

CHINA'S RISE AND ITS IMPLICATIONS FOR ASEAN REGION: A CASE STUDY OF SOUTH CHINA SEA

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Abstract

During the last four decades, China has achieved a status of a powerful state with a huge soft power, integration in the international economy, growing middle class along with increasing participation in international institutions and stock exchanges. Not only it has participated into international institutions but has also set new economic regimes like Asian Infrastructure Investment Bank (AIIB) and Belt & Road Initiative (BRI). China's growing thrust for developments, energy and resources, has enabled it for huge claims within South China Sea. Its recent steps of creating artificial islands in South China Sea and future air bases on them along with other developments are quite notable and have been perceived as China's shift from a soft power to hard power. South China Sea is extremely significant Sea with its geostrategic importance being the second busiest trade routes. Approximately 60 percent of Japanese and Taiwanese energy resources raw material is supplied through the South China Sea. At the same time the Sea is highly rich in energy resources and different analysis have been made to give an estimate of gas and oil reserves in South China Sea. Due to geostrategic significance of the Sea neighboring countries have asserted their claims on its various Islands however; mainly conflict is over islands of Sparty and Paracel. The ongoing territorial conflict and resulting tension is creating troubles for the regional peace by making regional as well as global powers to be concerned over China's activities. The study will be investigated under the Sea Power theory of Mahan that how the balance of power is taking shift within region in wake of rise of China, and how it will breed implications for region.

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Key words: South China Sea, Asian Infrastructure Investment Bank (AIIB), Belt and Road Initiative (BRI), Association of South East Asian Nations (ASEAN), United Nations Convention on Law of Sea.

Introduction

Since the last four decades, China has grown with its tremendous economic growth which has placed it into the list of one of the powerful states with a huge economic progress at domestic level along with establishment of new international institutions at global level. South China Sea has always been very significant to China and now it is evolving in China's foreign policy as an important pillar. China as a rising power with prominent indicators of power is highly involved in South China Sea. China is making huge claims approximately on 80 percent of the Sea. It claims the mainstream area of the Sea in form of 'nine dash line' which appears in dotted form, stretching from Hainan province to onwards covering few parts of Philippine and Vietnam. To strengthen its claims, China is making various developments on Sea including the artificial islands.

Earlier there were doubts that China was developing artificial islands for military purposes or future air bases, currently it has been testified through satellite images which have shown the presence of military equipment on these contentious islands and mainly the air base and installation of military equipment.

1. Objective and Research Questions

South China Sea is extremely significant area with its geostrategic importance. It is one of the crucial routes of trade as more than one quarter of the world trade passes every year through this sea. Sea Lines of Communication (SLOCs) passing by the Sea are not only significant for South East Asian coastal states but also for the whole world because of being a major supply line. Further it has a vast deposit of oil and gas some of which are tapped while others are untapped. It is also significant for military movement between the Western Pacific and Indian Ocean. Upon getting the significance, the main objective of the research is to understand the changing power dynamics within South East Asia and mainly within South China Sea. Also to analyze the ongoing developments, made by China along with its implications for the neighboring states.

There are key questions which are needed to be addressed in order to take the original gist of the argument,

- What is the importance of South China Sea for China?
- How The Theory of Sea power is relevant to China's rise to a great power?

- How the ASEAN region is responding to the developments of China?
- How the South China dispute is effecting the ASEAN states?

In order to conduct the research, qualitative, descriptive approach has been adopted and data collection has been made through various means including the books, newspapers, journal articles and newspaper article on daily basis.

2. Literature Review

An extensive literature review has been done upon considering the nature of issue however few of the significant literature is enlisted here. According to Hayton, China's growing power has made the world upset. Since many decades this region was smooth and making adjustments with their domestic as well as other bilateral issues. But now the rise of China especially its policies towards South China Sea are making its neighbors worrisome. Hayton makes more focus on its historical claims and recent significance of South China Sea that the one that control this Sea controls the access between Europe, the Middle East, South Asia, and the Pacific. As a journalist of BBC, though he has done a good work but still there is lack of neutrality in making assumptions about the other aspects of the Sea besides its significance from the security point of view.¹

Kaplan, a strategist explained the dynamics of global power change which is taking its shift from Europe to Asia. South China Sea is also emerging as a focal point with several billion barrels, an estimated nine hundred trillion cubic feet of natural gas. Kaplan interprets America's interests in Asia in the context of an increasingly assertive China. He explains how the region's unique geography fosters the growth of navies but also hinders aggression. And he draws a striking parallel between China's quest for hegemony in the South China Sea and the United States' imperial adventure in the Caribbean more than a century ago. Despite of a good thesis, there is needed to look into other things like economy and other geographic factors of the region because to have the Sea and to control the Sea is not the sole indicator to be powerful.²

Mark J. Valencia has investigated in a very realistic way and has provided the most informed analysis of the political context for South China Sea issues. He has done a lot of work on South China Sea and on its different

¹Bill Hayton, *The South China Sea: The Struggle for Power in Asia* (New Haven: Yale University Press, 2014).

