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# Ideology and Energy: Territorial Disputes and Geostrategic Trajectories in the South China Sea

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## Introduction

Territorial disputes in the South China Sea (SCS) have become a dominant staple shaping interstate relations in East and Southeast Asia in the past decades. With a size of approximately 3.5 million square kilometres, the SCS is semi-enclosed by Brunei, China, Malaysia, the Philippines, Taiwan and Vietnam, and all of these States have laid claims over parts of the SCS (Gao & Jia, 2013). The most assertive actor has been Beijing, which has claimed almost the entirety of the SCS. To consolidate its claims, China has ramped up its military operations in the region and taken control of some of the disputed territories while maintaining a constant naval presence in regional waters through marked and unmarked vessels. This has come to detrimentally impact Beijing's ties with other claimant States, most notably the Philippines and Vietnam, both of which are members of the Association of Southeast Asian Nations (ASEAN). China's conduct in the SCS has also negatively shaped its relations with the largest extra-regional actor, the United States (US). Former US Foreign Secretary Mike Pompeo asserted in 2020 that *"we seek to preserve peace and stability [in the SCS], uphold freedom of the seas in a manner consistent with international law, maintain the unimpeded flow of commerce, and oppose any attempt to use coercion or force to settle disputes. We share these deep and abiding interests with our many allies and partners who have long endorsed a rules-based international order"*. Pompeo argued that such *"shared interests have come under unprecedented threat"* from China as *"Beijing uses intimidation to undermine the sovereign rights of Southeast Asian coastal states in the South China Sea, bully them out of offshore resources, assert unilateral dominion, and replace international law with might makes right"*. In combination with China's handling of the COVID-19 pandemic, Beijing's consolidation of governmental control over Hong Kong and the repression of domestic minorities, the SCS issue has become one of the central issues shaping contemporary international relations in the Asia-Pacific. Graham Allison (2015), Professor at Harvard University, famously described this deepening structural competition between China and the United States as the 'Thucydides Trap'. Referring to the Peloponnesian War between Athens and Sparta, Allison found that war between the rising power (China) and the established power (the United States) emerges as the result of *"the rising power's growing entitlement, sense of its importance, and demand for greater say and sway, on the one hand, and the fear, insecurity, and determination to defend the status quo this engenders in the established power, on the other"* (Allison, 2015). Of course, competition between China and the US plays out in various ways (including economic and technological competition), yet military confrontation seems nowhere more likely than in the SCS given China's assertive behavior and Washington's sustained security interests and security presence in the region.

This paper retraces the origins of the contemporary disputes in the SCS and is interested in answering one central question: how can China's behavior in the SCS be explained? The paper identifies two explanatory variables: ideological motivations and energy-related security considerations. China has long-standing ideological interests in the SCS that are connected to broader developments in modern Chinese history and embody a specific understanding of national territoriality. At the same time, enhancing its control over the SCS grants China access to sea lanes vital for energy consumption and enables the exploration of regional energy resources.

First, the paper examines the international legal framework governing maritime disputes, the United Nations Law of the Sea (UNCLOS), and how UNCLOS may be less efficient in geographical spaces in which territoriality is disputed. It then moves to analyzing the ideological origins of China's territorial claims in the SCS and the post-1945 legal regime in the SCS that produced significant legal ambiguity concerning the legal ownership of regional islands. Having analyzed China's ideological motivations and the legal context, the paper then studies the strategic significance of the SCS in regards to the issue of energy trade and energy exploration in the SCS. Lastly, it is considered how China has consolidated its regional position and how this has been received by ASEAN and other regional security actors.

### UNCLOS and territorial claims in the SCS

Territorial claims in maritime spaces fall under the jurisdiction of international maritime law and specifically the United Nations Law of the Sea (UNCLOS). Ratified by the United Nations in 1982, UNCLOS regulates what spaces States can claim as part of their national territory. Foundational for this is the legal concept of a country's Exclusive Economic Zone (EEZ), in which a State holds...

*"sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds"* (United Nations, 1982).

Put differently, a country's EEZ constitutes the maritime extension of the country's sovereign territory and gives the right to control the waters and explore the resources located within the EEZ. The EEZ consequently becomes a crucial tool for resource exploration, also as the State is allowed to establish and use *"artificial islands, installations and structures"* and conduct maritime scientific research within its EEZ (ibid). Under UNCLOS, the EEZ is demarcated to extend for 200 nautical miles *"from the baselines from which the breadth of the territorial sea is measured"* (ibid). Crucially, UNCLOS also applies to a country's sovereign territories that have no physical connection to the mainland, i.e., offshore islands. This provides strategic and economic advantages for States that can claim sovereignty over islands far removed from their mainland. India, for instance, enjoys an EEZ surrounding the Andaman and Nicobar Islands, an island archipelago located between the southern tip of Myanmar and

the northern end of the Indonesian island of Sumatra. India's control over this archipelago allows Delhi to exploit regional resources and project geostrategic power in the area by enhancing its military presence in the region. Similarly, despite having a fairly limited shoreline, Portugal enjoys one of the largest EEZs in the entirety of the European Union due to its territorial holdings in the Atlantic (Maritime Forum, 2019). EEZs, then, by regulating the space in which coastal actors can explore and exploit resources and in which they can legally project power, can be of pivotal importance for economic and geopolitical reasons.

While UNCLOS continues to form the guiding legal framework in regards to national sovereignty, some key issues remain unresolved. By designating that a State's EEZ extends for 200 nautical miles beyond the State's continental shelf, UNCLOS includes a clear definition of what areas are incorporated in a State's EEZ. Naturally, this renders the legal efficacy of UNCLOS dependent on all involved parties accepting their respective borders. What, then, happens if States are in dispute regarding the legal ownership of particular territories, including islands?

