

Maritime Moves: The American Response to the South China Sea Conflict

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Abstract

China is quickly becoming a world power and will soon reach parity with the United States. China has gotten far more aggressive in its expansion, which extends to the islands within the South China Sea. China claims most of this based on the Nine-Dash Line, in violation of the United Nations Convention on the Law of the Sea. As the current world superpower, the United States must respond to these claims given the geostrategic importance of the region. An analysis of the current Chinese and US positions, as well as those of the other littoral states with competing claims, allows for the determination of US strategy for the future. These claims are so strongly held due to the economic potential of the area, but as they stand, no one can fully benefit from it. An extensive literature review was conducted to determine where the situation currently stands and what the US should do about it. Fostering a cooperative relationship between these nations and preventing armed conflict are the US goals in the area. This can be accomplished through using force as a deterrent for conflict and working to develop diplomatic resolutions to the various border disputes, especially between the ASEAN nations and China.

Maritime Moves: The American Response to the South China Sea Conflict

The South China Sea is a hotly contested area that holds the key to the future of the nations that surround it. Three trillion dollars' worth of commerce passes through these waters, making its control both strategically and financially important.¹ The control over sea lanes is the means to a trade advantage and a massive boost to the economies of the nations that surround this body of water. There are six main countries that are involved in the dispute: China, Vietnam, Malaysia, Brunei, Taiwan, and the Philippines, although there are few others with much smaller or already resolved claims as well. These nations all seek to control as much of the region as possible, as doing so would mean a larger piece of the prosperity pie. Part of the way this control is measured and enforced is through the possession of small islands within the South China, and thus is desired by these littoral nations. These claims overlap or are inconsistently enforced, however, leading to political and occasionally military disputes. Because of the vitality of the region, the United States should work to foster peace in the region, both through enforcement of previous treaty agreements but also in helping negotiate settlements that allow for the fair use of resources by all nations, with joint control playing a role in the settlements reached. This solution is very complex and will vary in implementation based on the willingness of the involved nations to cooperate, but if done peacefully, will allow for a great peace to be achieved in the region.

Resources Worth Fighting Over

To understand why this is needed, the current situation and motivation of the involved parties must be discussed. The unrest in the South China Sea is due to the vast amounts of raw materials available to the nations that control them, in addition to the trade routes crossing over

¹ Liam Reeves, "The South China Sea Disputes: Territorial and Maritime Differences Between the Philippines and China," *Journal of Global Faultlines* 6, (no. 1, 2019), 39.

the ocean that contains them. There are two major and several minor resources that are available to whoever controls the South China Sea. The region has a massive fishing industry (12% of the world's total fish catch) and oil reserves (7.7 billion proven barrels and up to 213 billion projected barrels), along with substantial natural gas reserves and rare earth minerals deposits.² This mineral and energy wealth makes the area even more tantalizing than if the islands were simply located within a barren expanse of water over which ships crossed. This has led to the tensions in the region, as nations are willing to fight to better themselves. These territorial disputes and flare-ups are not new in the South China Sea region, as conflict has been ongoing since the mid-twentieth century, but there are guidelines being set in place by international institutions to help solve these issues. The United Nations Convention on the Law of the Sea (UNCLOS) states that ownership any habitable island gives control to at least 12 (the Territorial Sea) and up to 200 nautical miles (the Exclusive Economic Zone) around that island, but many nations claim and inhabit the same island groups and have failed to develop a governing body able to coordinate the fishing, environmental protection, security, and other needs in the area.³ The lack of an effective multilateral remedy and the persistence of the overlapping claims make it clear that something must be done to resolve this issue effectively and permanently, but what?

A Complicated American Position

This of course leads to the question of why the United States should get involved at all, as these disputes are over an area half the world away. Considering the vital economic and strategic value of the region to the nations within it, there is potential for conflict in an area where much

² Liam Reeves, "The South China Sea Disputes," 41-42.

³ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues in the South China Sea: European and American Perspectives* (Ashgate, 2016), doi:10.4324/9781315593210, 211.

of the United States' trade passes through. More pressing is the United States mutual defense treaty with the Philippines that was signed in 1953 and is still in force today, meaning that if it becomes involved in a military engagement, the United States is required to come to its aid.⁴ This is relevant because China's increasing aggression in the area makes a confrontation more likely. Given that the United States would not like to become involved in another war now that its commitments in the Middle East are winding down and tensions in Eastern Europe are ramping up, the United States must take steps to fulfill its obligation to the Philippines by ensuring fair dealings with the surrounding nations and avoiding a military confrontation.

Areas of Tension

The Philippines is not the only reason why the United States is involved in the South China Sea either. Since it does not have undisputed control of the claimed areas of its EEZ, Vietnam is welcoming to any other navies to counter the influence of China, including that of the United States.⁵ This United States involvement is not seen as beneficial by all parties involved, however. China considers the United States to be an instigator in the South China Sea and seeks to limit American involvement to bolster its security status in the region and prevent them from collaborating with the Philippines and Vietnam at the expense of Chinese claims.⁶ This is due to the legacy of colonialism and humiliation China has experienced, making it more aggressive in counteracting what it sees as aggressive colonial powers.⁷ This means that the United States

⁴ *Mutual Defense Assistance Agreement between the United States of America and the Republic of the Philippines*, June 26, 1953, TIAS 2834, 1682-1692.

⁵ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy*, 210.

