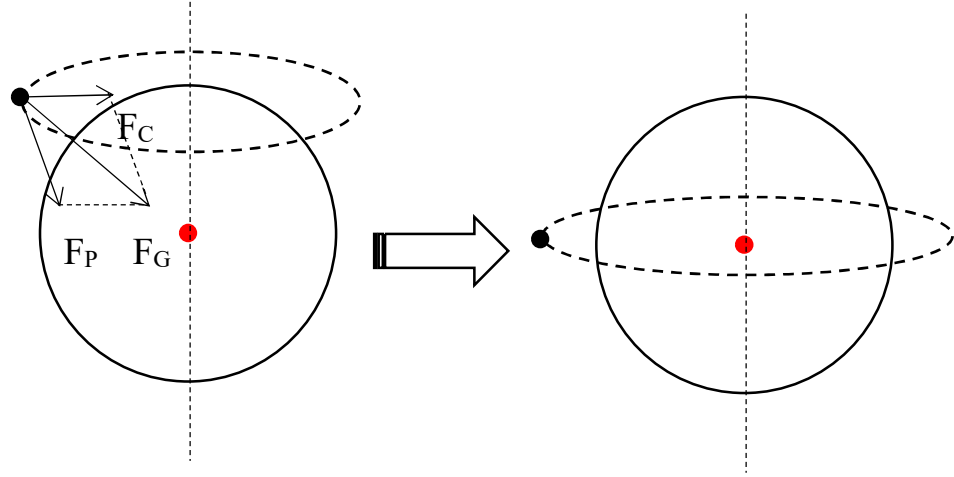
① The centripetal force ( $F_C$ ) of an artificial satellite is provided by the earth's universal gravitation ( $F_G$ ) and the direction of  $F_G$  points to the earth's core. So the satellite's orbital plane crosses the earth core.



**Figure 16:** The satellite's orbital plane crosses the earth core.

**Source:** Author. (Same elements will not be illustrated below)

If the orbital plane does not cross the earth core. According to the triangle rule, The  $F_G$  of the satellite which point to the core will be divided into two forces -  $F_C$  which points to the straight line that crosses the core and  $F_P$  which pulls the satellite down to the plane that crosses the core until  $F_C = F_G$ .



**Figure 17: The situation that the orbital plane does not cross the earth core does not exist.**  
**Source: Author**

② The synchronous satellite can only be above a certain point on the equator.

The synchronous satellite's period ( $T$ ) and angular velocity ( $\omega$ ) is the same as earth's. So the  $T = 24 \text{ h} \times 3600 \text{ s/h}$  and the  $\omega = \frac{2\pi}{T}$ .

According to Newton's law:

$$G \frac{Mm}{r^2} = m \frac{v^2}{r} = m\omega^2 r = ma = m \left( \frac{2\pi}{T} \right)^2 r$$

' $M$ ': the earth's mass; ' $m$ ': the satellite's mass; ' $r$ ': the distance from the satellite to the earth's core; ' $v$ ': the satellite's linear velocity; ' $G$ ': the constant of  $F_G$ ; ' $a$ ': accelerated velocity.

So it can be obtained:

$$(1) \quad G \frac{Mm}{r^2} = m \frac{v^2}{r} \Rightarrow v = \sqrt{\frac{GM}{r}}$$

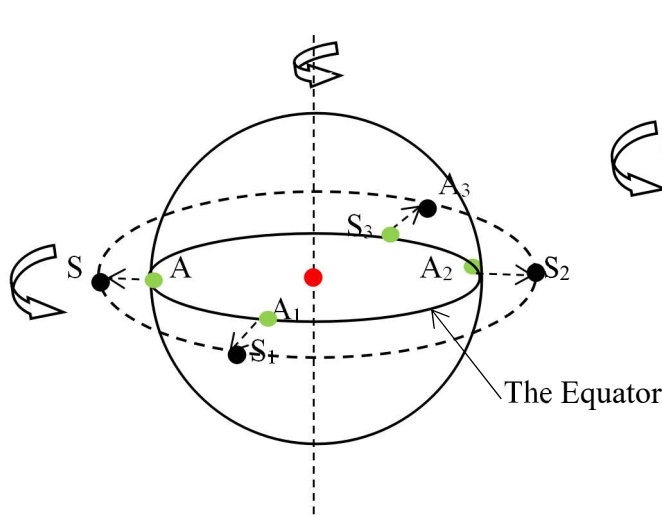
$$(2) \quad G \frac{Mm}{r^2} = m\omega^2 r \Rightarrow \omega = \sqrt{\frac{GM}{r^3}}$$

$$(3) \quad G \frac{Mm}{r^2} = ma \Rightarrow a = \frac{GM}{r^2}$$

$$(4) \quad G \frac{Mm}{r^2} = m \left( \frac{2\pi}{T} \right)^2 r \Rightarrow T = \sqrt{\frac{4\pi^2 r^3}{GM}}$$

Because ' $T$ ' and ' $\omega$ ' are known, the ' $r$ ', ' $a$ ', ' $v$ ' are fixed.

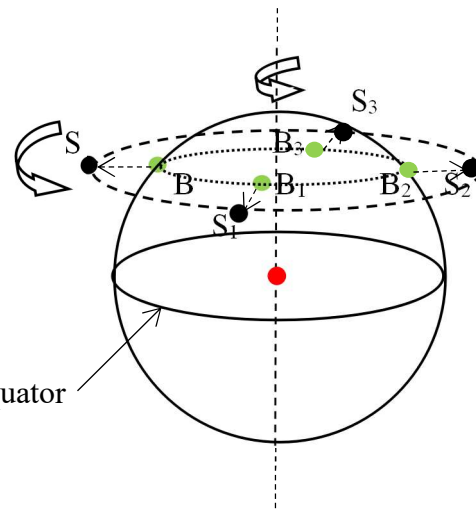
If the synchronous satellite does not settle above a certain point the equator and let's assume that it is above a point that is not on the equator, such as Beijing (which is not on the equator), its orbital plane does not cross the earth core. Because this situation does not exist for any satellite (which is proved above), the synchronous satellite can only be above the equator.



(‘S’:The synchronous satellite; ‘A’: a point on the equator; ‘B’: the position of Beijing)  
(A<sub>1</sub>, A<sub>2</sub>, A<sub>3</sub> and B<sub>1</sub>, B<sub>2</sub>, B<sub>3</sub> and S<sub>1</sub>, S<sub>2</sub>, S<sub>3</sub> are certain changing positions of those objects.)