This issue of disputed sovereignty over islands is of particular importance in the case of territorial disputes in East and Southeast Asia, and the case of the Senkaku/Diaoyudao Islands (SDI) is instructive in this regard. Located off the eastern coast of China in the East China Sea, the SDI are formed by a set of uninhabited islands situated just off the northern coast of Taiwan. Alongside the Ryukyu Islands, the SDI hereby form part of an island chain running between Taiwan and the large Japanese island of Kyushu. The SDI had been long claimed by the Qing Empire, the predecessor State of China. Following the Chinese defeat in the Sino-Japanese War of 1895, during which Japan had occupied the SDI, the SDI fell under Japanese control. Tokyo retained control of the SDI throughout the first part of the 20th century. Following the Japanese defeat in WWII the SDI were administered by the United States before being transferred back to Japan in 1972. Since then, Tokyo has taken active steps to consolidate its legal claims over the SDI by nationalizing the islands after purchasing some of them from their private owners in 2012 (Perlez, 2012). Apart from the period between 1945 and 1972, Japan has thus held *de-facto* political control over the islands since 1895.

Japan's control of the islands has put it at odds with China, which claims the SDI as part of its national territory. Reacting to the 2012 nationalization of the islands, the Chinese Ministry of Foreign Affairs reasserted the claim that the islands had been "*under the jurisdiction of China's naval defense as affiliated islands of Taiwan, China since the Ming Dynasty [which reigned China between 1368 and 1644 AD]*". As a result, China views Japan as having "*illegally occupied*" the SDI since 1895 (ibid). Due to these disputes the SDI now carry a Japanese (Senkaku) and a Chinese (Diaoyudao) name. In the latter half of the 20th century, the issue of the SDI emerged as a major issue for Sino-Japanese relations, strained by the Sino-Japanese War of 1895, the Japanese annexation of Manchuria in 1932 and the Japanese invasion of China in 1937. The question of territorial control over the SDI is consequently linked to other, historically and ideologically situated issues, in this case Chinese experiences of Japanese imperialism. The SDI consequently become a political embodiment of the sustained legacy of Japan's aggression towards China in the first half of the 20th century. As noted by Manicom (2011), "*[d]isputes over land and maritime space can become linked with a state's perception*

of itself and its perception of rival claimants as “others”” (p. 330). Due to these ideological factors, a State’s perception of what constitutes its rightful territory may not necessarily be shaped by international legal definitions but by historical processes and historical claims. In the case of the SDI, China’s perception that the SDI have been illegally occupied by Japan have thus resulted in the emergence and perseverance of a territorial conflict.

The territorial disputes between China and the other claimant States in the SCS can be divided into three sub groups as China has made three different territorial claims throughout the region. Geographically closest to the Chinese mainland are the Paracel Islands, a small archipelago consisting of reefs and atolls that is located south-east of the Chinese island of Hainan. The Paracels are claimed by China, Taiwan and Vietnam, with Beijing currently enjoying *de-facto* control over the islands. South-east of the Paracels is the Scarborough Shoal, situated off the western coast of the Phillipine island of Luzon. The Scarborough Shoal has been an issue of contention between China and the Philippines and Manila claims control over the shoal in accordance with UNCLOS. The islands that are geographically furthest removed from China are the Spratly Islands, located in the southern part of the SCS. The Spratlys are claimed in their entirety by China, Taiwan and Vietnam, whereas fractions of the islands are also claimed by Malaysia and the Philippines (CIA, 2021). China claims all of these islands in accordance with the so-called ‘nine-dash line’ (9DL) (see below).



Source: BBC (2016).

The formulation of China's claims in the SCS in the form of the 9DL predates the 1982 ratification of UNCLOS and forms the essence of China's regional maritime claims. Still engulfed in a civil war against Mao Zedong's Chinese Communist Party (CCP) at the time, the 9DL was first formulated by the nationalist government of Chiang Kai-shek in 1947 as the '11dash line,' which also included claims in the Gulf of Tonkin, located between Hainan and the northern Vietnamese coast. Chiang based these claims on various forms of historical evidence, including ancient navigational handbooks and pottery shards that purportedly exemplified that China historically held sovereignty over the islands (Beech, 2016). Following the CCP's victory in the Chinese Civil War in 1949, the CCP maintained the essence of Chiang's claims, only giving up its claims over the Gulf of Tonkin, which transformed the 11-dash line to the 9DL (Shukla, 2020). Notably, despite the marked political differences between Chiang's nationalists and Mao's communists, their position on the SCS did not diverge. Since then, the territorial scope of China's claims in the SCS has not changed in its essence.

It would be too simplistic to reduce China's claims in the SCS to a mere opportunistic attempt to extend China's regional clout. Rather, China's claims are partially indicative of legal ambiguities that are rooted in the aftermath of WWII. To begin with, the predecessor units of contemporary claimant States such as China and Vietnam had long claimed sovereignty over the Paracels and Spratlys as part of their respective historical territories. These overlapping claims continued into the 19th and 20th century, when both France (via its colonial control over Indochina) and the newly formed Republic of China, which had followed after the Qing Empire's collapse in 1912, claimed control over the islands. However, the Chinese era of warlordism and civil war that broke out in 1912, in combination with the Japanese invasion of Manchuria in 1932, crippled China's ability to practically perform this form of sovereign control. Capitalizing on this Chinese weakness, French troops moved to establish *de-facto* control over the Paracels in early 1938. These French troops were later challenged by the Japanese Navy, which began to use the Paracels as a naval base for its military campaign in China during WWII. Imperial Japan claimed the Paracels as part of Taiwan, which Japan had occupied following its victory in the Sino-Japanese War of 1895 (Granados, 2008). Japan retained control of the islands until its war defeat in 1945.

