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Confronting China in the South China Sea

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OF THE REQUIREMENTS FOR THE DEGREE OF
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Table of Contents

Disclaimer	iii
Executive Summary	iv
Preface	v
<u>Part I - Introduction</u>	1
<u>Part II - Geographic and Economic Significance of the South China Sea.....</u>	3
<u>Part III - Legal Foundations for Maritime Claims in the South China Sea.....</u>	7
Step 1 – Establish Sovereignty	8
Step 2 – Characterize the Land Features.....	10
Step 3 – Apply the Maritime Jurisdiction.....	13
<u>Part IV - China's Interests and Claims in the South China Sea</u>	15
<u>Part V - China's Actions and Strategy in the South China Sea.....</u>	18
Section 1 - The Paracel Islands.....	18
Section 2 - The Spratly Islands	21
Section 3 - The Greater South China Sea	24
The Insincerity of “Joint Development”	25
The Sincerity of South Sea Fleet Development	25
Intimidation of Foreign Warships.....	27
Intimidation of Foreign Hydrocarbon Exploration Ships.....	28
Intimidation of Foreign Fishing Ships	34
<u>Part VI - The Inconsistency Between US Interests and Strategy.....</u>	37
Section 1 - US Interests and Strategy	37
Section 2 - The Mismatch.....	40
<u>Part VII - Recommendations.....</u>	42
<u>Part VIII - Conclusion.....</u>	47
Bibliography	50

Table of Figures

Figure 1 - South China Sea claims.....	2
Figure 2 - The South China Sea.....	3
Figure 3 - South China Sea Shipping Routes.....	4
Figure 4 - The Vietnam-China Equidistance Line Relative to the Paracel Islands	14
Figure 5 - Vietnam's Hydrocarbon Exploration Blocks.....	31
Figure 6 - Haiyang Shiyou Locations	33
Figure 7 - Area of Chinese Fishing Ban	35

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Executive Summary

Title: Confronting China in the South China Sea

Author: Major Eric Danielsen, United States Air Force

Thesis: This paper argues that US and Southeast Asian relations with China are nearing a critical juncture at which the former two must either acquiesce to Chinese maritime imperialism, or change their strategies to compel China to conform to international laws that govern maritime affairs.

Discussion: The South China Sea (SCS) is an immensely rich maritime resource, and those states that form its rim covet its bounty dearly. Its largest resident, the People's Republic of China, has claimed "indisputable sovereignty" over almost all of it. China's claim clearly disregards the sovereignty of the Southeast Asian nations and their more modest claims, and it has evaded efforts to resolve the disputes. In addition, China has expanded its civil and military maritime forces in the SCS. This strategy has provoked and intimidated China's neighbors, who have sought US assistance in securing their claims and secured access to the international commons.

Conclusion: With or without US intervention, the SCS rim states will soon settle upon a new status quo that corrects for a more assertive, powerful, and resource-hungry China. If the United States seeks a favorable outcome, it must first compel the Southeast Asian states to resolve their own disputes and present a united front in their attempt to coerce China to negotiate a reasonable, legal solution.

Preface

Three influences compelled me to study the South China Sea. First, the US security rebalance to the Asia-Pacific caused me to reevaluate my own readiness for military operations in that region. Second, the emerging joint concept of Air-Sea Battle demands that the Nation's air and maritime components be prepared to plan, execute, and analyze joint anti-access area denial operations in, on, and above the seas. Many official publications on the concept omit references to specific regions, but the "rebalance" suggests that the contentious seas around East Asia are high priority. Finally, as a Marine Corps University student, I felt obliged to study an operational area that may involve future amphibious operations. In summary, I chose this topic because I knew too little about US security priorities and options in the Asia-Pacific, an area of increasing importance.

My preliminary research revealed that many writers viewed China's increasing assertiveness in the East and South China Seas as sources of growing regional conflict. I did not intend to argue in favor or condemnation of any particular government or interest. Rather, I only sought to understand the perspectives of the concerned parties. Along the way, however, my research convinced me to focus specifically on the South China Sea, as it appeared to present the most complex dangerous international security dispute in the region.

The paper concentrates on the divergence between Chinese actions in the South China Sea and the international law that most pertains to the South China Sea disputes. This gap appeared to be the root cause of the major South China Sea tensions. The product of my research was both illuminating and disturbing, but it is far from complete. For example, this paper does not directly characterize the contributions to conflict stemming from actions by Vietnam, Taiwan, the Philippines, Malaysia, Brunei, or the United States.

Many faculty members, friends, and family members have helped me in the research and writing of this paper. I would like to thank my thesis advisor, Dr. William Gordon, for his entirely unwarranted confidence in my research, writing, and analytic skills. In addition, I am grateful to my military faculty advisor, LtCol Micheal Russ for his empathetic ear and words of encouragement as I attempted to capture an impossibly large topic into a should-have-been 20-page paper. Finally, I would like to thank my family for tolerating my absence for countless weekends and nights. Without everyone above, this thesis would have been an impossible task.

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Part I - Introduction

The South China Sea (SCS) is an immensely rich maritime resource, and those states that form its rim covet its bounty dearly. They rely on its fish stocks, seek its hydrocarbon reserves, and depend on its commercial sea traffic. Unfortunately for some of its residents, the status quo is changing rapidly and irreversibly.

The status quo in the SCS is untenable for one reason: The People's Republic of China (China) is following a strategy of measured brinksmanship to reclaim the assumed SCS maritime dominion of the former imperial Middle Kingdom. China's strategy spans from peaceful to belligerent, open to discreet, and legal to illegal, ultimately manifesting in a gradual race to control waters and dominate land features. If it progresses unhindered, China will soon present its co-claimants with a *fait accompli*: China's undisputed sovereignty over the SCS (see Figure 1 - South China Sea Claims for a depiction of the extensive overlap in China's claims).

Several Southeast Asian governments dispute China's maritime claims and have daringly sought to strengthen their own claims in the SCS despite their constraints of limited navies, relatively few resources, and the economic intimidation of their northern neighbor. For its part, China has demonstrated a talent for avoiding serious confrontation with these co-claimants by agreeing to a series of multilateral agreements, each amounting to an indecisive procrastination to eventually resolve the disputes diplomatically.

The United States is mainly interested in the SCS disputes because they threaten the stability of the region. Specifically, China's general disregard for international law threatens the prospects of peaceful resolution. More broadly, however, China's perception of its maritime jurisdictions and sensitivity to foreign warships threaten freedom of navigation and the rule of law in the region.

This paper argues that US and Southeast Asian relations with China are thus nearing a critical juncture at which they must either acquiesce to China's maritime imperialism, or change their strategies to compel China to conform to international laws that govern maritime affairs. If the US and Southeast Asian governments succeed, the status quo will adjust to new power realities, but the SCS will continue to provide for the nations that form its rim. If they fail, China will eventually dominate the entire SCS, threatening its neighbors' livelihoods, regional peace, and respect for international law. There appears to be no middle ground.



Figure 1 - South China Sea Claims¹

Part II - Geographic and Economic Significance of the South China Sea

The SCS occupies an important position along Asia's southeastern rim. It lies nearly equidistant between the petroleum-rich Arabian and Persian economies to its west and the industrially rich Asian economies to its north and northeast. Its waters offer an efficient maritime detour around the geologically and politically forbidding terrestrial expanses between Southwest Asia and East Asia. The SCS also connects the Indian Ocean on its western flank with the Pacific Ocean on its eastern flank. Astride these two economically bustling oceans, the SCS acts as a conduit for long-distance commercial sea trade.²



Figure 2 - The South China Sea³

Several landmasses enclose the SCS's shallow basin, constraining any transiting maritime traffic to a few straits and linear sea lanes. To the west, the Straits of Malacca funnel shipping to and from the Indian Ocean. Further south, Indonesia's Selat Karimata waters give access to the Java Sea, the southern Indonesian islands, Australia, and New Zealand. To the northeast, the Taiwan Strait channels traffic to and from China's industrial northeast, the Korean Peninsula, the Russian Far East, and Japan. Through the gap between the Republic of China (Taiwan) and the northern Philippine island of Luzon, flows even more traffic to and from the Japanese east coast and North America. The SCS thus presents itself as a junction of maritime thoroughfares connecting several of the world's largest economic powerhouses.



Figure 3 - South China Sea Shipping Routes⁴

Economists estimate that more than half of the global tonnage—approximately 8.4 million tons—of maritime trade passes through the SCS annually.⁵ By comparison, this amounts to three times that which traverses the Suez Canal and fifteen times that which transits the

Panama Canal. The shipping contents consist of petroleum, natural gas, raw materials, and finished products; the energy shipments alone include an estimated 80 percent of the Chinese, 80 percent of the Taiwanese, 66 percent of the South Korean, and 60 percent of the Japanese energy imports.^{6,7} In total, roughly one-fourth of the entire world's trade sails through the SCS every year.⁸ However, when it comes to the geographic importance of the SCS, more than just the international sea lanes matter.

The SCS sustains the lives and livelihoods of a substantial portion of the 600 million people in Southeast Asia that live near its shores.⁹ Among all the resources they extract from the SCS, fish are among the most important. Year-round, several large rivers empty their continental nutrients into the relatively shallow and warm tropical waters of the SCS, making it one of the world's richest fishing grounds. Its fishing stocks include tuna, mackerel, and scad, all of which migrate or roam across any possible maritime boundaries one might apply. The abundance of fish is so great that it has sustained the necessary protein required for Southeast Asia's recent economic and population growth.¹⁰ In Vietnam, for example, half of the population's protein intake comes directly from SCS fish.¹¹ Furthermore, between 2012 and 2015, the entire Southeast Asian fish intake (excluding China) is expected to have grown from 18 million tons to 21 million tons. China's intake, by contrast, is expected to continue dwarfing that of its southern neighbors with an estimated 38.6 million tons in 2015.¹² The fishing industry thus sustains the nutritional and occupational needs of millions of citizens of SCS states.

Another important resource of the SCS is its hydrocarbon reserves. Some in China have referred to the SCS as "the second Persian Gulf," citing an estimated total volume of 130 billion barrels of petroleum beneath its seabed, which would make it second only to Saudi Arabia in total petroleum reserves. While many industry professionals are skeptical of China's estimates,

the hydrocarbon industry has thus far proven the existence of at least seven billion barrels.¹³ In addition, some areas in the north show signs of containing large reserves of natural gas, although market prices have not yet reached a point at which their extraction is affordable.¹⁴ Vietnam, once again, provides an exemplary indicator of the growing importance of this SCS resource; by 2010, PetroVietnam, the country's largest petroleum corporation, had so expanded its SCS extraction operations that its revenues accounted for approximately 20 percent of the nation's gross domestic product and nearly 30 percent of the government's tax revenue.¹⁵ Many scholars credit the discovery and speculation of hydrocarbon reserves in the SCS as motivators for recent increased tensions in the SCS.

The SCS also supports several fringe markets, including guano and tourism. The total area of landmass within the SCS is quite small, making every island and islet a potential rest stop for migratory birds. Over millennia, their waste has accumulated to up to one meter in depth, making this a limited resource whose extraction will likely diminish over time. On the other hand, tourism may prove to be a growth industry. In fact, China is actively promoting ecotourism on Woody Island, including sailboat racing and SCUBA diving.¹⁶ These latter fringe markets may have relatively little economic influence compared to fish and hydrocarbons, but they do reveal one scarce and politically priceless item in the SCS: islands.

The SCS is home to just three main island groups, or archipelagos: the Pratas Islands in the northeast near Taiwan, the Paracel Islands in the northwest near China's Hainan Island, and the Spratly Islands in the southeast near the Philippines, Brunei, and the Malaysian provinces on Borneo. The Pratas Islands are currently under Taiwanese control, but due to their relative economic insignificance, proximity to China, and China's claim to Taiwan, there is relatively little conflict concerning them.¹⁷ By contrast, the Paracel Islands lie nearly equidistant from the

shores of Vietnam and China. They sit amid expansive hydrocarbon fields and attract large fish stocks, making their ownership one of the most hostile maritime disputes in the SCS today.¹⁸

The most resource-rich of all SCS islands, however, are the Spratlys, and their more central position in the SCS has allured overlapping claims from Vietnam, China, Taiwan, the Philippines, Malaysia, and Brunei.¹⁹ The control of the Spratly Islands may be the most complex of all maritime disputes in the SCS.

The combination of the above geographic factors—the SCS’s regional position, its narrow straits and sea lanes, its economic importance, and the presence of resource-rich islands—drive a natural competition among the states that rim the SCS. In recent years, this competition has become so fierce, that many of its participating governments and external concerned parties, including the United States, are looking to international law and regional agreements to avoid regional conflict.

Part III - Legal Foundations for Maritime Claims in the South China Sea

From a legal perspective, the SCS disputes stem from disagreements over the exact locations of coastlines, maritime boundaries that extend from those coastlines, the sovereignty of islands, and the maritime rights of the waters surrounding those islands. While no single international law governs these disputes, sufficient international law exists to resolve all of them in an orderly sequence. Furthermore, the SCS disputants have all signed and ratified the necessary laws to guide their disputes expeditiously to a peaceful resolution. This section of this paper outlines these legal regimes and introduces some of the actions that disputants taken that deviate from them.

Step 1 – Establish Sovereignty

The SCS states must take three sequential steps to legally resolve their maritime disputes. The first step is to establish sovereignty over the disputed land features throughout the SCS.^{20,21} This step is likely the most difficult of all because the international community lacks specific legislation that dictates exactly how a community of states should establish sovereign boundaries.²² To fill that void, however, the international community relies on “customary international law.” The International Court of Justice (ICJ) describes customary law as the application of “international custom” in its deliberations and decisions on international disputes.²³ In other words, sovereignty decisions should be based on established and consistent state practices that convey a sense of legal obligation to the ICJ or other international legal bodies.²⁴ Such practices are also known as “international norms.”

