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Transitional Security Pattern in the South China Sea and the Involvement of External Parties

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The South China Sea (SCS) is an area of strategic value to the surrounding countries and also to some outsiders. For that reason the SCS issue is now becoming a major problem affecting regional security. In recent years, the overall situation in the SCS region has remained stable, but there are still some uncertain factors that may have an impact on regional security. Since the end of the Cold War, some external parties, such as the United States, Japan, and India, have focused their attention on Southeast Asia and strengthened their political, economic, and military relations with some members of the Association of Southeast Asian Nations (ASEAN). With this development, the regional security pattern has entered a period of transition. China is trapped in a security dilemma in the SCS, and China's behavior there will be a litmus test for Beijing's claim that its rise to the status of a regional and global power will be a peaceful one.

KEYWORDS: South China Sea; security pattern; external powers; involvement; security dilemma.

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The South China Sea (SCS) is one of the largest marginal seas of the western Pacific Ocean. A major flashpoint for potential conflict between China and some Southeast Asian countries as well as the United States, the SCS remains a region of tremendous importance to the peace, stability, and prosperity of the Asia-Pacific region. China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan are involved in the overlapping territorial claims that feed the threat of military conflict in

the SCS. In recent years, the situation in the SCS region has been stable, but tensions are escalating again for historical as well as more recent reasons, one of which is the involvement of external powers, indicating that the SCS regional security pattern is in transition.

Geopolitical and Geoeconomic Value of the SCS

Historically, the question of who controls the oceans has always played an important political, military, and diplomatic role. Today, along with increased economic globalization and regional integration, there is escalating competition over marine-based resources, strategic ocean space, and marine science.¹ In addition to a desire to protect their sovereign territorial integrity, states are also interested in the SCS on account of the region's abundance of natural resources and its strategic location.²

According to Alfred Thaver Mahan, father of the concept of "sea power," the sea is the most important means of transport that nature has bestowed on human beings, as it provides a more convenient avenue of

¹Feng Liang, "Lun 21 shiji zhonghua minzu haiyang yishi de shenke neihan yu diwei zuoyong" (On the profound implication and role of 21st century Chinese maritime awareness), Shijie jingji yu zhengzhi luntan (World Economics and Politics Forum) (Nanjing) 276, no. 1 (January-February 2009): 71-72.

²International Crisis Group, "Stirring up the South China Sea," April 23, 2012, http://www .crisisgroup.org/~/media/Files/asia/north-east-asia/223-stirring-up-the-south-china-sea-i .pdf.

transportation than land. The SCS-the second busiest international sea lane-connects many economic entities in the Asia-Pacific region. More than half of the world's supertanker traffic passes through the Strait of Malacca, the Sunda Strait, and the Lombok Strait every year, most of it bound for China, Japan, Taiwan, and South Korea. Raw materials and resources, such as crude oil, liquefied natural gas (LNG), coal, and iron ore, are all transported through the SCS to the fast-growing economies of Southeast and East Asia. The volume of petroleum and LNG transported through the SCS is three times higher than that transiting the Suez Canal, and fifteen times more than that carried through the Panama Canal. Most of the crude oil transported through the SCS is going from the Persian Gulf to Japan, South Korea, Taiwan, and China. Two-thirds of South Korea's domestic LNG supplies, and 60 percent of the supplies of Japan and Taiwan, are transported through the SCS.³ Thus, the SCS connects the geopolitical and geoeconomic centers in this region, constituting a great attraction for stakeholders, especially those in East Asia and the Asia-Pacific.

The SCS is rich in natural resources of its own, including oil and natural gas, which have attracted attention throughout the Asia-Pacific region. Until recently, East Asia has enjoyed some of the world's highest economic growth rates, and despite the current economic crisis, the region's economic growth prospects in the long-term remain among the best in the world. This economic growth will be accompanied by an increasing demand for energy. Over the next twenty years, oil consumption among developing Asian countries is expected to rise by an average of 4 percent annually, with China accounting for about half of the increase in consumption. If this growth rate is maintained, demand for oil among these nations will reach 25 million barrels per day—more than double current consumption levels—by 2020.

Almost all of this additional Asian oil demand, including that of Japan, will need to be imported from the Middle East and Africa, and it will pass

³Li Jinming, "Nanhai diqu anquan: daji haidao yu fankong hezuo" (Regional security in the South China Sea: cooperation against piracy and anti-terrorism), *Nanyang wenti yanjiu* (Southeast Asian Studies) (Xiamen), 2008, no. 3 (May-June): 9-10.

through the strategic Strait of Malacca into the SCS. Countries in the Asia-Pacific region depend on seaborne trade to fuel their economic growth, and this has led to the region's seas becoming one of the world's busiest shipping lanes. Over half of the world's merchant fleet (by tonnage) sails through the SCS every year. The economic potential and geopolitical importance of the SCS region has resulted in competition between the surrounding nations to claim this sea and its resources for themselves.⁴

The U.S. Return to Southeast Asia and Washington's Involvement in the SCS Issue

During the Cold War, the United States maintained a neutral stance on the SCS issue, mainly to avoid confrontation with the Soviet Union. The U.S. withdrawal from the Philippines after the end of the Cold War was seen as a strategic shift in U.S. global strategy which repositioned the United States in the Asia-Pacific region.⁵ The closure in 1991 of Clark Air Base in Angeles City was followed in 1992 by that of the naval station at Subic Bay, the largest overseas U.S. defense facility. However, the United States still maintained a military presence in the Philippines via the U.S.-Philippines Visiting Forces Agreement (VFA) that governs the treatment of U.S. servicemen and defense personnel who are posted to the Philippines for short periods in order to carry out joint military exercises approved by both Manila and Washington. The VFA came into force on May 27, 1999, eight years after the closure of the U.S. military bases. The reason for the continuation of the military ties is two-fold. On the one hand, the Philippines regarded the American presence as a security guarantee against any potential threat from a rising China. With that security guarantee removed to an uncomfortable distance, Manila felt

⁴Benjamin K. Sovacool, "The Political Economy of Oil and Gas in Southeast Asia: Heading towards the Natural Resource Curse," *Pacific Review* 23, no. 2 (May 2010): 225-59.

⁵Xiaosong Tang, "The Future Role of the United States in the Asia-Pacific Region: Dead End or Crossroad?" *Australian Journal of International Affairs* 66, no. 6 (July 2011): 1-14.

compelled to boost its military, with the Philippine Navy alone receiving an extra US\$6.5 billion in 1997. On the other hand, Southeast Asia is vital to U.S. political, economic, and security interests. The United States exports US\$50 billion in goods to ASEAN every year, which explains its interest in maximizing Southeast Asia's economic performance. Washington's important economic stake in the region gives it a stronger rationale for developing U.S.-ASEAN ties. What is more, Southeast Asia is the U.S. Pacific Command's front line in the "war on terror," and the United States plays a critical role in helping the region combat terrorism. Americans know from experience that allowing terrorists to operate in isolated circumstances halfway around the world can lead to tragic consequences at home. In addition to this focus on counterterrorism, the U.S. military presence in the region is thought to be an indispensable hedge against China's growing military capability, especially as this increasingly capable and influential nation is becoming more interested in maritime security and commerce.⁶

In the course of economic globalization and regional integration, the economic and security interests of the world are expanding through the seas. The United States believes that reinforcing global maritime security and maintaining freedom of navigation is fundamental to guaranteeing its long-term economic development and further strengthening its power position in crucial seas.⁷ Therefore Washington maintains that it is entitled to enjoy freedom of navigation on seas that are the subject of territorial disputes even if the United States does not support the sovereign claims of all the parties concerned. The United States ensures its freedom of navigation on the disputed seas by conducting annual military exercises and insisting on the free passage of its warships.⁸ The United States attaches

⁶Andrew S. Erickson, "New US Maritime Strategy: Initial Chinese Responses," *China Security* 3, no. 4 (Autumn 2007): 40-61.

⁷Jonathan Chanis, "Cooperation and Conflict in the US-China Petroleum Relationship," *American Foreign Policy Interests* 33, no. 6 (November 2011): 286-92.

⁸Yang Zukuai, "GMP: meijun xinban qianjian jihua you chulong" (GMP: Occurrence of the new version of US thousand-vessel plan), *Huanqiu junshi* (Global Military) (Beijing), 2009, no. 5 (May): 32-33.

great importance to the SCS region, where there are three vital channels, the Makassar Strait, the Sunda Strait, and the Strait of Malacca.⁹ Furthermore, Washington is seeking an agreement with Hanoi to rent the disused former-Russian naval base at Cam Ranh Bay, primarily as a means to reinforce its control of the SCS and to counter China's anti-access/area denial (A2/AD) strategy.¹⁰

During the administration of President Bill Clinton, there were some changes in U.S. policy toward the SCS. Firstly, the SCS issue began to be treated as a real and growing risk that could lead to military conflict. Secondly, China was recognized as the troublemaker in the SCS. Thirdly, the United States began to get involved in the SCS issue. In a U.S. State Department declaration of May 1995, in addition to advising China to adhere to the 1992 ASEAN Declaration on the SCS, the United States emphasized that the "unhindered navigation by all ships and aircraft in the SCS is essential for the peace and prosperity of the entire Asia Pacific region, and the United States."¹¹ The declaration also warned that the "U.S. would view with serious concern any maritime claim or restriction on maritime activity in the South China Sea that was not consistent with international law." In a similar vein, Assistant Secretary of Defense for International Security Joseph Nye asserted in 1995 that if conflict were to break out in the Spratlys (islands in the SCS claimed by China), the United States would be prepared to provide escorts and ensure that free navigation continued. Assistant Secretary of State Winston Lord declared that the United States would not be an innocent bystander to the use of force by China in the SCS.¹² This general stance continued into the ad-

⁹Guo Yuan, "Lengzhan hou Meiguo de nanzhongguohai zhengce" (Policy of the United States toward the South China Sea after the Cold War), *Xueshu tansuo* (Academic Exploration) (Harbin), 2008, no. 1 (January-February): 54-55.