**Figure 18: the synchronous satellite is above the equator.**

**Source: Author**



**Figure 19: The situation that the synchronous satellite is not above the equator does not exist.**

**Source: Author**

Because ‘a’, ‘v’ and ‘r’ are fixed and the synchronous satellites can only be above the equator, they can only be distributed on the fixed orbit. Because their ‘ $\omega$ ’ and ‘v’ are the same, normally there will not be collisions in the fixed orbit. In case of malfunction of certain satellites, the angular difference should be existed. The International Telecommunication Union regulated that the angular difference is  $2^\circ$  (ITU, 2011), so **the total number of the synchronous satellite is limited, which is  $360^\circ \div 2^\circ = 180$ .**

**So the resource of the synchronous satellite positions is rare.**

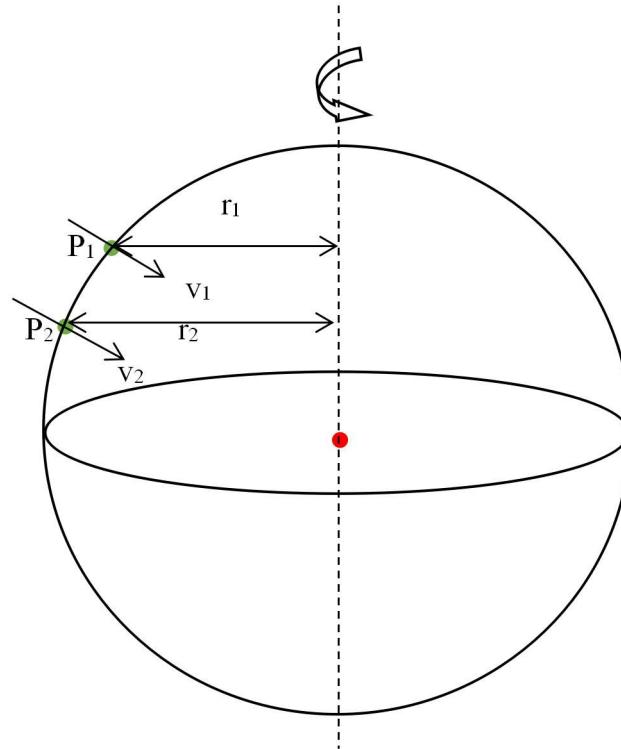
③ The lower latitude of the position that the satellite is launched, the fewer fuel needed.

Because the lower latitude of the position that a satellite is launched, the distance

to the axis is longer and then the tangential velocity is larger. If the satellite is launched in the same direction of the earth rotation, the speed of the earth rotation can be utilized. And the initial kinetic energy is bigger so less fuel is needed.

$$(5) \quad v = \omega \bullet r$$

$$(6) \quad E_k = \frac{mv^2}{2}$$



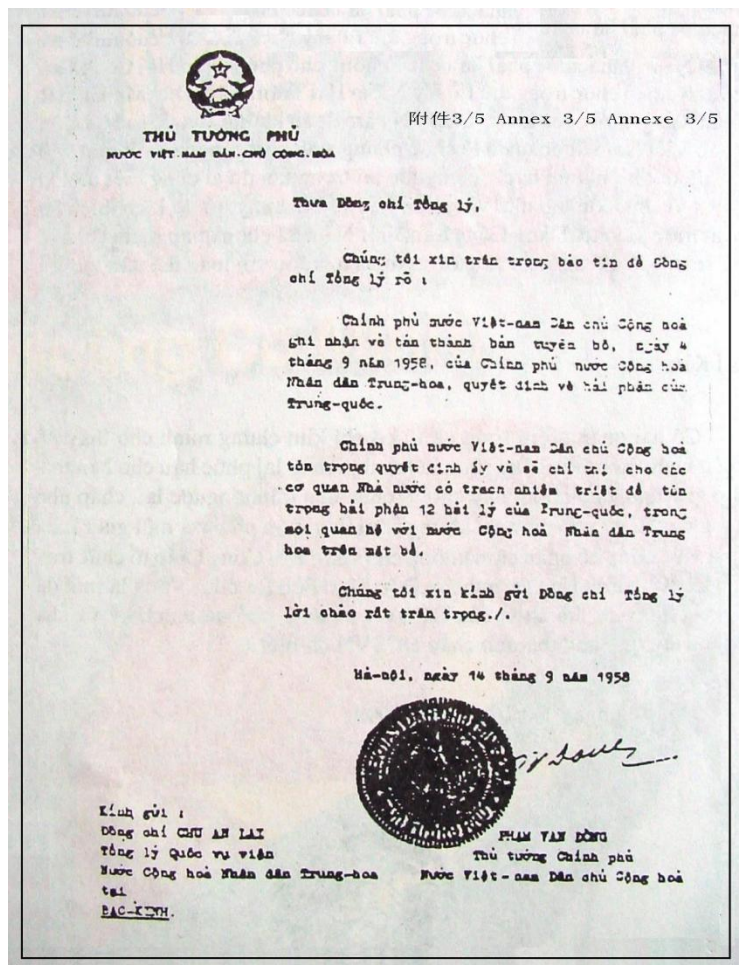
(P<sub>1</sub> is the launching site in the higher latitude, and P<sub>2</sub> in the lower; r<sub>1</sub> and r<sub>2</sub> are respectively the distance to the axis of P<sub>1</sub> and P<sub>2</sub>. v<sub>1</sub> and v<sub>2</sub> are respectively the speed of earth rotation in P<sub>1</sub> and P<sub>2</sub>. As r<sub>1</sub> < r<sub>2</sub> and ω is the constant, so the v<sub>1</sub> < v<sub>2</sub>. At last E<sub>k1</sub> < E<sub>k2</sub>.)

**Feature 20: The lower latitude where the satellite is launched, the fewer fuel needed.**

**Source: Author**

#### 4.2.2 Vietnam's Defiance and Resolution by Dialogue

In 1958, Fan Wentong, then-premier of Vietnam admitted and agreed the *Declaration on Territorial Waters* announced by PRC (referred to previous part 4.2.1 (1)).



**Feature 21: Vietnam's Diplomatic Note**  
**Source: iFeng, 2014**

**Translation** (iFeng, 2014):

Beijing  
 Comrade Zhou Enlai  
 Premier of PRC:

We solemnly inform you, comrade premier, that the government of Democratic Republic of Vietnam admits and agrees with Declaration on Territorial Waters published by PRC on September 4<sup>th</sup>, 1958.

The government of Democratic Republic of Vietnam respects this decision and will guide relevant departments to respect territorial waters of 12 nautical miles in case of conflicts with China.

Best Regard.

Fan Wentong  
 Hanoi, September 14, 1958

Although Vietnam is the ‘comrade’ and ‘friend’ of China, which is often cited by CPC and Chinese government, there still exists conflicts in SCS after the reach of Declaration on the Conduct of Parties in the SCS (DOC) in 2002.