Customary law recognizes several methods of establishing sovereignty over geologic features. First, a state may invoke the doctrine of “discovery,” claiming to have been the first discoverers of a territory or geologic feature to which no other nation had ever laid claim. Both China and Vietnam use this doctrine throughout the SCS, each claiming to be the national heirs to the first SCS seafarers to have discovered its many features.²⁵ For example, in 1991, Chinese President Yan Sheng Kun claimed Chinese sovereignty over the whole of the Parcel Islands, arguing that China first discovered them during China’s ancient, imperial past.²⁶ Unfortunately, for both China and Vietnam, customary law also requires evidence and the consent or acquiescence of neighboring states.²⁷ In fact, if any claimant disputes another’s discovery-based claim and insufficient evidence exists to resolve the matter, then discovery doctrine alone cannot solve the sovereignty dispute.

A state may also invoke the doctrine of “occupation,” claiming to have been the most consistent nation to occupy a disputed territory or feature. This doctrine also requires evidence, ideally in the form of a proven continuous presence on and demonstrated acts of administration over the disputed area or feature.²⁸ Again, several SCS states have used this doctrine to justify their claims, but all have fallen short in presenting evidence that they have maintained an uninterrupted presence and administration. One recent historical reason for this stems from the Japanese military control over much of the SCS in the 1930s and 1940s. The Japanese disrupted the occupation, exploitation, and administration of many of the now-disputed islands, and the victors of the Second World War arguably failed in their post-war efforts to reassign sovereignty. For example, at the 1951 San Francisco Conference, where the only SCS state in attendance was Vietnam, the allied powers formally stripped Japan of its SCS possessions but overlooked the seemingly lesser issue of awarding sovereignty rights of the smaller, uninhabited islands.²⁹ The post-war sovereignty void was followed by haphazard international agreements, such as a Sino-Japanese treaty wherein the Japanese recognized Chinese sovereignty over the Paracel Islands without any prior consultation with Vietnam.³⁰ To correct for the lack of legal clarity and continuous presence, some SCS states have simply resorted to “reoccupying” disputed islands. The Chinese demonstrated this in 1995 when they occupied Mischief Reef in the Philippines’ claimed maritime zone.³¹ The Vietnamese, Filipinos, Malaysians, and Bruneians have taken similar actions throughout the Spratly Islands.³²

Finally, a state may invoke the more generalized doctrine of “historic title.” This doctrine only requires that a state present evidence of historic ownership—discovery and occupation not required—but it also requires the consent of nearby states.³³ As in the case of occupation doctrine, claims of historic title also suffer from confusion and disagreements

resulting from the post-World War II failures to reassign sovereignty.³⁴ Furthermore, there is neither an internationally recognized definition of “historic” nor a prescribed body of evidence required for proving a nation’s claim.

Customary law thus leaves the SCS disputants with a framework for presenting their cases, but requires that they find a credible legal forum in which to adjudicate their competing sovereignty claims. The ICJ may be the most authoritative body for deciding issues of sovereignty, but the disputing parties may use any legal body they wish. In the 2002 Declaration on the Conduct of Parties in the SCS (DOC), for example, China and the Association of Southeast Asian Nations (ASEAN) agreed to resolve their disputes bilaterally and multilaterally, without any mention of international courts.³⁵ Over a decade later, however, some SCS disputants, such as the Philippines, have begun to argue that the lack of any such progress has justified the need to seek arbitration with an international court.³⁶ Ultimately, the SCS states must adjudicate their competing sovereignty claims over the disputed land features of the SCS, so that they may move to the next step in resolving their greater maritime disputes.

Step 2 – Characterize the Land Features

The second step in resolving the SCS disputes is to characterize the land features in accordance with the United Nations Convention on the Law of the Sea (UNCLOS, or the “Law of the Sea”). This step is critical in resolving the maritime disputes because UNCLOS awards specific maritime jurisdictions solely based on the type of feature, which the contested waters surround or abut. For the purpose of the SCS disputes, the following UNCLOS-defined features and jurisdictions are most relevant: baselines, territorial seas, contiguous zones, low-tide elevations, exclusive economic zones, continental shelves, islands, rocks, and artificial features.

According to UNCLOS, a “baseline” is the water line running down a state’s coastline at low tide.³⁷ To simplify the delimitation of a baseline seas for states with jagged coasts, large deltas, or otherwise irregular baseline contours, UNCLOS allows states to draw “straight baselines,” connecting the low-tide waterlines that are furthest out at sea. States are forbidden, however, from “depart[ing] to any appreciable extent from the general direction of the coast.”³⁸

The “territorial sea” refers to the 12 nautical mile (NM) strip of water, extending from the baseline out to sea in which the state may exercise sovereign control.³⁹ A “contiguous zone” is an additional strip sea, no wider than 12 NM that runs along the seaward side of the territorial sea, effectively amounting to a line that runs parallel to the baseline at 24 NM from the baseline. Within this contiguous zone, UNCLOS allows states to employ their law enforcement capabilities for the purpose of “preventing infringement” of its territory and territorial seas.⁴⁰ In other words, a state may travel out beyond its 12 NM territorial waters to a distance of 24 NM to meet or investigate any potential criminal activity that appears bound for its sovereign waters with its territorial sea.

“Low-tide elevations” are naturally formed features whose peaks are above the surface of the water at low tide, but are submerged at high tide. The presence of such a feature within or at a 12 NM distance from a country’s baseline allows the state to extend its baseline to encompass this low-tide elevation, thus pushing the outer limit of the 12 NM territorial waters further out to sea. Similarly, if an island has a low-tide elevation within 12 NM of its shores, its baseline may be further extended out to sea.⁴¹

The Law of the Sea also allows coastal states to establish an “exclusive economic zone” (EEZ), encompassing the seas out to a distance of 200 NM from the seaward edge of their territorial seas.⁴² Within the EEZ, the state may exercise “sovereign rights for the purpose of

exploring and exploiting, conserving and managing the natural resources, whether living or non-living” from the surface of the water down into the seabed.⁴³ Of note, UNCLOS does not extend the owning state’s authority within the EEZ beyond peaceful enforcement of those economic rights. In addition, UNCLOS explicitly allows all other states the right to navigate, overfly, and even lay submarine cables and pipelines within the EEZ.⁴⁴ Furthermore, if a dispute arises regarding actions within an EEZ, UNCLOS requires all parties to consider each other’s interests and those of the greater international community.⁴⁵ Thus, UNCLOS makes clear that, other than the economic rights awarded to the EEZ’s owning state, its waters are still considered free for all states to use.

The “continental shelf” refers to the “seabed and subsoil” that extend from the baseline out to a maximum distance of 350 NM, depending on the sea floor’s geologic make-up and structure.⁴⁶ UNCLOS gives coastal states that have defined their continental shelf exclusive rights to explore and exploit its non-living resources and any immobile living species.⁴⁷ These rights clearly include an exclusive right to extract hydrocarbons, but extend no such right to fish.

The Law of the Sea defines “islands” as natural formations, surrounded by water and above the high-tide line. Of great importance to the SCS disputes, islands generously allow their owning state to claim a 12 NM territorial sea around the island, a further 12 NM contiguous zone around the territorial sea, a 200 NM EEZ, and a continental shelf. However, if the island “cannot sustain human habitation or economic life of [its] own,” then UNCLOS subcategorizes the feature as a “rock” and denies the owning state a right to an EEZ and continental shelf.⁴⁸

The differentiation between an “island” and a “rock” was deemed necessary because UNCLOS authors wanted to avoid situations in which barren rocks interrupted the EEZs and continental shelves of nearby, populated coastal states. To accommodate would-be over

overlaps, the Law of the Sea allows for one state's islands, with their rightful territorial sea, to lie within the EEZ boundaries of another.⁴⁹ Furthermore, by requiring self-sustaining habitation and economic life, UNCLOS explicitly denies the later engineering of human settlements from changing the island's associated maritime rights.⁵⁰ It remains unclear whether some SCS rim states, which have chosen to occupy and invest in the economic development of otherwise barren rocks, have done so to invoke the doctrine of occupation or whether they wish to later dispute the feature's status as an island or a rock. China, for example, has installed a runway, a desalinization plant, a solar power plant, a vegetable garden, a coconut grove, and approximately 1000 military personnel, civil servants, and fishermen on Woody Island, a "rock" in the Paracel Islands.⁵¹ Later negotiations or courts will have to decide each such incident on a case-by-case basis.

Finally, UNCLOS allows coastal states to construct and hold exclusive jurisdiction over "artificial islands, installations and structures," such as petroleum-drilling platforms, within their EEZs. Because these features may present hazards to navigation, the Law requires that states announce their construction ahead of time and declare a safety zone around them. Importantly, these safety zones may not extend beyond 500 meters from the outer edges of the artificial feature, a rule that is frequently broken in the SCS.⁵²

Step 3 – Apply the Maritime Jurisdiction

After determining sovereignty and characterization of the land features, the third step in resolving the SCS disputes is to apply the appropriate maritime jurisdiction to each feature and delineate its exact boundaries. In theory, this step should be the easiest of the three because the Law of the Sea already stipulates the exact set of maritime jurisdictions to which each feature is entitled (e.g., a "rock" receives a 12 NM territorial sea, but is denied an EEZ). However, due to

the enclosed and constricted nature of the SCS, the simple application of maritime zones would result in many overlapping territorial seas, EEZs, and continental shelves.

Fortunately, international law provides precedents for objectively delimiting overlapping maritime jurisdictions. To do this, legal bodies must first assign the narrowest and most restrictive jurisdictions (i.e., the territorial waters), then the broader and less restrictive jurisdictions (e.g., the EEZs and continental shelves), deconflicting overlaps from small to large on a case-by-case basis.⁵³ The deconfliction process also relies on precedents including two principles of fairness: the “equidistance principle” and the “equitable principle.” The “equidistance principle” refers to the division of the territorial sea, EEZ, or continental shelf down the equidistance line between two countries’ baselines (see Figure 4 below). The “equitable principle” refers to the process of allocating maritime areas in proportion to the lengths of the coastal states’ adjacent coastlines. For example, if one of the neighboring states has a 10 NM coastline and the other has a 90 NM coastline, then the equitable principle would dictate that the former receive 10 percent of the sea in question and the latter receive 90 percent.^{54,55,56}

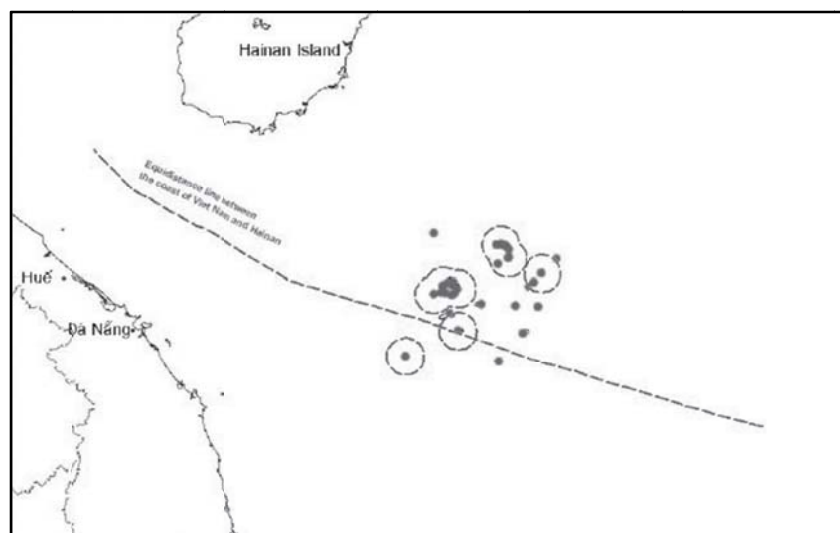


Figure 4 - The Vietnam-China Equidistance Line Relative to the Paracel Islands⁵⁷

Finally, the Law of the Sea resolves the need to balance the rights of coastal states with the territorial integrity of “archipelagic states.” The maritime sovereignty problem of an archipelagic state arises from the fact that its islands may be dispersed irregularly over large expanses of sea. To prevent an otherwise chaotic series of overlapping jurisdictions, the Law of the Sea allows the state to draw straight baselines around its outer-most islands. In turn, to protect the rights of neighboring states, the Law explicitly forbids archipelagic states from drawing excessive lines that cut off other states’ EEZs or territorial seas and international water space as well.⁵⁸

As implied above, the peaceful resolution of the competing claims in the SCS requires cooperation and deference to commonly recognized international law. Unfortunately, as the next section reveals, several SCS states have demonstrated disregard for the very international laws that they ratified and that were designed to solve the current SCS disputes. China’s interests and actions, in particular, indicate that if it continues its strategies uninterrupted, any hope for future cooperation and legal deference would be an unreasonable expectation.

Part IV - China's Interests and Claims in the South China Sea

China’s interests in the SCS can be divided into two categories, economic and territorial. Its economic interests are quite obvious. First, China desires unrestricted access to its fish stocks and hydrocarbon reserves.⁵⁹ One significant international problem with these interests, however, is the location of the fish and hydrocarbons. If one were to draw a 200 NM EEZ extending off of the Chinese mainland and Hainan Island, it would encompass only a small portion of the productive fishing areas and supposedly rich hydrocarbon reserves that the SCS has to offer.⁶⁰ Even worse for China, the coastline of China’s closest neighbor, Vietnam, extends southward

from China and then eastward into otherwise would-be Chinese-only EEZ waters. Thus, if one were to approximate the boundary between China's and Vietnam's EEZs based on equidistance and equitable principles, China would be obliged to share the most productive areas in the northern SCS. Of course, these modern UNCLOS jurisdictions were not based on the long history of Chinese sailors exploiting the more expansive fishing areas in the central and southern SCS, including the Spratly Islands and beyond. Thus, until recently, this disparity between law and historic reality had not been a significant issue.

Second, China's modern economy relies on commercial shipping, which carries resources and products to and from the Chinese mainland through the SCS. Over the last decade, China has become the largest trading partner of every other economy in the region, increasing its reliance on the SCS.⁶¹ This expanded dependence on the sea lanes has considerably raised China's interest in the defense of the approaches to its southern flank and commercial ports.