¹⁰Thomas G. Mahnken, "China's Anti-access Strategy in Historical and Theoretical Perspective," *Journal of Strategic Studies* 34, no. 3 (June 2011): 299-323.

¹¹Lee Lai To, "China, the USA and the South China Sea Conflicts," *Security Dialogue* 34, no. 1 (March 2003): 25-39.

¹²"China Throws Strategic Challenge at US in South China Sea," *Eurasia Review*, October 4, 2010, http://volvbilis.wordpress.com/2010/10/08/china-throws-strategic-challenge-at-us -in-south-china-sea/ (accessed October 24, 2011).

ministration of President George W. Bush, which in its early days stressed its intention to strengthen traditional ties and to treat China more as a strategic competitor than as a prospective partner. The incident of April 2001, in which a U.S. Navy EP-3 was forced to land on Hainan Island after colliding in mid-air with a Chinese J-8, was a sign of the change in U.S. policy toward Beijing. However, the attacks of September 11, 2001, swiftly changed the focus of U.S. policy.

The administration of President Barack Obama has attached great importance to Southeast Asia and ASEAN. On July 22, 2009, Secretary of State Hillary Rodham Clinton signed the United States' Instrument of Accession to the Treaty of Amity and Cooperation in Southeast Asia.¹³ This was a signal from the Obama administration that it intended to exert influence over security and economic affairs in Southeast Asia. Then, the United States began to get involved in the SCS issue. Scot Marciel, deputy assistant secretary of the East Asia and Pacific Bureau and ambassador for ASEAN affairs, expressed his concern over the tension between China and Vietnam in the SCS and promised to protect the interests of U.S. oil companies active in the area. Then there were two incidents that occurred in the SCS in 2009, the first in March involving USNS Impeccable and the second in June involving the USS John S. McCain, which renewed tensions between the United States and China that had died down in the wake of the aircraft collision over Hainan in April 2001. Reiterating the U.S. stance, Secretary of Defense Robert M. Gates said in a speech at the Shangri-La security conference in Singapore in June 2010, "We object to any effort to intimidate U.S. corporations or those of any nation engaged in legitimate economic activity," adding that, "our policy is clear: it is essential that stability, freedom of navigation, and free and unhindered economic development be maintained." Gates said the United States would not take sides in the disputes and called for all countries to resolve territo-

¹³"US Accession to Treaty of Amity, Cooperation in Southeast Asia," U.S. Department of State, Office of the Spokesman, July 22, 2009, http://www.america.gov/st/texttrans -english/2009/July/20090722100601xjsnommis0.9985468.html (accessed October 28, 2011).

rial disagreements through "peaceful, multilateral efforts consistent with customary international law."¹⁴

On August 19, 2009, during a visit to Hanoi, Senator Jim Webb said that he wanted to impress upon Americans and Southeast Asian leaders that the region is "vitally important" to the United States, which can serve as a balance to China's influence there. He supported U.S. efforts to sort out the SCS territorial dispute, saying, "The United States should be much more specific in terms of defending the sovereignty of these areas. . . And I don't necessarily mean that militarily, I mean it in terms of our diplomatic position, our position as a nation, and our willingness to be a balancing force against, not against, but a balancing force with China in the region."¹⁵

At the meeting of the ASEAN Regional Forum (ARF) in Vietnam on July 23, 2010, Secretary of State Clinton called the SCS dispute "a leading diplomatic priority" for the United States and she voiced her country's willingness to mediate a resolution in a well-orchestrated move that appeared to have the backing of many Southeast Asian nations. "The United States has a national interest in freedom of navigation, open access to Asia's maritime commons and respect for international law in the South China Sea," Clinton said. She added that the United States supports "a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion." Clinton's words provided some comfort to China's smaller neighbors, many of whom have claims on SCS islands that compete with China's, as U.S. support for an international solution would provide them with some leverage in territorial discussions with a powerful China.¹⁶

¹⁴"US Urges Free Access to South China Sea: Gates," Yahoo.Singapore - Finance News, June 5, 2010, http://sg.finance.yahoo.com/news/US-urges-free-access-South-afpsg -3250303969.html?x=0.

¹⁵^{cc}US Senator Jim Webb Advocated US Will Interfere in the South China Sea Territorial Dispute," *Global Times – Forum*, August 28, 2009, http://forum.globaltimes.cn/forum/ showthread.php?t=4547 (accessed November 2, 2011).

¹⁶"Clinton's Comments on South China Sea Territorial Dispute Press China-US Relations," 2point6billion.com, July 27, 2010, http://www.2point6billion.com/news/2010/07/27/

On August 8, 2010, the U.S. aircraft carrier George Washington arrived in Vietnam near Da Nang, followed by the Arleigh Burke-class destroyer USS John S. McCain. They were there to celebrate the fifteenth anniversary of the normalization of U.S.-Vietnam relations. The armed forces of the two nations held a series of activities, including cultural exchanges and joint maritime search-and-rescue drills. On October 4 that year, the U.S. ambassador to the Philippines, Harry Thomas, told members of the Foreign Correspondents Association of the Philippines in Manila that the United States would be willing to help craft a legally binding "code of conduct" to end the territorial disputes between ASEAN members and China that were threatening regional stability.¹⁷ In Hanoi on October 12, 2010, at the ASEAN+8 defense ministers meeting, the U.S. secretary of defense, Robert Gates, urged a peaceful resolution of the territorial disputes besetting the region, most notably in the SCS. He insisted that "the United States does not take sides on competing territorial claims, such as those in the South China Sea," and that such claims "should be settled peacefully, without force or coercion, through collaborative diplomatic processes, and in keeping with customary international law."¹⁸

Hillary Clinton played an important role in the 2011 ARF meeting. By reiterating U.S. interests in the South China Sea and calling on claimants to back their claims with legal evidence—in this case, ensuring conformity with the United Nations Convention on the Law of the Sea (UNCLOS)—Clinton effectively established the United States as a *de facto* party in the facilitation of a peaceful settlement of the disputes. Clinton's stance helped reinforce the point that ASEAN as a whole, as well as other states, have significant interests in the sea and in how the

clinton%E2%80%99s-comments-on-south-china-sea-territorial-dispute-press-china-u-s -relations-6528.html (accessed November 2, 2011).

¹⁷Agence France Presse, "US Willing to Help in South China Sea Code of Conduct: Envoy," *Alter Net*, October 4, 2010, http://www.alternet.org/rss/breaking_news/292694/us_willing _to_help_in_south_china_sea_code_of_conduct:_envoy/ (accessed November 2, 2011).

¹⁸John D. Banusiewicz, "Gates Spotlights Maritime Security in Hanoi Forum," *American Forces Press Services*, October 12, 2010, http://www.defense.gov/news/newsarticle .aspx?id=61221 (accessed November 3, 2011).

disputes are resolved—despite, in a narrow sense, the SCS disputes being solely between China and four ASEAN member-states. These other states include the United States and maritime and trading nations like Japan, South Korea, Australia, New Zealand, and India. The stakes are especially high for Washington given its security treaty with one of the claimants, Manila, which could potentially draw the United States into an undesirable conflict. In spelling out Washington's position clearly and forthrightly, Clinton was aiming to provide a stabilizing influence. The firm, clear stance that the United States has adopted is a necessary condition for any peaceful resolution of the disputes in accordance with international law. Furthermore, Washington's position is consistent with the traditional ASEAN preference for an inclusive approach to dealing with problems, and it helps prevent ASEAN members from becoming isolated when dealing with China.

Bilateral and regional security issues, including the SCS issue, were discussed at the fourth annual U.S.-Vietnam Political, Security, and Defense Dialogue, held on June 17, 2011, in Washington, D.C.¹⁹ This took place only a week after a Chinese fishing boat had rammed cables from a Vietnamese oil exploration vessel.²⁰ Since then, Vietnam has decided to

¹⁹According to the statement issued at the time "the two sides acknowledged that the maintenance of peace, stability, safety, and freedom of navigation in the South China Sea is in the common interests of the international community and that all territorial disputes in the South China Sea should be resolved through a collaborative, diplomatic process without coercion or the use of force. The two sides noted territorial and accompanying maritime claims should be in conformity with recognized principles of international law, including the UN Convention on the Law of the Sea of 1982. The two sides reaffirmed the importance of the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea and encouraged the parties to reach agreement on a full code of conduct. The US side reiterated that troubling incidents in recent months do not foster peace and stability within the region, and raise concerns about maritime security, especially with regard to freedom of navigation, unimpeded economic development and commerce under lawful conditions, and respect for international law." See "US-Vietnam Political, Security, and Defense Dialogue" (media note, U.S. Department of States, June 17, 2011), http://www.state.gov/ r/pa/prs/ps/2011/06/166479.htm (accessed July 2, 2012).