<b><i>The Behaviors of Vietnam that infringed PRC's sovereignty</i></b>	<b><i>Interactions Between Heads of Two States</i></b>
<b><i><u>In 2004</u></i></b>	
In April, 2004, Vietnamese visitors and specially invited officials took the military transport ship to Nanwei Island the in Spratly Islands.	In May, 2004, Pan Wenkai, the-premier of Vietnam visited China. Both sides agreed to properly handle disputes. He proposed to build economic circle in Beibu Gulf.
In May, 2004, Department of Defense declared that Vietnam would permit foreigners to travel in the Spratly Islands.	In October, 2004, Wen Jiabao, then-premier of China visited Vietnam. Both sides agreed to abide by the DOC and to maintain stability in SCS.
<b><i><u>In 2005</u></i></b>	

In May, 2005, Vietnam hired Russian exploring boat to process geographic survey in SCS.	In July, 2005, Pan Wenkai attended the Second Greater Mekong Subregion Summit in Kunming.
	In July, 2005, Chen Liangde, then-chairman of Vietnam, visited China and both sides agreed to implement consensus on SCS, maintain the order of fishery and promote the exploitation in Beibu Gulf.
In June, 2005, armed ships surrounded and blocked up a boat of Sinopec, which processed engineering survey in the Paracel Islands.	In October, 2005, Hu Jintao, the-president of China, visited Vietnam and both sides were glad at the implementation of DOC and cooperation in Beibu Gulf.
<b><u>In 2006</u></b>	
---	In August, 2006, Nong Demeng, then-general secretary of Communist Party of Vietnam, visited China and both sides agreed to continue the cooperation with each other and Philippines in Beibu Gulf and hoped to finish demarcating in Beibu Gulf.
	In November, 2006, Hu Jintao visited Vietnam and in the joint declaration both sides agreed to cooperate on naval patrol, petrol exploitation, etc., in Beibu Gulf, and tried to maintain stability in SCS and look for certain area and mode to explore together.
<b><u>In 2007</u></b>	
---	In May, 2007, Ruan Mingzhe, then-chairman of Vietnam visited China and both sides agreed to cooperate in Beibu Gulf.
<b><u>In 2008</u></b>	
	In May, 2008, Nong Demeng visited China.
	In August, 2008, Ruan Mingzhe attended the opening ceremony of Beijing Olympic Games
	In October, 2008, Ruan Jinyong, then-premier of Vietnam, visited China.
<b><u>In 2009</u></b>	

In April, 2009, deputy secretary of communist party of Hanoi City led a team to visit the island that is occupied by Vietnam.	In April, 2009, Ruan Jinyong attended Bo’ao Forum and visited China. Both sides talked about the resolution on SCS.
In April, 2009, Vietnamese navy took visitors to go sightseeing in disputed area in Spratly Islands.	
In April, 2009, Dang Cong Ngu was nominated as Chairman of the area that Vietnam occupied in Spratly Islands.	
In May, 2009, Vietnam individually proposed its proposal to United Nations Commission on the Continental Shelf claiming its 3260 miles’ coastline and its sovereignty on the Paracel Islands and the Spratly Islands.	In October, 2009, Ruan Jinyong attended Western China International Fair and met with Wen Jiabao. Both sides talked about the resolution on SCS.
In July, 2009, Ruan Yueshun was nominated as vice-president of the area that Vietnam occupied in Spratly Islands.	
<u><b>In 2010</b></u>	
---	In October, 2010, Ruan Jinyong attended Shanghai Expo and visited China. And both sides said the demarcation in Beibu Gulf had been finished.
	In October, 2010, Wen Jiabao visited Vietnam and both sides decide to negotiate and reach an agreement on SCS.
<u><b>In 2011</b></u>	
On May 27, 2011, Vietnamese government said that Chinese patrol boats destroyed its oil tanker.	In October, 2011, Ruan Fuzhong, then-then-general secretary of Communist Party of Vietnam visited China.
	In December, 2011, Xi Jinping, then-vice president of China, visited Vietnam.
<u><b>In 2012</b></u>	
On June 21, 2012, the Congress of Vietnam passed its maritime law, in which the Paracel Islands and the Spratly Islands are under Vietnamese sovereignty and control.	---
<u><b>In 2013</b></u>	

	In June, 2013, Zhang Jinchuang, then-chairman of Vietnam visited China. Xi Jinping emphasized that the dispute on SCS should be resolved on political level and should not be internationalized and hoped that the bilateral relation should not be affected. Xi expressed that China would like to co-develop the area outside Beibu Gulf.
	In October, 2013, Li Keqiang, premier of China visited Vietnam and declared China's ambition to resolve the dispute on SCS peacefully and ability to guard its sovereignty in SCS.
<b><u>In 2014</u></b>	
In May, 2014, the sea drilling platform HD-981 was operated in the Paracel Islands but Vietnam declared it was in its EEZ and sent patrol boats near HD-981. Then China sent boats too and two parties was once in confrontation.	In October, 2014, Zhang Jinchuang attended APEC in Beijing and met with Xi. Both sides agreed to solve maritime disputes peacefully by negotiation.
<b><u>In 2015</u></b>	
In December, Vietnam protested China's flight test in the Spratly Islands.	In April, 2005, Ruan Fuzhong visited China and both sides agreed to control disputes in SCS and maintain the peace and stability in SCS together.
	In November, 2005, Xi Jinping visited Vietnam and he said that both sides should maintain stability in SCS, accumulate consensus and broaden their common interests in SCS.
<b><u>In 2016</u></b>	
---	In September, 2016, Run Fuchun, premier of Vietnam, visited China and said agreed with China that the SCS issue is the only problem in bilateral relation with China. Before, other issues could be negotiated only after the SCS issue was discussed, but Vietnam began to cooperate first while talking about the SCS issue. And he said that the SCS issue is not the whole aspect of the bilateral relations and both sides should build common security outlook together.

***Feature 22: Conflicts between China and Vietnam / Interaction between Heads of Two States***

***Source: Collections of Leader's Reports (Hu Jintao (2002-2012); Wen Jiabao (2002-2012);***

***Xi Jinping (2008-2017) and Li Keqiang (2008-2017)) and Regular Press Conference of Ministry of Foreign Affairs of PRC (2002-2017)***

It can be seen that Vietnamese government admitted PRC's sovereignty in SCS early in 1958 but there were still conflicts between two countries especially after the subscription of DOC in 2002. By exchanging ideas and negotiating between heads of two countries frequently, disputes were solved peacefully and successful, such as demarcation in Beibu Gulf, because several mechanisms were set up to ensure cooperation between two countries. Although as two socialism countries both led by communist party, there is still territorial dispute in SCS between China and Vietnam, cooperation and co-development are the mainstream. Thus it is possible to settle the dispute in the near future.

Apart from the reason of security dilemma or natural source for national interest, there is an inevitable reason that there are two political streams in Vietnam: pro-China and anti-China. So the internal politic is an important factor that made tensions between two states. And before certain cooperation mechanisms were set up, front-line personnel did not know how to recognize and handle disputes, which might cause confrontation. For Vietnam, it is necessary to consider how to keep balance between developing economy by trading with China and pacifying the rising nationalism and anti-China sentiment.

