

Freedom of Navigation and The South China Sea Conflict



By

Mattia Arooj

Registration No: 361965

Department of

Center for International Peace and Stability

National University of Sciences & Technology (NUST)

Islamabad, Pakistan

(2021-23)

Freedom of Navigation and The South China Sea Conflict



By

Mattia Arooj

(Registration No:361965, MS PCS 2021-23)

A thesis submitted to the National University of Sciences and Technology, Islamabad,

in partial fulfillment of the requirements for the degree of

Masters of Science in
Peace and Conflict Studies

Thesis Supervisor: Dr. Imdad Ullah

Co Supervisor: Dr. Najmideen Bakare

Center for International Peace and Stability

National University of Sciences & Technology (NUST)

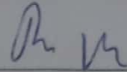
Islamabad, Pakistan

THESIS SUBMISSION CERIFICATE

(For all MS students less those of SEECS, NBS AND S3H)

Certified that final soft copy (in pdf) of approved version of MS / Phil thesis titled Freedom of Navigation and The South China Sea Conflict written by Ms. **Mattia Arooj**, Registration No 00000361965, of MS PCS, CIPS (discipline of study & Institute name) has been submitted in main library of this institute on 15/08/2023, uploaded on D-Space and can be accessed at following link, <http://10.250.8.41:8080/xmlui/handle/123456789/>

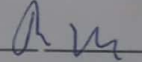
Signature & stamp: _____

Name of Supervisor: Dr Imdad Ullah **HoD PCS**

Date: _____

Centre for International Peace and Stability
MUST Institute of Peace and Conflict Studies
Islamabad

Signature (HOD): _____



Date: _____

AD Exam & Control
NUST, Sector H **HoD PCS**
Centre for International Peace and Stability
MUST Institute of Peace and Conflict Studies
Islamabad

Signature (Librarian): _____

Date: _____

Signature (Dy Controller of Exams): _____

Date: 21-8-2023

National University of Sciences & Technology

MASTER THESIS WORK

We hereby recommend that the dissertation prepared under our supervision by: (Student Name & Regn No.) Ms. Mattia Arooj & Regn no.361965
Titled: 'Freedom of Navigation' and the South China Sea Conflict be accepted in partial fulfillment of the requirements for the award of MS Peace and Conflict Studies degree and awarded grade _____. _____ (Initial).

Examination Committee Members

1. Name: Dr. Najimdeen Bakare

Signature: 

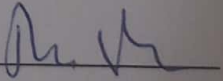
2. Name: Brig Muhammad Azam

Signature: 

3. Name: _____

Signature: _____

Supervisor's name: Dr. Imdad ullah

Signature: 

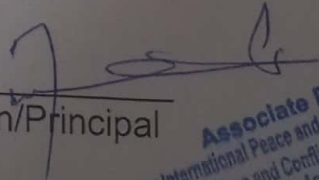
Date: _____

Head of Department

Date

COUNTERSIGNED

Date: _____



Dean/Principal

Associate Dean
Centre for International Peace and Stability
NUST Institute of Peace and Conflict Studies
Islamabad

Author's Declaration

I Mattia Arooj hereby state that my MS thesis titled **Freedom of Navigation and The South China Sea Conflict** is my own work and has not been submitted previously by me for taking any degree from this university, National University of Sciences & Technology (NUST), Islamabad, Pakistan or anywhere else in the country/ world.

At any time if my statement is found to be incorrect even after I graduate, the university has the right to withdraw my MS degree.

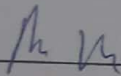
Name of Student: Mattia Arooj

Date: 15/08/2023

CERTIFICATE OF PLAGIARISM

It is certified that MS Thesis Titled: Freedom of Navigation and The South China Sea Conflict, by Mattia Arooj has been examined by me. I undertake the follows:

- a. Thesis has significant knowledge as compared already published or are under consideration to be published elsewhere. No sentence, equation, diagram, table, paragraph or section has been copied verbatim from previous work unless it is placed under quotation marks and duly referenced.
- b. The work presented is original and own work of the author (i.e. there is no plagiarism). No ideas, processes, results or words of others have been presented as Author own work.
- c. There is no fabrication of data or results that have been compiled/analyzed.
- d. There is no falsification by manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- e. The thesis has been checked using TURNITIN and found within limits as per HEC plagiarism Policy and instructions issued from time to time.



Signature of Supervisor

Dr. Imdad Ullah

Department of Peace & Conflict Studies

NUST Institute of Peace & Conflict Studies (NIPCONS)

NUST ISLAMABAD

Plagiarism Undertaking

I solemnly declare that research work presented in the thesis titled **“Freedom of Navigation and The South China Sea Conflict”** is solely my research work with no significant contribution from any other person. Small contribution/ help wherever taken has been duly acknowledged and that complete thesis has been written by me.

I understand the zero tolerance policy of the HEC and University National University of Sciences & Technology (NUST), Islamabad, Pakistan towards plagiarism. Therefore, I as an author of the above titled thesis declare that no portion of my thesis has been plagiarized and any material used as reference is properly referred/cited.

I undertake that if I am found guilty of any formal plagiarism in the above titled thesis even after award of MS degree, the University reserves the rights to withdraw/revoke my MS degree and that HEC and the University has the right to publish my name on the HEC/University website on which names of students are placed who submitted plagiarized thesis.

Student/Author Signature:

Name: Mattia Arooj

DEDICATION

I will like to dedicate this thesis to my Parents and my Company namely 5G Group of Companies for assisting me and encouraging me to complete my Project timely. I will further extend my gratitude to Our Dearest Friend Muhammad Bilal Kayani who left us all on 28April 2023. May his Soul find Eternal peace in the world here after. I am thankful to Supervisor, Co Supervisor and all the Respondents for their Input to compete this project.

ABSTRACT

The South China Sea, a crucial maritime region, has become a contentious arena where multiple nations, including China, Vietnam, the Philippines, and others, assert conflicting territorial claims. At the center of this dispute lies the principle of freedom of navigation, which is essential for maintaining open sea lanes and ensuring global trade and security. However, China's assertive behaviors, including the establishment of artificial islands and the establishment of excessive maritime boundaries, directly challenge this principle. The confrontations in the South China Sea have far-reaching implications for the stability of the Western security order. The theoretical framework of offensive realism is employed to analyze the dynamics at play in this complex geopolitical scenario. Through the application of offensive realism, the dissertation unveils the strategic calculus of key actors in the South China Sea dispute, shedding light on their aggressive pursuit of dominance in the maritime domain. The study employs a multi-faceted methodology, combining content and thematic analysis alongside interviews with naval experts to derive primary data. Secondary data is drawn from a comprehensive range of scholarly articles, journals, and books, serving as references to enrich the research. By intertwining theoretical insights from offensive realism this research seeks to illuminate the intricate connections between the South China Sea disputes and broader implications for Western security order stability.

Keywords: Freedom of Navigation, South China Sea, United Nations Convention on the Law of the Sea, Maritime Disputes, United States, China

Table of Contents

1	CHAPTER: INTRODUCTION.....	5
1.1	Literature Review.....	6
1.2	Problem Statement.....	10
1.3	Research Methodology.....	10
1.3.1	Research Design.....	10
1.3.2	Population.....	10
1.3.3	Sampling.....	10
1.3.4	Research Tool.....	10
1.3.5	Data Collection.....	11
1.3.6	Data Analysis.....	11
1.3.7	Ethical Considerations.....	11
1.4	Hypothesis.....	12
1.5	Research Objectives.....	12
1.6	Significance of Study.....	12
1.7	Organization of Chapters.....	13
2	CHAPTER: THEORETICAL FRAMEWORK.....	14
2.1	Offensive Realism.....	14
2.1.1	The international system is anarchic.....	14
2.1.2	Great powers possess offensive military capabilities.....	14
2.1.3	Great powers are rational actors seek to maximize power and security.....	15
2.1.4	The great powers' primary objective is survival.....	15
2.1.5	States are unsure of others intentions.....	16
3	CHAPTER: OVERVIEW OF THE 'FREEDOM OF NAVIGATION'.....	17
3.1	Mare nostrum (Our Sea).....	17
3.2	Consulate of the Sea under the Crown of Aragon.....	18
3.3	John Selden concept of Mare Clausum (closed sea).....	18
3.4	Mare Liberum (Free Sea).....	19
3.5	Freedom of navigation in the Treaty of Breda (1667).....	19
3.6	Freedom of navigation in the Treaty of Westminster (1674).....	20
3.7	Paris Declaration Respecting Maritime Law 1856.....	20
3.8	Hague Convention of 1907.....	21
3.9	Geneva Conventions 1949.....	21