China's most significant modern territorial interest in the SCS is the security of Taiwan. China views the SCS as a maritime buffer zone and a likely approach for foreign warship headed to the island in the event of armed conflict.⁶² China has already invested a great deal in upgrading the People's Liberation Army Navy's (PLAN's) submarine and missile fleets to deter any foreign intervention in Taiwan and more recent investments in China's SCS fleets, in particular, are now expanding that deterrence area southward into the SCS.⁶³

China's more expansive territorial interests in the greater SCS were first expressed in the 1930s, when the Republic of China began drawing territorial lines in the SCS. Eventually, these lines culminated in its 1947 map, depicting a dashed line that encircled approximately 80 percent of the SCS. The line was dubbed the "nine-dash line"⁶⁴ for its nine dashes, which traced the contour of the SCS along the outer limits of what are now the contiguous zones of Vietnam,

Malaysia, Brunei, and the Philippines. In 1949, the young People's Republic of China adopted the same nine-dash line on its maps, and had quietly maintained this seemingly exaggerated and internationally unrecognized claim for years.⁶⁵ Then, in May 2009—10 years after ratifying the Law of the Sea⁶⁶—in reaction to a joint Malaysian-Vietnamese submission to the United Nations to extend their continental shelves, China officially submitted its nine-dash line to the United Nations as a rebuttal. Other than demonstrating the obvious overlap between the continental shelf submission and the nine-dash line claim, the Chinese rebuttal came without explanation, leaving other SCS states puzzled.⁶⁷

In the absence of direct clarification from China, many have resorted to analyzing Chinese rhetoric to discern the meaning of the nine-dash line. One common characterization that emerges from these analyses is the term “indisputable sovereignty.” For example, in 1991, Chinese President Yan Shang Kun stated that “Beijing has indisputable sovereignty over the [SCS] islands based on discovery and prior occupation.”⁶⁸ More recently, in reaction to a July 2010 speech by Secretary of State Hillary Clinton in Hanoi, in which she encouraged all SCS disputants to resolve their disagreements through a multiparty forum, Chinese officials angrily retorted that the SCS fell under China’s “indisputable sovereignty.”⁶⁹ Because of the term’s consistent official usage, it has even become common vernacular among Chinese academics and media personalities when referring China’s SCS claim.⁷⁰

Scholars have narrowed China’s meaning of “indisputable sovereignty” to three possibilities. First, the nine-dash line claim could include as “sovereign” only the islands that lie within it.⁷¹ Second, it could include both the islands and their immediately adjacent waters (e.g., territorial seas).⁷² Or, third, it could include the islands and all of the waters within the line.⁷³

One way to determine which of these three interpretations is most likely correct is to compare each of them to observed Chinese actions and strategy.

Part V - China's Actions and Strategy in the South China Sea

To discern whether China views the SCS and its over 200 islands as its sovereign territory, it is useful to focus on China's actions and apparent strategy regarding the two most contentious island groups, the Paracel Islands and the Spratly Islands, and the greater SCS.⁷⁴ The Paracel Islands present the simplest case of SCS island disputes because they have just two conflicting claimants, China and Vietnam.⁷⁵ Both China and Vietnam make historical claims to the Paracel Islands. Vietnam's first claims of discovery date to the 15th century,⁷⁶ followed by claims of sovereignty in the 16th century,⁷⁷ and finally exploitation and administration in the 17th century,⁷⁸ all during Vietnam's celebrated Nguyen dynasty. The earliest Chinese historic claims date to the Eastern Han dynasty (AD 23-220),⁷⁹ and are largely based on archeological evidence of trading, fishing, and naval expeditions.⁸⁰ International customary law, however, does not necessarily favor the earliest claims; instead, it also supports the claimant who has demonstrated continuous presence on and administrative control of the island (i.e., doctrine of occupation), and consent from neighboring states. Applying that standard, many scholars believe Vietnam's claims of historic title are stronger.⁸¹ China's recent actions in the Paracels imply that it may understand this predicament.⁸²

Section 1 - The Paracel Islands

Shortly after its founding, the People's Republic of China renewed its interest in restoring its sovereignty over the Parcel Islands. In 1950, while fishermen from both Vietnam and China continued their traditional fishing activities amid the islands, China seized Woody Island in the

western half of the archipelago. This act set off China's modern struggle with Vietnam over the Paracel Islands. By 1959, South Vietnam responded by periodically expelling Chinese fishermen from the archipelago. In response, China began naval patrols among the islands, eventually averaging of five patrols per year between 1960 and 1973.^{83,84} By the end of 1973, China was challenging Vietnamese commercial contracts for offshore petroleum exploration near the islands.⁸⁵ The dispute had reached its boiling point.

In 1974, China effectively ended the contest over the Paracel Islands. In January of that year, the Republic of Vietnam (South Vietnam), fed up over Chinese interference in the islands, sent a naval expedition to seize Duncan Island. A PLAN fleet intercepted and engaged the Vietnamese expedition, ultimately sinking one and damaging six Vietnamese ships, and causing over 100 Vietnamese casualties. The surviving Vietnamese fleet retreated to safer waters. The battle had lasted only 40 minutes, but denied the Vietnamese physical control over any Paracel Island, a fact that remains unchanged to the present day.⁸⁶

In the judgment of the United Nations and international courts, military conquest of disputed territory fails to justify claims of sovereignty, but this has not deterred China from strengthening its occupation of the Paracels.⁸⁷ Since 1974, China has gradually reinforced its military infrastructure and presence in the islands. Then, in 1996, China announced the establishment of a baseline and territorial sea around the entire Paracel Island archipelago, signaling its official claim of sovereignty to their entirety.⁸⁸

Recently China has converted Woody Island into its main military outpost within the archipelago. The PLA Air Force (PLAAF) currently maintains a squadron of Su-30MKK and Su-27SK fighters and a fleet of JH-7 bombers, which not only deter threats to the Paracels, but also put the PLAAF within extended striking range of the outer limits of the nine-dash line. The

PLA has also reinforced its garrison on the island, which now constitutes a division-level headquarters. In addition, the PLAN has expanded its presence and port facilities on both Woody and Duncan Islands to support destroyer and frigate-class vessels. Finally, to support this extended military reach, the Chinese have also installed a modern signals intelligence unit to ostensibly target Vietnamese, Filipino, Malaysian, and US activities in the greater SCS.⁸⁹ China's actions were beginning to betray its strategy.

In taking and defending the Paracel Islands by military force and continuing to reinforce its military occupation, China has consistently demonstrated a disregard for international laws and conventions. First, it violated the UN Charter, which obliges member states to seek peaceful resolution of inter-state territorial conflicts.⁹⁰ Second, China violated UNCLOS by applying a straight archipelagic baseline to a group of islands that fail to constitute an archipelagic state.⁹¹ Had China actually been awarded sovereignty over the Paracels, UNCLOS would require it to draw baselines around each island separately, grouping only islands within 12 NM of each other within baselines that follow the circular curvatures of the islands' contours.⁹² China's excessive claims also violate international law by reducing the sea space for international sailors to navigate freely, thus impeding freedom of navigation.⁹³ Third, by ignoring Vietnam's claims to the Paracels and fortifying its own occupation, China has escalated the conflict rather than sought risk-reducing measures, violating the spirit of every bilateral and multilateral statement China has made regarding the tensions in the SCS. In summary, China's actions in the Paracel Islands reveal a strategy to dislodge fellow claimants, seize the disputed features, fortify its occupying forces, and present the international community with a *fait accompli*; respect for international laws, norms, or agreements has played no discernable role. Clearly, China's "indisputable sovereignty" extends to the Paracel Islands and any effort to negotiate appears only

to assuage competing claimants and delay their counter-actions, while China's forces incrementally tighten their hold.

Section 2 - The Spratly Islands

China's actions and strategy in the Spratly Islands are similar to those of the Paracel Islands, but due to the Spratly's greater distance from mainland China, their future sovereignty is proportionately further from Chinese unilateral pronouncements and military control. From the Chinese perspective, the Spratly Islands are the key terrain in the SCS; the country that controls them gains unlimited access their great fish stocks, hydrocarbon reserves, and command of the SCS sea lanes.⁹⁴ The strategic problem China faces in realizing its vision of sovereignty over the Spratlys is that the islands are dispersed over a large area of water, ranging from 400 to 1000 NM south of China's southern-most territory, Hainan Island. These distances not only strain any logistic effort to sustain a presence in the Spratlys, but also present relative advantages to the Spratly's more adjacent claimants.

Currently, there are six claimants to the Spratly Islands. China, Taiwan, and Vietnam claim the entire group of islands. The Philippines, Malaysia, and Brunei restrict their claims to those features and waters that are encompassed by their UNCLOS-defined EEZs.^{95,96}

Historically, the land features of the Spratly Islands carried little value to any of the Southeast Asian peoples. In fact, the oldest known name of the islands was "Dangerous Ground" due to the navigational hazards that the shallow features posed to ancient mariners. Thus, for centuries only the most daring fishermen entered the Spratly's waters, and transiting vessels sailed close to the Vietnamese or Malaysian and Philippine shores to avoid them.

Formal interest in categorizing, claiming, and occupying the islands came only recently. The British were the first to finally map the islands in 1821,⁹⁷ but the first safe transit routes

through the “Dangerous Ground” were not mapped until a US Navy survey in 1937.⁹⁸ Thus, it is not surprising that the race to formally *claim* the islands did not arise until 1968,⁹⁹ when prospectors first announced the possibility of petroleum reserves. It is also necessary to note that the race to *occupy* the islands did not occur until after 1982, when UNCLOS legally bound economic rights to the sovereignty of land features.¹⁰⁰

Of all SCS states, China has taken the most aggressive, confrontational approach in its pursuit to control the Spratly Islands. Prior to the 1982 Law of the Sea Convention, Taiwan, Vietnam, and the Philippines had gradually occupied nearly 20 islands in the Spratlys. To the surprise of the other claimants, the PLAN undertook a mission in 1988 to seize nine islands for China. When the Chinese task force arrived at Fiery Cross Reef, it startled the Vietnamese government, which, just 14 years prior, had lost possession of the Paracel Islands in a deadly battle with the PLAN. Fearing another Chinese take-over, the Vietnamese reacted with force, ultimately restricting the Chinese to just six islands and losing 74 Vietnamese service members in the melee.¹⁰¹

China’s next wave of expansion into the Spratlys came after an abrupt change in the balance of power in the SCS. In 1991, the Philippine Congress voted to close US Naval Base Subic Bay and Clark Air Base, both located on the west coast of Luzon Island in the SCS.¹⁰² The sudden removal of permanently stationed US forces half-way between mainland China and its prized Spratly Islands gave China nearly unobstructed access to expand its presence.^{103,104}

By 1995, the Chinese military had secretly built structures on the Philippine-claimed Mischief Reef, located over 700 NM from Hainan Island and approximately 130 NM west of the Philippines, clearly within the Philippine EEZ. The Philippine government first learned of China's actions after China's naval forces began capturing and holding Filipino fishermen that

strayed too close.¹⁰⁵ China claimed that the island belonged to China's Spratly territory and insisted that the structures were only shelters for fishermen. The Philippines responded with air force and naval strikes to destroy the structures, and ASEAN denounced China's unilateral military actions as a breach to an earlier Sino-ASEAN "Declaration on the South China Sea." The Philippine government attempted to follow up its actions by sailing journalists to Mischief Reef to expose China's actions, but Chinese ships blocked their boats. In response, the Philippine navy arrested 62 fishermen for trespassing in neighboring waters. As the situation escalated, one Chinese spokesman revealed to US officials that if Manila failed to negotiate with China on joint development of the surrounding waters, it would "have no choice but to take the islands forcibly." In other words, according to the Chinese government, the Philippines must recognize China's stake in the Spratlys, or China would seize all the islands it saw fit.¹⁰⁶

The Philippines did not acquiesce, but China eventually got what it wanted. The Philippine President threatened to invoke the US-Philippine Mutual Defense Treaty of 1951, which requires each country to aid the other in the event of an external threat.¹⁰⁷ In addition, the Philippine Congress passed a \$2 billion spending bill to upgrade the Philippine armed forces. The Philippines also introduced the issue at the annual ASEAN Regional Forum (ARF) on security in July 1995, and the attending ministers agreed to discuss it in depth at an ASEAN summit a few months later. In response to this sudden multi-national pressure, China agreed to cease building new structures and discuss the matter at the upcoming summit.¹⁰⁸ As was becoming a trademark of Chinese expansionism in the SCS, however, China ignored its agreement, immediately fortified its Mischief Reef structures, and then seized and fortified another reef within the Philippine EEZ, this time just six miles from the Philippine-held Kota Island.¹⁰⁹ The message was clear: China would use its military to gradually expand its island

territories, while its diplomats assuaged foreign governments to deescalate any military response.¹¹⁰

Similar to China's actions in the Paracel Islands, China's actions in the Spratly Islands demonstrate consistent disregard for international agreements. First, China has continued to violate the UN Charter by using hostile actions to resolve inter-state territorial conflicts. Second, China violated UNCLOS by detaining Philippine fishermen operating in the Philippine EEZ. Third, China violated the bilateral code of conduct with the Philippines regarding military seizure and fortification of barren islands in the Philippine EEZ. In summary, China's actions in the Spratly Islands reveal a strategy of gradual forcible entry, whereby the PLAN seizes unoccupied islands and asserts sovereignty in the adjacent waters, while Beijing's diplomatic services capitulate to unenforceable agreements. China's "indisputable sovereignty" thus extends to the Spratly Islands.

Section 3 - The Greater South China Sea

China's aggressive expansionism in the Spratly Islands eventually aroused enough fears that in 2002 ASEAN united to negotiate with China the 2002 DOC. The DOC required its signatories to "undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force [...] in accordance with [...] international law, including the 1982 UN Convention on the Law of the Sea."¹¹¹ Beyond acting as a reaffirmation of existing UN articles, UNCLOS, and other bilateral requirements to solve territorial and maritime disputes peacefully, the DOC did not substantively change China's policies in either the Paracel or Spratly Islands. The Paracels were already under Chinese control, and by 2002, most of the Spratly Islands that could be occupied were occupied. Nevertheless, the DOC did

appear to compel China to shift its strategy from one of unapologetic military conquest to one in which it pursued its goals of under the guise of “joint development” and graduated intimidation.