According to the General Statistic Office of Vietnam, from 2009 to 2015, China was the biggest import country and major but not the biggest export country. U.S. was the biggest export country.

Unit: Mill. USD

Year	Import from China	Proportion in total import	Export to China	Proportion in total export	Difference (Ex. - Im.)	Growth rate of difference
2009	15411.3	22%	5403.0	9%	-10008.3	-
2010	20203.6	23%	7742.9	10%	-12460.7	24.5%
2011	24866.4	23%	11613.3	12%	-13253.1	6%
2012	29035.0	25%	12836.0	11%	-16199.0	22%
2013	36886.5	27%	13177.7	10%	-23708.8	46%
2014	43647.6	30%	14928.3	10%	-28719.3	21%
2015	49458.0	30%	16567.7	10%	-32890.3	18%

**Feature 23: Vietnamese import from and export to China**

**Source: General Statistic Office of Vietnam - Statistical Data - No. 08 - No.10/No.15**

Unit: Mill. USD

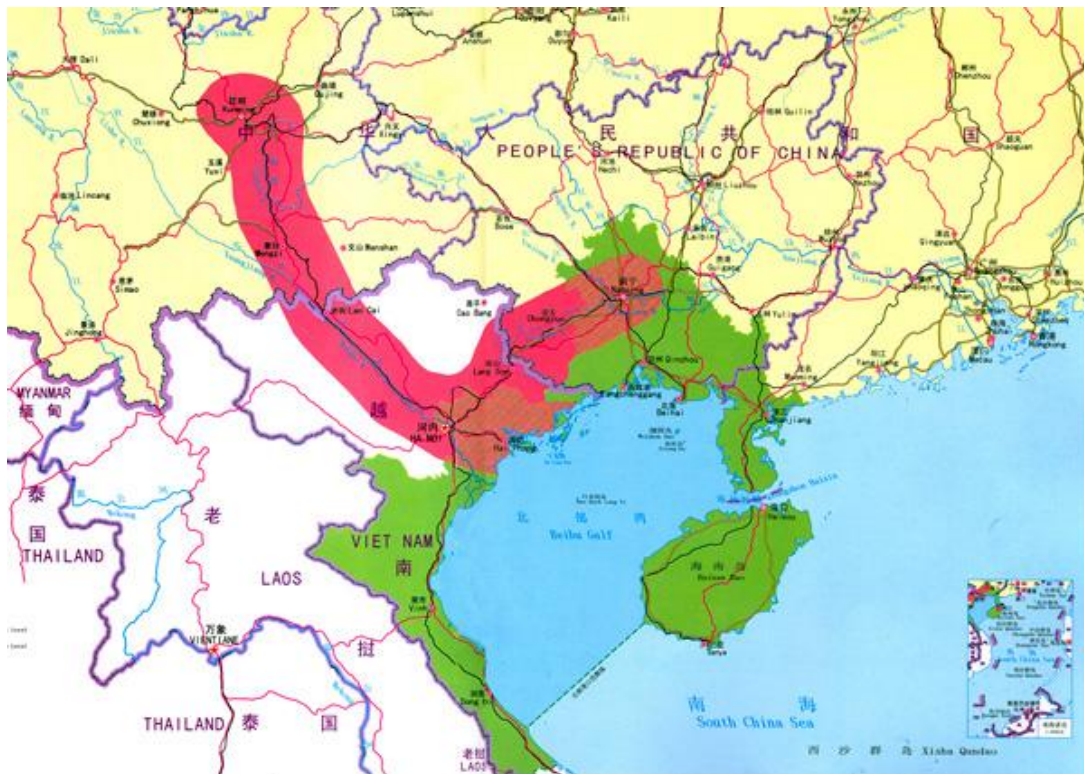
Year	Import from U.S.	Proportion in total import	Export to U.S.	Proportion in total export	Difference (Ex. - Im.)	Growth rate of difference
2009	2710.5	3%	11407.2	20%	8696.7	-
2010	3766.9	4%	14238.1	20%	9471.2	9%
2011	4529.2	4%	16955.4	18%	12426.2	31%
2012	4826.4	4%	19665.2	17%	14838.8	19%
2013	5223.8	4%	23852.5	18%	18628.7	26%
2014	6287.0	4%	28634.7	19%	22347.7	20%
2015	7785.0	7%	33451.0	21%	25666.0	15%

**Feature 24: Vietnamese import from and export to U.S.**

**Source: General Statistic Office of Vietnam - Statistical Data - No.08 - No.10/No.15**

According to the statistics, Vietnam's import from China and the proportion was steadily growing, while its export to China increased slowly and the proportion was always 10%. The difference between export and import shows that China is the beneficiary and its gain grew at a high speed from the bilateral trade with Vietnam, which is negative for Vietnam. Meanwhile, Vietnam's import from U.S. was always under 10% and grew slowly but its export to U.S. rated around 20%. The difference of bilateral trade between Vietnam and U.S. grew fast and Vietnam was the winner, which is positive for it. The amount of export to U.S. was 2 times as to China, which means more job opportunities for Vietnamese.

On the other hand, Vietnam positively participates in China's B&R and AIIB. China and Vietnam also make regional economic cooperation - 'Two Corridors and One Ring' initiative and the ASEAN Free Trade Area.



**Feature 25: Two Corridors and One Ring**

**Source: Xinhua News, 2015**

In sum, Vietnam links with land of China and shares Beibu Gulf with China and two countries have strong historical and cultural connections and the same social institutions led by communist party. Although there were disputes, some of those disputes have been resolved peacefully by dialogue. Politically speaking, China supports Vietnam on its socialism and economic cooperation outweighs their differences. So the challenge brought by Vietnam is not a threat for regional peace or the bilateral relations between two countries. For the disputed islands that should belong to China, it is possible to be resolved by negotiation in the future.

#### 4.2.3 Disputes with Philippines and Improvement of Bilateral Relations

The essence of disputes between China and Philippines in SCS is about the territorial sovereignty - islands and reefs in the Spratly Islands, that Philippine invaded and occupied. Meanwhile, with the development of the international law of the sea, the disputes evolved into delimitation problem in SCS. The boundary of Philippines is determined by three colonial treaties: (1) *Treaties of Peace* signed in 1898 by U.S. and Spain; (2) *Treaty for the Cession to the United States of Any and All*

*Islands of the Philippines Archipelago Lying Outside of the Lines Described in the Article III of the Treaty of Peace of December 10, 1898* signed in 1900 by U.S. and Spain; and (3) *Convention between the United States of America and Great Britain Delimiting the Boundary Between the Philippines Archipelago and the State of North Borneo* signed in 1930. According to the three treaties, the Spratly Islands and the Scarborough Shoal are not in the territory of Philippines (Bautista, 2008, 2009, 2010).