⁶ Ian Storey and Zhengyi Lin, *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions* (Singapore: ISEAS Yusof Ishak Institute, 2016), 48.

⁷ Paul A. Cohen, "Remembering and Forgetting National Humiliation in Twentieth-Century China," *Twentieth-century China*, 27 (no. 2, 2002), 19.

could potentially go to war with China in the region, which America seeks to avoid. China also sees avoiding war over the South China Sea as its best interest, as if a war were to take place the United States would side against them and in favor of their regional competitors, so it attempts to walk the fine line between assertive and incendiary in promoting its interests and avoiding the ire of America.⁸ This does not mean that China has not acted in a way that the United States could perceive as hostile. China has worked to counter American efforts to survey the South China Sea, upbraiding previous agreements and the freedom of navigation.⁹ Of course, Beijing justifies these actions as responses to hostilities initiated on the part of the United States and seeks to maintain influences over its corner of the world, which is not an unreasonable position. Still, this mentality means that bargaining over the area could be difficult, but not impossible. The United States can think creatively to work on both achieving its strategic goals while also not alienating China. For instance, the Trans-Pacific Partnership strengthens economic ties between America and 11 countries in East and Southeast Asia but does not include China, meaning that its inclusion could be used as a bargaining chip in negotiations regarding the South China Sea.¹⁰ Such creative maneuvering could be the key to moving forward and achieving prosperity in the region.

Trade Disputes

The issue of finance is partly why the South China Sea is so important to the nations surrounding it. The dispute must also be resolved before the largest economic benefits can be seen. Most companies will not extract resources like oil in actively disputed areas, meaning that

⁸ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 52.

⁹ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 23.

¹⁰ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 191.

as the dispute goes on, no country will be able to fully benefit from the resources it claims to possess, so resolution is needed to simply make use of the claimed territory.¹¹ This monetary situation becomes more complicated once the financial relationships between the ASEAN states and China is considered. China is the second-largest trading partner of the Philippines, narrowly behind Japan, with few barriers to prevent economic integration between the nations, as well as a major partner to the other littoral states as well.¹² Such figures show the complicated relationship between those countries and make the island disputes more important, and given the reliance on foreign investment and trade, the maintenance of claims to the South China Sea begin to make significantly more sense. The trade boost of controlling the sea lanes would allow these to help themselves without as much of a need of foreign investment. The energy resources under portion of the ocean would also allow for both the profit from their sale and the savings on fuel costs not importing would provide, giving rebuild national economies after pandemic in a world where resources, especially fuel, is becoming increasingly costly.

Piracy Enforcement

Trade has also played a part in how the conflicts over the islands have and will continue to pan out, as its use is a possible tool for both sides to leverage, although the balance favors China. The dispute over the South China Sea is more than just about the ownership of resources and the ability to extract them and boost the trading and financial positions of the surrounding nations, but directly affects the trade itself. The complex and disputed borders make enforcing piracy law difficult, as it cannot be enforced internationally, and the littoral states cannot enforce

¹¹ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 212.

¹² David C. Kang, *American Grand Strategy and East Asian Security in the Twenty-First Century* (Cambridge: Cambridge University Press, 2017), doi:10.1017/9781316711620.010, 105.

it since they are unable to determine who owns what portion of the sea.¹³ Piracy is an economic “bad” that no side desires in the region but is more likely to exist when no one has proper control over a large portion of the ocean. Piracy can be combated through military force, but this is hardly an easy task, with militarization possibly leading to conflict.

Escalatory Consequences

No one member of the South China Sea area wants armed conflict, even if at times they act aggressively, as the region is becoming increasingly connected economically, meaning that a war or other breakdown in relations would negatively affect the financial situation of any nation involved, with or without new territory.¹⁴ Just because conflict avoidance is in the best interest of the surrounding nations does not mean that is what always occurs, however. Threats of military responses over reefs and outcrops are not simply rhetoric, as military action in the area has occurred previously. During and after the 2012 Scarborough Shoal incident (when Chinese military vessels evicted the Filipino Navy from the contested area in response to the removal of several Chinese fishing boats), China stopped accepting Filipino fruit imports, crippling an industry that provided 200,000 jobs, with 30% of that industry’s trade conducted with China.¹⁵ This shows the negative impact on trade that even small-scale conflict between China and a littoral state can have, let alone a full-scale war. Now that the resources and the stakes have been described, the major players in the region will now be discussed.

¹³ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea: Shaping a New Framework for Cooperation* (Ashgate, 2016), doi:10.4324/9781315598482, 4.

¹⁴ *Ibid.*, 93.

¹⁵ Raditio, *Understanding China's Behaviour in the South China Sea*, 103-104.

ASEAN

ASEAN is the cooperative body that comprises many of the nations involved in the South China Sea dispute (with the notable exceptions of China and Taiwan), which has meant that it is the principal actor in negotiations between these nations and the larger power. ASEAN and its component nations have had a growing dialogue with China over security measures, with 10 agreements signed between China and at least one ASEAN nation in the period between 1999 and 2012 alone.¹⁶ Such dialogue could mean that ASEAN can collectively solve the issue without little American involvement. There are other signs of promise in the communications between the two entities as well. ASEAN and China have a growing relationship, especially economically, but the South China Sea remains a sticking point that, if removed, could lead to better relations overall and better economic prospects and productivity within ASEAN.¹⁷ Economic interconnectedness means that the system will be more stable in the long term, as conflict will damage these connections and the prosperity they bring.