The end of WWII generated a scramble for control over the Paracels and produced much ambiguity surrounding the legal ownership of the islands. Chinese and French naval forces had moved to survey the Paracels following the Japanese defeat and South Vietnam took over France's claims following the end of colonial rule in Indochina and the division of Vietnam in 1954 (Hayton, 2015). Other parts of the Paracels were *de-facto* controlled by China from the 1950s onwards (Rapp-Hooper, 2015; Yoshihara, 2016). These developments meant that a *de-jure* resolution to the overlapping territorial claims in the region remained absent. This legal situation was further compounded by the 1951 San Francisco Peace Agreement, in which Japan formally renounced its claims over both the Paracels and the Spratlys. However, Article 2(f) of the San Francisco Agreement failed to stipulate what countries were to gain control over either archipelago (Asia Maritime Transparency Initiative, 2015). The fact that neither China nor Taiwan were included in the negotiations for the agreement furthermore

undermined its legitimacy as a guiding framework for conflict resolution. Legal ambiguity was thus added to historically convoluted and overlapping claims regarding territorial ownership.

At least to some extent, then, the current situation is a reflection of the legal territorial regime that was fostered following the end of WWII, which stopped short of finding genuine resolutions to the overlapping claims in the SCS. Of course, there is no way of knowing whether a more comprehensive territorial framework would have resulted in the contemporary disputes not erupting. However, the shortcomings of the San Francisco Agreement produced sufficient legal ambiguity for claimants to pursue their respective claims.

Besides this legal dimension, the Chinese perspective on the territorial disputes speaks to a specific Chinese understanding of territoriality and national sovereignty. As the case of the SDI has shown, China disputes Japan's control over the islands based on the historical claim Beijing lays to these islands. As with the SDI, China bases its claims in the SCS on archaeological-historical evidence that is said to confirm the historical presence of Chinese people on the respective islands. As a result, the Paracels and the Spratlys (as well as the SDI) are viewed as part of a broader cultural Chinese sphere of influence that is at odds with modern international borders. Moreover, the loss of the SDI to Japan and the French/Vietnamese possession of the Paracels/Spratlys hereby appears to embody another dispossession of the Chinese State and its people. It consequently feeds into the sentiment of national humiliation that China experienced at the hands of Western and Japanese imperialism throughout the 19th and 20th century. In this ideological-historical context, reclaiming control over long-lost territories becomes a way of resolving national humiliation and reasserting China's resurgence as an increasingly powerful regional and global actor. Although the Qing Empire no longer exists, then, the geography of its former territorial boundaries continues to shape what Chinese policymakers view as China's rightful territory. China's territorial understanding of itself, in other words, operates not in accordance with international legislation but in accordance with deep-rooted understandings of its own geography and role in East and Southeast Asia. In combination with the perception that some of the Qing territories have been robbed from China in the century of humiliation consequently creates a strong ideological drive to reclaim these 'lost' territories.

To sum up: UNCLOS creates an overarching legal framework that provides the theoretical basis for maritime governance and resource exploration but lacks the enforcement mechanisms to ensure that its regulations are upheld by international actors. This lack of enforcement mechanisms can allow actors to pursue their narrowly defined interests and project power without necessarily facing a severe legal backlash for doing so. Moreover, by tacitly presuming that territorial boundaries are generally accepted, UNCLOS provides little guidance in political environments in which territoriality and sovereignty is disputed. In the case of the SCS, the disputed territories have historically been disputed to begin with and are often infused with some form of ideological significance. The legal ambiguity of the San Francisco Agreement added a legal dimension to this issue by providing no framework through which to settle territorial disputes. This combination of historical claims and legal ambiguity has enabled the emergence of the current situation.

## The strategic significance of the SCS

Can the territorial disputes in the SCS be explained via ideological motivations alone? Naturally, analyzing the history of claims is important to assess what all parties cite in justification for their respective claims. However, ideological considerations alone may not help to explain why States would go as far as seeking confrontation regarding the matter as countries such as the Philippines and Vietnam have been willing to push back against China's assertive behavior in the region. This is despite the structural imbalance between themselves and Beijing and their economic dependence on China. This evokes the question as to why either side, but especially the structurally weaker sides, would accept deteriorating relations with China as a potential outcome of territorial disputes. Indeed, to understand the significance of the SCS disputes, one must dive deeper into the strategic importance of the area. Upon closer analysis, it becomes apparent that disputes in the SCS are broadly focused on one issue: Energy.

First and foremost, the SCS obtains a pivotal strategic significance due to its geographical location and consequential relevance for global commerce. The SCS forms the natural maritime link between the economies of East and Southeast Asia and the Indian Ocean, ultimately connecting East and Southeast Asia to the consumer markets in the Middle East and Europe. In this context, the continuous navigability of sea lines of communication (SLOCs) in the SCS is vital to sustain the export-driven growth model present in most of the region. 39.5% of all Chinese and 19.1% of all Japanese trade, for instance, passes through the SCS (ChinaPower, n.d.). For these countries, being able to navigate the regional waters consequently becomes an essential economic priority. As a result, each regional actor has a decisive interest in keeping regional waters as passable as possible. For this purpose, a multilateral balance of power in which no actor has the capacity to unilaterally control the sea yields advantages for all parties. Conversely, if one actor was to enhance its relative control over the SCS, this would shift the power balance at the expense of other actors. In this context, China's growing militarization of the Paracels and the Spratlys allows Beijing to exert more control over who passes through the adjacent SLOCs. Of course, this is not to say that China would take active steps to block the commerce of other regional actors. However, a more assertive China would certainly have the capacity to intercept and block trade if it so wished. This creates an incentive for all regional actors to counterbalance any party that has the capacity of unilaterally projecting sea control.