Since 1970s, Philippines invaded and occupied some islands and reefs in the Spratly Islands: Mahuan Island and Feixin Island in August and September 1970, Nanyao Island and Zhongye Island in April 1971, Xiyue Island and Beizi Island in July 1971, Shuanghuang Cay in March 1978 and Siling Rock in July 1980, and raised territorial claims. And then Philippines passed a series of laws to claim its territorial sea, EEZ and continental shelf, part of which overlaps with China's maritime rights. It also concocted many excuses to cover up its behaviour, such as 'trust territory', 'national security' consideration and 'effective control', but those claims have no historical or legal basis, trying to complicate the SCS issue (SCIO, 2016).

Later China and Philippines agreed to solve the SCS issue through negotiations, which can be seen in, for example, 1999 and 2000 joint statement. In 2002, China and ASEAN signed DOC, in which the parties solemnly '*undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea*' (Xinhua News, 2002). Afterwards, China and Philippine reaffirmed this, such as in 2004 and 2011 joint statement.

But in 2013, then-Philippine government unilaterally initiated the SCS arbitration case, which violated its agreement to settle SCS issue by bilateral negotiation. Because the two countries had chosen to settle disputes by negotiation before in many bilateral documents, which means excluding any third party procedure, like arbitration. (Article 280 of UNCLOS regulates that '*Nothing in this Part impairs the right of any States Parties to agree at any time to settle a dispute between them concerning the*

*interpretation or application of this Convention by any peaceful means of their own choice*’ and article 281 said that ‘*If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed to seek settlement of the dispute by a peaceful means of their own choice, the procedures provided for in this Part apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure*’.) Thus the tribunal has no jurisdiction and the arbitration does not make any sense for China.

In October, 2016, Duterte, the incumbent president of Philippines, visited China in high profile, which indicated the improvement of bilateral relations between the two countries. Duterte met with Xi Jinping and other members of standing committee of the political bureau of CPC. China and Philippines signed the joint declaration and 13 cooperation agreements, in which Philippines gained 13.5 billion investment. The SCS issue was also made progress: (1) China insisted on negotiating by dialogue in a peace way, but not by force; and (2) China permitted Philippines to fish near the Scarborough Shoal, as an appropriate arrangement on the base of friendship of two countries. Those would help Duterte raise domestic poll rating and build an image of a ‘strong’ man who could talk with powers. As one of the most concerned problem, Duterte and Xi arrived at an understanding that China not only permitted Philippine fishermen to catch fish near the Scarborough Shoal, but also would provide them with artificial breeding training to guarantee their livelihood (World News, 2016 November 21).

On April 26, 2017, in the ASEAN summit held in Manila, it was highly possible that the SCS issue would be raised because Philippines was the rotating presidency and U.S. expressed that it would raise the issue when foreign ministers of ASEAN met in Washington shortly after the summit. But on the opening ceremony, Duterte emphasized that any dispute should be resolved on the basis of mutual respect and benefit and he did not explicitly refer to the SCS issue. And in the ‘presidential statement’ after the summit, even China and the SCS issue were not mentioned (Hua, 2017). All of those happened in the summit indicated that ASEAN would try to repair

relation and strengthen cooperation with China (World News, 2017 May 3).

Since 2000, Philippine and U.S. holds military exercises, called Balikatan ('shoulder to shoulder' in English), every year, which aimed at enhancing coordinate operation capacity. But after Duterte took office, the Balikatan was changed from military exercise to humanitarian aid and emergency rescue. And the territorial defence was not a priority in the exercise. On May 8, 2017, the exercise took place outside SCS for the first time, which can be seen as a signal that Philippines wanted to repair damaged relations with China and to maintain peace in SCS (World News, 2017 May 14). On April 30, 2017, PLA Navy visited Philippines and Duterte stepped onto one of warships (CCTV, 2017 May 1).

### 4.3 U.S. Intervention

#### 4.3.1 Pressure of Diplomacy and Public Opinion on China

Earlier in the summer of 2014, U.S. government and media focused on the artificial island construction by China in SCS. In May 2014, Chuck Hagel (2014), U.S. then-Secretary of Defense, expressed his concern about China's land reclamation in SCS, which was thought to be adverse to the stability of this region, in the Shangri-La Dialogue held in Singapore. Press had reported on the issue of the island reclamation, such as *New York Times* (Wong & Ansfield, 2014), *The Wall Street Journal* (Moss, 2014) and the *Bloomberg News* (Guinto, 2014).

In 2015, U.S. continued to oppose to the island reclamation in SCS and tried to create the fact that China would change the *de facto* situation of SCS by construction and asked China to stop related activities. On 19 March, several senior members of Senate signed a letter to Carter, then-Secretary of Defense and Kerry, then-Secretary of State and said that China was changing the scope, structure and physical feature of islands and reefs to make substantial change of *de facto* situation in SCS, which was a direct challenge to U.S. interests in this region and also to the interests of international society. They asked U.S. government to take action as a response (Mc Cain, John, Jack Reed, Bob Corker & Bob Menendez, 2015). On 13 May, in a hearing held by Senate concerning SCS, David B. Shear, associated Secretary of Department of

Defense, said that although other dispute parties also processed the island reclamation or construction, China had filled 2000 acre's land from 2014, which was over the total area of other parties. China's behaviour would threaten regional security and the *de facto* situation of SCS after DOC (Senate website, 2015). On May 30, Carter expressed that U.S. concerned about the speed, scope and possible militarization of island reclamation and the risk of miscalculation and conflicts between claimants. He criticized that China's behaviour was incongruous with international norms in Asia-Pacific and also against the consensus of anti-coercion and focusing on diplomacy and urged disputed parties to stop island reclamation forever (Carter, 2015). In August, in the report *The Asia-Pacific Maritime Security Strategy: Achieving U.S. National Security Objectives in A Changing Environment* by Department of Defense (2015), it was pointed out that China could cast its power on SCS by island reclamation to strengthen the power of law enforcement and the naval existence. By those activities, China unilaterally changed the physical feature of this area, which was an obstacle to relieve the regional tension. This report prompted all dispute parties to stop filling the sea, building facilities and militarizing islands.