The following five subsections describe China’s actions in joint development, naval build-up in the SCS, and intimidation of foreign warships, hydrocarbon exploration ships, and fishing ships. Individually, each action presents a troubling view of China’s apparent SCS strategy. Taken together, they reveal a consistency requiring reevaluation of US foreign strategy in the SCS.

The Insincerity of “Joint Development”

In the 1990s, Chinese Vice Premier Deng Xiaoping described and directed China’s SCS policy in a three-part statement: “sovereignty is ours, set aside disputes, pursue joint development.”¹¹² While Chinese actions in the SCS made the first part clear and contradicted the second part, China’s signature to the 2002 DOC did suggest to its SCS neighbors that it might be willing to pursue the third part—joint development. In fact, just three years later, China signed the 2005 Joint Maritime Seismic Undertaking (JMSU) with the Philippines and Vietnam, ostensibly to jointly develop hydrocarbon reserves in disputed areas.¹¹³ However, by 2008, the Philippines and Vietnam allowed the agreement to expire after having observed that China was using the agreement to gain unopposed access to disputed areas near the Philippine and Vietnamese shores while denying joint development anywhere near Chinese shores.^{114,115} The Spratly Island disputants began to perceive that no agreement with China was in good faith.

The Sincerity of South Sea Fleet Development

While China disingenuously followed diplomatic and economic arguments, it also pursued a military strategy of modernization and inter-fleet integration. The PLAN’s South Sea Fleet (SSF) is responsible for Chinese naval operations in the SCS, and for decades its

capabilities lagged behind those of its fellow North Sea Fleet (NSF) and East Sea Fleet (ESF). In the early 2000s, however, its condition began to change. The SSF received some of China's newest phased array radar-equipped destroyers and China's newest amphibious landing platform dock (LPD).¹¹⁶ The SSF has also acquired an estimated 12 new corvettes and fast attack craft. Recently, the Chinese have been expanding their SSF port at Yalong Bay on Hainan Island to house China's expanding submarine fleet, including several new Song- and Yuan-class conventional submarines and China's newest nuclear fast attack and ballistic missile submarines.¹¹⁷ This rapid expansion has far surpassed comparable programs of its fellow Spratly Island disputants, rendering any Vietnamese and Philippine naval modernization programs hopelessly overmatched.

In addition to the SSF's impressive military expansion program, it had also broadened its contingency exercises at sea. In 2006, it deployed a task force of four destroyers and frigates and a supply ship to patrol its SCS claims. Throughout its deployment, the task force conducted live fire, opposed operations, and reef assault operations, demonstrating the SSF's newest capabilities.¹¹⁸ Later, in March 2010, China raised the stakes by sailing a six-ship task force from the NSF to a SCS exercise, demonstrating that it could reinforce the SSF "to protect its maritime territorial integrity through long-distance naval projection."¹¹⁹ Then, in August 2010, just one month after Secretary Clinton's speech in Hanoi, the PLAN demonstrated a worst-case scenario for its fellow SCS disputants: Elements of the NSF and ESF rendezvoused in the SCS for a three-fleet exercise.¹²⁰ In case observers had the impression China was merely trying to intimidate Secretary Clinton, the SSF then invited 200 foreign military officers to observe an amphibious landing exercise involving 1,800 Chinese marines in November 2010.¹²¹ Beijing had made its point.

Intimidation of Foreign Warships

China's intimidation actions also included direct confrontation with foreign warships at sea. For example, in March 2009, approximately 75 NM south of Hainan Island, Chinese government vessels organized and executed a five-vessel maneuver around the unarmed USNS *Impeccable*, while it was conducting lawful hydrographic surveys in China's EEZ. The five vessels, consisting of a PLAN intelligence ship, government oceanographic patrol vessel, government fisheries patrol vessel and two fishing trawlers, swarmed the USNS *Impeccable*, intentionally threatening it with collision, attempting to snag its towed cable, and ordering it to leave the area.¹²² China justified its hostile actions by alleging that the USNS *Impeccable* violated Chinese international rights under the UNCLOS provisions for EEZ enforcement and Chinese domestic law.¹²³ This argument was not only legally inconsistent, but also ethically inconsistent with Chinese practice.

China is among 27 of the 161 UNCLOS signatories that consistently misinterpret their EEZ rights to mean that they may use military force to deny non-economic activity in its EEZ.¹²⁴ For example, China argues that in its EEZ, foreign military reconnaissance vessels should be forbidden "innocent passage,"¹²⁵ defined as the transit of a vessel through territorial waters, contiguous zones, or archipelagic waters that "is not prejudicial to peace, good order or security of the coastal State."^{126,127} The problem with this interpretation is that it mistakenly applies the rights of territorial waters to an entire EEZ, effectively annexing as sovereign a much larger area of water, which was only meant to exclude foreign exploitation of natural resources.^{128,129} In addition to this legal inconsistency, China also demonstrates ethical inconsistency as it routinely sails its own combat, survey, and intelligence vessels and submarines into other states' EEZs,

often for the purpose of seizing or fortifying claims that defy international law and agreements.¹³⁰

Intimidation of Foreign Hydrocarbon Exploration Ships

China's intimidation strategy also extended to foreign vessels involved in the exploitation of hydrocarbons outside China's own EEZ. In 2011, for example, China Maritime Surveillance Force (CMSF) and South Sea Region Fisheries Administration Bureau (SSRFAB) patrol vessels thrice harassed and twice damaged the seismic cables of Vietnamese and Philippine petroleum surveillance vessels operating inside their respective EEZs. The first incident occurred in March 2011 near Reed Bank, approximately 140 NM from the Philippine island of Palawan and 500 NM southeast from Hainan Island.¹³¹ Two CMSF vessels maneuvered aggressively around the Filipino Forum Energy company's *Veritas Voyager* seismic survey ship, forcing it withdraw from the area or risk collision or damage to its towed cables.¹³² During the engagement, the CMSF officers insisted that the *Veritas Voyager* was operating inside Chinese jurisdiction.¹³³ The second incident took place in May 2011, when three CMSF vessels followed, surrounded, and then harassed PetroVietnam's survey ship, the *Binh Minh 02*, as it operated approximately 60 NM from Vietnam's shore and 300 NM from China's (see Block 148 in Figure 5 below).^{134,135} At one point, one of the CMSF vessels traversed the *Binh Minh*'s stern at close proximity, severing its seismic cable.¹³⁶ The third incident occurred in June 2011 near the Vanguard Bank approximately 200 NM from the Vietnamese southern coast and over 600 NM south of Hainan Island (see Block 136/03 in Figure 5 below).¹³⁷ According to the Vietnamese account, two Chinese SSRFAB patrol vessels and a Chinese fishing trawler ensnared and then severed the seismic cable of PetroVietnam's Norwegian-chartered *Viking II* seismic survey ship.^{138,139} The Chinese later insisted that the *Viking II* had been harassing Chinese fishermen

and, due to the *Viking II* crew's poor seamanship, entangled its cable in the Chinese fishermen's nets.¹⁴⁰ Such intimidation against hydrocarbon exploitation vessels continued beyond these incidents. In fact, in November 2013, SSRFAB patrol boats again caught up with *Binh Minh 02* as she explored 13 NM inside Vietnam's EEZ and again severed her survey cable.¹⁴¹

The Chinese government and many Chinese scholars condone harassment and cable-cutting actions as both acceptable and justified. In response to the May 2011 *Binh Minh 02* incident, for example, Beijing's Ministry of Foreign Affairs suggested that such action was aimed at deterring Vietnam from upholding its SCS claims and demonstrating Chinese resolve to defend its jurisdiction over the contested waters.¹⁴² Professor Chu Shulong of Tsinghua University's School of Public Policy and Management in Beijing agreed with the Foreign Ministry.¹⁴³ Shulong assured US policy makers that contrary to Vietnamese and Philippine opinion, between 2002, when ASEAN and China signed the DOC, and 2010, when Secretary Clinton spoke in Hanoi, there was "peace and stability among claimants." He emphasized that "cutting seismic cables and harassing fishermen" were commonplace incidents that should be expected in such maritime sovereignty disputes, and that China neither instigated "serious military confrontations nor seizure of territory." Thus, he argued, the United States had no reason to comment on or take actions in support of the Philippines or Vietnam.¹⁴⁴ Such interpretation is dangerous because it ignores the severity of the SCS disputes, encourages violence, and corroborates suspicions that Beijing aims to assuage foreign governments while it gradually expels competitors from their own SCS jurisdictions.

The Chinese government has also used economic coercion to discourage foreign petroleum companies from contracting with other SCS states. All of the SCS states lack the expertise and resources needed to locate, extract, and ship the hydrocarbon resources that exist in

the SCS. For that reason, their national oil companies—PetroVietnam, China National Offshore Oil Corporation (CNOOC), Philippine National Oil Company (PNOC)—contract with foreign companies that do possess the expertise and resources.¹⁴⁵ The number and diversity of such contracts is large. Between 1988 and 2010, for example, PetroVietnam alone signed 99 contracts with corporations from eight countries, including the United States and United Kingdom.¹⁴⁶ These contracts pose two main problems for China: First, they introduce resourceful competitors. Second, their ties to influential foreign governments serve to internationalize the disputes and provide law-promoting governments with reason to interfere with China's SCS policies.¹⁴⁷

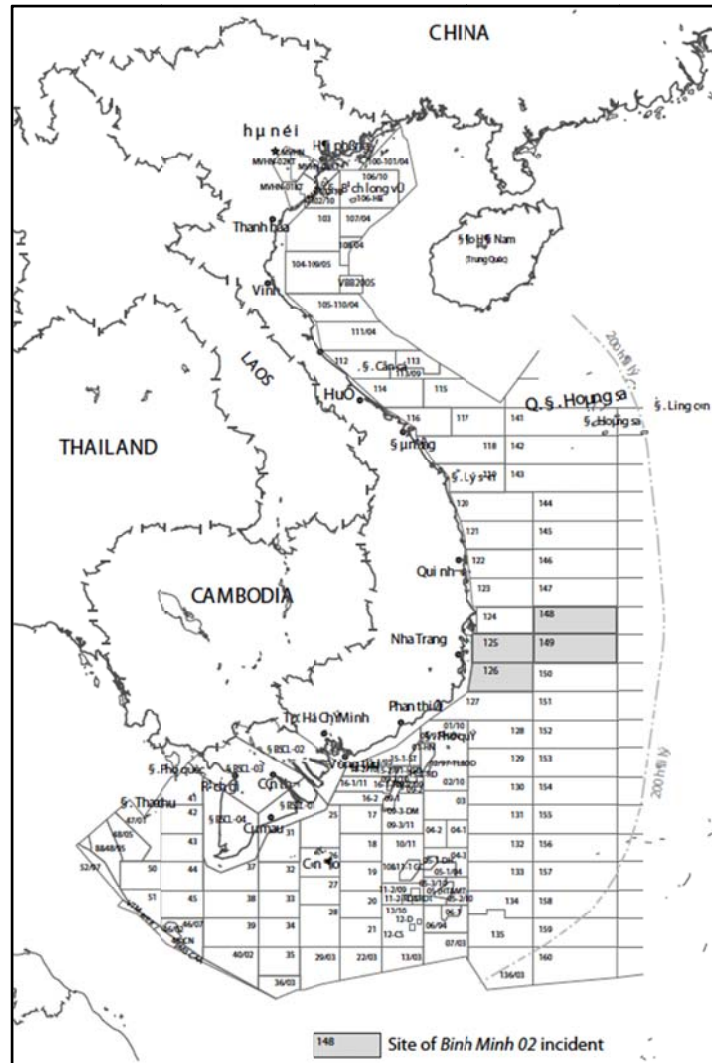


Figure 5 - Vietnam's Hydrocarbon Exploration Blocks¹⁴⁸

China appears to have a two-pronged economic strategy to coerce foreign oil companies and their respective governments. First, China signs its own contracts with influential foreign oil companies, such as Exxon, Chevron, and Crestone, and awards them a “block of sea” located in contested waters in which to explore. If other SCS states protest, China promises the foreign oil company that it will use its entire navy to secure their block and their contract. This strategy puts the oil company’s foreign government in the position to choose between economic gain and defense of the rule of law.¹⁴⁹ Second, when China perceives that foreign oil companies are

competing with its own oil exploration or extraction, it threatens them directly.¹⁵⁰ For example, China has pressured Exxon, Chevron, British Petroleum, and others to stop working with PetroVietnam in the SCS.¹⁵¹ According to leaked State Department cables in Hanoi, between 2006 and 2008, China threatened several oil companies, warning that they must either cancel all contracts with Vietnam, or the Chinese government would punish their businesses in China. Despite assurances from Vietnam, several companies yielded to China's coercion.¹⁵²

While China pursues its strategy to expel and coerce its competitors throughout the SCS, it simultaneously explores and extracts in the EEZs of others. For example, in May 2014, China placed its Haiyang Shiyou oil rig on Vietnam's side of the equidistance line between the two countries, announced a 3 NM radius safety zone around the rig, and began drilling (compare Figure 6 below with the image of the equidistance line in Figure 4 above). In response, Hanoi dispatched a task force, consisting of 30 vessels from its Coast Guard and Fisheries Surveillance Force. When they arrived on scene, they found that China had deployed approximately 80 vessels from its Coast Guard and the PLAN, in addition to air patrols. The two sides subsequently engaged in near daily chases, collisions, ramming, and water cannon assaults, during which at least one fishing boat sank.¹⁵³