²⁰Hong Lei, a Chinese Foreign Ministry spokesman, said that on June 9, 2011, Chinese fishing boats were chased away by armed Vietnamese ships. He claimed that during the incident the fishing net of one of the Chinese boats became tangled with the cables of a Vietnamese oil exploration vessel which continued to drag the Chinese vessel for more than an hour before the net had to be cut. China insisted that the Vietnamese vessel was

seek more concrete help from its former enemy in order to contain and balance its former "good neighbor" in asserting its territorial claims and actions in the SCS. Thus the United States has found a new strategic way of limiting China's influence in Southeast Asia by getting involved in the SCS issue and further advancing bilateral defense cooperation with Vietnam.

President Obama addressed the SCS issue during the 2011 East Asia summit in Bali, despite Premier Wen Jiabao (溫家寶) of China having reiterated China's stance that the summit was not the proper forum in which to discuss it. Obama succeeded in putting Washington's stamp on the region. After repeating that the U.S. was not taking sides, he declared, "We have a powerful stake in maritime security in general, and in the resolution of the South China Sea specifically—as a resident Pacific power, as a maritime nation, as a trading nation and as a guarantor of security in the Asia Pacific region." What is more, having encouraged ASEAN leaders to assert their claims over the past year, Obama was able to let them take the lead—Singapore, the Philippines, and Vietnam spoke first, insisting that the SCS issue had to be discussed multilaterally. Obama has arguably made great efforts to forge an anti-China alliance in Southeast Asia by getting involved in the SCS issue.²¹

On June 3, 2012, the U.S. secretary of defense, Leon Panetta, flew to Vietnam from a major defense conference in Singapore. There he met

operating illegally in the area. "By conducting unlawful oil and gas surveys in seas around the Wanan Bank of the Spratly archipelago and by driving out a Chinese fishing vessel, Vietnam has gravely violated China's sovereignty and maritime rights," said Mr. Hong. "China demands that Vietnam cease all violations," he said, adding that Vietnam should "not take actions that would complicate and expand the dispute." Beijing's strongly worded statement followed Vietnam's accusation that a Chinese fishing boat had "intentionally rammed" the exploration cables of a Vietnamese boat—the second such incident in two weeks. A Vietnamese Foreign Ministry spokeswoman, Nguyen Phuong Nga, said that the vessel, chartered by state energy giant PetroVietnam, was conducting a seismic survey inside its 200 nautical mile exclusive economic zone when the incident occurred. She described the "premeditated and carefully calculated" attack as part of China's attempts to control disputed waters. "This is unacceptable to Vietnam," she said, adding that her colleagues had met Chinese embassy officials "to express our opposition to such acts."

²¹Peter Symonds, "Obama Forces Discussion at Bali Summit on South China Sea," World Socialist Web Site, November 11, 2011, http://www.wsws.org/articles/2011/nov2011/ bali-n21.shtml (accessed on August 16 2012).

with leaders from allies all across the region and announced a new strategy in Asia. He issued a strong call for Asian nations to draw up a code of conduct, including rules governing maritime rights and navigation in the SCS, and then develop a forum where disputes can be settled. Panetta visited Cam Ranh Bay, the strategic deep-water port that was a U.S. base during the Vietnam War. He was the most senior U.S. official to go there since the end of the war. Panetta suggested that the United States might want to send more ships to Cam Ranh Bay in the future. The port would serve more as a symbol of the United States' growing military relationship with Vietnam, underscoring Washington's desire to build partnerships in the region in part to counter China's escalating dominance.²²

At ARF 2012, Hillary Clinton further strengthened the U.S. stance on the SCS issue.²³ It is clear that the United States and China are increasingly at odds on this issue, especially since China announced in July 2012 that it was establishing a tiny city, Sansha, and a garrison on an island in the Paracels, infuriating Vietnam and the Philippines which have accused Beijing of intimidation. "We are concerned by the increase in tensions in the South China Sea and are monitoring the situation closely," U.S. State Department spokesman Patrick Ventrell said in a statement on August 4, 2012. "In particular, China's upgrading of the administrative level of Sansha city and establishment of a new military garrison there covering disputed areas of the South China Sea run counter to collaborative diplomatic efforts to resolve differences and risk further escalating tensions

²²Jennifer Griffin, "Panetta Sends Message to China during Historic Visit to Vietnam," *Fox News*, June 3, 2012, http://www.foxnews.com/politics/2012/06/03/panetta-urges -for-more-us-naval-access-to-vietnam-harbor/#ixzz23nAuKfzO (accessed on August 16 2012).

²³Hillary Clinton said that "the United States has no territorial claims in the South China Sea, and we do not take sides in disputes about territorial or maritime boundaries, but we do have a fundamental interest in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce. And we believe the nations of the region should work collaboratively and diplomatically to resolve disputes without coercion, without intimidation, without threats, and certainly without the use of force." From "Briefing by Clinton in Phnom Penh on Trip to Asia," *IIP Digital*, July 12, 2012, http://iipdigital.usenbassy.gov/st/english/texttrans/2012/07/201207128907.html (accessed August 14, 2012).

in the region," he said.²⁴ Later, following a visit by the Chinese foreign minister Yang Jiechi (楊潔箎) to Malaysia and Brunei, another State Department spokesperson, Victoria Nuland, issued comments on August 13, 2012, to the effect that bilateral diplomacy supporting a multilateral deal is fine, "but an effort to divide and conquer and end up with a competitive situation among the different claimants is not going to get where we need to go."²⁵ In other words, China should not try to use bilateral talks to "divide and conquer" nations with competing territorial claims in the SCS. The United States believes that China has used such "divisive diplomacy" techniques to handle disputes over its claims in the SCS.

At the 2012 Shangri-La Dialogue, Secretary of Defense Panetta revealed that the United States is planning to move the majority of its warships to the Asia-Pacific region by 2020. He said that by that date, about 60 percent of the U.S. fleet would be deployed there, the clearest indication yet of the new U.S. strategy in Asia. "That will include six aircraft carriers in this region, a majority of our cruisers, destroyers, combat ships and submarines." He said that U.S. budget problems and cutbacks would not stop the changes, adding that the U.S. Defense Department had a five-year budget plan to cover this goal. "But make no mistake," Panetta emphasized, "in a steady, deliberate and sustainable way, the United States military is rebalancing, and brings enhanced capabilities to this vital region."²⁶ Beijing has indicated that it is unhappy with the increased U.S. regional presence. In November 2012, Obama announced that the Asia-Pacific region was a "top priority" of U.S. security policy. His comments were seen as a challenge to China, which is striving to be the main regional power. In answer to China's concerns, Panetta said that the U.S. "effort

²⁴ US Voices Concern over South China Sea Rows," *Aljazeera*, August 4, 2012, http:// www.aljazeera.com/news/americas/2012/08/2012842515308572.html (accessed August 15, 2012).

²⁵"US Warns of Divisive Diplomacy," *Today Online*, August 16, 2012, http://www.todayonline .com/World/EDC120816-0000036/US-warns-of-divisive-diplomacy (accessed August 16, 2012).

²⁶"Leon Panetta: US to Deploy 60% of Navy Fleet to Pacific," *BBC News*, June 2, 2012, http://www.bbc.co.uk/news/world-us-canada-18305750 (accessed August 20, 2012).

to renew and intensify our involvement in Asia is fully compatible with the development and growth of China. Indeed, increased U.S. involvement in this region will benefit China as it advances our shared security and prosperity for the future." Panetta's mission was both to explain and reassure on this nine-day tour of Asia which included visits to Vietnam and India. Firstly, he set out in more detail the practical implications of Washington's strategic rebalancing toward Asia, and secondly he sought to reassure America's allies in the region who wonder if it can really afford to fund this new strategy given the budgetary pressures at home. Panetta also sought to play down any suggestion that Washington's new strategy was aimed at China.

A lot of military exercises aimed at China have been conducted in the SCS in recent years by the United States and some ASEAN countries that want to bolster their military ties with the United States, modernize their militaries, and get the United States to play a more active role in the SCS issue. Although the United States has reiterated its non-interference stance on the SCS issue, it has been expanding its military presence and exerting its influence in Southeast Asia by holding joint military exercises, providing military aid, and engaging in arms sales. Chinese analysts believe that the United States has completely returned to Southeast Asia, partially through a high-profile intervention in the SCS issue, and it is seen as the new strategic factor that can contain China.²⁷

Japan: Following the United States into Southeast Asia

Historically, Japan has also been active in the SCS. It was a Japanese company that first began exploring the Spratly Islands in 1918, and during the early 1920s, several Japanese phosphate companies occupied various islands and excavated guano for use as a fertilizer. In February 1939,

²⁷Wu Liming, "Commentary: It Is Unwise for U.S. to Contain China," *Xinhua News Agency*, August 29, 2012, http://news.xinhuanet.com/english/indepth/2012-08/29/ c_131815766.htm (accessed November 4, 2012).