3.10	Convention on the High Seas 1958	21
3.11	United Nations Convention on the Law of the Sea (UNCLOS)	22
3.12	United States Freedom of Navigation Program	22
3.13	FONOPs in the South China Sea	23
4	CHAPTER: SOUTH CHINA SEA CONFLICT AND THE POWER STRUGGLE	24
4.1	Historical background	24
4.2	Key Facets of the South China Sea Conflict	27
4.2.1	Territorial Disputes	27
4.2.2	Maritime Boundaries and Exclusive Economic Zones (EEZs)	27
4.2.3	Military Build-up and Power Projection.....	28
4.3	Power Contestation in Conflicted Sea.....	28
4.3.1	China.....	29
4.3.2	United States	29
4.3.3	Taiwan.....	29
4.3.4	Vietnam.....	30
4.3.5	Philippines.....	30
4.3.6	Malaysia.....	30
4.3.7	Brunei.....	31
4.3.8	Indonesia.....	31
5	CHAPTER: FINDINGS	32
5.1	Freedom of Navigation and International Law	32
5.1.1	Innocent passage:	33
5.1.2	Transit Route:.....	34
5.1.3	Sea lanes passage of Archipelagic:	35
5.1.4	Exclusive Economic Zone (EEZ):	35
5.1.5	Liberty of High Sea:.....	36
5.2	Freedom of navigation as strategic tool	36
5.2.1	China's Instrumentalization of Freedom of Navigation:.....	36
5.2.2	US Utilization of Freedom of Navigation:.....	37
5.3	Creation of Security Alliances to counter China:.....	37
5.3.1	Enhanced Defense Cooperation Agreements (EDCAs):	37
5.3.2	The Quadrilateral Security Dialogue (Quad):.....	38

5.3.3	AUKUS (Australia, United Kingdom, United States):.....	39
5.4	Maximization of power and security.....	40
5.5	Stability of Global order.....	41
5.6	China as common security threat	42
5.7	Balancing China's expanding regional impact	42
5.8	Destabilization of Western security order	44
5.9	Shift in Security Paradigm	44
6	CHAPTER: CONCLUSION.....	46
7	REFERENCES	49

[This page is left blank intentionally by the Author]

1 CHAPTER: INTRODUCTION

The necessity for a shared comprehension of the international legal frameworks dictating the principles of Freedom of Navigation (FON) becomes increasingly vital as a growing number of nation-states attain the capacity to participate in global maritime activities.¹ The South China Sea (SCS) is the only region where the debate over freedom of navigation is more acrimonious and has a greater potential to lead to larger conflict. The liberated routing of business vessels in the area is something that both China and the United States claim to be interested in. Beyond commercial transportation, the two states oppose on the crucial matter of military vessel sovereignty of navigation. The United States (US) thinks that every country has a lot of room in international law to engage in armed operations at marine. China claims that American armed forces operations in the SCS violate its autonomy. There are repercussions for serenity and safety in the SCS if this disagreement, which has led to multiple confrontations at sea between the two countries, including littoral states and other great powers, can be resolved.²

The concept of Freedom of Navigation (FON) embodies the inherent entitlement of a vessel or aircraft to navigate through the maritime domain and execute its operations within that realm. The rights to freedom of navigation are determined by three criteria. Since marine rights and obligation typically originate from autonomous maritime islands or state coastline territories, sovereignty over land territory must first be established. Of course, sovereignty is a cause of significant conflict in the SCS, with claims to various land features being made by China, the Philippines, Vietnam, Malaysia, Brunei, and Taiwan.³

Second, when authority over ground area and borders are well defined, routes from land elements are used to calculate the distinct maritime regions. For instance, China uses a set of "straight baselines" along its coast to calculate the size of its territorial seawaters. According to the US, these baselines were established without taking into account the provisions of the United Nations Convention on the Law of the Sea (UNCLOS or the Convention), and they ostensibly provide China more power over its close coastal waters. Individually, and completely out of any UNCLOS structure, China asserts a contentious "9-Dash Line" to claim a significant chunk of the SCS.⁴ A dialogue of China's asserted marine limits under UNCLOS or its 9-Dash Line is outside the purview of this article, despite the fact that the legality of these boundaries is a crucial consideration in regional clashes.

Third, when marine zones have been created in regard to sovereign territory, the last step in deciding freedom of navigation rights is to look at the kinds of activities that are permissible within each maritime zone. UNCLOS is the primary international treaty that controls both the boundaries of international marine zones and the acceptable behavior therein. With 166 active members,

¹United Nations. "Legal Information Relevant to the United Nations Convention on the Law of the Sea." *Law of the Sea Bulletin* 2018, no. 97 (2019): 16–62.

²Law, Penn State, James W. Houck, and Nicole M. Anderson. "The United States, China, and Freedom of Navigation in the South China Sea." *Psu.edu*. Accessed August 23, 2022.

³Strategic Studies Institute, U.S. Army War College, and David Lai. *Asia-Pacific: A Strategic Assessment*. Barking, England: Lulu.com, 2013.

⁴Dolven, Ben, Mark E. Manyin, and Shirley A. Kan. "Maritime Territorial Disputes in East Asia: Issues for Congress." *Fas.org*, 2014.

UNCLOS is among the most well-liked international treaties.⁵ Unlike the United States, China is a party to UNCLOS. Despite the fact that the US has not signed the Convention, the American administration has long insisted that the rulings of the UNCLOS constitute customary international law, which it is committed to upholding. The Exclusive Economic Zone (EEZ), which typically extends as far as 200 miles from a coastal state's shore or natural offshore islands, is a region where military activities are permitted under UNCLOS and customary maritime international law, but the America and China disagree on the extent to which this is permitted. The EEZ grants a coastal state "sovereign rights" for the exploration, exploitation, and preservation of natural resources as well as "jurisdiction" over tasks like "the safety and maintenance of the maritime atmosphere" and "maritime academic research."⁶

Both China and the US Governments agree that all ships and aircraft have the right to navigate and fly over the EEZ, which was recognized for the economic advantage of linked states. However, a key area of controversy between the two nations is the degree to which these rights relate to military operations by state battleships, aircraft, and naval auxiliary forces.⁷

1.1 Literature Review

Literature review is important to gain an understanding of the existing research and debates relevant to the topic. Here appropriate literature has been inspected to comprehend the nature of research that already exists and it would help to generate new dimensions of this research.

In an article Rebecca Strating outlined the local reaction to the SCS dispute, the author Strating explained that the seas are becoming a more crucial domain for comprehending the dynamics of the balance of power between the United States and a rising People's Republic of China. In particular, the last ten years have seen more disputes in the SCS. Overlapping territorial and maritime jurisdictional claims, strategic dominance of the maritime realm, and divergent legal analysis of the freedom of routing are all topics of complex disputes. This book looked at how non-claimant littoral states including Japan, South Korea, Australia, and India responded to the SCS conflict.⁸

Arabinda Acharya and Antara Desai wrote a book in 2021 titled as "South China Sea Developments and Implications for Freedom of Navigation" in which they elaborated that the South China Sea (SCS) issue is not solely about disputes over territory or the control of resources, but it is also concerning the consequences of FON in the region. Concerns about FON and the right to innocent passage have also grown significantly as a result of the construction of military facilities, such as airstrips and artificial islands or structures, making the SCS region a flashpoint

⁵ United Nations. "Chronological Lists of Ratifications of, Accessions and Successions to the Convention and the Related Agreements, as at 31 July 2013." *Law of the Sea Bulletin* 2014, no. 83 (2014): 9–13.

⁶ Govinfo.gov. "- Maritime Disputes and Sovereignty Issues in East Asia." Accessed August 24, 2022. <https://www.govinfo.gov/content/pkg/CHRG-111shrg53022/html/CHRG-111shrg53022.htm>.

⁷ Law, Penn State, James W. Houck, and Nicole M. Anderson. "The United States, China, and Freedom of Navigation in the South China Sea." *Psu.edu*. Accessed August 23, 2022. https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1230&context=fac_works.

⁸ Strating, R., and East-West Center. *Defending the Maritime Rules-Based Order: Regional Responses to the South China Sea Disputes*. East-West Center, 2020.

that, in accordance with many assessments, can result in confrontations involving conventional military force. A disruption of maritime traffic might also hinder trade and commerce, which would have a significant detrimental effect on the region's and other countries' economic development.⁹

Lester B. Stone in her book namely “Global Power Revelry and South China Sea Dispute” which was published in 2018 asserts that the South China Sea territorial and jurisdictional disputes will continue to sour relations between China and other Southeast Asian nations, elevating the risk of an armed conflict. To safeguard its political, security, and economic concerns within the region, the United States has challenged China's robust territorial assertions and land development initiatives through the execution of freedom of navigation activities, while also enhancing support for allies in Southeast Asia. To increase its presence in disputed waters, China built three airstrips on the disputed Spratly Islands. Additionally, it militarized Woody Island by stationing fighter jets, cruise missiles, and a radar system there. Oil and gas drilling in the disputed area has interfered with other countries' seismic survey and oil exploration efforts, as China has cautioned against it to its Southeast Asian neighbors. Occasionally, The United States has dispatched destroyer vessels on freedom of navigation missions within the South China Sea, aiming to uphold unhindered maritime passage and counter Chinese assertions in global waters. Looking ahead, the rapid modernization of armed forces in the region by China and Southeast Asian claimants, alongside the intensifying geopolitical rivalries among major powers, will collectively sustain the South China Sea's role as a focal point for international disagreements and potential conflicts.¹⁰

A book published by Routledge in 2016 titled as “Major Law and Policy Issues in the South China Sea: European and American Perspectives” was written by two authors Yann-huei Song and Keyuan Zou. In this book top American and European intellectuals used to analyze important legal and policy problems in the SCS. They analyzed that over through the previous three years, a number of activities in the SCS including claimants and non-claimants over fishing, the acquisition of spectral information, the search of petroleum and gas resources, and the use of right to passage are being happening in this sea. The interests and engagement of third parties in the South China Sea issues have been growing, as shown by the actions enacted by the United States, India, and Japan. Therefore, it is crucial to look at SCS problems from a lawful and political standpoint, as well as from the perspective of American and European specialists who have been researching SCS issues for a long time.¹¹

“India’s Strategy in the South China Sea” is a book written by Tridib Chakraborti and Mohor Chakraborty which was published in 2020. They explained that the tensions in the South China Sea pose significant confronts to the liberal, rules-based international maritime system. These tensions have increased as a result of Chinese focused "terra-claims," land repossession, and island construction extravaganza, it is supplemented by the creation of facilities for military observation,

⁹Acharya, Arabinda, and Antara Desai. *South China Sea Developments and Its Implications for Freedom of Navigation*. London, England: World Scientific Europe, 2021.