The importance of the navigability of regional SLOCs is further exacerbated when the energy profiles of regional actors are considered. Almost all countries in East and Southeast Asia have limited access to indigenous energy resources, meaning that most countries heavily depend on the import of natural resources such as oil and gas. The consistent availability of energy resources at stable prices hereby becomes essential if States seek to upkeep (or enhance) their industrial output. Demographic growth trends throughout the region, coupled with growing rates of urbanization and industrialization, further exacerbate this dependency on foreign energy supply. The geographical concentration of energy resources in the Middle East and the lower costs of maritime trade subsequently sustain a reliance on energy trade via the SCS: up to 90% of China's, Japan's and South Korea's petroleum supply, primarily sourced in

the Middle East, flows through the waters of the SCS (Ott, 2019). As East and Southeast Asia have emerged as the largest energy consumer market worldwide, interceptions or disruptions in foreign energy supply would have disastrous economic consequences for any of these countries (Daniels, 2014). As a result, all actors retain an interest in maintaining a balance of power that is favorable towards their national priorities. Overarching economic and demographic trends and the continued reliance on traditional energy resources subsequently render the SCS a highly relevant geostrategic space.

An additional element connected to energy security is the untapped subsurface energy reserves of the SCS, creating an incentive for regional actors to explore and exploit regional energy resources. Besides its significant fishing grounds, the SCS is believed to hold up to eleven billion barrels of untapped oil reserves alongside 190 trillion cubic feet of natural gas (Daniels, 2014). As energy consumption in the region has skyrocketed in recent decades alongside accelerating urbanization and industrialization, national energy markets have largely proven incapable of servicing the growing demand. At this point, only the small Sultanate of Brunei has retained its position as a net importer of oil (Observatory of Economic Complexity, 2019). In contrast, even historically oil-rich countries such as Malaysia and their often nationalized oil businesses have increasingly become reliant on importing oil (Sahid et al., 2013), highlighting the growing gap between domestic demand and domestic production capacities. Naturally, this trend is even more pronounced in countries that have little natural energy reserves to begin with: Taiwan, for instance, has practically no indigenous oil resources (Feigenbaum & Hou, 2020). Its dependence on global trade and oil supply renders the country highly vulnerable to global price fluctuations as well as disruptions in maritime traffic. Similarly, the Philippines holds little natural reserves, making offshore drilling in the SCS Manila's most attainable way of indigenous energy production (Daniels, 2014). Yet, the ongoing territorial disputes in its maritime environment have prevented the Philippines from extensively and successfully exploring subsurface resources (Chang, 2019). The same applies to the Vietnamese waters, which are home to larger reserves but have faced exploration difficulties due to ongoing territorial issues (Pham, 2014). China too has energy security concerns, having emerged as a net importer of oil in 1993 and continuously depending on growing energy supplies to maintain its infrastructure investment-driven growth model (Lee, 2012). For all claimant countries, being capable of exploring the abundant energy reserves of the SCS in their respective EEZs would help to address the growing domestic energy demand whilst reducing the dependence on external supply and maritime shipping routes.

Although territorial claims may be partially ideologically driven, there is an intrinsic strategic nature to them that connects to the access to global markets and energy supply. In the short term, China is the sole regional power that would have the operational means (and the political willingness) to project unilateral power in the SCS. Indeed, this increasingly appears to be Beijing's modus operandi. However, a reshaping of the regional security architecture from a multipolar one to an increasingly unipolar one would yield significant strategic disadvantages for all other regional stakeholders as it could diminish the navigability of SLOCs and limit the capacity to exploit subsurface resources. Considering regional energy security

issues subsequently contextualizes why relatively small States would seek to counterbalance China.

### Chinese conduct in the SCS

How and why has China asserted its claims in the SCS? This section firstly discusses the legal dimension of China's attempts to enhance the legitimacy of its territorial claims in the SCS. In recent years, however, much attention has been paid to what has been frequently dubbed as forms of Chinese 'aggression' (McGrath, 2021). Besides efforts to legitimize its own claims and project direct military power, China has also moved to change the *de-facto* status of its territorial claims by constructing man-made islands and militarizing some of its holdings.

The territorial disputes in the SCS began to heat up significantly in the 1970s in line with the broader geopolitical trends of the time. China had lent significant structural support to North Vietnam in the Vietnam War against South Vietnam and the United States and clashed with South Vietnamese troops surrounding the Paracels in 1974. China and South Vietnam had reestablished their respective positions on the Paracels in 1956 but had made no effort to displace the other party (Yoshihara, 2016). In 1974, the troops clashed as Chinese naval forces had encroached on an island claimed by South Vietnam. In the ensuing battle of the Paracel Islands, China managed to displace the South Vietnamese troops, which fled to the Spratlys. Following the collapse of South Vietnam in 1975 and the unification of Vietnam under socialist rule, Vietnam maintained its territorial claims over both the Paracels and the Spratlys, marking the onset of deteriorating relations between Beijing and Hanoi that would later escalate in the Sino-Vietnamese War of 1979. In 1976, the Philippines discovered significant oil reserves just off the southern coast of Palawan, located in the south-eastern part of the SCS (Muscolino, 2013). Six years after the UN passed UNCLOS, in 1988, Chinese and Vietnamese forces clashed surrounding the Spratlys in the first open military confrontation over the Spratlys. China again emerged victorious and began establishing a permanent presence on one of the islands. In 1996 China clashed with the Philippines in a part of the Spratlys that was also claimed by Manila. Throughout the latter part of the 20th century, the SCS subsequently emerged as a highly contested strategic space. Escalation in this form remained absent in 2012, when Chinese naval forces initiated a blockade of the Scarborough Shoal, which China claims to have been discovered by Chinese sailors in the 13th century (Bonnet, 2012). Although military conflict regarding the Paracels, Spratlys and the Scarborough Shoal has thus far been limited, territorial disputes in the SCS have begun to decisively shape the relations between China and other claimants, most notably the Philippines and Vietnam.