Cooperative Success

ASEAN itself is an excellent model of how this type of conflict resolution works. East Asia has been relatively peaceful and has had very few battlefield deaths after 1980, especially among ASEAN nations, who avoid interfering with others and respect their sovereignty.¹⁸ Because the ASEAN nations work together to solve disputes among themselves and prevent conflict, they will be best suited to solve the border disputes between their own member nations,

¹⁶ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 90.

¹⁷ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 134.

¹⁸ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 21.

with several treaties in place that have already done so. Other ASEAN members, which are not a part of the main six South China Sea competitors also host claims to parts of the South China Sea, such as Cambodia and Thailand, but these claims are generally previously resolved or relatively minor, as in the case of Indonesia's claims that overlap with China, Malaysia, and Brunei.¹⁹ These nations, while not major players, should not be ignored, as they also play a role in the situation and could make multilateral negotiations more difficult. Bilateral agreements should be considered when they will be more effective at bringing a conclusive settlement. China's growing alienation from its neighbors means it could be willing to make territorial concessions in exchange for better relations, especially because the willingness of countries like Vietnam to involve other powers in resolving the dispute instead of the bilateral negotiations China wants.²⁰ This tactic could be used in conjunction with ASEAN negotiations, as the piecemeal set of bilateral agreements would mean that there would be less to agree upon in a multilateral treaty. The lack of consensus within ASEAN is its primary weakness, as it attempts to connect various countries with wildly different economies, religious beliefs, and systems of government to get them to come to the same conclusions. Therefore, ASEAN is an important aspect of the South China Sea dispute, but it is not sufficient to resolving it, as the individual littoral states have their own interests and compete with one another in addition to China. Thus, these nations with the largest claims must be examined to determine what the situation is and how the United States can help in this situation, respecting the sovereignty of the nations involved and mediating the conflict without inflaming it due to its presence.

¹⁹ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 22.

²⁰ *Ibid.*, 192.

The Philippines

The first individual player and the one with the closest connection to the United States is the Philippines. The Philippines professes ownership of the nearby area of the South China Sea based on both a historical and geographical factors, as it claims discovery of several islands there in 1947, the incorporation of those islands into the Palawan province in 1978, and, most importantly, the inclusion of the area within its 200-mile Exclusive Economic Zone based on the UNCLOS.²¹ These discoveries and claims are not simply exploratory in nature either, as the military has gotten involved as well. The Philippines have had a presence in the Spratly Islands since 1956, occupying the area then and reinforcing them with a military presence in 1971.²² It also has proximity on its side. It is already much nearer to its portion of the contested Spratly Islands than China is, which serves as a key element of support for its position on who should control the area, along with the other factors of discovery and previous occupation of the area. These reasons make the current Filipino claim to the South China Sea justifiable in the sense that it is not claiming new territory, but territory that it has had previously held jurisdiction over, leading to a claim based upon international law and historical tradition. This international law point is especially powerful because the Philippines has taken China to arbitration with the UN regarding the area and won.

Filipino Problems

Unfortunately, the Philippines is currently hard-pressed domestically. It has been economically devastated by the pandemic and has a very weak military in comparison to its

²¹ Reeves, "The South China Sea Disputes."

²² Raditio, *Understanding China's Behaviour in the South China Sea*, 56.

neighbors.²³ It also suffers from internal stability problems such as terrorist attacks. Not only have issues in domestic politics altered the Philippines' ability to respond to threats by its focus on the army and preventing domestic terrorism over naval protection, but they have also affected its cooperation with the United States. The Filipino government has acted in a way contrary to its values and constitution and so it has received criticism and action from the American government, leading to worsening relations and pro-China maneuvering at the start of the Duterte administration (2016-2018), although this split has reversed somewhat as China grew increasingly unpopular among the Filipino people.²⁴ The US-Filipino relationship is vital to both sides. Downturns in it have negative repercussions that affect not just the Philippines, but the rest of the region. Given that the United States has a closer partnership with the Philippines than any other nation in the region, it has the most impact on them, as the American rebalance in the area has led to a continued emphasis on the diplomatic and military relationship between the United States and the Philippines. This action is also needed on account of the Philippines' weakness and China's strength. It is also required to because of the mutual defense treaty between the two nations.²⁵ The aid America gives to the Philippines must be substantial enough to counteract the deficit between them and their stronger neighbors, and it must be given in a way that does not alienate them from either China or the rest of ASEAN.

²³ Stratfor, "U.S., Philippines: Working-Level Talks Begin on Visiting Forces Agreement," *Stratfor Worldview*, February 12, 2021, <https://worldview.stratfor.com/situation-report/us-philippines-working-level-talks-begin-visiting-forces-agreement>.

²⁴ US Congress, House of Representatives, *Philippine Human Rights Act*. HR 8313, 116th Cong., 2nd Sess., 2020.

²⁵ *Mutual Defense Assistance Agreement between the United States of America and the Republic of the Philippines*.

Vietnam

Vietnam is the largest player in the South China Sea besides China, with both nations claiming full ownership of both the Spratly and Paracel Islands (in practice, China controls the Paracels and Vietnam has the largest share of the Spratlies).²⁶ Its large role in the region means that its actions have major ramifications going into the future and that the United States should take care not to alienate itself from it. Thankfully, Vietnam has been open to the support of other nations, even America despite their troubled history.²⁷ This is because of China's incredible unpopularity in Vietnam, with Chinese actions leading to domestic Vietnamese demonstrations against China and talks between the governments.²⁸ Such poor relations have opened the door to the United States in serving as a balancer between the two nations.