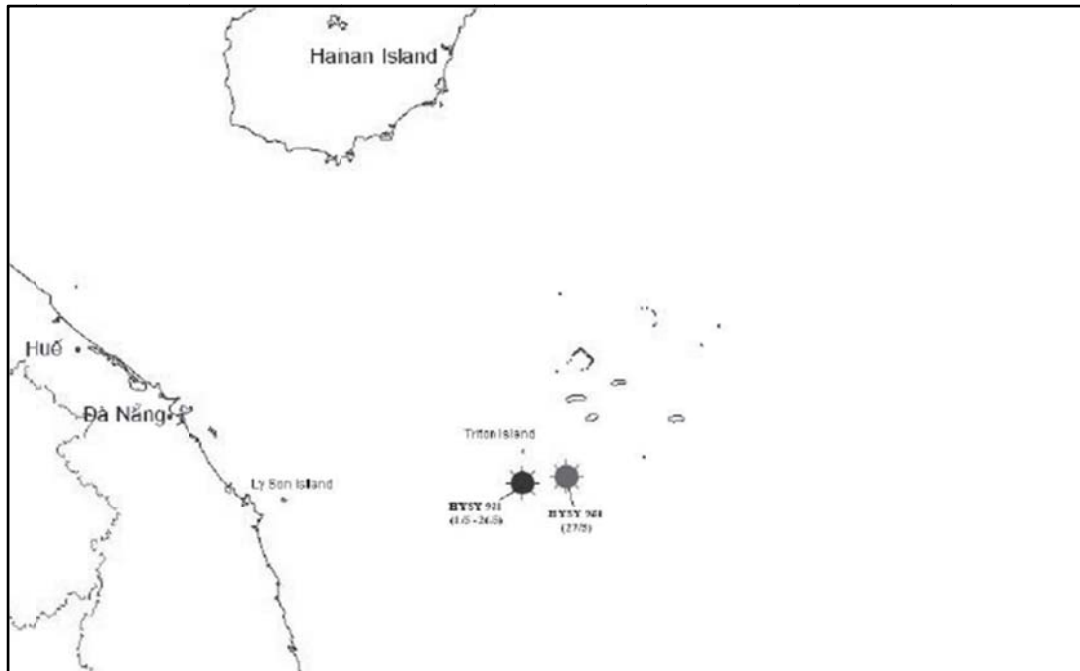


Figure 6 - Haiyang Shiyou Locations¹⁵⁴

Evidently, the Chinese do not perceive a conflict between violating another state's EEZ and China's international legal obligations and agreements. According to Professor Shulong, who claimed to convey the general Chinese sentiment, the Haiyang Shiyou was simply drilling within 17 NM of the Chinese-controlled Paracel Islands. In addition, he argued that because the Haiyang Shiyou was not drilling inside the territorial waters of Vietnam, the disputed rig was located "at best in the disputed area of the exclusive economic zone (EEZ) between Vietnam and China."¹⁵⁵ Thus, he implied three troubling Chinese perspectives. First, in conflict with the Law of the Sea, the Chinese claim of sovereignty to the Paracel Islands apparently conferred the right to drill beyond a would-be 12 NM territorial sea around those islands and into Vietnam's claimed EEZ. Furthermore, instead of establishing the legal 500-meter safety zone around the rig, China expanded its operations to a 3 NM zone. Second, in conflict with the spirit of the 2002 DOC, China believed that it is reasonable to disrespect the equidistance line between the

two countries until the maritime disputes were resolved. Third, also in conflict with the spirit of the 2002 DOC, China believed it was permissible to militarily reinforce its oil rigs in disputed areas, inherently threatening the and use of military force. In other words, until the SCS disputes are settled, China is free to drill where it wants and one should expect China to defend all drilling operations with overwhelming air and maritime armadas.

Intimidation of Foreign Fishing Ships

Beginning in 1999, China has unilaterally implemented an annual fishing ban in the northwestern portion of the SCS so that, according to Chinese government officials, fish populations can spawn and “rehabilitate.”¹⁵⁶ From 1999 to 2008, the ban lasted only between the months of June and July, but in 2009, China extended the ban from May to August.¹⁵⁷ In 2012, China also enlarged the area of the ban from its initial size, which overlapped approximately 50 percent of Vietnam’s EEZ (Figure 7 below) to encompass the Scarborough Shoal area, which lies within the Philippine EEZ.¹⁵⁸ To enforce the annual ban, China deploys its SSRFAB patrol boats to levy fines on and confiscate the catches of any violators they encounter.¹⁵⁹ China has also sought to increase its SSRFAB fleet by 30 patrol boats between 2010 and 2015, and expand its CMSF fleet to 350 vessels and 16 aircraft, presumably to better handle the temporally and geographically expanding no-fishing zones.^{160,161}

According to the Law of the Sea, such a moratorium on fishing is legal for a sovereign state to impose within its own EEZ, however, no law authorizes such bans outside that jurisdiction.¹⁶² China’s ban thus causes three problems. First, it imposes economic restrictions on its neighbors’ EEZs, producing what amounts to an economic blockade on states that rely on the SCS for nourishment and employment. Second, China increases tensions by avoiding efforts to reconcile its unilateral ban with the boundaries and needs of its neighbors. According to the

Law of the Sea, states that provoke EEZ disagreements are required to seek resolutions that “tak[e] into account the respective importance of the interests involved to the parties as well as to the international community as a whole.”¹⁶³ Third, by banning fishing in the northern SCS, near its own shores, China forces its many fishermen to sail further south into the Spratly Islands and the EEZs of other states that do not have the surge capacity to enforce their own legal rights against such a volume of foreign fishermen.¹⁶⁴ In other words, China’s unilateral fishing ban policy economically threatens its neighbors, denies them remedy, and burdens their waters with over-fishing and law enforcement problems.



Figure 7 - Area of Chinese Fishing Ban¹⁶⁵

In response to China’s fishing ban, Vietnam’s Ministry of Agriculture and Rural Development has sought funds to expand its fleet of fishery patrol boats by up to 10 vessels. These boats would serve to protect Vietnamese fishermen in the banned area and, possibly more provocatively, they could be used to expel the swarms of Chinese fishermen that flock to the southern areas of Vietnam’s EEZ while the ban is in place. In 2011, for example, Vietnam

reported a surge of up to 200 Chinese fishing boats in its southern EEZ, guaranteeing that any effort to expel them will capture China's attention.

Vietnamese fishermen also struggle to deal with the ban. Those fishermen that continue to fish in the portions of the Vietnamese EEZ that are encompassed by the ban occasionally report being boarded and beaten by PLAN crews. Those Vietnamese fishermen that seek calmer waters in the southern Vietnamese EEZ find themselves swarmed by Chinese fishermen. In addition, those Vietnamese that sail outside their EEZ and into the Spratly Islands area sometimes report receiving fire from PLAN ships that have relocated there to stave off non-Chinese fishermen that flock to that alternate fishing area.¹⁶⁶ Finally, some Vietnamese fisherman have even sailed southwest, where Indonesian authorities have reported expelling some 180 of them and their Malaysian counterparts who had made way for the migrating Chinese fishermen now flooding their traditional Vietnamese and Malaysian waters.¹⁶⁷ The effects of the ban thus reverberate throughout the SCS, putting China increasingly at odds with its most distant SCS neighbors.

In summary, China's actions in the greater SCS waters demonstrate its rejection of the 2002 DOC's intent to "resolve [...] territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force [...] in accordance with [...] international law." First, China verified its unwillingness to jointly develop the resources of the SCS. Second, it expanded of its SSF, MSF, and SSRFAB, rendering the fleets of its neighboring SCS fleets relatively negligible while demonstrating its own intent to defend its claims. Third, by applying the authorities of territorial seas to its EEZ while disregarding the EEZs of others, China has validated suspicions that it views its claimed areas of the SCS as its sovereign waters.

Thus, the meaning of “indisputable sovereignty” becomes clear: China considers all of the islands, their adjacent waters, and the greater expanse of waters within the nine-dash line to be its sovereign territory and territorial seas. The Southeast Asian states thus face not just a “rising China,” but an expanding one. Nor do they face a “peaceful China,” but a determined, combative one that has used time and reassurances to ease and isolate the shocks of its strategic onslaught. Knowing that the Southeast Asian claimants may not be able to defend their lawful maritime rights, the United States also faces a dilemma: Should it intervene on their behalf, or let China unilaterally change the status quo of the SCS?

Part VI - The Inconsistency Between US Interests and Strategy

On the surface, US interests regarding the SCS appear reasonable and resolute. When compared to US strategy in the SCS, however, they are, at best, inconsistent. The following two sections describe the US interests and strategy and their counter-productive inconsistencies, together demonstrating an urgent need to change the latter.

Section 1 - US Interests and Strategy

The United States has four strategic interests in the SCS. First, it seeks “the maintenance of peace and stability,” allowing continued economic growth and political liberalization of Southeast Asia. Second, it seeks to strengthen the “respect for international law” that supports international stability and collaboration. Third, it seeks to safeguard the maritime “freedom of navigation” that allows commercial traffic, fishing, hydrocarbon development, and warships in both the sovereign maritime jurisdictions and SCS commons. Finally, the United States seeks “unimpeded lawful commerce” wherein all SCS resident nations pursue their commercial interests in an environment where nations’ actions match the laws to which they agreed.¹⁶⁸

During her 2010 speech in Hanoi, Secretary Clinton attempted to clarify US policy in the SCS by describing three crucial drivers of US strategy regarding the SCS maritime disputes. First, she repeated a long-established US policy of maintaining neutrality in the disputes. Second, she clarified that the United States favored “a collaborative diplomatic process” among the claimants. Third, she stated that the United States opposed the “use or threat of force by any claimant,” instead arguing that claimants should use the Law of the Sea to find a resolution.¹⁶⁹

Since Secretary Clinton’s speech, the United States has pursued a diplomatically aggressive strategy. The Assistant Secretary of State for East Asia and Pacific Affairs Daniel Russell has clearly identified Chinese actions as coercive and dangerous and has called on Beijing to publicly clarify its nine-dash line claim and intended strategy. In addition, the United States has supported the Philippines in a bid to seek UN arbitration on China’s claims within the Philippine EEZ, and encouraged other countries, such as Malaysia, to openly endorse arbitration as a solution. To a limited extent, the United States has also been successful in encouraging consensus among Southeast Asian governments on the need to collaborate through ASEAN and multilateral agreements to collectively confront China. The United States has also increased its formal participation in several multilateral political and economic organizations, such as the East Asia Summit and Asia Pacific Economic Cooperation, and is currently attempting to create a Trans-Pacific Partnership.¹⁷⁰ Alone, these diplomatic efforts have not and likely will not cause China to change its strategic policies in the SCS.

The United States has supported its diplomatic strategy with two military initiatives: strengthening Southeast Asian defensive capacity and increasing US presence in the SCS. The first initiative—strengthening Southeast Asian defense capacity—addresses one of the objectives of the US “rebalance” strategy: to strengthen the defensive capabilities of US allies and partners

in the SCS. To this end, the Department of Defense has planned approximately 130 annual combined military exercises and training engagements in the SCS. It also plans to increase its foreign military financing by 35 percent by 2016 to improve training, education, and maritime domain awareness. The Department of Homeland Security has also transferred two decommissioned US Coast Guard cutters to the Philippine Navy and plans to soon transfer a third. Looking internationally, the US has called on other allies for support, resulting in Japanese pledges to deliver 10 new patrol boats to the Philippine Coast Guard starting in 2015 and an unspecified delivery of patrol boats to Vietnam.¹⁷¹

Secondly, the US military plans to continue increasing its presence in the SCS. In 2014, over two decades since the Philippine Congress voted to close US bases in the Philippines, the United States and the Philippines signed the “US-Philippines Enhanced Defense Cooperation Agreement” (EDCA) allowing the US military to return to Philippine bases, albeit temporarily. This agreement allows US forces to access to six bases along the Philippine west coast, ranging from the Batanes Islands north of Luzon to Brooke’s Point on the southern tip of Palawan, and including Subic Bay and Clark Air Base in the center of the island.¹⁷² While the composition of forces has not yet been released, EDCA will place US forces back in the geographic center of the nine-dash line. Combined with an expected 700 annual port visits across the Asia-Pacific region, these efforts may begin to change China’s strategic calculus.¹⁷³

What the above strategy does not accomplish, however, is a change in China’s strategic calculus in favor of US interests. Instead, it offers China a choice: give up, or arm up. Chinese President Xi Jinping has repeatedly stated that China will not compromise on its sovereignty and territory claims and has invested many resources into naval modernization.^{174,175} Therefore,

unless the United States refines its policy and strategy, China will likely continue its unabated policy of “arming up.”

Section 2 - The Mismatch

Secretary Clinton’s three crucial drivers of US strategy in the SCS fail to describe the actual US strategy in the SCS and thereby reveal the strategy’s inherent inconsistencies. First, Secretary Clinton stated that the US maintains neutrality in the SCS sovereignty disputes, but all claimants realize that while the US may be nominally neutral to the outcome of any sovereignty decision, it is not neutral to the dispute resolution process. By supporting the Philippines’ arbitration request, the 2002 DOC, and subsequent related initiatives, the US clearly supports a process that routes all claims through an international tribunal that will require China to concede at least some of its claims.

Second, Secretary Clinton voiced support for a “collaborative diplomatic process,” but neither China nor the Southeast Asian claimants have shown a willingness to collaborate. By signing the 1982 Law of the Sea, each disputant committed itself to the only remaining international law required to solve the SCS disputes outside of the universally applicable customary law. Thus, one would have expected a gradual resolution of the overlapping claims. In 1996, however, the disputes intensified as China formally abandoned the UNCLOS provisions requiring dispute resolution¹⁷⁶ and reaffirmed its domestic law that declared the Paracel, Spratly, and Pratas Islands as sovereign territory.¹⁷⁷ Beijing has since shown no willingness to reverse this policy.

The Southeast Asian states have also demonstrated an unwillingness to collaborate. Several key states—Vietnam, Malaysia, and the Philippines, for example—have shown apparent willingness to resolve disputes with China via tribunals, yet they still maintain overlapping

claims among themselves that they have refused to resolve. In fact, during a February 2014 meeting in which Southeast Asian claimants gathered to discuss a unified front against China's nine-dash line, Brunei declined to participate for unstated reasons.¹⁷⁸ This internal disunity is reflected in ASEAN's series of agreements with China. Since 2002, for example, ASEAN has signed one agreement after another with China, each declaring to peacefully pursue the former; the DOC reaffirmed UNCLOS; and a 2011 "Guideline for Implementation of the DOC" reaffirmed the DOC. ASEAN's most recent collaboration, the 2012 "Six-Point Principles on the South China Sea," thus amounts to an public recognition of six "phase lines" of diplomatic retreat from its initial insistence on a law-based order to an acceptance of a power-based order in the SCS.^{179,180,181}

Finally, Secretary Clinton stated that the United States opposed the "use or threat of force by any claimant," yet the US strategy actively promotes both. By providing military technology, training, education, and modernization funds to the Philippines and Vietnam, the United States is clearly threatening China's claims. In addition, by resuming US basing—albeit temporarily—all along the Philippine west coast, the United States is increasing its own military presence and responsiveness within the SCS. Finally, by increasing port visits within the SCS, including port calls at Vietnam's expanding, submarine-capable Cam Ranh Bay naval port, the United States is increasing its naval traffic and throughput in the SCS.¹⁸² It is unreasonable to expect China to view these developments as peaceful.