While China has proven willing in the past to project naval power in the SCS, most prominently in 1974, 1988, 1996 and 2012, Beijing has sought to establish some legal backing for its territorial claims. In 1992 China passed the Law on the Territorial Sea in 1992, which legally entrenched the definition of China's territorial sea in accordance with the 9DL. Crucially, the legislation stipulated that "[t]o enter the territorial sea of the People's Republic of China, foreign military ships must obtain permission from the Government of the People's Republic of China" (quoted in Kim, 1994, p. 902). In effect, this would severely constrain the naval

operations of any other naval actor, including the United States, which maintains a high regional naval presence through its bases in Guam, Japan, the Philippines and South Korea. The US adhering to the 9DL and the Law on the Territorial Sea would thus significantly challenge the American security umbrella Washington created in the Western Pacific from 1945 onwards. China's territorial claims have been challenged by other claimants: in 2013, the Philippines brought a case against China regarding the 9DL and China's conduct surrounding the Scarborough Shoal to the Permanent Court of Arbitration in The Hague. In 2016, the court ruled in favor of the Philippines, rejecting China's claim to exclusive economic rights and stating that Chinese conduct had violated UNCLOS (Perlez, 2016). China rebuked the ruling, stating that *"the arbitration award has no binding force and it is invalid and illegal. China will neither recognize nor execute the arbitration award"* (Zhenmin, 2016). Here, the lack of enforcement mechanisms has meant that the international community has been unable to coerce China into adhering to the ruling. Despite no imminent change in the status quo, China's rejection of the arbitration outcome nevertheless decreased the trust of other States regarding China's adherence to multilateral conflict resolution mechanisms (Sidhu, 2016). Although China has hence sought to establish a legal basis for its claims, these efforts have thus far only been successful on a domestic level.

Considering this general lack of legal legitimacy, China has moved forward to changing the territorial facts on the ground by creating man-made islands and military installations on the islands it has occupied. In the past years, China has invested significantly in producing manmade islands surrounding both the Paracels and the Spratlys. This island-building project serves clear strategic objectives as China has moved to militarize the islands, most notably by constructing airbases and jet hangars on Fiery Cross, Mischief, and Subi Reefs (all of which are part of the Spratlys) and deploying anti-ship cruise missiles to both the Paracels and the Spratlys (Poling, 2020). According to the Asia Maritime Transparency Initiative (n.d.a), a research program operated by the Center for Strategic and International Studies, China now controls 20 outposts in the Paracels and seven in the Spratlys, while the Scarborough Shoal is guarded by a constant coast guard presence. China's hard power projection capacities have significantly expanded as a result, especially in the southern part of the SCS. To further consolidate its strategic position China also introduced a new Coast Guard Law in 2021, which legally authorizes the Chinese coast guard vessels *"to use lethal force on foreign ships operating in China's waters"*, a move that was criticized by the United States for seeking to intimidate other regional actors (Trung, 2021). In recent years, then, China has taken active steps to militarize both the waters of the SCS and the islands that it has taken control over.

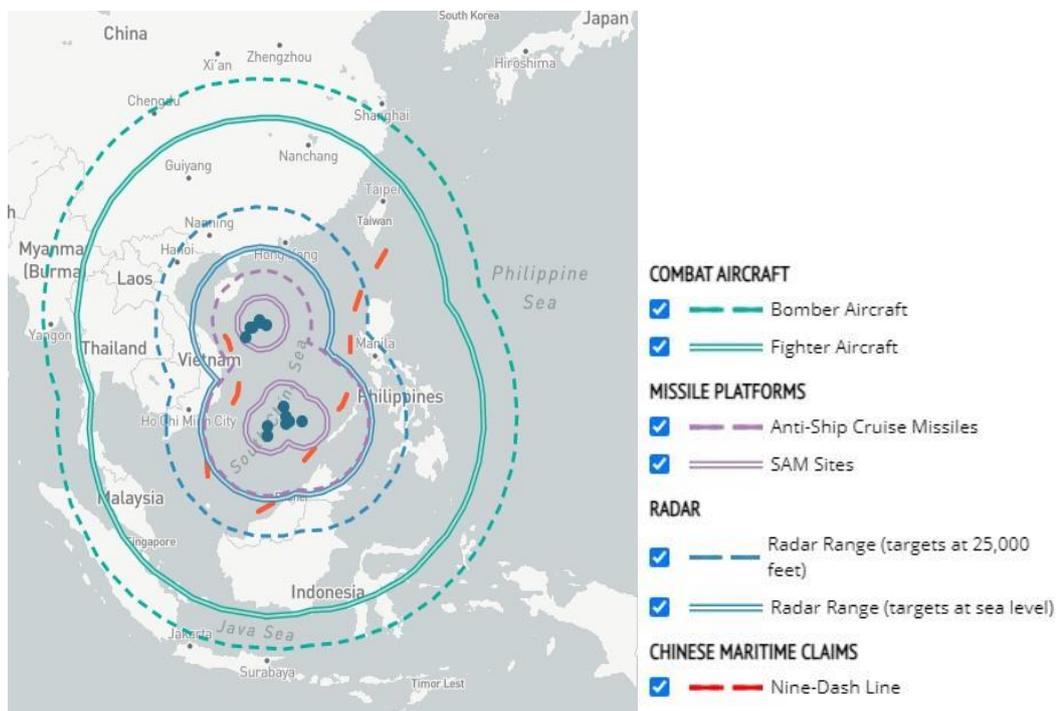
What are the strategic implications of China's militarization of the Paracels and the Spratlys and why is China willing to alienate regional actors through this militarization? First and foremost, the construction of airfields that are removed from the mainland significantly extends the Chinese capacities to project air power throughout continental and maritime Southeast Asia. Air power can serve both offensive and defensive purposes: offensively, it would boost China's capacities of attacking adversary forces throughout the region and protect Chinese naval forces with air cover. On a more defensive level, it adds a layer to China's coastal defense zone. This defensive element is perhaps most pronounced in the case