Japanese forces occupied the large island of Hainan in southern China and the Paracel Islands, establishing a submarine base at Itu Abu (Taiping Island). After its defeat in World War II, in accordance with Chapter 2 of the 1951 San Francisco Peace Treaty, Japan lost all claims to its occupied territories including Formosa (Taiwan), the Pescadores (Penghu), and the Spratly and Paracel island chains.²⁸ In the post-Cold War period, Japan once again expressed an interest in the SCS. Although not a claimant state, Tokyo has specific reasons for being involved. First, Southeast Asia was in part defined by Japan's rapid rise in the 1980s to the position of the dominant economic power in Asia. During that decade, Japan displaced the United States as the largest provider of new business investment and economic aid in the region.²⁹ Second, 16 percent of Japan's foreign trade, 10 percent of its crude oil, and 80 percent of its natural gas come from ASEAN nations. Japanese tankers carry 70 percent of Japan's oil through sea lanes in the SCS. While these tankers could avoid a conflict by sailing around Indonesia into the Pacific Ocean, this option would be both costly and time-consuming. Third, Japan wants to increase its influence in East Asia. Japan has used ARF as a forum for resolving Southeast Asian disputes, but to date its ability to affect events in the region has been minimal. Japan has tried to work multilaterally through ARF to solve disputes in the SCS. Although Japan relies primarily on its security alliance with the United States, Tokyo has attempted to use ARF to raise its profile in the region. In December 2003, Prime Minister Junichiro Koizumi (小泉純 $-\dot{\mathbb{P}}$) made a verbal commitment to sign the Treaty of Amity and Cooperation (TAC) in Southeast Asia. Japan's signing of the TAC marked a big step forward in its security relationship with ASEAN, as it was generally tentative about entering into treaties because of its alliance with the United States. Japan's key reason for signing the treaty was to avoid fall-

²⁸Joshua P. Rowan, "The US-Japan Security Alliance, ASEAN, and the South China Sea Dispute," *Asian Survey* 45, no. 3 (May-June 2005): 431.

²⁹"Japanese Foreign Policy on Southeast Asia," *Wikipedia*, http://en.wikipedia.org/wiki/ Japanese_foreign_policy_on_Southeast_Asia (accessed November 6, 2011).

ing too far behind China, which signed the treaty in 2003.³⁰

Japan has developed and maintained its strategic interests in Southeast Asia by resorting to economic diplomacy in response to the reconfiguration of regional and global power since the end of World War II.³¹ Under the San Francisco Treaty, Japan was required to compensate those countries it had occupied. From the beginning of the 1970s onwards, as its economy and trade expanded, Japan made great efforts to assume a leading role in promoting peace and stability in Asia, especially Southeast Asia, by providing economic aid and offering to serve as a mediator in disputes. For example, Japan's official development assistance (ODA) to Southeast Asia has helped it accomplish many of its foreign policy objectives. Apart from reparations and export promotion, the Japanese have also used aid as a form of investment, a confidence-building measure, a solution for bilateral problems, a manifestation of economic power and global leadership, and a tool for buying power and influence in various international organizations.³² Thus, the ASEAN countries regarded Japan as critical to their development. On December 1, 2008, a comprehensive free trade agreement (FTA) between Japan and several ASEAN nations came into force. It was Japan's first multilateral FTA and its eighth bilateral FTA, following on agreements with Singapore, Mexico, Malaysia, Chile, Thailand, Indonesia, and Brunei. That year, Japan also appointed an ambassador to ASEAN. It is clear that Japan depends on ASEAN for its supply of strategic raw materials, as a market for its industrial exports, and for political support in the Southeast-Asian region. ASEAN, on the other hand, depends on Japan for supplies of industrial goods, investment funds, and industrial technology. ASEAN also relies on Japan for politi-

³⁰Lai Foon Wong, "China-ASEAN and Japan-ASEAN Relations during the Post Cold War," *Chinese Journal of International Politics* 1, no. 3 (Summer 2007): 373-404.

³¹Deng Yingwen, "Lun jinnian lai Dongmeng yu Riben de jingmao guanxi" (Economic and trade relations between ASEAN and Japan in recent years), *Jinan xuebao* (Journal of Jinan University) (Guangzhou) 134, no. 3 (May-June 2008): 41.

³²Dennis D. Trinidad, "Japan's ODA at the Crossroads: Disbursement Patterns of Japan's Development Assistance to Southeast Asia," *Asian Perspective* 31, no. 2 (March-April 2007): 96.

cal support in the international diplomatic arena. The Japan-ASEAN economic and political links are likely to be maintained and developed in the future.³³ As evidence of how this works in practice, consider the tenyear plan for promoting strategic partnerships in such areas as trade and investment, infrastructure development, connectivity, human resources development, and technology transfers that Japan and the ASEAN countries launched in August 2011. By strengthening efforts in these fields, the Japanese government is aiming primarily to help its industries find new markets abroad, while at the same time addressing issues of resource security and securing cooperative relations with other countries.³⁴

Non-traditional security issues are increasingly threatening the survival and well-being of peoples and states all over Southeast Asia. These security issues primarily have non-military sources, such as climate change, scarcity of resources, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and transnational crime. Prime Minister Ryutaro Hashimoto (橋本龍太郎) of Japan proposed joint efforts with ASEAN to tackle terrorism, drug trafficking, environmental degradation, and other global problems in 1997. By this time, the Japan-ASEAN dialogue had already developed beyond trade and investment to discussions of political and security issues. As early as 1993, a regular policy dialogue on political and security problems began to appear on the agenda of the upgraded vice-ministerial level Japan-ASEAN forum. The annual Japan-ASEAN foreign ministers' meeting was also upgraded in 1995 to become a platform for policy dialogue on global and regional issues. Japan and ASEAN began efforts to resolve regional and global security issues in 1999, when Prime Minister Keizo Obuchi (小淵惠三) proposed convening the first international conference on antipiracy. The conference was held in April 2000 and was attended by ten of the sixteen ASEAN members. In 2001 Koizumi restated Japan's hopes of

³³Guo Yuan, Nanhai diyuan zhengzhi yanjiu (Geopolitics of the South China Sea) (Harbin: Heilongjiang University Press, 2007), 117.

³⁴Maaike Okano-Heijmans, "Japan's New Economic Diplomacy: Changing Tactics or Strategy?" Asia-Pacific Review 19, no. 1 (May 2012): 62-87.

cooperation with ASEAN on anti-terrorism, anti-piracy, the environment, the prevention of infectious diseases, and other global issues. Japan and ASEAN issued a joint statement on combating international terrorism in 2004, and in 2005, Koizumi pledged US\$100 million toward the prevention of infectious diseases.³⁵ So we might expect that Japan-ASEAN cooperation in the field of non-traditional security issues will not only translate into a more stable Southeast Asia, creating new markets for Japanese products and services, but also provide Japan with opportunities to use its influence in SCS issues.

On September 27, 2011, President Benigno Aquino III of the Philippines paid a state visit to Japan, during which the two countries reached an agreement on establishing an institute to solve the two issues within the region. Japan agreed to strengthen its installations aimed at guarding the sea and to offer training for coast guard personnel, as well as to establish an intelligence-exchange mechanism with Manila. Prime Minister Yoshihiko Noda (野田佳彦) and Aquino agreed that it was in the common interest of the international community to secure peace and stability in the South China Sea. But Japan's Foreign Ministry spokesman, Masaru Sato, said that Japan would not conspire with other countries to defy China on the South China Sea issue. Noda also expressed the hope that the two sides would work within a regional cooperative framework for regional peace and stability, despite Aquino's stated emphasis on maritime security and defense. On April 22, 2012, Noda spoke with his Vietnamese counterpart, Nguyen Tan Dung, about issues of bilateral concern on the sidelines of the fourth Mekong-Japan summit in Tokyo. Noda supported Vietnam's stance on ensuring free trade and maritime security and safety in the SCS, as well as the settlement of disputes through peaceful means on the basis of international law, particularly the 1982 UNCLOS.³⁶ On June 28. 2012, Foreign Minister Koichiro Gemba (玄葉光一郎) of Japan met with

³⁵Wong, "China-ASEAN and Japan-ASEAN Relations," 373-404.

³⁶ PM Noda Reaffirms Support for Vietnam's Development," *Talkvietnam*, April 12, 2012, http://talkvietnam.com/2012/04/pm-noda-reaffirms-support-for-vietnams-development/ (accessed August 17, 2012).

his counterpart from the Philippines, Albert F. del Rosario. They agreed that the SCS issue was a concern for the entire international community, as it had a direct impact on regional peace and stability, and that it was important to solve the issue peacefully through diplomatic measures. With regard to cooperation in the field of maritime security, the foreign ministers confirmed that this would be an important follow-up topic for President Aquino's visit to Japan, scheduled for September, and they shared views on forms of cooperation, including support for the improvement of the Philippines Coast Guard and on the need to expedite a second round of Japan-Philippines consultations on maritime cooperation.³⁷

For a long time, Japan has been interested in securing sea lines of communication (SLOCs), realizing that it is very much in its national interests to do so. At an early stage, Japan announced that the Japanese Self-Defense Force (JSDF) would help defend the SLOCs, even though it was the target of fierce criticism both within and outside the country whenever it was dispatched abroad, something that it was not permitted to do until as recently as 1992, and then only to provide limited foreign assistance, such as taking part in humanitarian missions such as the one to Indonesia during the 2004 Indian Ocean tsunami. Today, Japan takes an active part in maintaining security of navigation in the Strait of Malacca, contributing technical support and logistics. What is more, the Japan-U.S. security alliance is ready to support activities to maintain maritime security in the SCS region.