Contention With China

The domestic Vietnamese perception is based on a laundry list of issues it has with China. This has made the Vietnamese-Chinese relationship contentious. Such issues include Chinese attempts to ban fishing and prevented oil drilling within Vietnam's EEZ, sending its naval ships into the contested waters, and occasionally harassing and threatening the fishermen that attempt to travel or work in the disputed areas.²⁹ Since fishing is part of people's basic livelihood and is generally allowed to continue even during times of war, the vitriolic response to these such actions is justified. This has led to a Vietnamese response to China's perceived aggression. In retaliation for China's actions (including the conducting of naval exercises in

²⁶ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues* 207.

²⁷ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 22.

²⁸ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 39.

²⁹ *Ibid.*, 35-36.

contested waters), Vietnam held live-fire exercises near the area as well as a show of force.³⁰

Such actions, while logical in asserting itself against an unfriendly neighbor, could lead to more conflict, which would destabilize the region and prevent the growth that both sides desire, so diplomatic steps must be taken to avoid escalation and instead focus on coordination.

Cooperation With China

Luckily, such plans are already in progress. China and Vietnam have been working on creating a joint development plan for the South China Sea.³¹ This plan could help smooth out their relationship, but negotiations between the two nations will be challenging for both sides. The centralized nature of the communist parties controlling both Vietnam and China makes compromise difficult, as any sort of compromise would be seen as weakness on the part of the government taking a smaller share of the original claim, as the EEZs allow for the controlling government to restrict military travel in their territory.³² This says nothing of the shared grievances that makes an amicable agreement difficult, so the United States should do its best to help resolve some of these problems while promoting peace and allowing for both sides to benefit and use the resources at hand to survive, promoting flexibility and compromise to allow such an agreement to function properly.

Taiwan

If survival is the main goal of any nation involved in the dispute, it is Taiwan. Considering Taiwan is *de facto* independent but generally unrecognized as a nation, as well as constantly under threat from China, it has probably the least amount of bargaining room of the

³⁰ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues* 42.

³¹ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 91.

³² Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 208.

contesting nations. That does not mean that it acts from a position of weakness. On the contrary, the government of China (both the mainland and Taiwan) is willing to fight for every piece of territory they claim and have repeatedly refused to make concessions or give up historic claims, making negotiations between them and other nations much more challenging.³³

Divisive Unity

This is common mindset could also lead to common ground, especially if the governments of both parties become more cooperative rather than coercive. This is due to the similarities between the nations, as they share a common history but not a common government. The reasoning behind the claim itself is even shared by both nations. The Nine-Dash Line, which was officially claimed by China, was established in 1947, before either the nationalists or communists had control of the county, and as such the claim is stated by both mainland China and Taiwan.³⁴ This of course is problematic because Taiwan also inherits all of the problems China does with its claims overlapping the boundaries of other nations, only magnified by the fact that it wholly overlaps the PRC's claim. Given this, the claims themselves are also a point of contention, even within Taiwan itself. Taiwan's claims to the area have thus remained vague, in part because it is split between two opposing parties that do not want to alienate the other section of the electorate, with one emphasizing a strong claim and the other desiring to claim less or none of it, with differing interpretations of international law factoring into the split.³⁵ However,

³³ Kimberly Wilson, "Party Politics and National Identity in Taiwan's South China Sea Claims: Don't Rock the Boat" (*Asian Survey* 57, no. 2, 2017), <https://www.jstor.org/stable/26367750>, 271.

³⁴ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 57.

³⁵ Kimberly Wilson, "Party Politics and National Identity in Taiwan's South China Sea Claims," 280.

this whole situation could come with unexpected benefits. If Taiwan and the PRC can come to an agreement in the South China Sea, it could help bolster their relations in other areas as well.³⁶

Possible Cooperation

Despite some of the more hardline rhetoric, Taiwan is willing to compromise, at least unofficially, because of the moderation needed by the two main parties. Despite Taiwan's sweeping claims, its unrecognized status and relatively precarious position have precluded it from acting forcefully, so it has generally made lip service to defense of the area but has remained peaceful.³⁷ This has led to it working with rather than against the nations it has competing claims with. Taiwan may work more with ASEAN nations in support of their South China Sea claims when China is actively posing a security threat towards Taiwan at the time, making China shift its focus from proximate Taiwan to further afield.³⁸ Since continued existence rather than the South China Sea is the priority for Taiwan, it means that it is more willing to bargain to better those chances, meaning it is less likely to cause major conflict in the area.

Malaysia and Brunei

Malaysia and Brunei are the two other major ASEAN players in the South China Sea conflict, although their claims are much less contentious due to their distance from mainland China, even if they still fall under the Nine Dash Line. Given Brunei's small size, it is not the most important player in the conflict but does have conflicting borders with several of its neighbors. Its claims are relatively clear-cut thanks to its small coastline but still overlap with

³⁶ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 90.

³⁷ Kimberly Wilson, "Party Politics and National Identity in Taiwan's South China Sea Claims," 272.