of the Paracels, which are located close to Hainan, where the Chinese submarine fleet is stationed (Cook, 2017). Militarized islands can subsequently serve as forms of permanent aircraft carriers, allowing China to project military power in distant strategic theatres. Equally relevant is the stationing of anti-ship cruise missiles on the Paracels and the Spratlys, enabling China to track and potentially challenge the naval capacities of adversary forces in the East and South China Sea. Indeed, the investment in air facilities and anti-ship missile systems makes the Chinese possessions in the SCS part of China’s broader A2/AD (anti-access/areadential) capacities. A2/AD can be summarized as the following:

*“Anti-access – of enemy military movement into an area of operations – utilizes attack aircraft, warships, and specialized ballistic and cruise missiles designed to strike key targets. Area denial – denial of enemy freedom of action in areas under friendly control – employs more defensive means such as air and sea defense systems”* (Missile Defense Advocacy Alliance, 2018).

A2/AD capacities, in other words, combine both defensive and offensive military purposes and effectively form a deterrence strategy that raises the costs for military intervention by outside actors. If war over Taiwan was to break out, for instance, China could use its ballistic missiles, most of which are stationed close to its coast, as a means of raising the military costs of a US intervention. Similarly, extending China’s deterrence umbrella southwards, i.e., via militarizing the Paracels and Spratlys, enhances not just China’s offensive capabilities but also the space in which China can enact this deterrence strategy (see below). China’s national defense perimeter is subsequently expanded, undermining the offensive capacities of other military actors in the SCS, most notably the United States.

### China’s strike capacities in the SCS



Source: Asia Maritime Transparency Initiative (n.d.b).

Evidently, the SCS has grown to be an increasingly hostile security environment in recent years as China has pursued an expansion of its regional strike potential. As previously mentioned, however, conventional balancing theory would suggest that other actors would seek to engage in balancing behavior if one State moves to reshape a multipolar architecture into a more unipolar one. Indeed, the pushback that China has faced from some Southeast Asian countries and the United States indicates that China-skeptical parties are now very much engaging in balancing behavior. This, then, raises the question as to why China would set out to disrupt a security balance that has functioned well for Beijing up until this point. One explanatory factor, as we have seen, is ideology: China has long considered these areas to be legitimate parts of the Chinese national territory and the onset of a more nationalistic and aggressive rhetoric under Xi Jinping, both at home and abroad, helps to legitimize assertiveness in foreign affairs. However, ideology hardly seems to be the sole (or main) driving force: the geography of the SCS is vital for both energy trade and energy production that could help to address China's chronic energy security issues. Enhanced Chinese control over regional waters hereby grants China a larger space in which resource exploration can take place. Moreover, the dependency on trade via the SCS renders China vulnerable to disruptions in maritime commerce, for example in the form of potential interceptions and blockades. Exerting sea control in the SCS consequently helps alleviate this strategic vulnerability by enhancing China's capacity to secure pivotal SLOCs and thereby safeguards China's economic (and social) stability. A stronger Chinese military presence additionally boosts Beijing's strategic position vis-à-vis the United States by expanding China's defense perimeter and boosting its A2/AD capacities in the Pacific. The historical origins of the 9DL indicates that these are not necessarily novel strategic considerations. Yet, the timing of China's increasingly assertive policy highlights that it is China's whole-scale naval modernization programs from the 1990s onwards that provided China with the operational means to act on these ambitions, for instance by developing more sophisticated missile systems and submarine forces (Congressional Research Service, 2021). While China has long had the intent to project maritime power, now it has the means to do so.

Yet, it would be misguided to interpret the improvement in Chinese A2/AD capacities as an innately offensive move. The US' position along the first island chain (stretching from the Japanese isles over Taiwan and the Philippines to the Malaysian Peninsula) remains strong due to the pronounced American military presence in the region and the deep-seated security ties Washington has with a host of regional actors. Although strategic dynamics are currently in the process of shifting, the Chinese position in the East and South China Sea is consequently still one of comparative weakness. Military expansion in the SCS, despite disrupting and upsetting China's relations with regional actors, helps to boost China's military position while also securing vital strategic-economic interests for Beijing. In this context, the deterioration of relations with regional actors appears to be a price China is willing to pay for the capacity to project power more unilaterally. Ideological, economic and geostrategic factors subsequently converge in motivating China's conduct in the SCS. Crucially, this behavior puts Beijing at odds with other claimants and the United States, making the SCS the primary theatre for the Thucydides Trap.