¹⁰Stone, Lester B. *Global Power Revelry and South China Sea Dispute*. Alpha Editions, 2018.

¹¹Song, Yann-Huei, and Keyuan Zou. *Major Law and Policy Issues in the South China Sea: European and American Perspectives*. London, England: Routledge, 2016.

communications, and transportation in the sort of marine installations, military outposts, and airfields. China designates these regions as integral to its "core interests," adopting a firm stance on sovereignty and signaling its readiness to protect the area through military means. The authors elucidate that India recognizes the fundamental significance of regulations pertaining to order, particularly regarding the passage through the Indian and Pacific oceans. This recognition stems from the realization of how vital these regulations are to India's strategic interests, despite not being a coastal state within the South China Sea vicinity. The authors have evaluated the justifications and consequences of India's plans and responses with regard to the SCS issue, along with their effects on its wider "Act East" agenda in Southeast Asia strategy. They furthermore examined how India's position would affect the ASEAN.¹²

James Kraska wrote a book titled as "Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics" in 2011 in which the effects of changing freedom of the aquatic's regulations on frontier activities in the littoral, near-shore coastal region was examined. The littorals, together with the related coastal settlements and inshore regions, have grown to be the center of global geopolitics. The capability to establish dominant maritime supremacy to almost any region of the world has been made possible for the US and its partners. However, as the maritime law begins to depart from a traditional liberal regime of the seas, military vessels are having a harder difficulty completing the variety of coastal duties in the coastline straits, such as forward engagement, military capability, deterrence, emergency aid, and sea control.¹³

"AUKUS and Its Implications on Maritime Security" is an article published in March 2020 in which Muhammad Usama Khan given his analysis of the effects of AUKUS on maritime security. He focused on the idea that AUKUS is an "increased trilateral security relationship," as expressed in a combined announcement by Prime Ministers Johnson, Morrison, and Biden. He explained that the new alliance development to transfer nuclear maritime equipment, advanced artificial intelligence, cyber, quantum, and submarine facilities including undersea sensors and drones to Australia elevates crucial considerations for China. The naval security vibrant in the Asia Pacific region may face political concerns once Australia gains nuclear-powered submarine capabilities, even though AUKUS is still a long-term project. According to former Australian Foreign Minister Gareth Evans, "from one perspective, it is not a big problem that China comprehends the message. The creation of the Quad grouping, having brought the US, Japan, Australia, and India around each other, shows that there exists a progressing faith among so many other substantial nations in the region to create strong protection abilities and collaboration. Geopolitical and trade experts continue to be anxious about the South China Sea that these collisions may result in closing of commercial shipping and may require sailors to navigate via Australia's southern coastline. The worldwide supply chain would experience a delay of several weeks as a result. In this fictitious

¹²Chakraborti, Tridib, Mohor Chakraborty, and Sudhir T. Devare. *India's Strategy in the South China Sea*. London, England: Taylor & Francis, 2022.

¹³Kraska, James. *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics*. New York, NY: Oxford University Press, 2011.

scenario, the loss of marine access owing to farther ports would change the costs of international trade.¹⁴

“The Hague Centre for Strategic Studies” published a report in February 2022 with the title of “Between AUKUS and the Quad: Scaling European Interest in the Indo-Pacific” which presented the data that the establishment of AUKUS, marked a momentous shift in the geopolitical landscape of the Indo-Pacific region. It not only demonstrated the Anglo-nation alliances' enduring strength, but it also highlighted their common strategic objectives and outlook for the area. Another US-led project is the Quadrilateral Security Dialogue (Quad), which brings together the US, Australia, India, and Japan. The AUKUS-Quad story still has a great deal of promise to maintain EU presence in the Indo-Pacific. Despite these differences, it's crucial to keep in mind that everyone involved is ultimately focused on promoting a rules-based, democratic, and open maritime order. This is necessary to ensure a unified front against authoritarian and unilateral actions by states that jeopardize the Indo-Pacific region's stability.¹⁵

“AUKUS Rocks the Boat in the Indo-Pacific, and It’s Not Good News” was published in September 2021 by which was written by Marc Julienne. She examined that, in recent years, the Indo-Pacific idea has garnered widespread favor among democracies globally, she found in her research report that AUKUS seems to have broken up this seeming consensus. The US has increased the already strong anti-American feeling in France by talking with Australia behind France's back. Prior to Germany and the Netherlands, France was the first European nation to announce its national Indo-Pacific policy in 2018. The unveiling of the new AUKUS alliance by Washington, Canberra, and London on the same day that the EU unveiled its own "plan for cooperation in the Indo-Pacific" was another dubious maneuver. Last but not least, the Indo-Pacific's strategic balance has been significantly impacted by the alliance's statement and the transfer of SSN nuclear technology. China would immediately revise its strategy in order to foresee any future unpleasant events, despite the fact that the regional military equilibrium is unlikely to undergo substantial changes in the foreseeable future. The addition of Australian SSNs may be excellent news for the Indo-Pacific, but within the short to medium term, this action will only serve to heighten regional tensions and volatility.¹⁶

In the above stated literature review it has been observed that there still exist gaps on which this new research is needed to be conducted. These gaps include that though FON is an old issue in South China Sea but new dimensions will give this study an entire innovative boost. These gaps or scope of this study will be the creation and shift of alliances in the Indo-Pacific region by western powers to secure their dominance against China the regional power. Western powers

¹⁴ Khan, Muhammad Usama. “AUKUS and Its Implications on Maritime Security.” Geopolitical Monitor, March 15, 2022. <https://www.geopoliticalmonitor.com/aukus-and-its-implications-on-maritime-security/>.

¹⁵ HCSS. “Between AUKUS and the Quad: Scaling European Interest in the Indo-Pacific.” The Hague Centre for Strategic Studies, February 15, 2022.

¹⁶ Julienne, Marc. “AUKUS Rocks the Boat in the Indo-Pacific, and It’s Not Good News.” Ifri.org. Accessed August 24, 2022. <https://www.ifri.org/en/publications/editoriaux-de-lifri/lettre-centre-asie/aukus-rocks-boat-indo-pacific-and-its-not-good>.

especially USA has interest to maintain its dominance by setting its security order in the region against China the rising dominant power.

1.2 Problem Statement

The South China Sea has long been a contentious expanse involving China and Southeast Asian nations. Due to its strategic trade routes, maritime pathways, and valuable resources, FON operations within the SCS signify the involvement of major powers. The United States' engagement in these disputed waters serves as substantiation of this intricate involvement. Freedom of navigation issue in SCS is boosting great power involvement. This rivalry between China and US will have far reaching implications on global security. Now this study would be conducted to enlighten new dynamics of the regional and major powers involved in igniting rivalries among SCS and major powers through FON. It would also examine the alliance shift of AUKUS and Quad, Indian naval program and US China trade war in the SCS region from new dimension.

1.3 Research Methodology

Research methodology constitutes a pivotal component of any research endeavor, serving as the conduit through which solutions or outcomes to identified issues are ascertained. Functioning as the contextual foundation for the research, it intricately shapes the entire study, providing a blueprint for its structure and execution.

1.3.1 Research Design

The research design chosen for this study is driven by a qualitative approach. Employing a case study framework, this design provides an in-depth exploration of the topic, allowing for a comprehensive understanding of the complexities and nuances at play. Through qualitative methods such as in-depth interviews and document analysis, this research design aims to capture a rich array of perspectives contributing to a holistic view of the interplay between maritime security concerns and the broader geopolitical landscape in the South China Sea region.

1.3.2 Population

The study encompasses a population comprising diverse stakeholders with vested interests in the matter, notably three military personnel and security experts.

1.3.3 Sampling

The process of sampling experts on the topic of freedom of navigation and the South China Sea (SCS) conflict involves deliberately selecting individuals with specialized knowledge and expertise in relevant fields to provide insights and perspectives. This purposive sample encompasses a diverse range of professionals, including military experts, and naval security specialists. The goal of this sampling approach is to gather well-informed opinions and analyses from those who possess a deep understanding of the Western security order, international relations, and the complexities of the SCS conflict.

1.3.4 Research Tool

In this research endeavor, interviews have been employed as a crucial research tool to gather qualitative data from participants possessing expertise in the subject matter. These interviews serve as a means to delve into the viewpoints of military and naval security experts, aiming to elucidate

the fundamental underpinnings of the conflict. Notably, the interviews have been conducted in person, adding a personalized and comprehensive dimension to the data collection process.