³⁸ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 75.

those of other nations. It does not suffer from the issue of fragmentation or decline nearly as much as Malaysia does. Malaysia has had declining natural gas production in recent years, making the hydrocarbons available in the South China Sea a high priority to restoring export capabilities, but it also desires to control the sovereignty to remain territorially unified.³⁹ To do so, Malaysia has undertaken diplomatic measures to solve these issues, as China has commenced talks with Malaysia to bilaterally solve their border dispute.⁴⁰ These talks, while imperfect, have made serious progress in solving the overlapping claims between the two nations. Such talks have also occurred between other nations in the area as well. Malaysia has worked out most of its outstanding disputes, especially a lingering overlap with Brunei, but still has some issues with China despite their recent talks.⁴¹ This cooperation is beneficial, as well as the reason why this area is lower in importance in the conflict, as it is a small portion of the disputed territory that has a reasonable hope of being resolved through negotiations soon.

American Actions

Now that the nations with a major dispute with China have been discussed, American activity in the area must now be covered. The American rebalance towards Asia during the Obama administration was met with support from the ASEAN nations, as negotiations increased, and nuclear submarines were sent to the area as a sign of strong and continued commitment.⁴² This has continued under the Trump administration, which took a hardline stance against China

³⁹ Ian Storey and Zhengyi Lin, *The South China Sea Dispute* 206-207.

⁴⁰ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 92.

⁴¹ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 210-213.

⁴² C. J. Jenner and Truong Thuy Tran, *The South China Sea: A Crucible of Regional Cooperation Or Conflict-Making Sovereignty Claims?*, edited by Jenner, C. J. & Tran, Truong Thuy (Cambridge University Press, 2016), doi:10.1017/CBO9781139963084, 233.

globally, leading to more interest in the South China Sea. This political continuity was picked up by the Biden administration as well. The United States has continued to make signs of strength in the South China Sea region under the Biden administration as a “steady movement” of ships has continued into the area.⁴³ The US naval force in Southeast Asia, frequently deployed in the South China Sea, is the 7th Fleet, which comprises 50 to 70 vessels at any time, ranging from aircraft carriers to submarines to guided missile cruisers.⁴⁴ Such numbers are needed to counter China’s growing strength, in addition to other operations in the area, like anti-piracy efforts in the Strait of Malacca. Even though there is much to do in a region containing a significant amount of the world population, the continued support of its allies is crucial to the United States. That is why there is always at least one part of the US military operating in the South China Sea region at a given time, with this deployment based on coordination with allies in the area.⁴⁵

Freedom of Navigation

A key aspect of American intervention in the South China Sea relates specifically to China’s chronic issue of closing off various parts of the waterway. This is because a primary US goal in Southeast Asia is the maintenance of open sea lanes.⁴⁶ The United States takes significant measures to ensure this goal is fulfilled, as doing so allows for global trade to prosper and all

⁴³ IANS, "US warship movements in South China Sea signals Biden's resolve against China," *IANS-English*. February 18, 2021. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:621KFYJ1JBYT-H55S-00000-00&context=1516831>.

⁴⁴ *Ibid.*

⁴⁵ Teddy Ng, "South China Sea: US challenges China's claims with Spratly mission," *South China Morning Post.com*, February 17, 2021, <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:621K9V41JC8V-11FH-00000-00&context=1516831>.

⁴⁶ Jennifer Lind, *Keep, Toss, or Fix? Assessing US Alliances in East Asia* (Oxford University Press, 2016), <https://www.tobinproject.org/sites/tobinproject.org/files/assets/Lind%20-%20Keep,%20Toss,%20or%20Fix.pdf>, 7.

parties to have a fair ability to act regarding shipping and commerce. The United States has constraints on what it can do in the region, however. American naval movements in the region have been conducted with respect to international law, allowing for the protection of the freedom of navigation, conducted under the innocent passage section of UNCLOS through the territorial waters.⁴⁷ These constraints mean that the United States cannot act unilaterally or as freely as China does, as it must abide by the very rules they are trying to enforce and protect.

A Delicate Balance

In addition to complying with international law, the United States has its own internal issues hampering South China Sea action. US defense expenditure is projected to continue falling, as China is projected to continue growing, albeit at a slower pace than its prior breakneck speed, meaning that the United States will no longer have guaranteed global dominance and will thus need to act more strategically to stay ahead.⁴⁸ It must be willing and able to act boldly in the face of adversity, not backing down to China in situations where it has the upper hand. The United States must also be careful in its actions, though, as boldness must not be recklessness. America should act to protect its and its allies' interests without unduly antagonizing the major regional power that is China, especially if an armed conflict broke out. Should the United States intervene in a conflict there, it would drastically change its relationship with China and escalate the situation, but if it did nothing, it would lose considerable credibility with its allies.⁴⁹

⁴⁷ IANS, "US warship movements in South China Sea signals Biden's resolve against China."

⁴⁸ Lind, *Keep, Toss, or Fix? Assessing US Alliances in East Asia*, 1.

⁴⁹ Roger Baker, "Even a Pandemic Does not Stop the South China Sea Competition," *Stratfor Worldview*, April 28, 2020, <https://worldview.stratfor.com/article/even-pandemic-does-not-stop-south-china-sea-competition>.