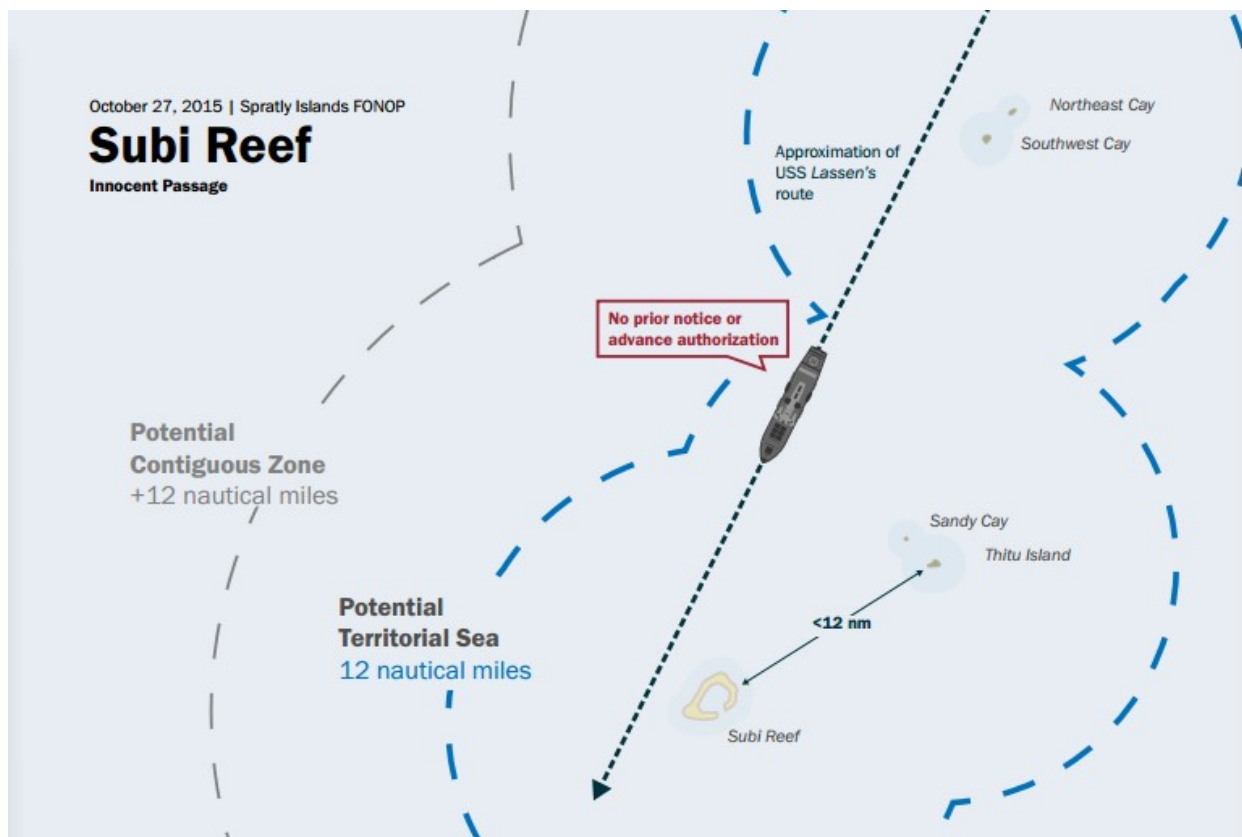
In 2016, U.S. reinforced its focus on its so-called militarization of islands in SCS. On February 23, in the meeting between Kerry and Wang Yi, China's minister of foreign affairs, Kerry emphasized that U.S. called for suspension of the expansion and the militarization of islands, which was beneficial for all parties. U.S. also encouraged the settlement of land and maritime disputes under international law through bilateral or multilateral talks or by international mechanism such as arbitration (Kerry, 2016). On April 8, Carter (2016) said in a speech on the Council on Foreign Relations, that China's behaviour in SCS was causing regional tension and the Asia-Pacific countries were worried about militarization and China's behaviour especially in the last one year because the its scope and scale exceeded any other countries.

On May 23, on Obama's first visit to Vietnam, both sides agreed to strengthen cooperation on security and defense and expressed their deeply concern on SCS. They thought that the recent development in SCS caused tensions, corroded trust and threatened peace, security and stability. It was significant to protect the freedom of

navigation and overflight and to safeguard legal business activities. Both sides called for demilitarization and self-restraint in settlement (The White House, 2016).

#### 4.3.2 Direct Intervention in the Disputes

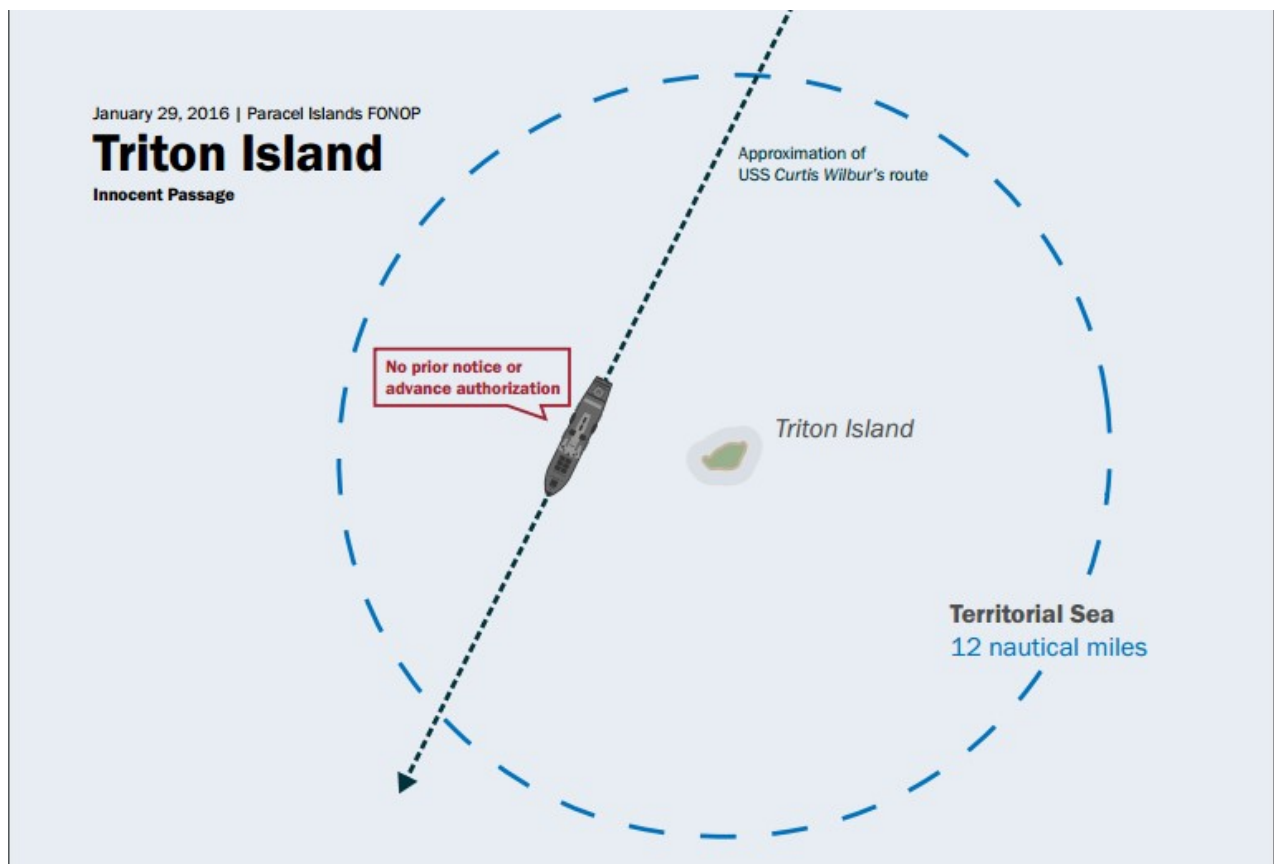
Meanwhile, U.S. sent naval vessel and airplane into disputed waters. On May 11, 2015, U.S. dispatched the advanced USS Fort Worth to approach Nanwei island, one of The Spratly Islands, to express its concern of SCS. On May 20, U.S. sent the most advanced Maritime Patrol P8-A to fly over the islands under construction for the first time and also invited journalists from CNN with them to report the islands reclamation by live broadcast and the ‘sharp dialogue’ between navies of two countries (Sciutto, 2015). But one month later, after the meeting between two presidents, U.S. Navy destroyer USS Lassen went within 12 nautical miles of Subi Reef in The Spratly Islands. It was the first time that U.S. navy entered within 12 nautical miles of the islands under China’s actual control, which heightened international attention.