1.3.5 Data Collection

Data collection in this research was done through both primary and secondary methods.

i. Primary Data:

The data collection process for this study involves utilizing in-depth interviews as a primary research method. These interviews are conducted with individuals who possess a high level of expertise and experience in the field of military, naval security, and international relations, particularly concerning the SCS conflict and issues related to FON. To initiate the data collection process, an interview was conducted with Lieutenant Commander Adnan Mir PN, who boasts a distinguished 12-year tenure in the Pakistan Navy. Subsequently, an interview was also carried out with Captain Ghulam Akbar, a former Naval Attaché to China, adding another layer of expertise to the study.

ii. Secondary Data:

Secondary data sources encompass a wealth of valuable information that can significantly improve the discussion about the conflict. These sources encompass a spectrum of historical documents, official reports, scholarly books, peer-reviewed journal articles, and in-depth academic analyses. By harnessing these diverse resources, researchers extracted nuanced insights into the historical trajectory of maritime disputes, geopolitical shifts within the region, and the reactions of the international community to the conflict. The utilization of secondary data, ranging from authoritative books to meticulously researched scholarly articles, provides a robust foundation for contextualizing the multifaceted interplay between regional tensions, security considerations, and the concerted efforts to ensure unobstructed navigation routes within the South China Sea.

1.3.6 Data Analysis

The data analysis process for this research study employs a multi-faceted approach. This research employs a comprehensive approach that draws upon Thematic Analysis. This method offers a unique lens through which to examine the multifaceted dimensions of the conflict.

Thematic Analysis:

Thematic Analysis is a cornerstone of this research. This qualitative method involves a meticulous examination of the collected interview transcripts and relevant documents to identify recurring themes, patterns, and underlying meanings. Thematic Analysis unveils the essential concepts, perspectives, and issues that shaping the conflict-related narrative. This approach enables researchers to distill a complete comprehension of the underlying reasons, historical context, and multifaceted implications of the conflict, offering valuable insights into the complex interplay between regional tensions, maritime security, and international relations.

1.3.7 Ethical Considerations

Ethical considerations constitute a vital facet of every research endeavor, it is important to obtain informed consent from all research participants, including interviewees. This involves clearly

explaining the purpose of the research, the potential risks and benefits, and the confidentiality and anonymity of the data. Researchers must ensure the confidentiality and anonymity of research participants to protect their privacy and avoid any potential harm or negative consequences. Any potential conflicts of interest have been avoided, such as personal or professional relationships with any of the parties involved in the conflict. This impact the credibility and validity of the research findings. It has been ensured that the research is conducted with integrity, sensitivity, and respect towards all parties involved, and that they adhere to all relevant ethical guidelines and principles.

1.4 Hypothesis

Confrontation over the ‘freedom of navigation’ in South China Sea destabilizes the stability of the Western security order.

Independent variable: Confrontation over the ‘freedom of navigation’

Dependent variable: Stability of the Western security order

1.5 Research Objectives

The objectives of this study would be:

- i. To explore initiatives by US, China, UK to uphold their interest on the SCS.
- ii. To critically analyze the great power collision is hindering principle of freedom of Navigation for exploiting SCS Conflict.
- iii. To determine the implication of this conflict on Global Security.

1.6 Significance of Study

This research adds to the existing literature by filling the knowledge gap regarding the liberal principle of freedom of Navigation through the lens of Offensive Realism. Freedom of Navigation is the most important gap in the treaties concerning the South China Sea conflict. This research will assist to enhance the knowledge of future academic researchers, Scholars and researchers focusing on international relations, maritime law, and security studies. Particularly, individuals investigating the intricacies of FON in treaties related to the South China Sea conflict will find valuable insights. The significance of major powers US, the UK, and China’s involvement in the South China Sea would have interrelated effects on the geopolitics of the region and may provide grounds for great powers confrontations.

1.7 Organization of Chapters

Chapter 1: Introduction

Chapter 2: Theoretical Framework

Chapter 3: Freedom of navigation: an overview

Chapter 4: South China Sea Conflict and Power Struggle

Chapter 5: Findings

Chapter 6: Conclusion

2 CHAPTER: THEORETICAL FRAMEWORK

2.1 Offensive Realism

Realism is "the concept of interest defined in terms of power," according to Hans Morgenthau. This has been described by contemporary East Asian scholars as a result of nations' "persistent fight for power deriving from the perpetual yearning for protection." This school of thought is best characterized by five underlying presuppositions: that states are rational, have offensive powers, cannot be completely assured of the intentions of others, and that they seek to survive.¹⁷ John Mearsheimer presented the offensive realism idea as a counterargument to the defensive realism in his book, "The Tragedy of Great Power Politics." Thus, realists interpret events in terms of their material potential, whether it is through diplomatic, economic, or military means.¹⁸

Offensive realism constitutes an international relations theory that seeks to explain the behavior of great powers in the international system. This theory is based on several assumptions, including:

2.1.1 The international system is anarchic

The international system is characterized as anarchic, lacking a higher authority or global government to oversee state conduct. Consequently, states must depend on their own power and influence to advance their interests and safeguard their security within this global framework. Without a higher authority to regulate the behavior of states, it is difficult to resolve the FON issue in the conflicted Ses in a peaceful and mutually acceptable manner. Instead, states may resort to military force or other forms of coercion to pursue their interests, potentially leading to conflict and instability in the region. Compared to the other realism theories, offensive realism has a harsher view of anarchy. Whereas offensive realism contends that the lack of a central government in the international system encourages states to take advantage of any possibilities to gain power at the expense of other states while also forcing states to maximize their authority.¹⁹

2.1.2 Great powers possess offensive military capabilities

According to Offensive realism Major powers are rational agents aiming to optimize their power and security. Offensive realists contend that states search for safety in the course of hegemony and dominance. Such an approach would absolutely demand governments to maximize their authority and control on the offensive at any time probable, often by adopting an expansionist stance as they gain or believe to gain more tangible authority. The "China menace" was developed by academics who applied the principles of offensive realism to contemporary China and see China's emergence as a serious threat to national security in Southeast Asia and the United States.²⁰ Others have asserted that violence is unavoidable because of the region's ongoing disequilibrium and strategic rivalry, saying that "Asia's future is Europe's history."²¹ These assumptions clearly fit on China's freedom of navigation struggle in South China Sea. China is maximizing its offensive military

¹⁷ Mearsheimer, John J. "The False Promise of International Institutions." *International Security* 19, no. 3 (1994): 5.

¹⁸ Slaughter, Anne-Marie. "International Relations, Principal Theories." Princeton.edu. Accessed December 20, 2022. https://scholar.princeton.edu/sites/default/files/slaughter/files/722_intlrelprincipaltheories_slaughter_20110509zg.pdf.

¹⁹ Alenezi, Danah Ali. "US Rebalance Strategy to Asia and US-China Rivalry in South China Sea from the Perspective of the Offensive Realism." *Review of Economics and Political Science* ahead-of-print, no. ahead-of-print (2020).

²⁰ Roy, Denny. "The 'China Threat' Issue: Major Arguments." *Asian Survey* 36, no. 8 (1996): 758–71.

²¹ Wong, Bailey. "Understanding the Potential for Conflict in the South China Sea." *Clocks and Clouds* 7, no. 1 (2016).

capability by modernizing its navy and building artificial islands in the conflicted water. This maximization of power is also an answer to US increasing involvement in the SCS.

2.1.3 Great powers are rational actors seek to maximize power and security

Offensive realism contends that lack of resources leads to a lack of security. Wars are unavoidable as states compete for limited security. Being offensive is the most rational course of action for a state to take to secure its survival. Offensive states will get the most of the limited resources and endure in the arrangement. According to this assertion, offensive realism holds that confrontation is unavoidable since Beijing's proactive behaviors in the SCS are likely motivated by a desire for resource access, and as a result, China is augmenting its military footprint in the region. This demonstrates that the game is zero-sum and that a gain for one state is a loss for the other.²² According to offensive realism, maximizing power is vital for safety. A state is more secure the more power it amasses. The explanation is straightforward: a state will be more secure if it has more military might, and if it prevails the arms contest, it will establish itself as the system's hegemon, which will ultimately ensure its survival.²³ It also elucidates the impression behind the rise of China as a challenge to US in the Asia Pacific region.

2.1.4 The great powers' primary objective is survival

In international relations, survival is often seen as the key goal of great powers, meaning that the primary objective of a state is to ensure its continued existence and security. In order to ensure their survival, great powers must balance the arrangement of power within the global system to prevent other states from becoming too powerful and potentially threatening their security. As each state strives to ensure its own survival, the pursuit of power and security can result in rivalry and confrontation between states. This competition may take the form of military action, economic sanctions, or diplomatic maneuvering, among other tactics.²⁴

One interpretation of the struggle for survival is the contention between Beijing and New York in the SCS territorial waters, which is considered the main goal of great powers in international relations. For the US, its existence in the region and its support for its allies and partners, including the Philippines and Japan, is seen as a way to balance Chinese growing power and ensure its own security and survival. For China, its claims and actions in the SCS are driven by its own pursuit of power and security. China views the region as strategically important for its energy and trade interests and sees control of the disputed Sea as crucial to securing its own survival. China's assertive actions in the region, including the building of military installations, are seen by some as a way to challenge the dominance of the United States and assert China's own power and influence.²⁵

²² Raditio, Klaus Heinrich. "China and the Tension in the South China Sea: A Defensive Realist Perspective." Cuny.edu. Accessed December 20, 2022. <https://aacs.cuny.cuny.edu/2014conference/Papers/Klaus%20Raditio.pdf>.