China

China is the key to the South China Sea dispute, as it dominates even the very name of the contested ocean area. Since it claims so much of the Sea with its Nine-Dash Line, how it acts and reacts will be pivotal in the fate of the area. This Nine-Dash Line claim to the South China Sea covers nearly 80% of the territory of that area and was established in 1947.⁵⁰ This claim has been pressed and reinforced through building bases on the various island groups in the area. But it has not just taken to claiming the islands. China has conducted land expansion projects and built military bases on many of the islands it claims. These Chinese bases constructed on the contested islands serve not only to bolster China's claims to the area but also provide valuable signals data, satellite communications, and serve as platforms for missiles that allow them to better defend their claims.⁵¹

Chinese Strategy

What it will do on territory it has previously patrolled but not occupied will be the clearest indicator of its intentions, and how the United States responds to that will reveal its resolve to protect the areas, as it will be forced to decide whether that land is worth furthering aggression or not.⁵² This was incorporated into the strategy used back in Beijing. Xi Jinping's strategy has been "hiding capabilities and biding time", allowing for China to act when it most favorable while avoiding as much common opposition as possible.⁵³ This strategy is logical and difficult for the United States to react to, as it inherently means that China will act when the

⁵⁰ Reeves, "The South China Sea Disputes."

⁵¹ Jenner and Tran, *The South China Sea*, 227.

⁵² Baker, "In the South China Sea, Washington Tries to Balance Support and Entanglement."

⁵³ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 186.

opposition is at its weakest or when China is at its strongest, making its activities, if not hard to predict in nature, difficult to counter due to the carefully chosen circumstances.

Chinese Possessions

The issue of sovereignty also plays a role in the dispute, with the PRC using it to its best advantage. Parts of the contested territories have already been claimed as legitimate by the Beijing government, which would make US action in the area bad press, as China would claim the United States has violated its sovereignty. These claimed areas are then patrolled by naval vessels, which are deployed for a variety of reasons. China has sent numerous groups of warships into the region, with value as both firepower and propaganda back on the home front.⁵⁴ Such deployments within the 9-Dash line are bold shows of force that declare China's perceived justified defense of the territories it legitimately owns. Thus, part of the discussion must relate to the reasons why China believes it has rightful possession of the South China Sea.

Raison d'être

China bases its claim to the area within the Nine-Dash Line based on its two thousand years of fishing in the region and a desire to restore China to its rightful place after its degrading treatment by the colonial powers of Europe and Japan.⁵⁵ Since it wants to reverse the humiliation it unfairly experienced, it does so through the aggressive territorial expansion that it was formerly on the receiving end of. As such, it uses both the military and government to accomplish this and claim the islands have interacted with but not owned for many years. This has not been well-received by its neighbors, however. China's assertiveness has produced a

⁵⁴ Jenner and Tran, *The South China Sea*, 230.

⁵⁵ Reeves, "The South China Sea Disputes."

negative response from the nations bordering it, as they have become more aggressive and have begun modernizing their navies and other military capabilities to protect what they claim is their rightful sea rights, in contrast to the 9-Dash line that China claims as its own right.⁵⁶

Aggressive Enforcement

Despite the clear issues with them, China has continued to press its claims to the islands it calls its own, to the point of establishing a prefecture of its major island of Hainan to also include the Spratly and Paracel Island groups.⁵⁷ This gives the claims some legitimacy as the contested islands are considered by Beijing to be just another part of the land of China rather than disputed territory, as well as strengthens the rhetoric of a violation of sovereignty if they are interfered with. This sovereignty comes at the expense of the territory of other nations, which it has continually acted with aggression towards. China has sent hundreds of boats into the area defined by the UN as the Philippines' EEZ, with Filipino maritime patrols have been ramping up in response to China's continued activity in the Scarborough Shoal, showcasing the increasing tensions between the nations that has only increased recently.⁵⁸ All this aggressive action has a touch of irony as well. China's official policy in the South China Sea is peaceful resolution through negotiations.⁵⁹ Despite this, much of the activities it has conducted have been far from peaceful as it does all it can to achieve these goals.

⁵⁶ Yann-huei Song, Keyuan Zou, and W. S. G. Bateman, *Major Law and Policy Issues*, 52.

⁵⁷ Baker, "Even a Pandemic Does not Stop the South China Sea Competition."

⁵⁸ CNA, "Philippines' top diplomat swears at China online, tells nation to leave disputed waters," *Channel News Asia*, May 3, 2021. <https://www.channelnewsasia.com/news/asia/philippines-top-diplomat-locsin-swears-at-china-online-14736648>.

⁵⁹ Shicun Wu and Keyuan Zou, *Non-Traditional Security Issues and the South China Sea*, 24.

Chinese Objectives

There is one main reason why the Chinese government goes so far to secure its claims. It is more than a simple land-grab or a push for resources; China desires control of the South China Sea to further its goals of becoming the predominant global superpower, as well as a buffer from any possible future hostilities.⁶⁰ Military force does not serve as the only strategy used by China either, but it is an integral part of it. China has worked to both charm and use force against ASEAN members to maintain good standing, avoiding large-scale conflict while also advancing its hold in the region.⁶¹ This allows China to better its position while also getting the territory it sees as necessary to defend itself and power its future. Thus, the South China Sea is the means to an end rather than an end itself, and the Chinese government is willing to use military force to ensure that its goals are achieved, as shown by its warships frequenting contested waters.⁶²

Unconventional Warfare

Not all the current expansion has been conducted through solely military means either, as the Chinese government has used civilian vessels to extend its influence as well. Fishing boats that serve as its militia have been congregating at Whitsun Reef, part of the contested Spratly Islands group claimed in part by the Philippines, Vietnam, and other nations.⁶³ These militia forces again bring up the issues of compliance and escalation. Militia forces are more challenging to control, meaning that their deployment by China and Vietnam could have

⁶⁰ Reeves, "The South China Sea Disputes."