²Robert D Kaplan, "The Geography of Chinese Power: How Far Can Beijing Reach on Land and at Sea?", *Foreign Affairs* 89, no.3(May/June 2010): 22-41.

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

dimensions. According to him, most of the security concerns against the China's huge claims in the Sea are taking its shapes in form of different vulnerabilities to neighboring ASEAN states in terms of their growing urge to make defense agreements with other major powers. According to him, these territorial disputes, competing maritime claims, rising military spending are leading towards a new debate of transition of global power. US is entering into the region by its engagements with different countries. His analysis of ASEAN's political and other conditions is excellent that how these countries are political too weak to resolve the issue. However, he has ignored the level of US reengagement with sound grounds, besides this he didn't mention that how China is deeply economically engaged with these countries and what will be the future repercussions for these states in case of tough stand against China.³

Shee Poon Kim has made an excellent description of China's stance towards growing global concerns and writer has fully justified the territorial rights of China over South China Sea as part of natural sovereignty as maritime power. She has claimed that the urge for recent position on South China Sea has been taken as a safe side due to domestic reasons. According to her, under the hegemonic designs China's recent policy has different meaning so there is need to analyse the intentions working under present foreign policy and it's different role taken place within region and outside.⁴

3. Theoretical Framework

The Theory of Sea Power has been used to analyze the ongoing Chinese development within the South China Sea and the overall. Theory of Sea Power was introduced in 1890 by Alfred Thayer Mahan with so much emphasis on Power of Sea, its relation with wealth and strength for a country it brings. He enlightened the objectives, purposes and the impact of the Sea Power along with the economic interests achieved through, which ultimately lead to naval supremacy. He investigated a dynamic relation between Sea commerce, wealth generation and national strength. According to him, "Some nations more than others, but all maritime nations more or less, depend for their prosperity upon maritime commerce, and probably upon it more than upon any other single factor".⁵ According to him, "economic

³Mark Valencia J.; Van Dyke, Jon M.; Ludwig, Noel A., *Sharing the Resources of the South China Sea* (Hawaii: University of Hawaii Press, 1999).

⁴Kim Poon Shee, "The South China Sea in China's Strategic Thinking", *Contemporary Southeast Asia* 19 no. 4: 369-387.

⁵ Alfred Thayer Mahan, *The Problem of Asia and Its Effect upon International Policies* (Boston: Little, Brown and Company, 1900), 90-198.

Alfred Thayer Mahan, *The Interest of America in Sea Power, Present and Future*, Boston: Little, Brown and company, 1898) 10-210.

<http://www.archive.org/stream/theinterestofame15749gut/15749.txt>

growth, potential for trade and the consequent power are very much correlated”.

The Sea Power Theory has undertaken the Sea through all its dimensions; either is geostrategic, political, economic or the social. Mahan acknowledged the Sea as a great ‘highway’, ‘a thoroughfare’ with woven paths which lead them to be a maritime choice and the reasons to have the naval supremacy. Mahan explicitly declared the thoroughfare as a ‘common ground’ and by that ‘common ground’ he meant maritime routes, ‘harbors for all’ to get benefit. He emphasized the “Control of the Sea, by maritime commerce and naval supremacy, means predominant influences in the world; because, great the wealth product of the land, nothing facilitates the necessary exchanges as does the Sea”. According to Mahan, “The purpose of navies is to exert control over common lines of Sea communications. Sea communications, or trade routes, represented the arteries of the world economic system. Trade represented the life blood that fed the component parts of the body, i.e. the various nation-states. Those parts which were well supplied with the ‘blood of trade’ prospered, while those parts which were starved, atrophied”.⁶

States work on similar basis, especially the states which are highly dependent upon the Sea communications and the maritime trade. For such states, ‘arterial blockage’ can be perilous for them. To avoid such dilemmas, The Sea Power Theory is considered significant to serve the both, economic and geostrategic purposes. Thus, it is justified on the same grounds that The Sea Power Theory is not offensive but the defensive one, to safeguard the Sea lanes of communications, to get an easy access to the Sea and to ensure the ‘global maritime trading system’. Thus, according to Mahan, ‘the global maritime trading system’ would work as a ‘wealth-generating machine’ to generate the power. Mahan predicted that maritime trade would be more important in future with the increasing dependence on Seas for being the cheap source of communications, consequently the global trading system would ascertain to more vulnerability for disruption which require naval supremacy.