²³ Mearsheimer, John J. "The False Promise of International Institutions." *International Security* 19, no. 3 (1994): 5.

²⁴ Raditio, Klaus Heinrich. "China and the Tension in the South China Sea: A Defensive Realist Perspective." Cuny.edu. Accessed December 20, 2022.

²⁵ Alenezi, Danah Ali. "US Rebalance Strategy to Asia and US-China Rivalry in South China Sea from the Perspective of the Offensive Realism." *Review of Economics and Political Science* ahead-of-print, no. ahead-of-print (2020).

2.1.5 States are unsure of others intentions

As outlined by offensive realism, an international relations theory, complete certainty regarding another state's intentions remains elusive for states. This uncertainty stems from the anarchic nature of the international system, where no overarching authority or global governance exists to oversee state conduct. Absent a central governing body, states must rely on their own power and influence to advance their interests and safeguard their security. This absence of assurance about the motives of other states can result in a security quandary. In this scenario, states adopt protective measures to secure their own well-being. However, these actions can be interpreted as menacing by other states, setting off a cycle of escalating tension and the potential for conflict.

From the US perspective, the presence of China in the SCS, and its assertive actions in building military installations and making territorial claims, is viewed as a potential danger to US interests and security in the region. This has led the US to adopt a more assertive posture in the conflicted area, including growing its military presence, engaging in freedom of navigation operations while extending assistance to its allies and partners within the region. From China's standpoint, the presence of the American military in the region, and its support for its allies and partners, is viewed as a challenge to China's interests and security in the region. China sees the SCS as a vital component of its strategic interests, and its actions in the region are viewed as necessary to secure its own survival. The lack of certainty about the intentions of the other side, combined with the potential for misjudgment and miscalculation, has led to a security dilemma in the region. The US and China have adopted increasingly assertive postures in the conflicted waters.²⁶

²⁶ Tang, Shiping. "Fear in International Politics: Two Positions." *International Studies Review* 10, no. 3 (2008): 451–71.

3 CHAPTER: OVERVIEW OF THE ‘FREEDOM OF NAVIGATION’

The concept of navigational freedom, denoting the entitlement of ships and aircraft to unrestricted movement in international waters and airspace without hindrance, boasts an extensive lineage dating back to ancient eras.²⁷ The inception of the freedom of navigation concept can be traced back to the counsel provided by the Dutch jurist Hugo Grotius to the Dutch East India Company. Grotius argued for the company's entitlement to engage in East India trade, countering Portugal's trade monopoly and assertions of sovereignty over the Indian Ocean.²⁸ The concept of freedom of navigation in ancient times was quite different from the modern notion of the term. The idea of free navigation in ancient times was largely limited to rivers and inland waterways, where trade and commerce could take place between different city-states or kingdoms.²⁹ However, even in these cases, there were often restrictions on navigation, such as tolls or fees to pass through certain territories. This chapter would explain the evolution and development of freedom of navigation throughout history.

3.1 Mare nostrum (Our Sea)

The concept of "Mare Nostrum" was an ancient Roman idea that referred to the Mediterranean Sea as "our sea," reflecting the belief that the Mediterranean was a Roman lake and under their exclusive control and influence. The term "mare nostrum" literally means "our sea" in Latin. The idea of Mare Nostrum emerged during the Roman Republic (509-27 BC) and continued throughout the Roman Empire (27 BC-476 AD). The Romans considered the Mediterranean to be a vital transportation and communication route that connected their empire's territories in Europe, Africa, and Asia. The Mediterranean Sea was also a significant source of food, and the Roman Navy maintained control over the sea to protect their fishing grounds and maritime trade routes.³⁰

The Roman Empire used its naval power to patrol the Mediterranean and protect its shipping lanes from piracy and other threats. They also established a network of ports, harbors, and coastal cities that facilitated trade and commerce throughout the region. The concept of Mare Nostrum reflected the Romans' desire to establish control over the Mediterranean and its shores, to secure their empire and its prosperity. The idea of Mare Nostrum persisted throughout the history of the Mediterranean and has been invoked by subsequent Mediterranean powers, such as the Byzantine Empire and the Ottoman Empire. The concept of Mare Nostrum has also been used in modern times to refer to the Mediterranean Sea and to reflect the region's strategic and economic importance.³¹ However, the modern concept of freedom of navigation, which asserts the right of all nations to use and access international waters and airspace, has largely replaced the idea of Mare Nostrum.

²⁷ Tufts.edu. "Chapter 3: Freedom of Navigation." Accessed February 22, 2023. <https://sites.tufts.edu/lawofthesea/chapter-three/>.

²⁸ Hoffmann, Albert J. "Navigation, Freedom Of." Edu.sg. Accessed January 19, 2023. <https://cil.nus.edu.sg/wp-content/uploads/2017/11/A.J.Hoffmann-Freedom-of-Navigation-EPIL.pdf>.

²⁹ Selden, J., J. Howell, M. Nedham, and P. Zambone. *Mare Clausum; The Right and Dominion of the Sea in Two Books ... Written at First in Latin ... Formerly Translated into English, and Now Perfected and Restored by J. h. Kembe*, 1663.

³⁰ Leleu, Gary. "Mare Nostrum." REVOLVE, August 13, 2012.

³¹ Ibid

3.2 Consulate of the Sea under the Crown of Aragon

The Consulate of the Sea under the Crown of Aragon was a maritime court that existed from the 14th century until the early 18th century. It was established in the Crown of Aragon, a medieval and early modern state that encompassed parts of modern-day Spain, France, Italy, and Greece. The Consulate of the Sea was based in the city of Barcelona and was responsible for administering maritime law in the Mediterranean Sea. The Consulate of the Sea was composed of a group of judges, known as the "Honorable Council of One Hundred." The judges were appointed by the King of Aragon and were responsible for hearing cases related to maritime disputes, such as shipwrecks, piracy, and salvage rights. The court also had the power to establish maritime law and regulations.³²

The Consulate of the Sea was one of the most important maritime institutions of the medieval and early modern period. It was recognized throughout the Mediterranean as an authority on maritime law and was often consulted by other states on matters related to the sea. The Consulate's influence extended beyond the Mediterranean, as Aragonese merchants and sailors traveled to other parts of the world and brought the Consulate's laws and customs with them. A crucial role was played by the Consulate of the Sea in the economic and political development of the Crown of Aragon. It helped to establish a legal framework for maritime trade and facilitated the growth of Aragonese commerce and navigation. The Consulate also helped to maintain the power and influence of the Aragonese monarchy in the Mediterranean, as it provided a means of asserting royal authority over maritime affairs.³³

3.3 John Selden concept of Mare Clausum (closed sea)

John Selden was an English jurist and scholar who lived in the 17th century. He is best known for his work "Mare Clausum," which argued that the seas and oceans could be subject to national jurisdiction and control.³⁴ The concept of mare clausum ("closed sea") was a departure from the prevailing view of the time, which held that the seas were open and free to every nation in the world. In "Mare Clausum," Selden argued that the oceans and seas were subject to the same rules of ownership and control as land. He contended that the seas could be claimed and controlled by individual nations, just as land could be. Selden based his argument on the principle of "first occupancy," which held that the first person to claim and occupy a territory had the right to control it. Selden's argument was largely motivated by England's desire to assert its control over the seas and establish its dominance as a maritime power. At the time, England was engaged in a series of wars with other European powers, and control of the seas was seen as crucial to maintaining its naval supremacy.³⁵

Selden's concept of mare clausum was controversial and was challenged by other scholars of the time, who argued that the seas were international waters and could not be subject to national

³² Smith, Robert S. "Recent Criticism of the Consulate of the Sea." *The Hispanic American Historical Review* 14, no. 3 (1934): 359–63.

³³ Ibid

³⁴ Selden, J., J. Howell, M. Nedham, and P. Zambone. *Mare Clausum; The Right and Dominion of the Sea in Two Books ... Written at First in Latin ... Formerly Translated into English, and Now Perfected and Restored by J. h. Kembe*, 1663.

³⁵ Ibid

control. However, Selden's ideas would go on to influence the development of international law, particularly in the area of maritime law. Today, the concept of mare clausum is generally seen as outdated, and the seas are considered to be international waters subject to the principles of the UNCLOS.

3.4 Mare Liberum (Free Sea)

The concept of Mare Liberum was developed in the early 17th century by the Dutch lawyer and philosopher, Hugo Grotius, who argued that the seas should be free for all nations to use for trade and navigation. The Dutch Republic, a powerful maritime nation at the time, was a strong supporter of this concept. The Dutch Republic had a long history of maritime trade and had developed a significant navy to protect its interests. However, it faced challenges from other European powers, such as Spain and Portugal, who claimed exclusive rights to certain portions of the oceans and seas. The Dutch Republic saw the principles of Mare Liberum as a way to challenge these claims and establish its dominance in the seas.³⁶

In 1609, Grotius published his work "Mare Liberum," which argued for the freedom of the seas and the right of all nations to use the oceans for trade and navigation. The Dutch Republic used this concept to support its naval and commercial expansion and to challenge the claims of other European powers. The principles of Mare Liberum were later enshrined in the United Nations Convention on the Law of the Sea, which recognizes the right of all nations to use the oceans for peaceful purposes, including trade and navigation. The Dutch Republic's advocacy of Mare Liberum helped to establish the basics of international legal norms that govern the use and governance of the world's oceans and seas today.³⁷

3.5 Freedom of navigation in the Treaty of Breda (1667)

The Treaty of Breda was a peace treaty signed on 31 July 1667 between England, the Netherlands, France, and Denmark-Norway. The treaty ended the Second Anglo-Dutch War, which had been fought primarily over trade and maritime issues. One of the key provisions of the Treaty of Breda was the recognition of the concept of unrestricted navigation. Under the terms of the treaty, the Dutch were granted the right to navigate freely on the Thames River, which was a major trade route for England. In return, the English were granted the right to navigate freely on Dutch rivers, such as the Maas and the Scheldt. The treaty also recognized the right of all nations to trade with colonies and to engage in coastal fishing.³⁸

The recognition of freedom of navigation was significant because it helped to establish the norms of international law that govern the use of the world's oceans and seas. It also reflected the growing importance of trade and commerce in the 17th century and the recognition that free access to maritime trade routes was essential for economic prosperity. The Treaty of Breda helped to establish a framework for resolving disputes over trade and navigation.