Clearly, Japan's relationship with Southeast Asia is slowly helping it overcome its traditional aversion to involvement in security affairs; an aversion that largely defined its relations with Southeast Asia in the post-Cold War period. Japan has moved beyond economics to gradually carve out a more proactive role in the security affairs of Southeast Asia in areas such as multilateral security dialogue, peacekeeping missions, disaster relief, and combating piracy. Additionally, the Southeast Asian states have

³⁷Ministry of Foreign Affairs of Japan, "Japan-Philippines Foreign Ministers' Meeting" (news release, June 28, 2012), http://www.mofa.go.jp/region/asia-paci/philippine/meeting1206 _fm.html.

become more amenable to Japan's assumption of a security role in the region. Not only have its new security roles contributed to enhanced trust and confidence between Japan and Southeast Asia, but Japan has also achieved the status of a core security actor in Southeast Asian affairs.³⁸ This role will continue to flourish in the post-Cold War period as Japan grows increasingly concerned about the maritime security threat posed by China, because the two countries are embroiled in escalating disputes over the Diaoyu (Senkaku) Islands and the demarcation of the East China Sea.

India's "Look East" Policy and Its Implications for the SCS

India's "look east" policy was developed and enacted during the governments of two prime ministers, P.V. Narasimha Rao (1991-96) and Atal Bihari Vajpayee (1998-2004). Along with economic liberalization and a move away from Cold War-era policies and activities, India's strategy has focused on forging close economic and commercial ties, increasing strategic and security cooperation, and emphasizing historic cultural and ideological links. India also sought to create and expand regional markets for trade, investment, and industrial development, as well as developing strategic and military cooperation with nations concerned about the expansion of China's economic and strategic influence.³⁹

The institutionalization of ASEAN-India relations came with the first ASEAN-India summit in Phnom Penh on November 5, 2002, which was perceived as an important achievement of India's "look east" policy. It was also seen as acknowledgement of India's emergence as a key player in the Asia Pacific region. This breakthrough came after long and arduous diplomatic efforts to convince the ASEAN countries to hold a separate

³⁸Bhubhindar Singh, "The Evolution of Japan's Security Role in Southeast Asia," *The Round Table* 99, no. 409 (August 2010): 391-402.

³⁹Rajiv Sikri, "India's Look East Policy," Asia-Pacific Review 16, no. 1 (May 2009): 131-45.

summit with India. During the 2003 summit, India acceded to the Treaty of Amity and Cooperation which provides a basic political framework for regional cooperation and security by setting out principles of conduct for inter-state relations. Accession to this treaty was an additional step forward in the implementation of the "look east" policy. India also signed the Framework Agreement on Comprehensive Economic Cooperation with ASEAN which will facilitate the establishment of an FTA within a ten-year time frame. The Framework Agreement spoke of India's will and determination to expand economic ties with ASEAN.⁴⁰

The strategic location of the ASEAN region makes it one of the most crucial regions in the world. The increasing importance of maritime trade and energy security for India has made it imperative that the Indians ensure the safety of the Southeast Asian SLOCs. Maritime piracy in the Malacca Strait, which has huge implications for security in the economic sphere, is a common threat to India and the ASEAN countries. With India being dependent on seaways for over 97 percent of its global trade, the safety of these sea lanes is of vital importance. India understands that its interests are best served by a prosperous and stable ASEAN that safeguards vital sea lanes between the Indian and Pacific Oceans. As stated by David Scott, "coordination between India and ASEAN in safeguarding their shared marine environment and its resources, promoting the safety and security of navigation in their common ocean areas, and ensuring legitimate, peaceful and sustainable uses of the oceans, can contribute to both maritime development and maritime security in the region."⁴¹

Driven by the fact that more than 50 percent of India's trade passes through the Malacca Strait, the Indian navy has established a Far Eastern Naval Command off Port Blair on the Andaman and Nicobar Islands. India has also been conducting joint naval exercises with Singapore

⁴⁰Pavin Chachavalpongpun, "Look East Meets Look West: Indian-Southeast Asia Relations in Flux," *The International Spectator: Italian Journal of International Affairs* 46, no. 2 (June 2011): 91-108.

⁴¹David Scott, "India's Extended Neighborhood Concept: Power Projection for a Rising Power," *India Review* 8, no. 2 (April-June 2009): 107-43.

(SIMBEX) since 1993 and with Vietnam since 2000, as well as engaging in joint patrols with Indonesia in the Andaman Sea since 2002. In 2003, ASEAN and India issued a joint declaration concerning cooperation to combat international terrorism. The objective of this framework of cooperation is to prevent, disrupt, and combat international terrorism through the exchange and flow of information and intelligence and capacitybuilding. Additionally, Japan and India also joined the tsunami relief regional core group in the Indian Ocean in 2004 along with Australia and the United States. India is highly alert to China's growing presence, which is considers to be a general threat. India continues to seek influence over Malacca Strait security—in anti-terrorism, as well as areas related to geopolitical and commercial interests.⁴² The strategic implication behind all these efforts is a desire on India's part to expand its influence into the Asia-Pacific region.

India decided to extend the reach and operational areas of its expanding navy firmly into the SCS, where it held bilateral naval exercises with South Korea and Vietnam in October and November 2000. Following these exercises, four or five Indian vessels remained in the SCS, to be joined by an Indian Kilo-class submarine and reconnaissance aircraft for unilateral naval exercises. The exercises fit within India's shifting definition of its naval areas of concern, as laid out by its defense minister, George Fernandes, on April 14, 2000, at the launching of India's latest warship, the INS *Brahmaputra*. Fernandes said that India's "area of interest . . . extends from the north of the Arabian Sea to the South China Sea."⁴³ The move to expand operations from the north of the Arabian Sea to the SCS and to establish an expeditionary-capable force is for the purpose of countering piracy, protecting trade routes, and especially for balancing China and establishing India as a world power rather than simply

⁴²Hu Qingliang, "Yindu haiyang zhanlue jiqi dui Zhongguo nengyuan anquan de yingxiang" (India's maritime strategy and its effect on China's energy security), *Dongnanya yanjiu jikan* (South Asian Studies Quarterly) (Guangzhou) 132, no. 1 (January-March 2008): 21-22.

⁴³"India Challenges China in South China Sea," *Asia Times Online*, April 26, 2000, http:// www.atimes.com/ind-pak/BD27Df01.html (accessed November 9, 2011).

a regional power. On the political front, India wants to be recognized as a great power in the international order. It is jealous of the status accorded to China by its seat on the United Nations Security Council and its recognition as an official nuclear power under the Nuclear Non-Proliferation Treaty. So, among Indian policymakers, there is a general view that China is a long-term economic, and possibly military, competitor of India.⁴⁴

India and Vietnam enjoy a convergence of strategic interests which could provide the basis for building and reinforcing strategic cooperation between the two countries.⁴⁵ During and since the Cold War, India has maintained a close relationship with Vietnam, which it regarded as a bridgehead for its own expansion into the Asia-Pacific region. India stands by Vietnam's claims to the Paracel Islands. India and Vietnam therefore have a natural strategic congruence in their determination to restrain China from aggressive actions while keeping it engaged diplomatically. Defense cooperation between India and Vietnam has taken place over the years in a limited manner with the exchange of some military delegations and visits of naval ships. As part of the "look east" policy, an agreement on defense cooperation was concluded in 1994. The imperatives of defense cooperation with Vietnam seem to have been recognized belatedly, leading to a visit by George Fernandes to Vietnam in March 2000 and the signing of a fresh protocol on defense cooperation. India has begun to take measures to contain China's "string of pearls" strategy. For example, it has provided Vietnam with assistance in shoring-up its naval and air capabilities in an attempt to deny China total supremacy in the SCS. India also repaired and upgraded more than one hundred MiG-21 fighters belonging to Vietnam, the latter to provide improved avionics and radar systems. It was reported that a Chinese warship had confronted an Indian naval vessel as it left Vietnamese waters on July 22, 2011, but this

⁴⁴Walter C. Ladwig, III, "Delhi's Pacific Ambition: Naval Power, 'Look East' and India's Emerging Influence in the Asia-Pacific," *Asian Security* 5, no. 2 (May 2009): 87-113.

⁴⁵Subhash Kapila, "India-Vietnam Strategic Partnership: The Convergence of Interests," South Asia Analysis Group Paper, no. 177 (2001), http://www.southasiaanalysis.org/ paper177 (accessed November 9, 2011).

has been denied by India. India's military activities in the SCS demonstrate the Indian navy's increasing ability to operate far away from home and have implications for the containment of a rising China.

Vietnam has come out in support of India's bid for a permanent seat on the UN Security Council, has lobbied in favor of India's presence at the first East Asian Summit in 2005, and helped block Pakistan's inclusion in ARF. India, in return, was in favor of Vietnam's accession to the World Trade Organization and helped Vietnam secure a temporary seat in the Security Council in 2007. Bilateral trade has also grown extremely rapidly, surging from little more than US\$72 million in 1995 to more than two billion in 2008. Indian multinationals such as Tata Steel and ONGC Videsh Limited have started to invest heavily in Vietnam, in what many hope is just the beginning of a new trade pattern in Asia. In 2006, Vietnam awarded two oil exploration blocks—127 and 128—in Phu Kanh basin to ONGC Videsh. On October 12, 2011, unfazed by Chinese objections, India and Vietnam signed an agreement to promote the two exploration blocks in the South China Sea.⁴⁶

The conclusion is that under India's "look east" policy, New Delhi has undertaken a concerted effort to direct its foreign, economic, and military policies eastward. What began as economic cooperation with the nations of Southeast Asia has expanded into full-spectrum engagement with the major powers of East Asia, such as Japan and the United States. India's expanding role in the Asia-Pacific has been facilitated by countries such as Singapore, Vietnam, and Indonesia that look to the South Asian giant to help hedge against Beijing's growing regional influence. India and China share a history of troubled relations, and current tensions suggest that their bilateral relationship will be increasingly adversarial.⁴⁷ A steadily expanding economy, paired with a growing partnership with key

⁴⁶ India-Vietnam Strategic Partnership," *Defence Talk*, forum, September 17-28, 2009, http://www.defencetalk.com/forums/military-strategy-tactics/india-vietnam-strategic -partnership-9559/ (accessed November 9, 2011).