### ASEAN: balancing or accommodating China?

Hemmed down by the United States along the first island chain throughout most of the Cold War, China did not establish a sophisticated blue water navy that could project power beyond its 'near seas', the East and South China Sea, until it engaged in its naval modernization program in the 1990s. Although the US remains the dominant naval power in the region, its dominance is longer quite as pronounced. The SCS has subsequently emerged as a main space for growing American-Sino tensions (Rosyidin, 2017). Of course, the United States is not the sole actor in the SCS: bar Taiwan, all other claimant States are members of ASEAN, and territorial disputes in the SCS have become a primary political issue for ASEAN. How has ASEAN reacted to China's growing regional clout and what has shaped its response? What are the broader implications for the security dynamics in the South China Sea?

Upon organizational expansion in the 1990s, ASEAN grew less unified in its communal position on China. Originally formed as an anti-communist bloc in 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand, the end of the Cold War and the Cambodian-Vietnamese War resulted in a re-orientation of ASEAN's organizational emphasis as ASEAN increasingly turned into a forum for economic and political integration (Okabe, 2015). The end of the Cold War helped to alleviate concerns that a communist takeover was imminent, mitigating interstate tensions in Southeast Asia and ultimately allowing for the entry of Cambodia (in 1999), Laos (1997), Myanmar (1997) and Vietnam (in 1995) (the so-called CLMV States) into ASEAN. The inclusion of the CLMV States made ASEAN more economically and politically heterogeneous as it began to incorporate less developed economies (such as the Laotian and Cambodian ones) and regimes that were more authoritarian in nature. The inclusion of the CLMV States also meant the inclusion of countries that had significantly different perspectives on the role of China in Southeast Asia. During the Cambodian-Vietnamese War China had lent significant support to Cambodia, further straining the ties between China and Vietnam while contributing to close ties between China and Cambodia. Organizational expansion consequently had the effect of ASEAN now including more diverging positions on a variety of topics, including China.

ASEAN's growing heterogeneity in politico-economic disposition is important to consider as it has shaped ASEAN's capacity to respond to political issues as a bloc. ASEAN is normatively governed by the principle of the ASEAN Way, which enshrines respect for national sovereignty, freedom from external influence, non-interference in internal affairs, peaceful dispute settlement and a renunciation of the use of force as the organization's key principles (Ebbighausen, 2017). Deriving its basis from Southeast Asia's historical experience of colonization and interstate competition during the early stages of the Cold War, the organizational design of ASEAN ensures that ASEAN cannot collectively make a decision without having the support of all of its members. If a decision is made collectively, the bargaining power of ASEAN as a whole is enhanced. If such a collective agreement cannot be made, however, ASEAN's collective bargaining power largely collapses as States have to focus on finding bilateral solutions that circumvent the diplomatic role of ASEAN.

For an expanding ASEAN, maritime disputes in the SCS quickly became a major issue of contention. Maritime tensions between China and Vietnam had grown to be an issue for

ASEAN even before Vietnam entered ASEAN in 1995. In 1992, ties between Beijing and Hanoi had soared following China's 1992 passing of the Law on the Territorial Sea, in which China claims the right to use force to defend its national sovereignty along the 9DL (Thayer, 1994). To alleviate tensions, ASEAN had worked on establishing an international code of conduct for the SCS. China, however, rejected ASEAN's code of conduct as Beijing was not made part of the negotiations (Cheeppensook, 2020). In the following years, ASEAN issued annual communiqués stressing the role of UNCLOS as the guiding legal framework for maritime territorial issues and in 2002, China and ASEAN ratified the non-binding Declaration on the Conduct of Parties in the SCS (DOC) (ibid). The DOC introduced mechanisms of conflict resolution and stated that maritime disputes in the SCS should be negotiated multilaterally rather than bilaterally (Storet, 2018). However, the DOC provided no legal framework for the resolution of territorial disputes, and its non-binding nature meant that punitive mechanisms for a violation of the DOC were not included (ibid). In the years since, the DOC has proven incapable of acting as a guiding framework for conflict resolution and a lack of escalation in the 2000s appears to be more of a result of a less assertive China than of the DOC fulfilling its purpose (ibid). While ASEAN has sought to maintain its diplomatic role, it has proven largely inefficient in shaping constructive diplomatic outcomes.

The combination of the ASEAN Way and the diverging relations of member States with China has decisively impacted ASEAN's position on the territorial disputes in the SCS. Since the 1990s the ties of different member States with China have diverged further: while Hanoi and Manila are deeply skeptical of China's intentions in the SCS, Cambodia and Laos, for instance, enjoy deep diplomatic and economic ties with Beijing (Po & Priviano, 2020). These internal differences have begun to inform ASEAN's position on the SCS. In 2012, ASEAN, for the first time in its history, failed to pass a communique condemning China's conduct in the SCS. This was widely believed to be the case due to Cambodia's opposition to a shared communique, and some commentators (Bower, 2012; Mogato et al., 2016) interpreted the lack of a unified position as the result of China leveraging its economic role in Cambodia to exert political concessions. Moreover, Cambodian representatives suggested that issues in the SCS were of a bilateral rather than multilateral nature and consequently did not impact ASEAN as a bloc (Storey, 2018), which went against the 2002 DOC. It naturally cannot be said with certainty whether (and, if so, how) China did leverage its economic influence over Cambodia: after all, Cambodia does not directly border the SCS and is not as directly implicated by maritime security developments in the region. However, even if China took no active steps to influence Cambodian decision-makers, Cambodia clearly came to prioritize its relations with China over that of other ASEAN States. In this context, the ASEAN Way prevented ASEAN from forming a more coherent and more politically powerful bloc.