⁶¹ Ian Storey and Zhengyi Lin, *The South China Sea Dispute*, 188.

⁶² Stratfor, "Philippines: Country Condemns Gathering of Chinese Vessels at Whitsun Reef," *Stratfor Worldview*, March 22, 2021, <https://worldview.stratfor.com/situation-report/philippines-country-condemns-gathering-chinese-vessels-whitsun-reef>.

⁶³ Ibid.

unintended consequences.⁶⁴ China's liberal use of them could further escalate the situation, even as they provide the temporary benefit of extra available forces that allow it to have a greater force there than it would otherwise.

Inspections

Militia forces are not the only unconventional way that the Chinese government has capitalized on the situation. China's coast guard was recently authorized to inspect any vessels, even to the point of using force against foreign ships, operating within China's jurisdiction that, based on its Nine-Dash Line, covers nearly the entire South China Sea.⁶⁵ Such inspections and searches can be conducted only because China already has a good strategic position in the area. Ships and bases situated within the South China Sea allow for continuous Chinese surveillance of the region, allowing it to counter threats to its position there.⁶⁶ The ability of China to enforce the controversial inspection law may seem strategically advantageous to China, but it comes with negative side-effects. It has already inflamed tensions among the surrounding nations and if this law, as the ambiguous nature of the declaration allows for government discretion in doing so, is acted upon, means that the already high tensions would increase even more.⁶⁷ Such actions could lead to a unified regional front against China as the surrounding littoral states have yet another reason to work together to maintain their own commercial interests and sovereignty.

⁶⁴ Stratfor, "Philippines, China: Manila Pauses Militia Deployment in South China Sea."

⁶⁵ ANI, "China Coast Guard gains new powers," *Asian News International (ANI)*, February 15, 2021, <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:620XPXJ1F11P-X354-00000-00&context=1516831>.

⁶⁶ Jenner and Tran, *The South China Sea*, 229.

⁶⁷ ANI, "China Coast Guard gains new powers."

Economic Competition

Paramilitary forces and inspections are not the only way China seeks to gain power in the region either. Other nonmilitary means are far more subtle and may prove popular among the nations China is seeking to gain influence in. These include economic practices designed to boost regional support for itself, as well as helping to defuse the increasing tensions between China and its neighbors. For example, China has pledged \$10 trillion in aid to Southeast Asia, which has continued even after the pandemic hit, thus highly integrating itself into the economies of Southeast Asia, which makes a stand against China is made more difficult, especially with the United States increasing its hardline rhetoric.⁶⁸ Such a dichotomy forces the ASEAN nations to choose between a distant ally and a close neighbor, with the fear that siding with one will alienate the other. This strategic move allows China to act much more freely than it would otherwise, as the economic integration distracts from the predation on disputed territory. Once it is taken and the Chinese government's influence is firmly established, China will be much freer to act according to its own desires, able to cut off aid to smaller nations at will if its demands are not met, making it a dangerous threat to national sovereignty in the area, which must be matched by another group or else China will become the unopposed regional hegemon, continuously expanding as a way to gaining power and prestige.

Pandemic Impact

Because of this potential future, China is not alone in expanding its presence in the area, as the United States, has worked to counter it. America, along with China, has continually

⁶⁸ Dino Patti Djalal, "Why Trump's Anti-China Policy Falls on Deaf Ears in Southeast Asia," *The Diplomat*, October 15, 2020, <https://thediplomat.com/2020/10/why-trumps-anti-china-policy-falls-on-deaf-ears-in-southeast-asia/>.

increased its activity in the region over the past several years, with the growth not abating even during the pandemic.⁶⁹ The pandemic has not only not slowed down the force build-up in the area, but has made it more complicated as well. This has of course been used by each side to gain the upper hand. For example, China took advantage of a weakened relative US position when 2 of its aircraft carriers were temporarily diverted due to COVID-19.⁷⁰ Additionally, the response to the pandemic has been politicized by China for its own gain. It has been much more willing to share its vaccines with nations like the Philippines, unlike the United States which has generally kept them for its own citizens.⁷¹ This has given China more political leverage while portraying America as selfish and unwilling to help. Future aid and other COVID-related support to other nations by the United States should thus be handled with greater care to avoid that sort of embarrassment and strategic setback, demonstrating American morality through its actions rather than through mere messaging.

Conflict Resolution

This leads to how the United States should act against China and what course it should advise its allies and potential partners in the area. Both the United States and China have tried to spin the media narrative in their own favor to get the smaller nations to side with them, framing the other side as acting as a bully and trying to force their own interests in the international political sphere and in the South China Sea.⁷² This idea of interests is an important one, as the United States is not a colonial power seeking to dominate and control Southeast Asia but instead

⁶⁹ Baker, "In the South China Sea, Washington Tries to Balance Support and Entanglement."

⁷⁰ Baker, "Even a Pandemic Does not Stop the South China Sea Competition."

⁷¹ Dialal, "Why Trump's Anti-China Policy Falls on Deaf Ears in Southeast Asia."