Though Mahan was convinced of the view that ‘globalized world economy’ is working well as a ‘dynamic system’ however still he forecasted for the interruption of ‘dynamic economic system’. Mahan’s main concern was for blockade of US Sea ports. His main concentration was on the interconnectedness and on the happiness of the national economy, by connecting all the beneficial dots. Besides of interconnecting of all

⁶Ibid.

beneficial dots, he suggested that in future wars, the Sea power will be the sufficient power to achieve the vital strategic interests.

For the above mentioned purpose, Mahan has discoursed many features of the Sea, Sea as a power and largely his concern was about Sea as a strategic object. As a strategist and historian he was fully aware of China's power and for the same reasons, he forecasted many things in this regard, he predicted a time when US will be concerned over China and its rise. In 1893 in a letter 'Hawaii and our future Sea Power to New York Times editor that Hawaiian Islands are important for US security in the North Pacific because vacuum could be filled by China.'⁷

He mentioned 'Many military men' 'look with the apprehension towards the day when the vast mass of China may yield to one of those impulses which have in past ages buried civilization under a wave of barbaric invasion'. Should China "burst her barriers eastward," he wrote, "it would be impossible to exaggerate the momentous issues dependent upon a firm hold of the Hawaiian Islands by a great civilized maritime power".⁸

4. Chinese Augmentation

Chinese growth at multiple platforms is not the 'bubble in air' as is claimed by many western writers, rather it is a matter of solids facts working as underlying forces to shape the global order which are beyond the measure. Hence, there is need to explore those apparatuses and forces to be fully be aware of the China's rise.

5. Economic Growth of China

China's economic growth has become a full moon sighted by the globe. To establish and run the global institutions has always been critical in creation of new world order. Creation of new international institutions means setting up new rule to run the political, economic and social affairs of the world. In this regard, China has made a tremendous progress as it has not only been participated into already existed international institutions but also started to set new institutions and regimes like Asian Infrastructure Investment Bank (AIIB) and Belt and Road (B&R) initiatives. Before going into other details of South China Sea, there is need to understand mega initiatives like Asian Infrastructure Investment Bank (AIIB) and Belt and Road (B&R). Understanding of these mega initiatives will pave a path for significance of South China Sea for China.

5.1. Asian Infrastructure Investment Bank (AIIB)

Asian Infrastructure Investment Bank is multilateral investment bank established by China to meet the needs of 21st century in terms of

⁷ Mahan, *The Interest of America in Sea Power*, p.10

⁸Ibid.

infrastructure with 57 members. The bank has started working with an initial capital of £65 billion, China is providing £20 billion while other capital is provided by other members. Basic purpose of this bank is to promote infrastructure, energy, power, transportation, and telecommunication, rural and agricultural development with efficient management, services and skills by focusing on preserving clean environment. The main tenet of this institution is not the competition instead cooperation with the existing institutions like World Bank and Asian development bank.⁹This bank is an important mile stone in growth of China in economic terms. Besides this bank, China has also initiated a mega infrastructure project, Belt and Road Initiative (B&RI), with a focus on interconnectivity and transportation of goods and people.¹⁰

5.2. The Belt and Road Initiative (B&RI)

The Belt and Road Initiative (B&RI) is one of the great economic initiatives of China which has a diverse impact on different countries at different levels. For some countries, it is a medium of communication to provide the transport facilities for transportation of goods and people while for others it is an economic accelerator and a great source of social mobility. This creative plan was announced in 2013 by President Xi Jinping's during his visit to central and Southeast Asia. It is a continuation or a revival of ancient trading routes which used to link China's merchants with those of Central Asia, the Middle East, Africa and Europe in seventh century which became inoperative because of many reasons, so this initiative can be said a looking back into the golden era of China when China enjoyed 400 years of prosperity during the Han dynasty. And in revival of the ancient trade, camels and caravans are replaced with cranes and constructions crews. The Belt and Road Initiative (B&RI) is an intelligent plan to connect China from one end of the world to other end of the world by connecting different points which are mainly the countries all the way to this path. This initiative has six corridors:¹¹

1. New Eurasian Land Bridge
2. China - Mongolia - Russia Corridor
3. China - Central Asia - West Asia Corridor
4. China - Indochina Peninsula Corridor

⁹ Asian Infrastructure Investment Bank, <https://www.aiib.org/en/index.html>.

¹⁰ Ibid.