*Feature 26: USS Lassen entered within 12 nautical miles of the Subi Reef*

*Source: Freund, 2017:34*

In 2016, U.S. increased the frequency of patrols in SCS. On January 29, U.S. Navy destroyer USS Curtis Wilbur conducted their-so-called innocent passage within 12 nautical miles of Triton Island in The Paracel Islands. On April 19, four American A-10 Thunderstreaks and two HH-60 helicopters took off from airbase in Philippine and flew to the area around Scarborough Shoal. U.S. air force said that it was performing in international airspace and provided information of the space and the sea (Lubold, 2016). In March and April, USS John Stennis entered disputed waters for two times. After his temporary cancellation of visit to China, on April 15, Carter said on the aircraft carrier which took part in the U.S.-Philippine joint drill, that China's behaviour in SCS was disturbing and aggravated regional tension. Asia-Pacific countries, whether allies or not, were turning to U.S. for help and U.S. was making response. U.S. was investing into defensive technology and would continue freedom of navigation anywhere allowed by international law (Carter, 2016).

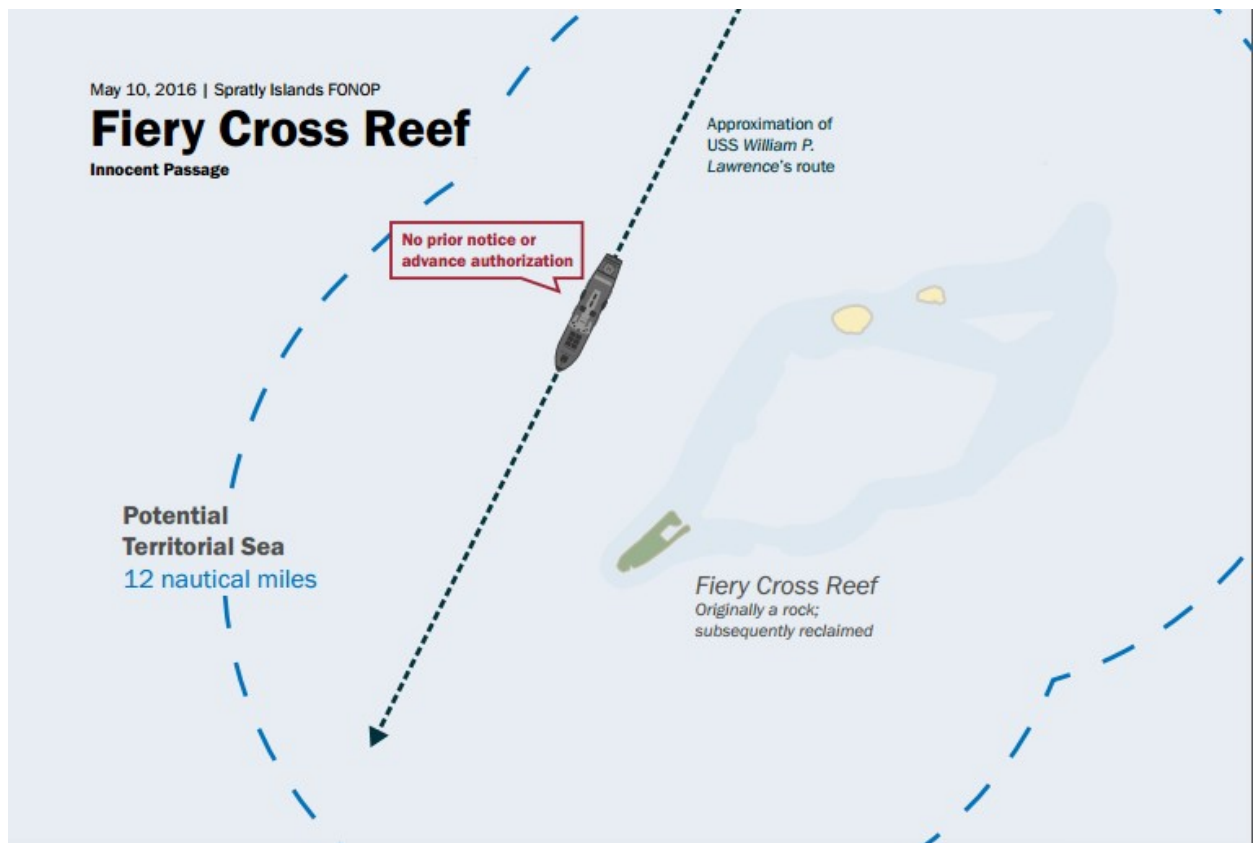


**Feature 27: USS Curtis Wilbur entered within 12 nautical miles of the Triton Island**

**Source: Freund, 2017:37**

On May 10, USS William P. Lawrence (DDG-110) entered within 12 nautical

miles of Fiery Cross Reef. U.S. Department of Defense claimed that this activity aimed at guarding the interests and freedom that all countries should enjoy according to international law and at challenging some excessive claims by some claimants. On July 13, Kurt M. Campbell, then-assistant Secretary of State handling Asia-Pacific affairs, and Dennis C. Blair, then-Pacific Command, said in a hearing held by Council On Foreign Relations of Senate, that except for urging China to accept the arbitration result, U.S. should take FON activity in SCS regularly (Senate, 2016).