³⁶ Theutenberg, B. O. Johnson. "Mare Clausum et Mare Liberum." Ucalgary.ca, 1984.

³⁷ Ibid

³⁸ Haythornthwaite, Shavana. "The Peace of Breda (1667)." Oxford Public International Law. Accessed February 22, 2023. <https://opil.ouplaw.com/page/492>.

3.6 Freedom of navigation in the Treaty of Westminster (1674)

The Treaty of Westminster was a peace treaty signed on February 19, 1674, between England and the Dutch Republic. The treaty ended the Third Anglo-Dutch War, which had been fought primarily over trade and maritime issues. One of the key provisions of the Treaty of Westminster was the recognition of the principle of FON. Under the terms of the treaty, both England and the Dutch Republic agreed observing the right to liberty in navigation and trade of each other's vessels in the seas and waterways around the world. This included a mutual agreement to grant each other the right to trade with each other's colonies and to fish in each other's territorial waters. The recognition of freedom of navigation in the Treaty of Westminster was significant because it helped to establish the principles of international law that govern the use of the world's oceans and seas. It reflected the growing importance of trade and commerce in the 17th century and the recognition that free access to maritime trade routes was essential for economic prosperity.

3.7 Paris Declaration Respecting Maritime Law 1856

The 1856 Paris Declaration Respecting Maritime Law was a landmark international agreement that established several important principles related to the conduct of naval warfare and the protection of neutral shipping during times of war. The Declaration was signed by representatives of many of the major naval powers of the time, including Great Britain, France, Russia, Prussia, Austria, and the Ottoman Empire. The Declaration was inspired by a desire to reduce the harm caused by naval warfare and to protect the rights of neutral shipping during times of conflict.³⁹

The Paris Declaration established several key principles related to the conduct of naval warfare, including the following:

- i. Privateering was abolished: Signatories agreed not to grant letters of marque or commissions to private armed vessels, which were often used to attack enemy shipping during times of war.
- ii. Neutral flags would cover enemy goods: Signatories agreed that neutral flags would cover the goods of enemy powers, meaning that neutral shipping could not be seized or searched for enemy goods during times of war.
- iii. Blockades had to be effective: Signatories agreed that blockades, which were often used to cut off enemy ports and trade, had to be effective in order to be recognized as legal. Blockades could not be merely nominal or ineffective.
- iv. The rights of neutral shipping had to be respected: Signatories agreed to respect the rights of neutral shipping and to avoid interfering with neutral commerce during times of war.⁴⁰

The Paris Declaration was a significant step forward in the development of international law related to the conduct of naval warfare and the protection of neutral shipping during times of conflict. Its principles were further developed in subsequent international agreements, including the 1907 Hague Convention and the 1949 Geneva Conventions, and continue to guide the conduct of naval powers and the protection of neutral shipping today.

³⁹ Wyndham, Percy. "International Maritime Law — The Declaration of Paris, 1856." Parliament.uk, 1877.

⁴⁰ Ibid

3.8 Hague Convention of 1907

The Hague Convention of 1907 was the first international treaty to formally codify the idea of freedom of navigation. Many of the world's major countries, including the United States, United Kingdom, France, and Germany, signed the Hague Convention, commonly known as the Hague Rules of Air Warfare. Article 2 of the Hague Convention, which upholds the idea of freedom of navigation in international waters, is one of its most important clauses. According to the article, "the high seas are open to all nations, and no state may exercise any kind of sovereignty over them." The Hague Convention also set guidelines for naval combat, including guidelines for the treatment of prisoners of war and the protection of neutral trade. The Convention marked a notable shift in the progression of international law and conflict management. It played a pivotal role in solidifying the notion of freedom of navigation as a universally acknowledged and fundamental right.⁴¹

3.9 Geneva Conventions 1949

The Geneva Conventions, which consist of four treaties and supplemental protocols, set the requirements of international humanitarian law for the treatment of those caught up in armed combat. It had clauses that dealt with the freedom of navigation. Regarding the matter of navigational freedom during naval conflict, the Additional Protocol I to the Geneva Conventions, which was adopted in 1977, also contains provisions. The principle of proportionality in naval warfare is outlined in Additional Protocol I's Article 38, which states that "the Parties to the Disputes shall at all times differentiate between civilians and soldiers and between civilian stuff and military objectives and accordingly will prioritize their activities only against military goals." This clause maintains that all countries have the right to enter and use international waterways, but they must distinguish between military targets and civilian targets.⁴²

3.10 Convention on the High Seas 1958

The use of the world's oceans and seas outside of the territorial waters of coastal governments is governed by the 1958 Convention on the High Seas, an international agreement. The Convention outlines a number of fundamental guidelines for using the high seas, such as the freedom of navigation, the need to aid ships in need, and the prohibition of piracy. The FON is one of the Convention's most significant tenets. According to this principle, every ship has the right to freely sail the world's oceans and seas, subject to some restrictions linked to safety and security, regardless of its nationality or purpose. The Convention also lays out guidelines for how naval operations should be carried out on the high seas, including guidelines for the responsibilities and rights of battleships and other naval vessels. For instance, the Convention specifies guidelines for the use of force, navigational safety, and the avoidance of collisions and other maritime mishaps.⁴³

⁴¹ Haines, Steven. "1907 Hague Convention VIII Relative to the Laying of Automatic Submarine Contact Mines." Usnwc.edu. Accessed February 22, 2023.

⁴² Icrc.org. "The Geneva Conventions of 1949 and Their Additional Protocols," October 29, 2010. <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>.

⁴³ Kohona, Palitha T. B. "The United Nations Treaty Collection on the Internet – Developments and Challenges." *International Journal of Legal Information* 30, no. 3 (2002): 397–425.

The obligation to help ships in distress is another crucial tenet established by the Convention. According to this rule, all ships are obligated to aid any other ships that are in need, regardless of their origin or intended use. All ships operating on the high seas are believed to have a fundamental responsibility to render help, and failing to do so may constitute a serious violation of international law. The Convention also forbids piracy, which is described as any form of violence or detainment carried out for private gain by a private ship or aircraft's crew or passengers. The Convention mandates international cooperation in the prevention and eradication of piracy and provides for the domestic legal prosecution of pirates.⁴⁴

3.11 United Nations Convention on the Law of the Sea (UNCLOS)

The use of the world's oceans and seas is regulated by the United Nations Convention on the Law of the Sea (UNCLOS). The freedom of navigation, which is a fundamental right of all nations to utilize and travel the world's oceans and seas for a range of reasons, including commercial shipping, military operations, scientific study, and exploration, is one of the main principles established by UNCLOS. Under UNCLOS, every nation holds the right to navigate through the world's oceans and seas without interference, subject to certain limitations related to safety, security, and environmental protection. This means that all nations have the right to use international waterways, such as straits and canals, without interference, and that coastal state cannot interfere with the right of innocent passage by foreign ships through their territorial seas.⁴⁵

Additionally, UNCLOS specifies a variety of guidelines for utilizing the Earth's oceans and seas, encompassing directives for the formation of Exclusive Economic Zones (EEZs) and coastal governments' rights to utilize the natural resources inside their EEZs. These regulations, however, cannot be utilized to impede another state's right to freedom of navigation. UNCLOS lays down guidelines for the conduct of naval operations within the global oceans and seas in addition to founding the basis of freedom of navigation. UNCLOS, for instance, defines regulations governing the privileges and responsibilities of warships and other maritime vessels and offers instructions on how to avoid collisions and other maritime mishaps.⁴⁶

3.12 United States Freedom of Navigation Program

In order to foster unrestricted movement and aerial passage in international water routes and airspace, the America launched the FONP. The initiative, which is based on the fundamentals of international law, aims to ensure that every country has the legal right to utilize the oceans and seas around the globe for peaceful purposes like shipping for business, scientific study, and military operations. Since its inception in 1979, the United States Freedom of Navigation Program has grown to play a substantial role in American foreign policy in the disputed region. The

⁴⁴ Ibid

⁴⁵ Bergesen, Helge Ole, Georg Parmann, and Øystein B. Thommessen, eds. "United Nations Convention on the Law of the Sea (UNCLOS)." In *Yearbook of International Cooperation on Environment and Development 1998–99*, 113–17. Routledge, 2018.