⁴⁷G. P. Manson, "Contending Nationalism: China and India March into the Twenty-first Century," Asian Affairs: An American Review 37 (2010): 85-100.

regional actors, an increasingly capable navy, and increasing competition with China, all serve to put India in a position to have an impact on the emerging security architecture of the Asia-Pacific.⁴⁸

Transitional Security Pattern of the SCS Region

For long periods in Asian history, there existed a tribute system centered on what is today known as China. The Middle Kingdom was not only geographically, but also politically and strategically,⁴⁹ a central power in East Asia from the time of the Western Han Dynasty until the collapse of the Qing Dynasty. All the diplomatic and trade missions of the East Asian states were construed in the context of a tributary relationship with Imperial China. At that time, the SCS security pattern was subject to the international order defined by the tributary system.

From the late Qing Dynasty to the beginning of World War II, this security pattern began to change, as some of the islands in the SCS were occupied by Britain, France, and Japan, who exploited the resources of the area. During the Cold War, the SCS security pattern was subject to the U.S.-Soviet bipolar arrangement in the international arena. Then beginning in the 1970s, the countries surrounding the SCS began to exercise their newfound post-colonial sovereignty and started to occupy the islands of the region with the aim of exploiting the oil and gas vital to their sustainable development. With the development of the legal regimes contained within UNCLOS, China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan (known as the "five countries and six parties") became involved in the SCS territorial disputes. Overlapping sovereignty claims, conflicting territorial jurisdictions, and exploitation of resources have destabilized the SCS region.

⁴⁸Ladwig, "Delhi's Pacific Ambition," 87-113.

⁴⁹Zhimin Chen and Zhongqi Pan, "China in Its Neighbourhood: A 'Middle Kingdom' Not Necessarily at the Center of Power," *International Spectator: Italian Journal of International Affairs* 46, no. 4 (January 2012): 79-96.

After the end of Cold War, the United States closed the Subic Bay naval station. The U.S. withdrawal from the Philippines marked the end of the U.S.-Soviet bipolar pattern in Southeast Asia. Since the normalization of Sino-Vietnamese relations in 1991, these two countries have reached a consensus on the peaceful resolution of the SCS issue and, on the whole, the situation has remained stable. In 2002, China and ASEAN signed the Declaration on the Conduct of the Parties in the South China Sea (DOC) in which it was declared that "the Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea."50 Then, in June 2004, China and Vietnam ratified a maritime boundary agreement and a fisheries cooperation agreement for Beibu Bay (Gulf of Tonkin). These agreements ended years of negotiation and debate regarding the rights of the two states to the ocean areas and resources in the bay. This was a significant achievement, as it marked a new stage of development in their friendship and all-round cooperation. In 2005, the national oil companies of China, the Philippines, and Vietnam signed the Tripartite Agreement for Joint Marine Seismic Undertaking in the Agreement Area in the South China Sea. The three countries expressed their resolve to transform the SCS into an area of peace, stability, cooperation, and development, stating that the signing of the agreement would not undermine the basic positions held by their governments on the SCS issue. The agreement marked a breakthrough as it put into practice the proposition of "shelving disputes and going in for joint development" put forward by the Chinese government in the 1990s.

But in recent years, more and more negative factors have emerged that affect SCS security. The main ones are the decisions made by the

⁵⁰Coclaration on the Conduct of the Parties in the South China Sea," November 4, 2002, http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of -parties-in-the-south-china-sea (accessed November 10, 2011).

Conference of States Parties to UNCLOS regarding the deadline for the submission of applications to extend continental shelves and the formal territorial claims contained in maritime laws passed by the Philippines in 2009⁵¹ and Vietnam in 2012.⁵² Other factors include the involvement of external parties and ASEAN's "checks and balances" strategy under which the organization dances in time with the big powers.⁵³ Clearly, the SCS issue is getting more complicated, internationalized, and difficult to resolve, and this has resulted in the aforementioned transformation of the SCS security pattern.

The SCS issue is changing from a regional issue into a global one in view of the involvement of external parties such as the United States, Japan, and India, which have important strategic interests in the region and wish it to remain open to the outside world because of its huge geoeconomic and geopolitical value. In recent years, ASEAN, as it has become more influential in regional and global affairs, has incorporated the SCS issue into a multi-dialogue mechanism.⁵⁴ The issuing of the ASEAN Declaration on the SCS in 1992 was the first occasion on which ASEAN had displayed a unified position on a regional security issue since the end

⁵¹On March 27, 2009, the Philippines passed an Archipelagic Baseline Law, according to which the long-disputed Spratly Islands in the South China Sea were included within its maritime boundaries. China reacted by declaring the legislation "illegal and invalid." The Chinese quickly sent a patrol ship to the area and canceled indefinitely a high-level meeting scheduled between the president of the Philippines and the secretary general of China's National People's Congress. Vietnam also protested against the law. Its foreign affairs spokesperson, Le Dung, was quoted in the Vietnamese press as warning the Philippines against taking any actions that could affect peace and stability in the region.

⁵²On June 21, 2012, the Vietnamese National Assembly passed the Vietnamese Law of the Sea which contained a declaration of sovereignty and jurisdiction over the Xisha and Nansha islands in the South China Sea, both of which are claimed by China. The Chinese lodged an official protest, reaffirming that China had indisputable sovereignty over the two island groups and their adjacent waters, and that the law was a violation of China's sovereignty. China requested that Vietnam immediately rectify its mistakes and refrain from any action that might damage bilateral relations or jeopardize peace and stability in the South China Sea.

⁵³Zhai Kun, "The ASEAN Power," in *The Architecture of Security in the Asia-Pacific*, ed. Ron Huisken (Canberra: ANU E Press, 2009), 29-31.

⁵⁴Anushree Bhattacharyya, "Understanding Security in Regionalism Framework: ASEAN Maritime Security in Perspective," *Maritime Affairs: Journal of the National Maritime Foundation of India* 6, no. 2 (Winter 2010): 72-89.

of the Cold War. Despite their political, economic, and cultural diversity, all the ASEAN countries recognize that any adverse development in the South China Sea would directly affect the peace and stability of a region in which they all share the same strategic interests-particularly since the advent of regional integration and globalization.⁵⁵ All in all, this is an achievement of open regionalism. Any problems in the SCS, which serves as a strategic route from Europe and Africa to East Asia, have an impact on global economic development and military activities. There are many successful economies around the SCS which are attracting the attention of external powers and leading them to expand their strategic interests. To some extent, the changing patterns of geopolitics and geoeconomics in the SCS region are manifesting themselves in shifts in the international political and economic order. SCS regional security is an important part of the increasingly unpredictable security of the Asia-Pacific region as a whole. So, regional cooperation is necessary to maintain regional stability and prosperity. What is more, external powers have been invited into the SCS region to serve ASEAN's strategy of balancing the big powers. Thus, the SCS issue has been upgraded into a global one.

Traditional and non-traditional security factors coexist, intermingle, and interact in the SCS region. Traditional regional security threats continue to exist, even though the Cold War has ended, and the surrounding countries have reinforced their defense capabilities, especially after the 9/11 attacks. Some external powers have strengthened their military ties with some members of ASEAN by supplying them with military aid, holding joint military exercises, and making them military partners. For these reasons, traditional security issues still dominate the national security strategies of some ASEAN members. At the same time, non-traditional security issues, especially piracy, terrorism at sea, and maritime ecological security, present new challenges in the SCS region.⁵⁶ There are enough

⁵⁵Helen E. S. Nesadurai, "ASEAN and Regional Governance after the Cold War: From Regional Order to Regional Community?" *Pacific Review* 22, no. 1 (March 2009): 91-118.

⁵⁶Taek Goo Kang, "Assessing China's Approach to Regional Multilateral Security Cooperation," Australia Journal of International Affairs 64, no. 4 (August 2010): 406-31.

non-traditional security threats in the SCS to encourage the involvement of external powers to fend them off, and this paves the way for those external powers to expand their traditional security forces there. For example, although one objective of ARF is "to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region,"⁵⁷ it has addressed in practical terms the three non-traditional or transnational issues that have dominated its agenda since 2001: terrorism, maritime security, and disaster relief.⁵⁸ As a venue for multilateral and bilateral dialogue and consultations, ARF often fails to produce outcomes based on consensus, which is absolutely necessary when dealing with common security issues such as the SCS issue.