These inconsistencies in the US political intent and strategy risk giving China the impression that the stated US interests and strategy in the SCS are insincere ploys to mask a US effort to contain China. A growing body of Chinese academic and journalistic literature

certainly appears to substantiate such a trend in Chinese thought. Therefore, if the United States hopes to achieve its interests, it must take a more decisive, secondary role in the SCS.

Part VII - Recommendations

Some scholars claim that Chinese leaders privately understand their eventual need to compromise on China's claims and, under the right pressures, are willing to do so. As an historical example, several scholars pointed to China's compromise with Vietnam on their maritime boundary in the northern Gulf of Tonkin.^{183,184,185} In addition, several scholars have pointed out that China has never described the SCS as a "core interest" like it has Tibet or Taiwan. Thus, they argue that despite all of China's uncompromising rhetoric and actions, Beijing has shown a capability to compromise.^{186,187}

If China is, in fact, willing to compromise, then the US strategy must target China's will without triggering nationalist opposition or spurring violent escalation. The problem with a US-led coalition to coerce China is that it aggravates historic sensitivities of foreign intrusion. In addition, because China's relationship with the United States is already associated with disagreements over Taiwan, Tibet, human rights, and trade practices, the United States lacks legitimacy as a "neutral" arbiter. Thus, to avoid appearing intrusive and manipulative, the United States should leave the SCS disputants as the unmistakable leaders of the effort to coerce China. As the leading powers, they must then define the problem as a regional issue and collectively present China with the choice between either maintaining good relations with them or indefinite SCS strife.¹⁸⁸ As a collective of "lesser" powers whose histories share "foreign imperialist" grievances with China, the Southeast Asian states stand a better chance of coercing Chinese compromise without triggering politically unmanageable Chinese nationalism.

The United States should therefore set the following conditions for further US military support to the Southeast Asian disputants. First, they must resolve their own maritime boundary disputes in a manner that relies on international law and demonstrates their willingness to compromise. For example, they may request a UN or other impartial tribunal to hear their cases, and then they must collectively recognize the outcome. Second, using this outcome as a starting point, the Southeast Asian claimants must collectively submit a unified case against China to an international tribunal for legal arbitration. Third, they must form a defensive alliance, possibly similar to the North Atlantic Treaty Organization, that is clearly aimed at protecting each other's collectively recognized SCS territories and maritime boundaries against further Chinese aggression. This latter requirement is inherently confrontational, but it is in the interests of these nations to isolate China as the only non-compromising provocateur in the SCS. In doing so, they make outside foreign assistance more justifiable and clearly focus it on the SCS disputes, not wider regional issues. In addition, such a coalition would rhetorically present China with the “bilateral” negotiation scenario upon which China has so long insisted.^{189,190} The ability to achieve these results will reveal whether the Southeast Asian states are serious about confronting China or are simply seeking to exploit generous US power to pursue local, half-hearted interests at little-to-no cost of their own. If they succeed, then China cannot avoid seeing them as the leading force or misinterpret their objectives.

If the above conditions are met, the United States should augment its SCS foreign policy in the following six ways. First, in matters relating to the SCS disputes, US rhetoric must abandon its tendency to prioritize “peace” above dispute resolution. As long as peace remains more important to the United States than a rules-based resolution to the disputes, then the US

communicates a lack of will to directly confront China with military force. Under such conditions the US probably cannot compel China to negotiate on its “indisputable sovereignty.”

Second, the United States should help the Southeast Asian claimants improve their air and maritime armed forces by addressing the following three requirements. First, the claimants need better intelligence, surveillance, and reconnaissance (ISR) and command and control (C2) capabilities to increase their awareness of Chinese operations in the SCS.¹⁹¹ Second, the claimants need to expand their naval fleets to include submarines, fast surface combatants, and amphibious vessels to present the Chinese with a credible, stealthy, responsive, and littoral assault-capable threat. Third, the claimants require more credible air fleets, including ISR, C2, and strike aircraft that can provide limited periods of air superiority and ground attack over the Spratly Islands. In comparing the distance from China's Woody Island airfield to the Spratly Islands to distances between airfields in Vietnam, the Philippines, Malaysia, and Brunei and the Spratly Islands, it becomes clear that China is at a decisive disadvantage. Thus, with more capable air forces, the Southeast Asian claimants could dominate the majority of the nine-dash line. Finally, if the United States provides such capabilities, it should also consider providing free basing on US air and naval bases in PACOM for training and maintenance of the Southeast Asian militaries' more advanced military assets.

Third, the United States should ratify the Law of the Sea. In practice, the United States has adhered to UNCLOS for many years, and US Navy leaders have argued that it provides risk-reducing legal protections to the navies of signatory states.¹⁹² The main US opposition to ratification has stemmed from successive Congresses that have argued that its provisions regarding mining and extraction of non-living, ocean floor resources are too bureaucratic and costly to allow ratification.¹⁹³ Recent events and China's increasingly provocative actions,

however, have so threatened maritime freedom of navigation and raised such important regional security risks that the US Congress ought to reevaluate these security costs against the relatively meager economic benefits of non-ratification. As an UNCLOS signatory, the US would demonstrate its seriousness about international maritime laws, exercise greater credibility in international maritime matters, and have influence in the interpretation of such matters as EEZ rights.^{194,195}

Fourth, the United States should assist the Southeast Asian disputants in setting and enforcing firm deadlines with China. To date, China has evaded compromise because each agreement on dispute resolution has left the task of actual negotiated solutions open-ended, allowing China to continue expanding its presence in the SCS without consequences. Firm deadlines communicate respect for the existing international agreements between the disputants and, more importantly, demonstrate the much-needed diplomatic resolve to compel China to take others' arguments seriously. To begin with, the Southeast Asian claimants may schedule a defense ministers meeting to discuss matters and stipulate that if China fails to show up, then they will allocate a certain additional percent of their notional budgets toward defense, or fortify a series of occupied islands. Depending on China's response, they could set more decision-oriented deadlines, but each deadline must result in either positive or negative reinforcement for China's compliance.

Fifth, the United States should encourage the Southeast Asian disputants to agree upon one internationally recognizable and favorable name for the SCS. The Filipinos routinely refer to the SCS as the "West Sea." The Vietnamese routinely call it the "East Sea." The American preference for the "South China Sea" by contrast, appears to agree with China's nine-dash line. Observing this disunity, one journalist suggested that the international community rename it the

to something more geographically precise: the “Southeast Asian Sea.”¹⁹⁶ By agreeing to a more geographically correct name, the Southeast Asian disputants would bring greater awareness to the geographically rational arguments for compromise between all SCS rim states. In addition, such a name rejects any sense of Southeast Asian subjugation to the ancient Chinese imperial courts that modern China’s sweeping “historic title” might imply.

Sixth, as the confrontation with China grows, the United States must be ready to sharpen its rhetoric when framing the SCS dispute for international audiences. China tends to frame its claims using a combination of flexible and inflexible rhetoric that, when combined, maximizes its claims and their irreconcilability. The nine-dash line and “indisputable sovereignty” serve as primary examples of this rhetorical approach: The nine-dash line is flexible because it is geographically imprecise and China has refused to define it, and “indisputable sovereignty” is inflexible because it conveys an absence of compromise. Taken together, China can resolutely commit to something that it has the luxury to redefine over time, thus escaping responsibility for its provocative repercussions.

US rhetoric should directly attack these inconsistencies in order to frame China’s rationale and actions in a negative light. For example, US rhetoric could frame the nine-dash line as a product of the ancient and discredited imperial Middle Kingdom. Therefore, the argument would follow, modern China’s insistence that its neighbors acquiesce to their claim is an insulting demand that their modern peoples should voluntarily accept the role of “barbarian” and kowtow to a long-deceased foreign, Chinese imperialist monarchy. In addition, US rhetoric could frame the “indisputable sovereignty” assertion as “capitalist imperialism” because it denies the sovereign rights of neighboring states to contest political boundaries in order for China to monopolize financial gains from fishing and hydrocarbon development. US rhetoric may even

go so far as to compare China's actions in the SCS to Nazi Germany's search for *Lebensraum* and resources in Eastern Europe or Imperial Japan's resource-driven military conquest of territories throughout the Pacific in the early 1900s. In using such poignant themes directly tailored to Chinese historical grievances, US rhetoric may be able to pierce holes in China's confident diplomacy and rouse the emotional nationalism of its neighbors.

In summary, this section argues that coercing China into compromise will depend upon the Southeast Asian claimants' ability to reconcile their own disputes, create an alliance, and approach China "bilaterally" as one. The United States should predicate any significant contribution of its own on the claimants' ability to do so. If the Southeast Asian claimants succeed, the United States should support them by abandoning "peace-first" rhetoric, building their defense capabilities, influencing UNCLOS interpretations as a ratified member, enforcing deadlines, and shaping international debate through a SCS name change and more poignant rhetoric. If the Southeast Asian claimants fail to meet the above criteria, the United States should avoid a significant role in the disputes and reduce its political objectives to maintaining freedom of navigation and avoiding large-scale conflict in the region. Even if this approach results in continuous Chinese encroachment and eventual sovereign control of all of the Pratas, Paracels, and Spratlys, the United States should accept the outcome as beyond its interests to change.

Part VIII - Conclusion

The SCS is an immense resource for its resident nations. Its waters provide the majority of their protein intake, significant energy reserves, and access to the busiest commercial sea lanes that connect the world's most productive and advanced economies. China's intent to dominate

the SCS is therefore rational, but the extent of its claims and the lawlessness of its strategies to secure them present a security dilemma to its neighbors and those states whose economies depend on freedom of navigation.

The legal framework required to peacefully resolve the SCS maritime disputes—customary law and UNCLOS—exists, and all claimants have formally recognized it. In addition, every claimant has already submitted what it believes to be a reasonable case. Thus, all the ingredients for a peaceful, orderly transition to a new status quo in the SCS already exist.

China's interests in the SCS are economic and territorial. Economically, China seeks the same resources as other claimants: fish, hydrocarbons, and secure commercial sea traffic. Territorially, however, China's interests include the defense of the southern approaches to Taiwan and the dominance of the several islands groups within the SCS. Most notably, however, China defines its territorial interests by the all-encompassing nine-dash line.

China's actions in the SCS betray its strategy. It unilaterally seized Woody Island in the Paracels, where it has expanded civilian and military occupation ever since. Furthermore, China established an archipelagic baseline around the Paracel Islands and presented the international community with a *fait accompli*. Further south, in the Spratly Islands, China has gradually inserted itself, expanded its presence, and intimidated its fellow claimants. Along the way, China has repeatedly assuaged its worried neighbors through unenforceable agreements to eventually negotiate a diplomatic solution. In combination, China's military and diplomatic actions reveal a strategy to continuously delay any resolution while gradually increasing its presence and physically forcing other disputants out.

US interests in the SCS are to maintain peace, stability, the respect for international law, freedom of navigation, and unimpeded commerce. However, US strategy fails to clearly

promote these because it seeks to force arbitration as a neutral party while directly confronting China on behalf of the Southeast Asian disputants. Instead of potentially embroiling the US in the intertwined, bilateral conflicts of “lesser,” regional powers, US strategy should return the responsibility to confront China to the disputants. If they can demonstrate their resolve by solving their own disputes and then unifying in their dispute with China, the United states should consider investing further diplomatic, information, military, and economic capital.

As it stands, the balance of power in the SCS is gradually changing in China’s favor. China is rapidly upgrading its SCS military capabilities on Woody Island, Hainan Island, and within its SSF. Its maritime law enforcement fleets are likewise rapidly expanding. Meanwhile, the meager naval and air powers of the Southeast Asian claimants are growing so minimally that their relative combat power continues to dwindle. The US rebalance strategy has expanded US military presence in the SCS through agreements such as the new US-Philippine basing agreement, but the details of US increases in sea and air power are not complete, and their eventual employment may yet be subject to Philippine restrictions.

Thus, US and Southeast Asian relations with China are nearing a critical juncture at which the former two must either acquiesce to Chinese maritime imperialism, or change their strategies to compel China to conform to international laws that govern maritime affairs. If the Southeast Asian governments can unify and the US government can increase its military aid, confront legal inconsistencies of UNCLOS members, enforce practical negotiations deadlines, and sharpen its rhetoric, the United States may be able to guide the region to a new, favorable status quo. If the Southeast Asian claimants or the United States fail to take decisive action, China will continue its unapologetic expansion and maltreatment of its neighbors.

The status quo in the SCS will change in the coming decades. The question of how it will change ultimately rests upon the Southeast Asian states' will to resist China. Will they accept a role as modern versions of the imperial Middle Kingdom's barbarian vassals? Or, will they seek independence and mutual respect? The United States would be wise to let them answer that question on their own before making further commitments.

Bibliography

Anonymous. "Secretary of State Urges Multilateral Approach to China's South China Sea Claims." *The American Journal of International Law* 104 (October 2010): 664-666.

Association of Southeast Asian Nations (ASEAN) and Government of the People's Republic of China. *Declaration on the Conduct of Parties in the South China Sea*. November 04, 2002. <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea> (accessed February 15, 2015).

Association of Southeast Asian Nations (ASEAN). *ASEAN's Six-Point Principles on the South China Sea*. July 20, 2012. <http://www.cfr.org/asia-and-pacific/aseans-six-point-principles-south-china-sea/p28915> (accessed February 15, 2015).

Ba, Alice B. "Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters?" *Contemporary Southeast Asia* 33, no. 3 (2011): 269-291.