⁷² Ng, "South China Sea: US challenges China's claims with Spratly mission."

wants to promote its own goals in the area, those being the protection of national sovereignty and democratic rights of individuals, which benefits those nations. America does not have a selfish, personal strategic interest in protecting the disputed islands claimed by the littoral states of the South China Sea, so it should be careful in its actions to prevent Chinese aggression while also avoiding entanglement into needless conflict.⁷³ This means that while a solution may involve the military, it should be as a deterrent rather than an offensive tool, as acting aggressively could lead to further Chinese aggression and possibly war. The United States should keep force its forces in the area but only as a deterrent for use if the situation deteriorates. It should instead focus on using diplomatic and economic means to counter aggression, allowing both sides to get something positive for themselves and thus for all to benefit.

Brokering Compromise

One way the United States could help the ASEAN nations and China could solve their disagreement over the Spratlies, Paracels, and other contested islands would be through brokering an agreement that would allow both sides to gain the territory without losing prestige. A possible compromise between the two nations is that of a Joint Development Agreement between the groups. Such an agreement would sidestep the conflict over sovereignty over the area, would allow the smaller nations to develop further from its shores and thus diversify from its main source of drilling, which is rapidly depleting, and allow for China to get access to some resources in a limited fashion as to not antagonize it through total denial.⁷⁴ The main goal of the United States would be to make such an agreement without leading to further resentment,

⁷³ Lind, *Keep, Toss, or Fix? Assessing US Alliances in East Asia*, 28.

⁷⁴ Buszynski and Do Thanh Hai, ed., *The South China Sea*, 98.

making a future conflict worse. Conflict due to resource denial has historic precedent in the region, namely that of the US oil embargo to Japan prior to World War II leading to their eventual declaration of war. Since the dispute is over resources rather than territory occupied by people, the comparison to appeasement with Germany, which would logically spring up from such a compromise, would thus be avoided, as well as any military conflict between China and the ASEAN states, which would necessitate American involvement based on its military alliance. This is based on the knowledge that China is unlikely to bargain or go back on its statements regarding the contested islands like the Spratlies.

A Hard Bargain

It is widely understood that China is unlikely to fully relinquish its claims to the South China Sea, despite the legal obligation for it to do so.⁷⁵ Thus, the United States should use that knowledge as it goes forward and makes the best possible policy. This policy is necessary not only to promote US interest, but to preserve that of other nations from the desired dominance of China. Because China has continued to act aggressively against weaker, sovereign states in the South China Sea, American involvement becomes important as not only a way to help preserve the rights of those nations but also to deter China from taking actions that could increase international instability, conflict, or war.⁷⁶ This means the United States would both be helping other nations maintain their influence and distinctness, but also prevents a war that could be devastating for the entire world, not just the regional powers involved. This requires a long-term approach, not a single quick fix. Small gains and agreements can be made to foster a sense of

⁷⁵ ANI, "China Coast Guard gains new powers."

⁷⁶ Lind, *Keep, Toss, or Fix? Assessing US Alliances in East Asia*, 11.

cooperation and trust rather than the current antagonistic relationship, building over time to allow for both sides to make some concessions in the area in exchange for peace, especially because peace benefits both sides.

Fostering Arrangements

The United States should work with China to achieve their stated policy of peaceful negotiations and help steer them away from aggressive actions. Additionally, working to initiate or arbitrate bilateral agreements between the bordering nations could help resolve the matter piecewise but peacefully, as bilateral agreements allow for both sides to be heard as well as the final arrangement to be much more specific than a multilateral treaty that vows for peace and stating important values but puts little concrete action into achieving these objectives. Bilateral agreements could also mean an arrangement between ASEAN as a whole and China, as the organization could allow for a collective bargaining tool that allows for more leverage against the larger China. The United States should also encourage ASEAN to solve the border issues within its own nations, preferably before they undergo negotiations with China, as ASEAN's track record of peaceful negotiations will help inspire confidence in the negotiations among its member nations and allow for smoother and quicker talks.

Conclusion

In conclusion, the South China Sea dispute remains a complicated issue that attracts the attention of both local and international powers. Its strategic location and resources make its possession desirable to any aspiring nation and create a source of conflict when these claims overlap, and nations compete with one another. The Philippines and Taiwan serve the role of key US allies that the United States has an obligation to support while avoiding escalating the conflict. Vietnam is also proving to be, if not a friend, at least a nation that shares a common

interest to the United States, as its weaker position in relation to China necessitates aid from more powerful nations while encouraging it to choose a side in a lose-lose situation. The United States also stands to lose much, either in support of allies or in an international conflict, so it must act in a way that allows for neither possibility to occur. China stands to gain much, and so has proven its interest by continually pressing its advantage through forceful action in the area. The United States must thus work to deescalate the increasing military and paramilitary activity in the area by promoting diplomatic solutions and compromise. This would be especially effective within ASEAN, as the structure for dialogue and cooperation is already in place and the US could serve more as a moderator than anything else, given their long and continued cooperation together. China serves as the bigger issue, but by encouraging both sides to come to a compromise agreement, including the use of Joint Development Agreements the more complex and messy areas of overlapping claims. The United States should not be aggressive, but firm, using force as a deterrence and allowing other nations to do the same, preventing it from being used. Allowing for compromises with its own policy, such as China's admittance into the Trans-Pacific Partnership, in exchanges for concessions on the other side would help prove the good faith of the involved parties as well. The negotiation of a peaceful solution would allow for a more productive global economy and a more peaceful region, a benefit to not only American interests but also that of China and the ASEAN nations, as well as a potent symbol of the power of diplomacy and democracy in an increasingly harsh and polarized world.

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