Power shifts in the Asia-Pacific region, notably the rise of China, are pushing the United States to reinforce its own position in the Pacific maritime reaches by increasing diplomatic, economic, and military relations with Singapore, Thailand, and the Philippines.⁵⁹ Additionally, as Secretary of State Clinton said in the Cook Islands, where she attended the Pacific Islands Forum (PIF) Post Forum Dialogue on August 31, 2012, "I know there are those who see America's renewed engagements over the last three and a half years in the Pacific perhaps as a hedge against particular countries. But the fact is, as I said this morning, the United States welcomes cooperation with a number of partners, including Japan, the European Union, China, and others. The Pacific is big enough for all of us. We share a common interest in advancing peace, security, and prosperity in this vital region."⁶⁰ But the United States' determination to increase its diplomatic and military ties has disturbed Beijing, which is wary of the Obama administration's announced "pivot" toward the Asia-Pacific

⁵⁷See "The ASEAN Regional Forum – About Us," http://aseanregionalforum.asean.org/ about.html (accessed November 11, 2011).

⁵⁸Jürgen Haacke, "The ASEAN Regional Forum: From Dialogue to Security Cooperation?" *Cambridge Review of International Affairs* 22, no. 3 (September 2009): 427-49.

⁵⁹Scott, "India's Extended Neighborhood Concept," 107-43.

⁶⁰Hillary Rodham Clinton, "Commemorating US Peace and Security Partnerships in the Pacific" (remarks in Rarotonga, Cook Islands, August 31, 2012), http://www.state.gov/ secretary/rm/2012/08/197262.htm (accessed September 2 2012).

region, and its recent support for Asian nations that have challenged Chinese territorial claims in the SCS. For Beijing, Washington's pivot to Asia and its new military strategy, known as the "Air Sea Battle" concept,⁶¹ suggest a policy of containing China. As the *People's Daily* has warned, the U.S. approach is part of a "back to Asia policy, and its target is China." Washington has resorted to diplomatic, economic, and strategic means, which Clinton has dubbed "smart power," to create disturbances in the Asia-Pacific region.⁶² So, the SCS security pattern will be in a continuous state of transition because of the impossibility of knowing what kind of traditional and non-traditional security factors will come up in the future given power shifts centered on the United States and China in the Asia-Pacific region.

China's Security Dilemma in the SCS

A security dilemma exists when the military preparations of one state create an irresolvable uncertainty in the mind of another state as to whether those preparations are for "defensive" or "offensive" purposes.⁶³ According to this concept, states are always playing a guessing game, speculating whether each other's strategic intentions are benign or malign. Such speculation creates a paradox in which states believe that their own security requires the insecurity of others.⁶⁴ This difficult situation

⁶¹In 2009, the U.S. Navy and Air Force introduced the Air-Sea Battle (ASB) concept, which according to popular consensus is part of the Pentagon's plans to counter China, which is getting better and better at throwing up roadblocks for an invading force and eroding an aggressor's ability to enter a contested territory (the Taiwan Strait, for example).

⁶²"China's Media Criticize Clinton's Visit to Cook Islands," *Los Angeles Times World*, August 30, 2012, http://latimesblogs.latimes.com/world_now/2012/08/china-hillary-clinton -south-pacific-cook-islands.html (accessed September 2, 2012).

⁶³Nicholas J. Wheeler and Ken Booth, "The Security Dilemma" in *Dilemmas of World Politics: International Issues in a Changing World*, ed. John Baylis and N. J. Rennger (Oxford: Clarendon Press, 1992), 29-60.

⁶⁴Jack L. Snyder, "Perceptions of the Security Dilemma in 1914," in *Psychology and Deterrence*, ed. Robert Jervis, Richard Ned Lebow, and Janice Gross (Baltimore, Md.: Johns Hopkins University Press, 1985), 155.

occurs because each state is mandated to pursue its own national interests, security uncertainties pervade and these uncertainties also create security anxieties that in turn exacerbate the security dilemma. China, as a rising power, is facing such a dilemma in the SCS region.

In the SCS, all claimants are driven by a desire to protect their territorial integrity and advance their national sovereignty. The conflicting claims triggered by sovereignty issues compel the claimants to make unilateral moves aimed at strengthening their effective occupation of islands, islets, reefs, cays, and shoals in the area. Claimants are also continually seeking to enhance their maritime capabilities to protect their interests.

When China signed the DOC in 2002 with other claimants in the SCS, there was jubilation in the international community, as it was perceived that China had shifted the paradigm of its relationship with Southeast Asia from bilateralism to multilateralism. After 2008, however, this interpretation changed. China's establishment of "Sansha City"65 was seen as a retrograde step, and a sign that it was becoming more and more unilateral in its behavior in the SCS. The incident involving the USNS Impeccable of March 2009 aggravated fears among some ASEAN members that China was becoming more unilaterally assertive in advancing its claims in the SCS. The security anxieties of ASEAN claimants and stakeholders were heightened when China's ambassador to ASEAN, Xue Hangin (薛捍勤), stated that the SCS disputes would not be on the agenda when Chinese leaders attended the ASEAN summit in 2009.⁶⁶ ASEAN claimants had wanted to discuss the SCS disputes, particularly the dispute over the Spratlys, in order to improve its bargaining position with China. Vietnam even wanted the Paracels to be included on the agenda, although other ASEAN claimants just wanted to focus on the issue of the Spratlys.

⁶⁵It was reported that China had declared Sansha, which is claimed by Vietnam, a city and an integral part of Hainan Province. This event was not officially announced by the Chinese until June 2012.

⁶⁶"Beijing: South China Sea Disputes Not on ASEAN Agenda," *Chosun Ilbo*, October 29, 2009, http://english.chosun.com/site/data/html_dir/2009/10/22/2009102200245.html (accessed November 11, 2011).

China has already replaced Japan as the world's second-largest economy, and Beijing has made it the duty of the People's Liberation Army Navy (PLAN) to guard the three million square kilometers of what it considers to be China's territorial waters, which is equivalent to one-third of the area of mainland China. Specifically, this covers the coastal waters off the Chinese mainland in the Yellow Sea, the East China Sea, and the South China Sea. In seeking to control these expanses of ocean, China is motivated by a desire to develop and exploit the biological and nonbiological resources to be found there, particularly the extensive submarine petroleum reserves.⁶⁷ So, the actions taken by the PLAN in the seas around the Spratly Islands in 1988 and 1995 were extremely important events for China. Through these actions, China finally gained real control over the Spratlys. Since then, China has used this military complex as a base to reinforce its control over the islands. The PLAN has been conducting regular patrols and exercises in the SCS in support of its territorial claims. After Beijing announced the establishment of Sansha City and a garrison on an island in the Paracels in July 2012 it also released news of the imminent deployment of its first aircraft carrier, the Liaoning. The PLAN sees the carrier as playing a major role in the resolution of the Spratly Islands dispute by providing fleet air defense and air attack capability. In the present context, the carrier may be used primarily to alter the balance of combat capabilities in the SCS. An aircraft carrier operating from a base on Hainan Island would be able to assert Chinese sovereignty over distant reefs by making them "off limits" to other countries of the region.⁶⁸

Undoubtedly, statements and action such as these, and China's overall attitude on the SCS, have a major effect on the behavior of other

⁶⁷Shigeo Hiramatsu, "China's Advances in South China Sea: Strategies and Objectives," *Asia-Pacific Review* 8, no. 1 (May 2001): 40-50.

⁶⁸Although an aircraft carrier group is extremely important for a nation's power projection capabilities, it may encounter challenges in distant area operations and may have certain limitations. Given China's current technological capability, available maritime infrastructure, international relations, and influence-building status, the PLAN will, at best, only be able to use its carriers to project its power within the South and East China Seas, and only in the 2020 timeframe.

claimants. Actions by other claimants are, more often than not, reactions to China's moves in the SCS. When it was reported in mid-2008 that the Yulin (Sanya) submarine base in Hainan Province had a Jin-class ballisticmissile submarine that could enhance China's sea-based deterrent capability, alarm bells rang in Southeast Asia. In reaction, ASEAN claimants became more serious about upgrading their own naval capabilities. Malaysia, for example, acquired a Scorpene class submarine in October 2009 to bolster its ability to guard its own waters. Although the Philippines lacks funds to acquire modern naval ships, it did revise its rules of engagement in the SCS in March 2009. After the Scarborough Shoal incident of April 2012,⁶⁹ the Philippines passed an armed forces modernization bill that allowed for an additional 75 billion pesos (US\$1.8 billion) to acquire more weapons, personnel carriers, frigates, and aircraft over the following five years. Vietnam has warned that if a conflict breaks out, it will probably be around the Spratly Islands. Vietnam's navy is in fact preparing to face this contingency, having ordered six Kilo-class submarines from Russia. It plans to leverage the existing weaknesses in the PLAN's anti-submarine warfare capabilities to its advantage when the situation warrants.⁷⁰

Although China's military power is inferior to that of the United States and Russia, it is militarily superior, particularly in terms of naval power, to all the nations surrounding the SCS. This situation has encouraged some of these countries, such as Vietnam, the Philippines, and Malaysia, to purchase naval and air force weaponry from powers such as the United States, Russia, and France. At the same time, China is keen to maintain its military superiority in the SCS by, among other things, the creation of a blue-water, ocean-going navy and the development of a

⁶⁹On April 8, 2012, a Philippine navy surveillance plane spotted eight Chinese fishing vessels anchored in waters off Scarborough Shoal. When a naval vessel was dispatched to investigate, it found that the Chinese fleet's catch included illegally collected corals, giant clams, and live sharks. The Philippine navy reported that when they attempted to arrest the Chinese fishermen, they were prevented from doing so by Chinese maritime surveillance ships. Tension has been high between the two countries since this incident.