¹¹David Dollar, "China's rise as a regional and global power: The AIIB and the 'one belt, one road'", July 15, 2015. <https://www.brookings.edu/research/chinas-rise-as-a-regional-and-global-power-the-aiib-and-the-one-belt-one-road/>

5. China - Pakistan Corridor
6. Bangladesh - China - India - Myanmar Corridor



The six economic corridors designed to link China with developing countries

Source: Brookings Institute

In this regard, Piraeus port (Greece) is China's main targeted infrastructure project at the Western end of Silk route from East coast of China. Between these two ends, there are two most important strategic passages, the Strait of Malacca and the Suez Canal.

6.3. The Need for Mega projects?

There are many reasons to take such creative initiative like growing energy needs, access to markets and find out alternative routes, less dependence on Strait of Malacca. It can also be analyzed that this initiative is taken for economic as well as geostrategic reasons.¹² Besides that, for China, South China Sea is significant for its Lines of Communications as the second busiest maritime traffic route which supplies raw material to all power engines and transports their finished goods to other parts of the world. For China, South China Sea is significant to operationalize the AIIB and Belt and Road (B&R) initiatives. Because out of six, two of corridors are passing through the South China Sea consisted of China - Indochina Peninsula Corridor, China -Pakistan Corridor. In addition, China is heavily dependent on Yellow Sea, East China Sea and the South China Sea for its trade to the rest of the world. South China Sea is significant for China because of significant of First Island Chain for China. This island chain is considered the area of influence and defense for China. Like in case of any conflict, it would be the main theater of war between China and any other state away from the mainland and thus South China Sea would work as a Great wall within water to defend the Chinese borders from foreigners as

¹² "The Belt and Road Initiative", China-British Business Council

<http://www.cbbc.org/resources/belt-and-road-reports>

http://www.cbbc.org/cbbc/media/cbbc_media/One-Belt-One-Road-main-body.pdf

the part of their traditional defense wall strategy in ancient times and onwards. Now it becomes complementary to describe the details of South China Sea to find out its significance in general and particular for China.

7. South China Sea as a Core of Dispute

South China Sea is considered a heaven for Sea resources; it is the largest home of marine biodiversity. South China Sea is fulfilling the 8% of the world's fishing output at commercial level and is liable for millions of people across the world including 249 million people in Pakistan to the 1.3 billion of Chinese. It is home of around 40% of world's tuna fish which accounts 22% of Asian diet. It is a major source of livelihood for all the South East Asian states particularly significant for the maritime states. Various activities by different states to solidify their claims are putting the biodiversity into danger.¹³

Besides, being the rich in biological resources, it is world's second busiest shipping route passing through China, Japan, Taiwan and South Korea for transporting raw materials and energy resources including crude oil, liquefied natural gas, coal and iron not only to South East Asian states but to the whole world from power engines like Korea, China and Japan. Approximately 60 % of Japanese and Taiwanese energy resources raw material is supplied through the South China Sea passage. The amount of these energy resources is almost three times greater than the amount travelling via Suez Canal besides that this quantity is nearly fifteen times greater passing via Panama Canal from Persian Gulf to Japan, South Korea and Taiwan.¹⁴ Furthermore, world's two largest coal exporters Australia and Indonesia also use the Sea for exporting coal. In fact, most of maritime traffic among East Asia, Europe, Africa, Middle East and South Asia passes through the South China Sea.¹⁵

South China Sea is also significant militarily, especially for those states who want to enhance their military capabilities amongst the surrounding Oceans, particularly in Pacific and Indian Ocean.¹⁶ Robert Kaplan has predicted the South China Sea as the "the 21st century's defining battleground" the "throat of global Sea routes".¹⁷ The Sea is not only important for its geographical

¹³ Johnny Langenheim, "Preventing Ecocide in South China Sea", The Guardian, <http://www.theguardian.com/environment/the-coral-triangle/2015/jul/15/preventing-ecocide-insouth-china-sea>, July 15, 2015.

¹⁴ "South China Sea", Energy Information Administration (EIA), 2013.

Retrieved by <http://www.eia.doe.gov/emeu/cabs/sChina.html>.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Kaplan, Robert. *Asia's Cauldron*, p.15.

point of view but also for abundance of its energy resources including oil and gas reserves. It is very difficult to estimate the accurate volume of oil and gas reserves however some estimates have been made to figure out the vast reserves of oil and natural gas in continental shelves around the Sea.¹⁸ Different analysis have been made to give an estimate of gas and oil reserves in South China Sea. American based energy institute Energy Information Administration (EIA) has analyzed around 11 billion barrels of oil and 190 trillion cubic natural deposits in South China Sea. In addition there are also hydrocarbon reserves in unexplored areas. According to US geological Survey (USGS) in 1993-94 “total discovered and undiscovered resources in the offshore basins of the South China Sea”¹⁹ were about 28 billion in both island chains of Spratly and Paracel²⁰. While in 2010 more potential of oil and gas was analyzed with some undiscovered rich resource ranging from 5 to 22 billion barrels oil and 70 to 290 trillion cubic feet of gas. The Chinese National Offshore Oil Company (CNOOC) in November 2012 has estimated that area holds around 125 billion barrels oil and 500 trillion cubic feet of natural gas as undiscovered resources. According to China’s estimate, oil reserves can be 105 billion barrels in these both islands of Spratly and Paracel while entire South China Sea can have around 213 billion.²¹

7.1. Claims on South China Sea



¹⁸“The South China Sea is an important world energy trade route”, APRIL 4, 2013.