Baviera, Aileen S.P. *China and the South China Sea: Time for Code of Conduct?* June 14, 2011. <http://www.hpu.edu/CHSS/History/PapersCommentariesStudies/RSIScommentaryChinaandtheSouthChinaSea.pdf> (accessed March 04, 2015).

BBC News. *Q&A: South China Sea dispute*. May 08, 2014. <http://www.bbc.com/news/world-asia-pacific-13748349> (accessed March 20, 2015).

—. *Vietnam accuses China in seas dispute*. May 30, 2011. <http://www.bbc.com/news/world-asia-pacific-13592508> (accessed March 04, 2015).

Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014.

Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171.

Buszynski, Leszek. "The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry." *The Washington Quarterly* (Center for Strategic and International Studies) 35, no. 2 (Spring 2012): 139-156.

Center for Strategic & International Studies (CSIS). *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*. Edited by Phuong Nguyen, Gregory B. Poling Murray Hiebert. A Report of the CSIS Sumitro Chair for Southeast Asia Studies, 2014.

Center for Strategic and International Studies (CSIS). *U.S. Senator John McCain on South China Sea*. 2009. <https://www.youtube.com/watch?v=VdW6GHJoDdo> (accessed January 01, 2015).

Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36.

Clinton, Secretary of State Hillary Rodham. *Remarks at Press Availability*. July 23, 2010. <http://www.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm> (accessed March 08, 2015).

Cohen, Jerome A. "International Arbitration and Adjudication as South China Sea Confidence-Building Measures." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security*, by Center for Strategic & International Studies, 20-24. New York, NY: Rowman & Littlefield, 2014.

Cornell University Law School . *Customary International Law* . http://www.law.cornell.edu/wex/customary_international_law (accessed January 18, 2015).

Cruz, Major General Francisco Diego N. *Strategy of Indirect Pressure: A National Security Strategy on the West Philippine Sea*. March 14, 2012. <http://maritimesecurity.asia/free-2/south-china-sea-2/strategy-of-indirect-pressure-a-national-security-strategy-on-the-west-philippine-sea/> (accessed March 04, 2015).

Danielsen, Eric. "Challenges to Sovereignty: The Philippines." Student Paper, Command and Staff College, Marine Corps University, Marine Corps Base Quantico, 2015.

Eelapalan. *Burma (not so random) Connection*. May 23, 2013. <http://sangam.org/burma-not-random-connection/> (accessed March 20, 2015).

Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319.

Glaser, Bonnie S. "Armed Clash in the South China Sea." *Council on Foreign Relations*. 2012. <http://www.cfr.org/world/armed-clash-south-china-sea/p27883> (accessed November 02, 2014).

Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014.

Goldstein, Lyle. "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire." *Contemporary Southeast Asia* 33, no. 3 (2011): 320-347.

Hai Dang, Vu. "A Bilateral Network of Marine Protected Areas Between Vietnam and China: An Alternative to the Chinese Unilateral Fishing Ban in the South China Sea?" *Ocean Development & International Law* (Taylor & Francis Group, LLC) 44 (2013): 145-169.

Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014.

Hancox, David and Victor Prescott. *Maritime Briefing: A Geographical Description of the Spratly Islands and an Account of Hydrographic Surveys Amongst Those Islands*. Edited by Clive Schofield. Vol. 1. 6 vols. Durham, UK: International Boundaries Research Unit, Department of Geography, University of Durham, 1995.

Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014).

International Court of Justice. *Statute of the International Court of Justice*. <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0> (accessed January 18, 2015).

Jia, Bing Bing. "Four Legal Issues in Relation to the South China Sea Arbitration." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 70-81. New York, NY: Rowman & Littlefield, 2014.

Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014.

Koh, David. *Vietnamese Reactions over the South China Sea: Divergence between Society and Government*. ISEAS Perspectives, Singapore: Institute of Southeast Asian Studies (ISEAS), 2013, 5.

Lum, Thomas and Ben Dolven. "The Republic of the Philippines and U.S. Interests--2014." *Current Politics and Economics of South, Southeastern, and Central Asia* (Nova Science Publishers, Inc) 23, no. 2 (2014): 177-208.

Odom, Jonathan G. "How a "Rules-Based Approach" Could Improve the South China Sea Situation." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 115-126. New York, NY: Rowman & Littlefield, 2014.

Panda, Ankit. *US-Philippines Enhanced Defense Cooperation Agreement Bolsters 'Pivot to Asia'*. April 29, 2014. <http://thediplomat.com/2014/04/us-philippines-enhanced-defense-cooperation-agreement-bolsters-pivot-to-asia/> (accessed March 08, 2015).

Pedrozo, Raul Captain, JAGC, US Navy. "Close Encounters at Sea: The USNS Impeccable Incident." *Naval War College Review* 62, no. 3 (Summer 2009): 101-111.

People's Republic of China. *Declarations and Statements*. June 07, 1996.
http://www.un.org/depts/los/convention_agreements/convention_declarations.htm#China%20after%20ratification (accessed March 08, 2015).

People's Republic of China National People's Congress. *Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone*. February 25, 1992.
<http://www.asianlii.org/cn/legis/cen/laws/lotprocottsatz739/> (accessed March 08, 2015).

Shulong, Chu. "China's View on U.S. Policy in the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for International & Strategic Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 13-19. New York, NY: Rowman & Littlefield, 2014.

Storey, Ian James. "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute." *Contemporary Southeast Asia* 21, no. 1 (April 1999): 95-118.

Thang, Nguyen Dang. "Fisheries Co-operation in the South China Sea and the (Ir)relevance of the Sovereignty Question." *Asian Journal of International Law* 2 (2012): 59-88.

Thayer, Carlye A. "China's New Wave of Aggressive Assertiveness in the South China Sea." *International Journal of China Studies* 2, no. 3 (December 2011): 555-583.

Thayer, Carlye A. "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 348-369.

U.S. Energy Information Administration. *South China Sea*. February 07, 2013.
<http://www.eia.gov/countries/regions-topics.cfm?fips=scs> (accessed March 20, 2015).

United Nations. *Charter of the United Nations: Chapter I: Purposes and Principles*.
<http://www.un.org/en/documents/charter/chapter1.shtml> (accessed January 27, 2015).

—. *United Nations Convention on the Law of the Sea*. 1982.

United States Department of State. *South China Sea*. August 03, 2012.
<http://www.state.gov/r/pa/prs/ps/2012/08/196022.htm> (accessed March 07, 2015).

United States of America and the Republic of the Philippines. *Mutual Defense Treaty Between the United States and the Republic of the Philippines*. August 30, 1951.
http://avalon.law.yale.edu/20th_century/phil001.asp (accessed February 01, 2015).

Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387.

Xinhuanet. *China starts annual South China Sea fishing ban*. May 16, 2013.
http://news.xinhuanet.com/english/china/2013-05/16/c_132386383.htm (accessed March 06, 2015).

-
- ¹ BBC News. *Q&A: South China Sea dispute*. May 08, 2014. <http://www.bbc.com/news/world-asia-pacific-13748349> (accessed March 20, 2015).
- ² Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Pages 9-10.
- ³ U.S. Energy Information Administration. *South China Sea*. February 07, 2013. <http://www.eia.gov/countries/regions-topics.cfm?fips=scs> (accessed March 20, 2015).
- ⁴ Eelapalan. *Burma (not so random) Connection*. May 23, 2013. <http://sangam.org/burma-not-random-connection/> (accessed March 20, 2015).
- ⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 24.
- ⁶ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 24
- ⁷ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 9.
- ⁸ Ba, Alice B. "Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters?" *Contemporary Southeast Asia* 33, no. 3 (2011): 269-291. Page 270.
- ⁹ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 9.
- ¹⁰ Thang, Nguyen Dang. "Fisheries Co-operation in the South China Sea and the (Ir)relevance of the Sovereignty Question." *Asian Journal of International Law* 2 (2012): 59-88. Pages 62-63.
- ¹¹ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 6.
- ¹² Thang, Nguyen Dang. "Fisheries Co-operation in the South China Sea and the (Ir)relevance of the Sovereignty Question." *Asian Journal of International Law* 2 (2012): 59-88. Page 63.
- ¹³ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 10.
- ¹⁴ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 7.
- ¹⁵ Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014). Page 179.
- ¹⁶ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Pages 12 and 50.
- ¹⁷ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 171.
- ¹⁸ Thayer, Carlyle A. "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 348-369. Pages 357-360.

-
- ¹⁹ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Page 17.
- ²⁰ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Pages ix, 28-29.
- ²¹ Jia, Bing Bing. "Four Legal Issues in Relation to the South China Sea Arbitration." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 70-81. New York, NY: Rowman & Littlefield, 2014. Page 71.
- ²² Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 30.
- ²³ International Court of Justice Article 38(1)(b).
- ²⁴ Cornell University Law School . *Customary International Law* . http://www.law.cornell.edu/wex/customary_international_law (accessed January 18, 2015).
- ²⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 71.
- ²⁶ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 40.
- ²⁷ Odom, Jonathan G. "How a "Rules-Based Approach" Could Improve the South China Sea Situation." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 115-126. New York , NY: Rowman & Littlefield, 2014. Page 117.
- ²⁸ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 39.
- ²⁹ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 144.
- ³⁰ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 40.
- ³¹ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 145-150.
- ³² Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 90.
- ³³ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 31.
- ³⁴ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 144.
- ³⁵ Association of Southeast Asian Nations (ASEAN) and Government of the People's Republic of China. *Declaration on the Conduct of Parties in the South China Sea*. November 04, 2002.

<http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea> (accessed February 15, 2015). Paragraphs 4 and 7.

³⁶ Jia, Bing Bing. "Four Legal Issues in Relation to the South China Sea Arbitration." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 70-81. New York, NY: Rowman & Littlefield, 2014. Pages 79-80.

³⁷ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 5.

³⁸ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 7.

³⁹ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 2.

⁴⁰ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 33.

⁴¹ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 13.

⁴² United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 57.

⁴³ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 56.

⁴⁴ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 58.

⁴⁵ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 59.

⁴⁶ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 76.

⁴⁷ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 77.

⁴⁸ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 121.

⁴⁹ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 60.

⁵⁰ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 48.

⁵¹ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 50.

⁵² United Nations. *United Nations Convention on the Law of the Sea*. 1982. Articles 60 and 260.

⁵³ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 49.

⁵⁴ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 59.

⁵⁵ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 74.

⁵⁶ International Court of Justice. *Statute of the International Court of Justice*. <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0> (accessed January 18, 2015). Article 38.

⁵⁷ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions*

of the Dispute, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 40.

⁵⁸ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 47.

⁵⁹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 296.

⁶⁰ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 173.

⁶¹ Shulong, Chu. "China's View on U.S. Policy in the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for International & Strategic Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 13-19. New York, NY: Rowman & Littlefield, 2014. Page 14.

⁶² Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 296.

⁶³ Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387. Page 372.

⁶⁴ The "nine-dash line" is also referred to as the "nine-dashed line" and "cow's tongue."

⁶⁵ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Pages 294-295.

⁶⁶ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 299.

⁶⁷ Ba, Alice B. "Staking Claims and Making Waves in the South China Sea: How Troubled Are the Waters?" *Contemporary Southeast Asia* 33, no. 3 (2011): 269-291. Pages 271-272.

⁶⁸ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 40.

⁶⁹ Anonymous. "Secretary of State Urges Multilateral Approach to China's South China Sea Claims." *The American Journal of International Law* 104 (October 2010): 664-666. Page 666.

⁷⁰ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 293.

⁷¹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 295.

⁷² Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 293.

⁷³ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 36.

⁷⁴ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 143.

⁷⁵ The Republic of China (Taiwan) also maintains a claim to the Paracel Islands, but due to its lack of active participation in the dispute and its unresolved status as either a part of the greater

PRC or the legitimate government of all Chinese, the author has chosen to exclude it from the current discussion.

⁷⁶ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Pages 35-36.

⁷⁷ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 146.

⁷⁸ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Pages 35-36.

⁷⁹ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 36.

⁸⁰ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 35.

⁸¹ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 36.

⁸² Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 145.

⁸³ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 297.

⁸⁴ Intensified US military operations in Vietnam during the late 1960s and early 1970s may have slowed both China's and Vietnam's attempts to assert sovereignty over the Paracel Islands. After the 1973 Paris Peace Accords ended both parties' brief preoccupation with the US military, Vietnam and China appear to have quickly resumed their struggle. (Source: Bouchat, Clarence J. *The Paracel Islands and the U.S. Interests and Approaches in the South China Sea*. Carlisle Barracks, PA: United States Army War College Press, 2014. Pages 15-16.)

⁸⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 14-16.

⁸⁶ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 14-16.

⁸⁷ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 36.

-
- ⁸⁸ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 38.
- ⁸⁹ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 17-19.
- ⁹⁰ United Nations. *Charter of the United Nations: Chapter I: Purposes and Principles*. <http://www.un.org/en/documents/charter/chapter1.shtml> (accessed January 27, 2015). Articles 1 and 2.
- ⁹¹ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 47.
- ⁹² United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 7.
- ⁹³ Odom, Jonathan G. "How a "Rules-Based Approach" Could Improve the South China Sea Situation." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 115-126. New York, NY: Rowman & Littlefield, 2014. Pages 116-117.
- ⁹⁴ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 296.
- ⁹⁵ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Pages 17-18.
- ⁹⁶ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 148.
- ⁹⁷ Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387. Page 373.
- ⁹⁸ Hancox, David and Victor Prescott. *Maritime Briefing: A Geographical Description of the Spratly Islands and an Account of Hydrographic Surveys Amongst Those Islands*. Edited by Clive Schofield. Vol. 1. 6 vols. Durham, UK: International Boundaries Research Unit, Department of Geography, University of Durham, 1995. Page 38.
- ⁹⁹ In fact, North Vietnam actually acknowledged China's claim to the entire Spratly Island group in 1956 and 1958, well prior to learning of their value as an offshore petroleum source (Fravel, "China's Strategy in the South China Sea," 298).
- ¹⁰⁰ Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387. Page 373-374.
- ¹⁰¹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 298.
- ¹⁰² Lum, Thomas and Ben Dolven. "The Republic of the Philippines and U.S. Interests--2014." *Current Politics and Economics of South, Southeastern, and Central Asia* (Nova Science Publishers, Inc) 23, no. 2 (2014): 177-208. Page 191.