⁷⁰Kamlesh Kumar Agnihotri, "China's Naval Aviation and Its Prospective Role in Blue Water Capabilities of the PLA Navy," *Maritime Affairs: Journal of the National Maritime Foundation of India* 6, no. 2 (Winter 2010): 23-48.

large-scale, indigenous defense industry capable of manufacturing fighter jets, battle tanks, and tactical missile systems. This continued arms race may contribute to the creation of a classic security dilemma, because arms acquisitions by one state, even if it has no desire to threaten its neighbors, can lead to anxieties and feelings of insecurity in nearby states. Reciprocal responses by neighboring states to regain security by buying their own advanced weapons only raise regional tensions further. Even if such tit-for-tat arms competition does not lead to conflict, it can reinforce mutual insecurities and suspicions, and ultimately have a deleterious impact on regional security.⁷¹

Although the Chinese government has proposed "shelving disputes and going in for joint development," there has been no progress on the joint development of oil and gas in the SCS since the 2005 Tripartite Agreement. Indeed, China has moved against companies that cooperate with ASEAN claimants to explore oil and gas in the area. For example, in the summer of 2007, China put pressure on British Petroleum (BP) and other companies to either cease operations or work out a deal between the individual parties involved, namely Vietnam and China, because BP had begun to develop new projects in areas where both China and Vietnam hold claims. China has made it clear that if BP were to go forward with the projects in the SCS, this would threaten other BP projects in China, and it should be noted that BP is one of the largest foreign investors in China. Concurrently, the Vietnamese government, which gave BP permission to operate in areas it claims in the SCS, told BP that onshore projects in Vietnam would be in jeopardy if the company succumbed to Chinese pressure.⁷² On June 23, 2012, the China National Offshore Oil Corporation (CNOOC) announced that nine offshore blocks in the SCS were available for exploration, and said it was seeking bids from foreign com-

⁷¹Richard A. Bitzinger, "A New Arms Race in the Asia-Pacific?" *The International Spectator: Italian Journal of International Affairs* 44, no. 2 (2009): 111-17.

⁷²See WikiLeaks, "BP Prefers to Manage Chinese Pressure over South China Sea in Commercial Channels," *Telegraph*, February 4, 2011, http://www.telegraph.co.uk/news/wikileaks-files/london-wikileaks/8305028/C-BP-PREFERS-TO-MANAGE-CHINESE -PRESSURE-OVER-SOUTH-CHINA-SEA-IN-COMMERCIAL-CHANNELS.html.

panies. On June 29, Vietnam's state-owned oil company, Petro-Vietnam, called on international companies to boycott the "illegal and wrongful bid invitation," saying that the nine blocks "lie deeply on the continental shelf of Vietnam." China insisted that the tender was in accord with Chinese and international law and urged Vietnam not to escalate the quarrel. It is believed that Beijing has decided to unilaterally explore oil and gas in the disputed areas of the SCS, in view of there being no progress in "shelving disputes and going in for joint development." In yet another example, two Philippine military planes chased Chinese patrol boats from disputed waters in the SCS on March 2, 2011. The Philippine military claimed that the patrol boats were harassing a Philippine vessel belonging to a private oil firm conducting seismic explorations of the natural gas and oil reserves in the Reed Bank. located 240 kilometers off the west coast of Palawan,⁷³ a region that has been contested for decades. Oil exploration was stopped in the Reed Bank in the 1980s after the construction of four oil wells because of rival claims from China, Taiwan, and Vietnam. This confrontation was interpreted as part of China's effort to assert its sovereignty over the area.

In recent years, the United States, Japan, China, and Australia have all established interests in Southeast Asia, causing ASEAN countries to worry that they may be marginalized. For this reason, the ASEAN Charter, adopted in 2007, seeks to build a more effective mechanism for cooperation and coordination among Southeast-Asian countries to address the pressures of globalization and the increasing power of their larger, non-ASEAN neighbors.⁷⁴ Further integration will strengthen ASEAN as a regional player and perhaps offset the dominance of greater powers in the area. But there are differences of opinion among the nations surrounding the SCS concerning who owns the Spratly Islands, and these differences

⁷³Joseph Santolan, "Philippines Planes Confront China in Disputed South China Sea," World Socialist Web Site, March 5, 2011, http://www.wsws.org/articles/2011/mar2011/ phil-m05.shtml (accessed November 11, 2011).

⁷⁴Alice D. Ba, "Regionalism's Multiple Negotiations: ASEAN in East Asia," *Cambridge Review of International Affairs* 22, no. 3 (September 2009): 345-67.

often lead to minor disputes. Vietnam and the Philippines argue strongly about "the Chinese threat," whereas Malaysia, fearing that it will become China's "next target," insists that China is not a threat. The Philippines and Malaysia also disagree on the matter of U.S. involvement. The Philippines wants the United States actively to defend the security of the SCS, while Malavsia rejects U.S. intervention, insisting that the problems should be resolved by the nations directly concerned.⁷⁵ Malaysia is worried that these conflicts have in turn stimulated the expansion of naval power as a means of demonstrating resolve and even asserting overlapping maritime territorial claims.⁷⁶ Many of these countries have attempted to enforce these claims by establishing garrisons and structures on the islands, and by acquiring the means to patrol these areas, which results in misunderstanding and mistrust. This situation explains the quarrels that broke out between ASEAN foreign ministers at the July 2012 meeting which called for the early conclusion of a Regional Code of Conduct (COC) in the SCS. In the long run, however, the trend toward integration will undoubtedly encourage regional cooperative efforts among ASEAN countries on the SCS issue. Further ASEAN integration and the involvement of external parties such as the United States, India, and Japan will present more challenges for China in the future.

There is yet another factor which makes China feel trapped in a security dilemma in the SCS, it is that the issue has become a focus of growing Chinese nationalism. It is evident that China is blighted by powerful and deeply nationalistic movements whose influence among the general population and on the government is growing.⁷⁷ The disputes in the East and South China Seas are stirring up extraordinary nationalistic fervor in the press and online. Internal challenges have often prompted China to compromise in its conflicts with other states over border issues. It seems that its leaders calculated that cooperative relations with neighbor-

⁷⁵Hiramatsu, "China's Advances in South China Sea," 40-50.

⁷⁶Bitzinger, "A New Arms Race," 111-17.

⁷⁷Manson, "Contending Nationalism," 85-100.

ing countries were more important than gaining a few square kilometers of land. But it is worrying that Beijing's leaders might use force or take more assertive action to appease domestic nationalists and the increasingly hawkish PLA in an effort to bolster their legitimacy. This has become even more of a threat since a new generation of leaders took over the reins of power at the Chinese Communist Party's Eighteenth National Congress.

Conclusions

Since the end of the Cold War, security in the SCS has been in a state of transition under the influence of external parties who have been seeking to expand their strategic interests in the region. Some ASEAN members have adopted a strategy of balancing big powers such as the United States, China, India, and Japan. In answer to these developments, China developed a new security concept in the 1990s, and opposed the intervention of external parties in the SCS issue. Although China wants to play a constructive role in maintaining regional security, it has, at the same time, become trapped in a security dilemma in the SCS.

In spite of two decades of drastic restructuring and modernization, the Chinese leadership is not yet entirely confident that its armed forces can win wars under high-tech conditions without having to sacrifice strategic interests such as economic development or the supply of natural resources. These precise domestic interests have figured more prominently in Beijing's recent agenda than the need to keep other powers out of its back-yard. But Beijing has to face the increasing involvement of the United States in East Asia. Washington's geopolitical considerations and military power are clearly evident in issues concerning the Korean peninsula, the East China Sea, Taiwan, and the SCS, as well as in the pattern of military deployments and military exercises carried out in the western Pacific.⁷⁸

⁷⁸David Scott, "US Strategy in the Pacific-Geopolitical Positioning for the Twenty-first Century," *Geopolitics* 17, no. 3 (April 2012): 1-22.

So to Beijing's alarm, the United States is casting a long shadow with its military presence from Korea to Kyrgyzstan. Australia, Japan, the Republic of Korea, Russia, and Vietnam are important secondary balancers, which could respond to China's rise by forming alliances—either with each other or with the United States.⁷⁹

China is under great pressure, both internally and externally, and the three most important variables that will determine China's willingness to resort to force are, and will continue to be: the impact of the external environment on the legitimacy of the Chinese political elite, the cost of military force relative to the fulfillment of economic expectations, and the conflict between interests and values in the strategic calculations of the Chinese government.

Beyond doubt, the territorial disputes in the SCS will continue to play a destabilizing role in the security of the Southeast Asia. There is a great need for increased transparency and enhanced confidence-building among claimants and other stakeholders in order to effectively overcome the security dilemma in the SCS and create the cooperative management regime necessary for regional peace and stability. Thus, ameliorating the maritime security dilemma in the SCS and establishing maritime security cooperation between China and Southeast Asia will largely depend on how China behaves on the issue. To some extent, China's behavior in the SCS will be a litmus test of its sincerity when it declares that its rise to regional and global power will be a peaceful one.

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⁷⁹Jonathan Holslag, "Chapter One: China's Rise and the Use of Force: A Historical and Geopolitical Perspective," in "Trapped Giant: China's Military Rise," special issue, *Adelphi Series* 50, no. 416 (December 2010): 19-28.

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