<https://www.eia.gov/todayinenergy/detail.php?id=10671#>

¹⁹Joshua Kurlantzick, “China’s Charm: Implications of Chinese Soft Power”, Policy Brief, no.47(2006)

http://carnegieendowment.org/files/PB_47_FINAL.pdf

²⁰Ibid.,

Retrieved from <http://carnegieendowment.org/2006/06/05/China-s-charm-implications-of-chinese-soft-power>

²¹“South China Sea”, (EIA) 2013,

Source: UNCLOS and CIA

Regarding South China Sea, China claims the largest portion of the Sea in form of 'nine dash line' stretching from its province Hainan to hundred miles ahead towards south and east as its integral part. Other claimants are Philippine, Vietnam, Malaysia, Singapore and Brunei. Philippine and Vietnam are most central as both of them are engaged in conflict with China over naval drilling, fishing and exercise while claiming Islands. Scarborough Shoal is main concern of Philippine which is 100 miles away from Philippine and 500 miles away from China.²² While Vietnam has built up its claims over the islands of Paracels.

All of these countries have encountered many times with each other. In order to strengthen the claims, China has seized the Paracels in 1974 from Vietnam and killed more than 70 Vietnamese troops. In 1988 it clashed over Spratly with Philippine which killed about 60 sailors. In 2012 China clashed over interfering each other's maritime boundary in the Scarborough Shoal. In same year China raged Vietnam and Philippine by creating its administrative body 'Shansa City' with its headquarters in Paracels.²³

In late 2012, China faced a wave of protests by Vietnam over interruptions of its exploration operations. In 2013, Philippine decided to take its case to International Court of Justice under UN convention on the Law to challenge China's claims which was ruled in favor of Philippine and against China however decision was not accepted by China. Drilling activities in 2014 by Beijing led to collisions again with Vietnam. In April 2015, satellite images showed China is building airstrips to solidify its claims over Spratly.²⁴ In July 2016 International Court of Arbitration gave decision in favor of Philippines and gave a verdict about 'Nine Dash Line' as an illegal claim under the international law. Besides that, tribunal also added that there is no island which could fall in category of island and further to extend the

²²“Q&A: South China Sea dispute”, BBC news (2015, April, 17).

Retrieved from <http://www.bbc.com/news/world-asia-pacific-13748349>

²³Pham Nga, “Vietnam's anger over China maritime moves”, BBC News (2011, June 6)

Retrieved from <http://www.bbc.com/news/world-asia-pacific-13664408>

²⁴“China Building Airstrip in Spratly Islands, Satellite Images Show”, Wall Street Journal, April 16, 2015.

<https://www.wsj.com/articles/china-building-airstrip-in-spratly-islands-satellite-images-show-1429188914>

Isaac Stone Fish, Keith Johnson. *China's New Airstrip in the South China Sea Is Almost Completed*, Foreign Policy, APRIL 16, 2015.

<https://foreignpolicy.com/2015/04/16/chinas-new-airstrip-in-the-south-china-sea-is-almost-completed/>

Exclusive Economic Zone by any nation.²⁵ However China didn't show any compliance to it and responded that China would not accept by saying that the tribunal's award has no binding force.²⁶

7.2. Chinese Position on Claims

China makes its claims on discovery and historical basis, like on basis of empires that it was historical part of Chinese old empires especially it had been China's the part since Han dynasty (2nd century BC). Most of Chinese authorities used ancient texts and maps while describing the sovereignty of these islands. However currently, these claims are not taken valid, as empires in old times were based on unprotected, undefined and changing boundaries. Contrasting to nation-states, Chinese Empires boundaries were not drawn but were based on circles and zones stretching from center of Empire to peripheries of alien barbarians. Specifically, its land boundaries with Vietnam, Burma, and India were neither defined nor limited while, currently China's claims otherwise.

It can be analyzed that on one hand, China claims, its boundaries were not defined, while on other hand in case of its maritime boundaries with South China Sea were defined, drawn in form of 'Nine Dash Line'. Modern history of China also confirmed the presence of Chinese artifacts and graves in these islands as a proof of China's belonging to these islands.