⁴⁶ Ibid

initiative works to guarantee that all nations possess equitable entry to the world's oceans and seas as well as regional stability and security.⁴⁷

The United States Freedom of Navigation Program is based on the following principles:

- i. Unrestricted navigation and aerial passage in global waters and airspace is an inherent entitlement of all countries.
- ii. The U.S. will contest overreaching maritime assertions by coastal nations that impede the privileges of foreign ships to navigate and function in worldwide waters.
- iii. The U.S. will persist in collaborating with its allies and associates to uphold the liberty of navigation and overflight in international waters and airspace.
- iv. The U.S. will execute FONOPs in adherence to international law, encompassing UNCLOS, and will evade needless provocation or escalation.⁴⁸

The United States FONOP has been the subject of controversy in recent years, in the region where China has made expansive maritime claims in the SCS. The US has conducted a series of FONOPs in the South China Sea to challenge these claims, which China has denounced as a violation of its sovereignty.

3.13 FONOPs in the South China Sea

FONOPs, or freedom of navigation operations, have been a significant problem in the South China Sea, where several nations have rival territorial claims. In particular, the US has carried out a number of FONOPs in the SCS to refute the territorial claims of China and to uphold the freedom of navigation principle. A large portion of the conflicted Sea, as well as some contested islands and reefs, have been claimed by China. Other nations in the region, such as the Philippines, Vietnam, Malaysia, and Brunei, contest these claims, which have been the source of several territorial disputes and diplomatic tensions.⁴⁹

The US has executed several FONOPs in the vicinity in response to China's accusations. These operations entail the passage of American warships and planes across Chinese-claimed territorial seas in an endeavor to counter China's maritime claims and to illustrate the freedom of navigation principle. China's entitlements in the SCS, according to the United States, are illegal under international law, notably the UNCLOS, which upholds the principle of freedom of navigation. China, on the other hand, contends that its claims are supported by ancient maritime limits and that it has historical entitlements to the contested areas. The United States has expressed disapproval of China's actions in the South China Sea, notably the development of military installations on man-made islands in the area, and has demanded that the conflicts be settled peacefully, including

⁴⁷ Galdorisi, George. "The United States Freedom of Navigation Program: A Bridge for International Compliance with the 1982 United Nations Convention on the Law of the Sea?" *Ocean Development and International Law* 27, no. 4 (1996): 399–408.

⁴⁸ Ibid

⁴⁹ Center for Strategic and International Studies. "Freedom of Navigation in the South China Sea: A Practical Guide," August 25, 2017. <https://www.csis.org/analysis/freedom-navigation-south-china-sea-practical-guide>.

through international arbitration. Chinese authorities have continued to assert their territorial claims despite rejecting international arbitration.⁵⁰

FONOPs in the South China Sea have heightened tensions between China and the United States and sparked worries about a potential military clash in the area. However, the SCS concept of FONOP concept continues to be a significant concern, and America is expected to carry out FONOPs in order to uphold this principle and contest China's maritime claims.

4 CHAPTER: SOUTH CHINA SEA CONFLICT AND THE POWER STRUGGLE

Major world powers including the America, Japan, and Australia are all competing for influence and control in the conflicted waters, making it the most strategically vital and contentious locations in the world. It is bounded on all sides by countries that dispute its sovereignty, including China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan. Some of the world's busiest shipping channels pass through this area, and it also features abundant fishing grounds and possible large oil and natural gas reserves.⁵¹ The South China Sea is a major shipping lane, carrying almost a third of all global marine traffic. Nearly half of the total oil and gas ships leaving the Middle East for destinations including China, Japan, and the United States enter through this port. The Sea's strategic location also makes it an asset to national defense.⁵² Countries often argue over land in the South China Sea. In particular, they are fighting over who has jurisdiction over the surrounding waterways. The landmasses of the Sea can be roughly divided into two groups. The Paracels are made up primarily of reefs and islands. Reefs are long, vertical formations of coral or other submerged rocks. Some islands dot the Spratlys, but the majority of the archipelago is made up of reefs and rocks that are often submerged even at high tide.⁵³ This chapter will explore the various facets of the SCS conflicts, including the historical background, key facets of the conflict, freedom of navigation and international law, the claimant states and external actor involved in the conflict. This chapter seeks to shed light on the tangled causes of the South China Sea disputes by a thorough examination of these elements.

4.1 Historical background

Chinese ships first sailed through the SCS waters more than 2,000 years ago. In the second century B.C., Chinese explorers discovered the landmasses in the sea and gave them the name Nanhai Zhudao. The Sea's islands and reefs bear the imprint of Chinese fishermen in the shape of historic crops, wells, homes, temples, burials, and inscriptions. The Sea's islands were inhabited and used as a base of operations exclusively by Chinese people for a sizable length of time in the past, according to a wealth of evidence from foreign sources. As a result of its exploration and

⁵⁰ Ibid

⁵¹ Hartman, Leigh. "The Importance of the South China Sea." ShareAmerica, July 11, 2019.

⁵² Ott, Marvin. "The South China Sea in Strategic Terms." Wilson Center, 2019.

⁵³ Nasir, Muhammad, Wan Siti Adibah Wan Dahalan, Harun Harun, and Phoenna Ath Thariq. "Unilateral Claim in Dispute of Island over the South China Sea." *Sriwijaya Law Review* 4, no. 1 (2020): 1.

development activities there, the Chinese claims to the islands in the South China Sea have been stronger over time. Some of these are historical assertions that subsequent Chinese administrations have upheld.⁵⁴

For the first part of the 20th century, the Sea was peaceful while countries nearby dealt with their own internal crises. In particular, by the time World War II ended, not a single South China Sea Island was under claimed control. The French and Vietnamese had planned to make landfall on the Paracel Islands in early 1947, but China had already established themselves on a few features in the Spratlys by that time. French and Vietnamese forces were forced to settle for Pattle Island after being denied their first choice.⁵⁵ The Paracel Islands, the Spratly Islands, and other South China Sea islands and reefs are all depicted on the "Nine-Dash Line" map, which was produced by the Chinese government in 1947 and established China's sovereignty over nearly the entire South China Sea. The South China Sea is where you may find this map. The People's Republic of China (PRC) was established in 1949 by Mao Zedong, China's communist leader. However, several nations in the area made conflicting claims to these islands and rivers. Vietnam issued a proclamation in 1951 asserting its entitlement to the Paracel and Spratly Islands when it was still a French possession.⁵⁶ The Philippines did the same thing in 1956 with respect to the Spratlys. Parts of the disputed waters were also claimed by Malaysia and Brunei in later years.

During the Cold War, the US got involved in SCS territorial disputes as part of its plan to constrict China's sphere of influence. When the United States and the Philippines signed a mutual defense treaty in 1954, it stated that the United States would protect the Philippines in the event of an invasion in the South China Sea. The United States also backed regional claims by countries like Vietnam and others against China. The exclusive economic zones (EEZs) were created by legislation at the United Nations in 1982.⁵⁷ Immediately after, China restated its nine-dash line, denying the claims of other claimant countries and refusing to provide details on the line's boundaries. To restate China's long-standing claim to the SCS, the Chinese government promulgated and put into effect the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf in 1998. When it came to the nine-dot line in the South China Sea, the Chinese government was also steadfast.⁵⁸

Disputes in the South China Sea have heated up in the 21st century. Concerns about regional stability and the possibility of military confrontations have increased as the region has witnessed a major increase in tensions and forceful moves by several claimant governments, particularly China. The DOC (Declaration on the Conduct) of Parties in the South China Sea was signed by China and the Association of Southeast Asian Nations (ASEAN) in 2002 in an effort to encourage

⁵⁴ Gov.cn. "The History and Reality of the South China Sea Issue." Accessed May 17, 2023. http://ca.china-embassy.gov.cn/eng/sgxw/202009/t20200913_4615002.htm.

⁵⁵ Mirski, Sean. "The South China Sea Dispute: A Brief History." Lawfare, June 8, 2015.

⁵⁶ The National Bureau of Asian Research (NBR). "Vietnam." The National Bureau of Asian Research, June 26, 2020.

⁵⁷ Www.un.org. "Overview - Convention & Related Agreements." Accessed May 19, 2023. https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm.

⁵⁸ Gov.cn. "The History and Reality of the South China Sea Issue." Accessed May 17, 2023. http://ca.china-embassy.gov.cn/eng/sgxw/202009/t20200913_4615002.htm.

peaceful resolutions of disputes and maintain stability in the South China Sea.⁵⁹ Tensions persisted, however, because the DOC lacked binding mechanisms. A map showing the "U-shaped Line," by which China claimed extensive sections of the South China Sea as its own territorial seas, was submitted to the United Nations in 2009 by China. A number of other claimant governments and the international community were alarmed by this development, as it appeared to be a challenge to existing international maritime laws. In 2012, China banned access to Scarborough Shoal, which led to a tense standoff between China and the Philippines over their territorial dispute. China avowed an ADIZ across the entire East China Sea in 2013, including the contested areas with Japan. Tensions in the South China Sea rose in response to this action since it fueled fears that China would expand its ADIZs in the region.⁶⁰ As of 2014, China had begun massive land reclamation projects in the Spratly Islands, transforming a number of reefs and low-tide heights into artificial islands with the capacity to house military installations. As a potential breach of maritime standards and a threat to regional stability, this prompted worries among other claimant governments and the global community.