**Feature 28: USS William P. Lawrence entered within 12 nautical miles of Fiery Cross Reef**  
**Source: Freund, 2017:39**

#### 4.3.3 Deepening Military Cooperation with Philippine and Vietnam

U.S. focused on deepening and broadening the military cooperation with Vietnam, Philippine and other dispute parties, which reflects that U.S. intervened in regional dispute. In May 2015, Cater (2015) promised that Department of Defense would provide 425 million dollars to Asia-Pacific countries including Philippine and Vietnam. There was a special section 'SCS Initiative' (Section 1263) in the *National Defense Authorization Act for Fiscal Year 2016* (Congress, 2015) signed by Obama. It

was regulated clearly that U.S. would provide 50 million dollars in fiscal year 2016 to Vietnam, Philippine, Malaysia and other Asia-Pacific countries for improving maritime defensive ability and would provide maritime security training. And the financial aid every year afterwards would be decided by Congress depending on the security situation.

In April, 2014, Obama visited Philippine and both sides signed *Enhanced Defense Cooperation Agreement* (EDCA), in which it is ruled that U.S. army can train in rotation in the base in Philippine and U.S. provides humanitarian aid and disaster mitigation help in return. Also U.S. would train Philippine army and support its military's modernization. Meanwhile U.S. also give technical support, training and devices to develop Philippine navy through Global Security Contingency Fund (The White House, 2014).

On November 11, 2015, Obama revisited Philippine during APEC and gave a speech on the naval vessel Gregorio del Pilar. He emphasized the traditional friendship and military alliance between two sides and declared to offer two warships for improving its ability to maintain maritime security (Hennessey & Lederman, 2015; Tiezzi, 2015). On November 25, Obama signed the *National Defense Authorization Act for Fiscal Year 2016*, in which 42 million dollars, rating 85% of 50 million dollars, was invested into Philippine (Eckstein, 2016; Carter, 2016). In January, 2016, the Supreme Court of Philippine approved the EDCA. In March, Philippine government agreed to reopen five military bases to U.S., including one biggest army base and four air force bases and U.S. can use those for training, drill or other activities. The base on Palawan Island is near SCS (Whaley, 2016). In April, U.S. sent USS John Stennis into SCS for the joint-drill and the first joint-patrol. Carter and Voltaire Gazmin, the Philippine's secretary of defense, stepped onto the aircraft carrier together.

Although after Duterte took office, its foreign policy is more 'independent' and the U.S.-Philippine relation seems to be changed, Carter emphasized in a speech on September 29, 2016, that the relation between two countries is indestructible and through the EDCA, the armed force of Philippine is strengthened with U.S. support (Carter, 2016).

From the establishment of the comprehensive partnership between U.S. and Vietnam in 2013, the relation between the two countries is closer. In July, 2015, Ruan Fuzhong, visited U.S. and declared to strengthen cooperation on maritime security, arms sale and defensive technology for long term by signing the *United States - Vietnam Joint Vision Statement* (The White House, 2015), in which both sides express their concern on SCS. They agreed that all the activities guarding the freedom of navigation and overflight and maintaining maritime security accord with international law and they agreed to resolve differences peacefully.

According to the statistics provided by U.S., it had provided 45.7 million dollars' financial aid to Vietnam for improving its ability of maintaining maritime security. Meanwhile, the Department of Defense offered assistance to Vietnam, Philippine and other Asia-Pacific countries through Cooperative Threat Reduction Program and Asia-Pacific Maritime Security Initiative Fund. Otherwise, U.S. provided 18 patrol boats and other devices on Vietnam's request (The White House, 2016).

On May 24, 2016, Obama visited Vietnam and declared to release the comprehensive arms embargo. Obama said that although U.S. is not a claimant of SCS issue, it will continue to guard the freedom of navigation and supported other countries to do so (The White House, 2016).

## **V. Conclusion**

It can be concluded that:

1. The SCS is an important and significant area, with several countries around it. Because the energy and resource in SCS, countries around it fight for the resource and energy, which is for national interests.
2. The SCS is also an important and significant trade route in the world. A considerable portion of world trade and shipping go across SCS. So it is important to make sure FON of these ships.
3. China claims historic title over SCS and established Sansha city. Then it began land reclamation and both civil and military installations were built on several islands

in SCS. Both military and civil planes can take off and land in those islands. The life of people on those islands can be ensured and humanitarian aids can be carried out immediately for the ship in SCS. Meanwhile China can maintain the security of its sovereignty in SCS as it claims and the security of Wenchang launch site, which is based on the sea power theory.

4. Although Vietnam is the ‘friend’ and ‘comrade’ of China, it fought for its maritime right by claiming EEZ in SCS on the base of UNCLOS. Conflicts with China happened but those conflicts were solved by negotiating from leaders of two countries, which proves the method of bilateral negotiation between directly relevant countries is the best to solve the problem in SCS proposed in DOC. At last economic cooperation is the main stream and disputes are shelved.

5. As an ally of U.S., Philippines also fought for its maritime right by claiming EEZ in SCS on the base of UNCLOS. Although the conflicts between Philippines and China are not mentioned in this paper, but existed. Philippines want to internationalize the SCS issue by unilaterally initiating the arbitration, while the tribunal has no jurisdiction according to UNCLOS because both countries agreed to negotiate bilaterally. After Duterte took office, he changed strategy and began to repair the relation with China and economic cooperation is still the main domain.

6. As an external country and non-claimant state, U.S. hopes the SCS issue to be internationalized, like by arbitration, so it can intervene fairly and reasonably. U.S. put pressure on China from the aspects of diplomatic and public opinions and U.S. domestic opinion on executing FON program is strong. U.S. still provides military aid to Vietnam and Philippines and holds joint military drill with the two countries and stations in some bases near SCS.

7. According to ‘security dilemma’, the invasion and occupation of some islands by Vietnam and Philippines can be understood. Because the reclamation speed of China is fast and several airports have been built in SCS, which is like several unsinkable aircraft carriers, and the speed is faster than Vietnam and Philippines and the power of China’s bases is much stronger than any of bases made by Vietnam and Philippines. The two countries felt afraid to be attacked so they made some behaviour,

like invasion or occupation. On the one hand, these behaviour can calm people of anti-China in their domestic politic, and on the other hand, these behaviour can defend themselves to certain extent. Meanwhile, they cooperate with U.S. on military, they can pass burdens to U.S. according to the realist theories of alliances.

8. U.S. always appears as the ‘world police’ and it wants to maintain order in SCS. On one hand, the SCS has significant meaning in world trade and on the other hand, it can suppress China, which is on rise, by FON program. It is not discussed here whether warship can enjoy FON in SCS because China has the legislation that warships cannot but UNCLOS does not regulate clearly and only said the regulations of coastal countries should be respected. U.S. must certainly know this. What they ‘bargain’ in SCS is the contest of powers from the perspective of realism.

9. China aims to build a maritime supremacy and at least guards its sovereignty that it claims in SCS. Although the disputes are shelved in ASEAN, necessary treaties should be made in order to solve disputes on the level of international law. For the Sino-U.S. relation, it is better to negotiate. Negotiation is the best way and low-cost way to solve those problems.

10. The problem proposed at the beginning of the paper has been answered: territorial disputes under the pretext of law and U.S. intervention by acting like the ‘world police’.

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