7.3. Claims in light of Law of Sea

The Third Law of the Sea Conference has manifested the demands of developing countries which were originally proposed that 10 nautical miles (nm) from baseline which later were extended from 10 to 80 nm in informal negotiations on Law of the Sea Conference. So far, 200 nm to 350 nm, has been extended from baselines depending on special conditions.²⁷ While the facility of Innocent passages, was granted in section 3, along with the port facility to foreign ships which also includes the stopping and anchoring of foreign ships. Passage to a foreign ship is considered as innocent as long as it is not a threat to security of coastal states. In addition it gives a right to

²⁵ Shane Vrabel, "*The Hague Ruling and Disputed Claims in the, South China Sea*", Centre for Geopolitics & Security in Realism Studies, 28 July 2016.

http://cgsrs.org/files/files/publications_73.pdf

Jane Perlez, "*Tribunal Rejects Beijing's Claims in South China Sea*", New York Times. http://www.nytimes.com/2016/07/13/world/asia/south-china-sea-hague-ruling-philippines.html?_r=0, July 12th 2016.

²⁶*The South China Sea Arbitration Award* (Pca Registry: Permanent Court of Arbitration, 12 July 2016).

<https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>

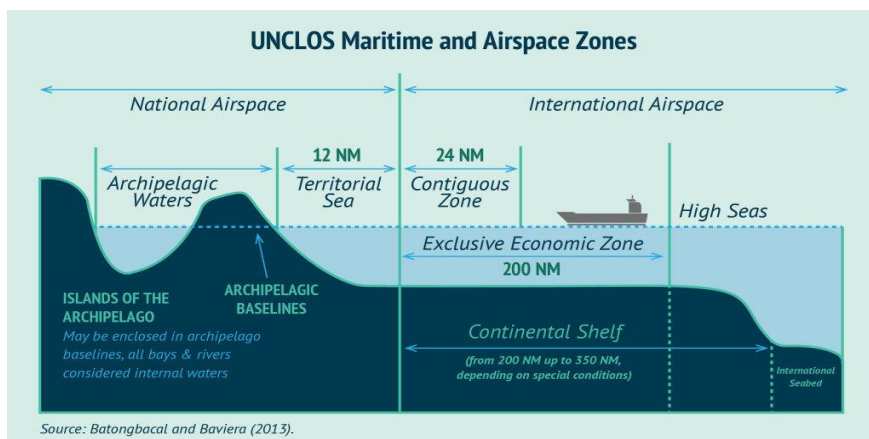
²⁷"UN Convention on Law of Sea",

http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

"*Law of the Sea Conference*", Vol. IV, p. 168, Art. 118

http://legal.un.org/diplomaticconferences/1958_los/

coastal states to suspend temporarily the innocent passage for foreign ships for protection of its security.²⁸



However, it is not the same case with straits which are used for international navigation. The third session of the Law of the Sea Conference, was widely accepted by the developing nations particularly with reference to straits and more than 200 nm while some of states like Peru, Ecuador, Brazil backed by China while US opposed this. Earlier in 1963 China declared, in a letter to the delegation of the Japan-China Fishery Council, that China has three security zones beyond the 12 mile territorial limit in which foreign ships are either totally banned or required a permission or advised to avoid. According to this letter China has established two zones within 12 miles, one zone in which all type of navigation is prohibited while in other zone navigation is prohibited by Chinese government.²⁹ Along with these zones China has also established a zone in South of 27 degrees and East of the coast of mainland to not enter the Japanese fishing boats because of being an area for military operations.

In the letter, China made its position that a state is sovereign over its territorial waters and it depends on state to permit or prohibit the innocent

²⁸Ibid., p. 155, Art. 16, 1; p. 155, Art. 16, Sec. 2a, 2b, 2c, 2i, and 21; p. 156, Art. 22, Sec. 3.

²⁹ Jerome Alan Cohen and Hung Dah Chiu, *People's China and International Law, Vol. 1*, p. 548. Letter between delegation of China Fishery Association and the delegate of Japan. China Fishery Council, 1963.

Jerome Alan Cohen, *People's China and International Law, Volume 2: A Documentary Study* (Maryland:Princeton University Press,2017).

passage or even the passage through international strait especially in case of foreign warships.