-
- ¹⁰³ Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387. Page 379.
- ¹⁰⁴ Danielsen, Eric. "Challenges to Sovereignty: The Philippines." Student Paper, Command and Staff College, Marine Corps University, Marine Corps Base Quantico, 2015. Page 2.
- ¹⁰⁵ Storey, Ian James. "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute." *Contemporary Southeast Asia* 21, no. 1 (April 1999): 95-118. Page 97.
- ¹⁰⁶ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Pages 29-30.
- ¹⁰⁷ United States of America and the Republic of the Philippines. *Mutual Defense Treaty Between the United States and the Republic of the Philippines*. August 30, 1951. http://avalon.law.yale.edu/20th_century/phil001.asp (accessed February 01, 2015). Article III.
- ¹⁰⁸ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Page 30.
- ¹⁰⁹ Storey, Ian James. "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute." *Contemporary Southeast Asia* 21, no. 1 (April 1999): 95-118. Pages 97-98.
- ¹¹⁰ Buszynski, Leszek and Iskandar Sazlan. "Maritime Crisis and Energy Cooperation in the South China Sea." *Contemporary Southeast Asia* 29, no. 1 (2007): 143-171. Page 150.
- ¹¹¹ Association of Southeast Asian Nations (ASEAN) and Government of the People's Republic of China. *Declaration on the Conduct of Parties in the South China Sea*. November 04, 2002. <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea> (accessed February 15, 2015). Article 4.
- ¹¹² Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 98.
- ¹¹³ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 299.
- ¹¹⁴ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 100.
- ¹¹⁵ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 299.
- ¹¹⁶ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 307.
- ¹¹⁷ Goldstein, Lyle. "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smoke, but Little Fire." *Contemporary Southeast Asia* 33, no. 3 (2011): 320-347. Pages 323-324.
- ¹¹⁸ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 308.
- ¹¹⁹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 309.

-
- ¹²⁰ Goldstein, Lyle. "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smole, but Little Fire." *Contemporary Southeast Asia* 33, no. 3 (2011): 320-347. Page 323.
- ¹²¹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 310.
- ¹²² Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 313.
- ¹²³ Pedrozo, Raul Captain, JAGC, US Navy. "Close Encounters at Sea: The USNS Impeccable Incident." *Naval War College Review* 62, no. 3 (Summer 2009): 101-111. Page 101.
- ¹²⁴ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Pages 63 and 88.
- ¹²⁵ Womack, Brantly. "The Spratlys: From Dangerous Ground to Apple of Discord ." *Contemporary Southeast Asia* 33, no. 3 (2011): 370-387. Page 375.
- ¹²⁶ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 19.
- ¹²⁷ Goldstein, Lyle. "Chinese Naval Strategy in the South China Sea: An Abundance of Noise and Smole, but Little Fire." *Contemporary Southeast Asia* 33, no. 3 (2011): 320-347. Page 332.
- ¹²⁸ Pedrozo, Raul Captain, JAGC, US Navy. "Close Encounters at Sea: The USNS Impeccable Incident." *Naval War College Review* 62, no. 3 (Summer 2009): 101-111. Page 102.
- ¹²⁹ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 56.
- ¹³⁰ Pedrozo, Raul Captain, JAGC, US Navy. "Close Encounters at Sea: The USNS Impeccable Incident." *Naval War College Review* 62, no. 3 (Summer 2009): 101-111. Page 102.
- ¹³¹ Cruz, Major General Francisco Diego N. *Strategy of Indirect Pressure: A National Security Strategy on the West Philippine Sea*. March 14, 2012. <http://maritimesecurity.asia/free-2/south-china-sea-2/strategy-of-indirect-pressure-a-national-security-strategy-on-the-west-philippine-sea/> (accessed March 04, 2015).
- ¹³² Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 306.
- ¹³³ Baviera, Aileen S.P. *China and the South China Sea: Time for Code of Conduct?* June 14, 2011. <http://www.hpu.edu/CHSS/History/PapersCommentariesStudies/RSIScommentaryChinaandtheSouthChinaSea.pdf> (accessed March 04, 2015).
- ¹³⁴ BBC News. *Vietnam accuses China in seas dispute*. May 30, 2011. <http://www.bbc.com/news/world-asia-pacific-13592508> (accessed March 04, 2015).
- ¹³⁵ Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014). Page 180.
- ¹³⁶ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 306.
- ¹³⁷ Thayer, Carlye A. "China's New Wave of Aggressive Assertiveness in the South China Sea." *International Journal of China Studies* 2, no. 3 (December 2011): 555-583. Pages 1, 17-18.

-
- ¹³⁸ Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014). Page 180.
- ¹³⁹ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 306.
- ¹⁴⁰ Thayer, Carlye A. "China's New Wave of Aggressive Assertiveness in the South China Sea." *International Journal of China Studies* 2, no. 3 (December 2011): 555-583. Page 18.
- ¹⁴¹ Koh, David. *Vietnamese Reactions over the South China Sea: Divergence between Society and Government*. ISEAS Perspectives, Singapore: Institute of Southeast Asian Studies (ISEAS), 2013, 5. Page 1.
- ¹⁴² Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 307.
- ¹⁴³ Center for Strategic & International Studies (CSIS). *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*. Edited by Phuong Nguyen, Gregory B. Poling Murray Hiebert. A Report of the CSIS Sumitro Chair for Southeast Asia Studies, 2014. Page 150.
- ¹⁴⁴ Shulong, Chu. "China's View on U.S. Policy in the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for International & Strategic Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 13-19. New York, NY: Rowman & Littlefield, 2014. Pages 13-14.
- ¹⁴⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 10.
- ¹⁴⁶ Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014). Page 180.
- ¹⁴⁷ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Page 20.
- ¹⁴⁸ Thayer, Carlye A. "China's New Wave of Aggressive Assertiveness in the South China Sea." *International Journal of China Studies* 2, no. 3 (December 2011): 555-583. Page 4.
- ¹⁴⁹ Chung, Chien-peng. "The Spratlys and Other South China Sea Islands Disputes." *The Journal of Social, Political, and Economic Studies* 24, no. 1 (1999): 17-36. Pages 21-22.
- ¹⁵⁰ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 306.
- ¹⁵¹ Thayer, Carlye A. "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 348-369. Page 361.
- ¹⁵² Hiep, Le Hong. "Vietnam's South China Sea Disputes with China: The Economic Determinants." *The Korean Journal of Defense Analysis* 26, no. 2 (June 2014). Page 180.
- ¹⁵³ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Pages 40-42.

-
- ¹⁵⁴ Hai Dang, Vu. "Disputes between Vietnam and China in the South China Sea: A Legal Analysis." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies, 35-44. New York, NY: Rowman & Littlefield, 2014. Page 41.
- ¹⁵⁵ Shulong, Chu. "China's View on U.S. Policy in the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for International & Strategic Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 13-19. New York, NY: Rowman & Littlefield, 2014. Pages 17-18.
- ¹⁵⁶ Xinhuanet. *China starts annual South China Sea fishing ban*. May 16, 2013. http://news.xinhuanet.com/english/china/2013-05/16/c_132386383.htm (accessed March 06, 2015).
- ¹⁵⁷ Buszynski, Leszek. "The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry." *The Washington Quarterly* (Center for Strategic and International Studies) 35, no. 2 (Spring 2012): 139-156. Pages 143-144.
- ¹⁵⁸ Hai Dang, Vu. "A Bilateral Network of Marine Protected Areas Between Vietnam and China: An Alternative to the Chinese Unilateral Fishing Ban in the South China Sea?" *Ocean Development & International Law* (Taylor & Francis Group, LLC) 44 (2013): 145-169. Page 146.
- ¹⁵⁹ Hai Dang, Vu. "A Bilateral Network of Marine Protected Areas Between Vietnam and China: An Alternative to the Chinese Unilateral Fishing Ban in the South China Sea?" *Ocean Development & International Law* (Taylor & Francis Group, LLC) 44 (2013): 145-169. Page 146.
- ¹⁶⁰ Thayer, Carlyle A. "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 348-369. Page 359.
- ¹⁶¹ Buszynski, Leszek. "The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry." *The Washington Quarterly* (Center for Strategic and International Studies) 35, no. 2 (Spring 2012): 139-156. Page 143-144.
- ¹⁶² United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 56.
- ¹⁶³ United Nations. *United Nations Convention on the Law of the Sea*. 1982. Article 59.
- ¹⁶⁴ Hongzhou, Zhang. *Chinese Fishermen in Troubled Waters*. October 23, 2014. <http://thediplomat.com/2014/10/chinese-fishermen-in-troubled-waters/> (accessed March 07, 2015).
- ¹⁶⁵ Hai Dang, Vu. "A Bilateral Network of Marine Protected Areas Between Vietnam and China: An Alternative to the Chinese Unilateral Fishing Ban in the South China Sea?" *Ocean Development & International Law* (Taylor & Francis Group, LLC) 44 (2013): 145-169. Page 147.
- ¹⁶⁶ Thayer, Carlyle A. "China-ASEAN and the South China Sea: Chinese Assertiveness and Southeast Asian Responses." In *Major Law and Policy Issues in the South China Sea: European and American Perspectives*, by Edited by Yann-huei Song and Keyuan Zou, 25-56. Burlington, VT: Ashgate Publishing Company, 2014. Page 36.

¹⁶⁷ Buszynski, Leszek. "The South China Sea: Oil, Maritime Claims, and U.S.-China Strategic Rivalry." *The Washington Quarterly* (Center for Strategic and International Studies) 35, no. 2 (Spring 2012): 139-156. Pages 143-144.

¹⁶⁸ United States Department of State. *South China Sea*. August 03, 2012.
<http://www.state.gov/r/pa/prs/ps/2012/08/196022.htm> (accessed March 07, 2015).

¹⁶⁹ Clinton, Secretary of State Hillary Rodham. *Remarks at Press Availability*. July 23, 2010.
<http://www.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm> (accessed March 08, 2015).

¹⁷⁰ Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014. Page 54-61.

¹⁷¹ Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014. Page 54-61.

¹⁷² Panda, Ankit. *US-Philippines Enhanced Defense Cooperation Agreement Bolsters 'Pivot to Asia'*. April 29, 2014. <http://thedi diplomat.com/2014/04/us-philippines-enhanced-defense-cooperation-agreement-bolsters-pivot-to-asia/> (accessed March 08, 2015).

¹⁷³ Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014. Page 58.

¹⁷⁴ Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014. Page 62.

¹⁷⁵ Cohen, Jerome A. "International Arbitration and Adjudication as South China Sea Confidence-Building Measures." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security*, by Center for Strategic & International Studies, 20-24. New York, NY: Rowman & Littlefield, 2014. Page 21.

¹⁷⁶ People's Republic of China. *Declarations and Statements*. June 07, 1996.
http://www.un.org/depts/los/convention_agreements/convention_declarations.htm#China%20after%20ratification (accessed March 08, 2015).

¹⁷⁷ People's Republic of China National People's Congress. *Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone*. February 25, 1992.
<http://www.asianlii.org/cn/legis/cen/laws/lotprocottsatz739/> (accessed March 08, 2015).

¹⁷⁸ Glaser, Bonnie S. "U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), 53-62. New York, NY: Rowman & Littlefield, 2014. Pages 59-60.

¹⁷⁹ Association of Southeast Asian Nations (ASEAN) and Government of the People's Republic of China. *Declaration on the Conduct of Parties in the South China Sea*. November 04, 2002. <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea> (accessed February 15, 2015).

¹⁸⁰ Odom, Jonathan G. "How a "Rules-Based Approach" Could Improve the South China Sea Situation." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 115-126. New York, NY: Rowman & Littlefield, 2014. Page 122.

¹⁸¹ Association of Southeast Asian Nations (ASEAN). *ASEAN's Six-Point Principles on the South China Sea*. July 20, 2012. <http://www.cfr.org/asia-and-pacific/aseans-six-point-principles-south-china-sea/p28915>

¹⁸² Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Page 62.

¹⁸³ Fravel - China's Strategy in the SCS - 296

¹⁸⁴ Thayer, Carlyle A. "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 348-369. Page 352.

¹⁸⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 99.

¹⁸⁶ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Pages 295-296.

¹⁸⁷ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House, 2014. Pages 10 and 167.

¹⁸⁸ Fravel, M. Taylor. "China's Strategy in the South China Sea." *Contemporary Southeast Asia* 33, no. 3 (2011): 292-319. Page 313.

¹⁸⁹ Cohen, Jerome A. "International Arbitration and Adjudication as South China Sea Confidence-Building Measures." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security*, by Center for Strategic & International Studies, 20-24. New York, NY: Rowman & Littlefield, 2014. Page 20-21.

¹⁹⁰ Jia, Bing Bing. "Four Legal Issues in Relation to the South China Sea Arbitration." In *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*, by Center for Strategic & International Studies (CSIS), edited by Phuong Nguyen, and Gregory B. Poling Murray Hiebert, 70-81. New York, NY: Rowman & Littlefield, 2014. Page 77.

¹⁹¹ Center for Strategic and International Studies (CSIS). *U.S. Senator John McCain on South China Sea*. 2009. <https://www.youtube.com/watch?v=VdW6GHJoDdo> (accessed January 01, 2015). Minute 14:45.

¹⁹² Center for Strategic and International Studies (CSIS). *U.S. Senator John McCain on South China Sea*. 2009. <https://www.youtube.com/watch?v=VdW6GHJoDdo> (accessed January 01, 2015). Minute 16:00.

¹⁹³ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Pages 51, 69, 96.

¹⁹⁴ Glaser, Bonnie S. "Armed Clash in the South China Sea." *Council on Foreign Relations*. 2012. <http://www.cfr.org/world/armed-clash-south-china-sea/p27883> (accessed November 02, 2014).

¹⁹⁵ Bouchat, Clarence J. *The Paracel Islands and U.S. Interests and Approaches in the South China Sea*. Carlisle, PA: United States Army War College Press, 2014. Page 88.

¹⁹⁶ Center for Strategic and International Studies (CSIS). *U.S. Senator John McCain on South China Sea*. 2009. <https://www.youtube.com/watch?v=VdW6GHJoDdo> (accessed January 01, 2015). Minute 34:01.