Everything considered, ASEAN has thus far failed to form a unified front against China. This is due to a combination of factors: although most (if not all) ASEAN States share concerns over an politico-economic absorption by China and China's flooding of global markets with cheap products that come at the expense of Southeast Asian production markets, the extent to which this is the case may differ (Sato, 2013). In this context, different actors are implicated by different security concerns: Myanmar's national sovereignty, for instance, is not directly

implicated by China's conduct in the SCS whereas Vietnam's is. The different levels of exposure to China's behavior in the SCS subsequently produce different strategic priorities and incentivize (or de-incentivize) balancing behavior. Politico-economic relations with China are also vital to consider: while all regional actors are deeply economically linked with China, the extent of dependency on China may differ from case to case. Moreover, especially comparatively isolated regimes such as Laos and Myanmar depend on China not just for economic aid but also for diplomatic support. In the case of Myanmar, the recent military coup further exacerbates this diplomatic dependency and is thus likely to motivate further accommodation to China's regional interests. In combination with the stipulations of the ASEAN Way, these factors produce a situation in which ASEAN lacks the power to collectively counterbalance China.

While issues in the SCS have highlighted ASEAN's structural weaknesses, China's conduct and the lack of a collective response has also had an impact on China's international reputation and the security ties between ASEAN member States and other extra-regional actors. On a basic level, China's unilateralism in the region has threatened its ties with regional actors, undermined China's position on multilateral conflict resolution and legitimized perspectives of China as a revisionist and hostile actor (Dixon, 2014). This has shaped the reaction to China's global approach beyond Southeast Asia, resulting in a growing anti-China sentiment in the United States (Magnier, 2021) and also rendering non-regional actors such as India more belligerent towards China (Chaudhuri, 2018). Exposing ASEAN's inability to maintain a multilaterally governed security architecture has additionally incentivized some member States to turn elsewhere for balancing power: the Philippines and Singapore have deepened their long-standing security ties with the United States, and Washington now also enjoys closer ties with its former adversary in Vietnam (Xie, 2016). Vietnam has emerged as a major export market for Indian arms, and India has started to engage with Indonesia, Malaysia and Vietnam in regular military exercises (Izzuddin, 2020; Pant, 2018; Singh, 2018). A deeper strategic engagement has become a strategic priority of the Modi administration in the context of India's 'Act East Policy' (Kesavan, 2020). While China's politico-economic presence in the Indian Ocean has been expanding, so has India's in the SCS. The Quadrilateral Security Dialogue (Quad) between Australia, India, Japan and the US has also been revitalized in recent years and seems to be focused on balancing China's growing regional influence in the AsiaPacific (Envall, 2019). The perhaps most fundamental impact of China's conduct in the SCS has consequently been that it has undermined the idea that China acts in accordance with international law and internationally accepted norms. This incentivizes enhanced balancing behavior and has turned other actors more hostile towards China than prior. The SCS has hereby emerged as the primary space of confrontation between China and China-skeptical actors.

## **Conclusion**

Although territorial disputes in the SCS are hardly a novel phenomenon, they have heated up significantly from the 1970s onwards and have begun to decisively shape the relations between regional actors. Yet, the importance of the SCS for international trade highlights that

the implications of the disputes between China and other claimant States are not geographically confined to East and Southeast Asia. Ultimately, disputes and rising tensions implicate all actors that have vested interests in trading with the broader region. Given East and Southeast Asia's growing centrality for global commerce, the emergence and outcome of territorial disputes and the shifts in the regional security architecture consequently have geopolitical effects that reach far beyond the SCS. One exemplification of this is the case of India: coupled with its own China-related concerns, India's strategic outreach in the South China Sea has expanded through its deepening and broadening of security ties with regional actors. India's growing engagement in the Quad, in turn, shapes the contemporary relations between China and India. While territorial disputes in the SCS appear to be of an almost exclusively regional character, their implications are much more far-reaching.

The contemporary disputes are driven by ideological as well as strategic factors and enabled by a legal-historical ambiguity surrounding ownership of the disputed islands. Ideological motivations and the desire to appeal to domestic audiences are given for all claimant States. Similarly, the geography of the SCS and its subsurface energy reserves assign the territorial disputes a major strategic dimension. In this context, ideological motivations frequently appear to be used to conceal the strategic considerations driving foreign policy behavior in the SCS. This is particularly noticeable with China: although China has a long-standing claim to the islands in the SCS, China only ramped up its assertive behavior once energy reserves were discovered in the region. Based on this timeline of Chinese behavior, then, it can be inferred that China's behavior is driven by strategic motivations that are justified via ideological contentions. On an external level, the legitimacy of China's claims has been questioned and partially outright denied. Despite the pushback from regional as well as extraregional actors, China has continued its policy of asserting its maritime claims in the region through militarizing its new possessions and developing legal frameworks legitimizing its expansionist drive. Yet, China's geostrategic behavior (i.e., the projection of naval power) has enabled the consolidation of China's territorial claims in the region. While in violation of international law, this projection of force has undeniably altered the regional strategic dynamics by expanding China's missile umbrella and enhancing Beijing's capacity to exert sea control in the SCS.

The importance of the SCS for global commerce, China's escalation of territorial disputes and the sustained military presence of the United States renders the region a hotbed for military conflict and the strategic space in which American-Sino tensions are most likely to boil over. Although ASEAN-led efforts of conflict resolution must be continued, there can be no doubt about the fact that China's consolidation of territorial control and the establishment of missile systems in the SCS has irreversibly altered the regional security architecture. The combination of China's nationalist dogma and ASEAN's lack of organizational coherence evokes a situation in which territorial disputes are not just likely to prevail but could escalate in the coming years and decades.

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