Same position was maintained in 1973 Third Law of the Sea Conference, with an insistence upon the nations to determine their own sea limit, it also mentioned to replace the 200 nm to 200 miles and described it, not the territorial Sea but the economic zone. Thus China, raised its position whether it will accept 200 mile as a territorial Sea or an economic zone. If it is considered that China really want to have 200 miles as a territorial Sea this position also has advantages on coasts of South China Sea and East China Sea on 200 nm as territorial sea or 200 miles as an economic zone.³⁰

Further as for as Maritime sovereignty is concerned, as many scholars have pointed it out that “it is a very recent notion dating from 1945 when the United States declared that it intended to exercise sovereignty over its territorial waters”. According to UN, law of Sea agreements represents all the conditions required for land based sovereignty, in other words, requirements for the land based sovereignty are same to maritime sovereignty however the right of historical jurisdiction was rejected. According to professor Jia Qingguo, at Beijing University’s School of International Studies has expressed her views to AFP that China’s claims around 80 percent area of the South China Sea as its ‘historic waters’ are similar “The United States has Guam in Asia which is very far away from the US and the French have islands in the South Pacific, so it is nothing new”.³¹

Keeping in view the above principle it can easily be said that to restrict movement in Malacca strait, will be considered illegal while it will be legal to suspend navigation in Spratly islands. So it can be said that after the application of this law, China will be in position to suspend free navigation in its greater interests which can put this region into trouble. Besides this, China’s claims have historical basis which are rejected in UN law of Sea.

8. Sea Power Theory and Chinese Claims

Apparently it seems that China’s activities are in greater economic interests of China. However through a deep analysis of China’s claims and developments within South China Sea it can be identified that China is working beyond the limits of economic reasons. China’s firm policies and

³⁰ Martin H. Katchen, “*The Spratly Islands and the Law of the Sea: "Dangerous Ground" for Asian Peace*”, Asian Survey 17, no. 12 (Dec., 1977), pp.1167-1181.

<http://www.jstor.org/stable/2643419> Accessed: 20-01-2016 08:43 UT(p.1177)

Third United Nations Conference on the Law of the Sea 1973-1982 Concluded at Montego Bay, Jamaica on 10 December 1982 Document:- A/CONF.62/SR.187 187th Plenary meeting

³¹Mohan Malik, “*Historical Fiction: China's South China Sea Claims*” World Affairs 176, no. 1 (MAY / JUNE 2013), pp. 83-90.

<http://www.jstor.org/stable/43554768> Accessed: 20-01-2016 08:35 UTC

development can be analyzed in the light of Mahan's Theory of Sea Power. It is significant for many reasons but mainly it points out the Chinese ambitions particularly South China Sea ambitions.

By keeping in view the significance of Sea Power, and elements of Sea Power, China's geostrategic location in East-Central Asia with a lengthy coast, with huge population, emergent economy, rising military and naval power. Chinese recent initiatives about economic corridors are taking a shape towards renaissance of Chinese maritime integrating with Mahan's approach of Sea Power. Apart from that, these initiatives have been taken to replace US as predominant power in Asia-Pacific region³²

Initially there was an impression that a peaceful negotiated settlement of the South China Sea dispute was not possible and for the same reasons Philippine's government filed a case for Arbitration Tribunal in early 2013 against the China that 'over the past 17 years of such exchanges of views, all possibilities of a negotiated settlement have been explored and exhausted'.³³

Earlier, Philippine was not supported from ASEAN countries however later it was supported. Secretary General Le Luong Minh said that 'the nine-dash line is 'not binding on any claimant ... and that ASEAN supports the Philippine's efforts to bring about a peaceful resolution in its own territorial dispute with China'. He said that "The South China Sea issue is not just about competing claims; it's about peace and stability in the region."³⁴

Issue of South China Sea is attracting other regional and global powers like India, Japan and United States to be concerned for the regional stability. Southeast Asia is significant globally because of many reasons:

- Geostrategic due to Strait of Malacca
- Coalitions in war against terrorism
- Economic interests
- pirate-prone region
- Energy resources

US is much concerned about the situation, China's claims, its firm policies in South China Sea and has responded in form of 'Pivot to Asia' which is also termed as 'act of rebalancing'. This strategy is for deeper engagement in region because deeper involvement in Southeast Asia in general is the best

³²Simi Mehta, *Rebalancing: Part of its Grand Strategy?, US IN ASIA PACIFIC*,(New Delhi: The Institute of Peace and Conflict Studies IPCS, 2014, May , 16).

³³ Agus Rustandi, "The South China Sea Dispute: Opportunities for ASEAN to enhance its policies in order to achieve resolution", Australian Defense College, Centre for Defense and Strategic Studies, APRIL 2016, P.2-15.

³⁴"ASEAN to enter South China Sea talks with China as a group", (April 25, 2013).
<http://www.philstar.com/world/2013/04/25/934898/sec-gen-ASEAN-enter-south-China-Sea-talks-China-group>

policy for balancing China in the region and protecting American interests. Deeper involvement can be made by following;

- Support economic integration in Southeast Asia by accelerating trade policies in the region.
- Support Southeast Asia in developing stronger financial infrastructure
- Shore up bilateral ties with Southeast Asia's poorer countries,
- to help them avoid becoming overly dependent upon a single power
- Consider triangular cooperation—among Southeast Asia, the United States, and China
- A triangular effort can also help reduce tensions between the United States and China on competing military exercises in the region.
- By Playing more active role in sub regional projects in Southeast Asia, such as the Greater Mekong Sub-region development program
- By making the most of US administration and diplomatic visits to the region

US president Barak Obama had shown his concerns over the situation “this is the future we seek in the Asia-Pacific—security, prosperity and dignity for all ... let there be no doubt: In the Asia-Pacific in the twenty-first century, the United States of America is all in”.³⁵ Currently Trump has various tones to address the issue however the region is still area of critical concern for US because of its ongoing policies and future strategies.

Concerned statement made by the US officials can be taken as reassurance to its allies and partners against China's growing influence in the region. Especially US defense treaties with Japan, South Korea. In pursuance of US interests Malaysia and Philippines can provide a role of balancer to China by US. Such concern can also be taken as a commitment that US has not exhausted after a decade war and other domestic issues that can divert its attention from Asia Pacific region.³⁶

9. Implications for the Region

Although economically, ASEAN is a growing region but it is weak in political governance which is not in favor to adopt a strong stance over South China Sea. Meanwhile China is working closely with these countries by making heavy investments and trade. ASEAN is part of two corridors of Belt and Road Initiative out of six. Initially Philippine was excluded however negotiations are going to make Philippine the part of Belt and Road Initiative.

³⁵“China's Maritime Disputes”, Council on Foreign Relations online, (2013).

Retrieved from <http://www.cfr.org/asia-and-pacific/Chinas-maritime-disputes/p31345#/>

³⁶Francis P Sempa, “The Geopolitical Vision of Alfred Thayer Mahan, One hundred years later, the insights of the American strategist continue to have extraordinary relevance today”, The Diplomat, 2014.

As for as ASEAN's moral responsibility is concerned, it is prime responsibility of ASEAN to secure the South China Sea as every year 5 trillion dollars in trade passing through the South China Sea. China is ASEAN's number one trade partner so it is technically tough for ASEAN to go against China; few members have complete silence over the issue like Cambodia and Laos because of fully dependence on China. Besides that, there other many issue for ASEAN to deal it efficiently:

- a lack of cohesion among its members
- a slow ASEAN decision-making mechanism
- And limitations on the implementation of its code of conduct.

The first on these is reflected in the disunity of ASEAN view on the South China Sea dispute. As Mark Valencia argues, 'ASEAN has no official position on the South China Sea dispute'.³⁷ Besides of incapability of ASEAN, China is also using different tactics to engage itself with ASEAN countries. One of those core tactics is to negotiate at bilateral level, there are two reasons of China to go for that one is China's superior status from size to capabilities which can have a better edge over any of ASEAN country, secondly to involve countries at bilateral level means to delimit the chances of US to get involved into the issue. For the above reason ASEAN countries are not in position to take a strong stance over the dispute however despite of various weaknesses all countries are working closely with other regional and global powers to mute the China's assertiveness. Engagement at diplomatic, economic and military level with other regional and global powers is giving rise multiple trends are emerging in face of this dispute which be beneficial as well as harmful in the long run .These trends are as follows;

- Increased Economic activity
- Economic alliances or economic activity at multilateral level
- Militarization
- In terms of increase in budgets and agreements with other countries

10. Conclusion

The South China Sea is significant as a maritime route as well as for its resources and it has been evolved in China's national policy as a historical part of China which has been remained a part of Guangdong administrations since the ancient empires. China makes claims on historical basis which are not acceptable for currently working UNCLOS (United Nations Convention of Law of Sea) while other states make their claims on basis of UNCLOS

³⁷Mark, *Sharing the Resources of the South China Sea*.

which are not acceptable for China. In the prevalent situation, China is in stronger position to solidify its claims in presence of weak opponents.

While other claimant countries either individually or collectively at ASEAN's platform are not in position to prove their claims. Besides that, all the claimant countries have deep economic relations, so they are not in position to offend China. At the same time China is the only country which has most negative image in South East Asia for the same issue. Meanwhile, the rising status of China will not be in a situation to afford any controversy to its status from its neighborhood as within South East Asia region, three types of developments have been identified which China is pursuing within region for the implementation of its short term and long term foreign policies:

1. Solidifying its claims in South China Sea
2. Growing economic integration
3. Different activities to delimit the US influence and in fact all these are interlinked.

Hence, there is an immediate need to adopt a peaceful code of conduct either by adopting the UNCLOS or by making the all parties agree on the similar solution, feasible for the all states.

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