In addition, the Philippines sued China in 2016 about the legitimacy of Chinese territorial claims and conduct in the South China Sea, taking the matter to the Permanent Court of Arbitration (PCA). The PCA made history in 2016 when it ruled that China's "Nine-Dash Line" breached Philippine sovereignty and had no validity in international law.⁶¹ China, however, challenged the verdict, bringing attention to the persistent difficulties of enforcement and compliance. This ruling favored both the US and the UK as proponents of international law and norms. This ruling reinforced their stance on the importance of adhering to the United Nations Convention on the Law of the Sea (UNCLOS), a framework they have long supported. By supporting the PCA ruling, these nations underscored their assurance to regional security and equilibrium, which is in their favor as it aligns with their foreign policy objectives. China's challenge to the verdict, on the other hand, raised concerns about its assurance to international norms. China vetoed the authority of the PCA to make a ruling on the SCS dispute and refused to participate in the arbitration process initiated by the Philippines. By choosing not to recognize the PCA's jurisdiction or the subsequent ruling, China essentially isolated itself from the consensus upheld by international legal bodies, including the PCA. The PCA's ruling upheld the significance of the United Nations Convention on the Law of the Sea (UNCLOS) in resolving maritime disputes. However, China's dismissal of the ruling demonstrated a willingness to disregard established international legal norms and mechanisms.

Then since 2018, a series of incidents happened, further inflaming regional tensions. For instance, in 2019, Vietnam accused China of interfering with its oil and gas exploration actions in its Exclusive Economic Zone (EEZ), causing diplomatic tensions. In 2020, a collision between a Vietnamese fishing boat and a Chinese coast guard vessel near the Paracel Islands resulted in the sinking of the Vietnamese boat. This incident highlights the growing frequency of conflicts

⁵⁹ "Declaration on the Conduct of the Parties in the South China Sea." In *China-Asian Relations and International Law*, 241-43. Elsevier, 2009.

⁶⁰ Singh, Teshu. "China and the Air Defence Identification Zone." Ethz.ch. Accessed May 19, 2023.

⁶¹ Research Society of International Law. "Case Brief on the South China Sea Arbitration between the Republic of the Philippines and the People's Republic of China by the Permanent Court of Arbitration." Research Society of International Law | RSIL. Research Society of International Law, August 12, 2017.

involving coast guard and military vessels in the region. During the COVID-19 pandemic, China increased its maritime activities and expanded infrastructure development on contested features, such as the artificial islands it constructed in the Spratly Islands. Moreover, incidents like the sinking of a Filipino fishing boat after a collision with a Chinese vessel in 2019 underscore the underlying territorial issues and maritime rivalries that persist beyond temporary shifts in global attention. Some claimant governments were able to advance territorial claims or participate in operations with reduced scrutiny since attention and resources were diverted away from the SCS tensions due to the 2020 worldwide pandemic. Although crises and confrontations occurred less frequently, the underlying territorial issues and strategic rivalries persisted.

4.2 Key Facets of the South China Sea Conflict

4.2.1 Territorial Disputes

The Spratly Islands, located in the southern part of the South China Sea, are the most contentious and heavily disputed features. China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei all claim sovereignty over various islands and reefs within the Spratlys. These claims are based on historical usage, proximity, and the potential for oil and natural gas resources. Both China and Vietnam claim ownership of the Paracel Islands, which are located in the South China Sea's northern region. China currently controls the Paracels after a military conflict with Vietnam in 1974. The dispute over the Paracels is primarily driven by their strategic location and potential resources. Scarborough Shoal, also known as Huangyan Island, is located off the coast of the Philippines. China and the Philippines both claim sovereignty over this feature.⁶² In 2012, China gained effective control of Scarborough Shoal, leading to increased tensions between the two countries. The territorial disputes in the South China Sea have led to conflicting claims, heightened tensions, and occasional confrontations between the claimant countries. The competition for control over these features is driven by their strategic location, potential resource wealth, and the desire to protect national sovereignty and maritime boundaries.

4.2.2 Maritime Boundaries and Exclusive Economic Zones (EEZs)

The Exclusive Economic Zone (EEZ) of a coastal state extends outward from its shore for a detachment of 200 nautical miles, as defined by UNCLOS. Conflicts over jurisdiction and resource exploitation have arisen as a result of contending rights by claimant countries in the SCS over their separate EEZs. Located in the southern region of the South China Sea lies the submerged structure known as the Vanguard Bank. According to its coastline and the guidelines established by UNCLOS, it is within Vietnam's EEZ.⁶³ Vietnam has been exploring and extracting oil and gas reserves in this area, granting licenses to international energy companies for exploration and production activities. However, China also claims sovereignty over the Vanguard Bank and asserts that it falls within its "historic possession" in the conflicted waters. Chinese claim is grounded on

⁶² Chang, Teh-Kuang. "China's Claim of Sovereignty over Spratly and Paracel Islands: A Historical and Legal Perspective." Case.edu. Accessed May 19, 2023.

⁶³ Le Thu, Huong. "Rough Waters Ahead for Vietnam-China Relations." Carnegie Endowment for International Peace, September 30, 2020.

the nine-dash line, which intersections with Vietnam's EEZ.⁶⁴ China has deployed Chinese vessels to disrupt Vietnamese oil and gas operations.

The region is rich in fisheries, oil, and natural gas reserves, making it a valuable economic and strategic area. The overlapping claims have resulted in confrontations among fishing vessels from different countries and competing exploration activities by oil and gas companies. The Reed Bank is an underwater feature located within the Philippines' EEZ, approximately 150 nautical miles west of Palawan. It is believed to hold significant oil and natural gas reserves. However, both the Philippines and China claim authority over the Reed Bank, leading to a dispute over the rights to explore and exploit its hydrocarbon resources. In 2011, Chinese maritime vessels, including fishing boats and naval vessels, were reported to have harassed and intimidated Philippine vessels conducting exploration and survey activities in the Reed Bank area. China argued that the area falls within its territorial claim and therefore, it has the authority to control activity in that area.

4.2.3 Military Build-up and Power Projection

China has undertaken extensive construction activities, including the creation of artificial islands, land reclamation, and the development of military infrastructure such as airstrips, harbors, and radar installations. These actions have allowed China to establish a more permanent presence in the disputed areas and enhance its military capabilities. China's construction of artificial islands in the Spratly Islands, such as Fiery Cross Reef, Subi Reef, and Mischief Reef, involved transforming previously submerged features into large land masses with military facilities.⁶⁵ These islands now house airfields, missile systems, and other military installations, enabling China to project power and enhance its surveillance and control capabilities in the region.

Claimant countries have also increased their naval presence and armed activities in the conflicting waters, contributing to the heightened tensions. China has expanded its naval capabilities and conducted naval exercises in the disputed waters, showcasing its military strength. Other countries, such as the US and regional powers like Vietnam and the Philippines, have also reinforced their military presence through naval patrols, exercises, and the upgrading of military assets. Regular freedom of navigation operations carried out by the United States in the South China Sea to oppose what it perceives as unwarranted maritime assertions.⁶⁶ In these missions, American warships maneuver around specific landmarks while operating within China's sovereign water of 12 nautical miles claim. These measures are intended to protect the principle of FON and counter Chinese regional claims.

4.3 Power Contestation in Conflicted Sea

The conflict in the South China Sea is a complicated and protracted disagreement that is centered on contradictory jurisdictional rights and the essential matter of freedom of navigation. China,

⁶⁴ Chaudhury, Dipanjan Roy. "Vietnam Justified in Defending Its Rights in Vanguard Bank in South China Sea." *Economic Times*, September 30, 2019.

⁶⁵ <https://www.uscc.gov/research/chinas-island-building-south-china-sea-damage-marine-environment-implications-and-international-law>. Accessed May 19, 2023.

⁶⁶ LaGrone, Sam. "U.S. Destroyer Performs South China Sea FONOP; China Says It Expelled Warship." *USNI News*, July 13, 2022.

Vietnam, the Philippines, Malaysia, Brunei, Indonesia, and other nations all have conflicting claims to the conflicted Sea, a strategically significant area. The maintenance of FON, a cornerstone of international law that guarantees unhindered access to major marine routes, is at the core of this struggle. This conflict has garnered significant attention due to its geopolitical implications, impact on regional stability, and potential consequences for international trade and security.

4.3.1 China

China has substantial maritime claims in the South China Sea, principally based on its historical interpretation of the "nine-dash line." Nearly all of the islands, reefs, and ocean surrounding this area are under China's claim of ownership. Ancient maps and papers, China says, show China's uninterrupted presence and sovereignty over the area, lending credence to Chinese claims. China has taken forceful measures to back up its rights, which center on the country's historical entitlements and authority over the contested features. Building artificial islands, deploying armed forces, and acquiring administrative control over contested territories are all examples of such measures. China says it needs to take these steps to protect its territory, its maritime rights and interests, and regional stability.⁶⁷

4.3.2 United States

To demonstrate its dedication to freedom of navigation and international law, the United States has conducted frequent freedom of navigation operations in the SCS. In these missions, U.S. naval boats and planes transit territorial waters claimed by multiple countries. The United States maintains that these activities protect the freedom of all states to use international waters and airspace. In the conflicted waters, the US has backed regional allies and partners. For instance, the United States regularly participates in the Balikatan exercise with the Philippines and the Cooperation Afloat Readiness and Training (CARAT) exercise with other Southeast Asian countries.⁶⁸ The United States hopes to improve the marine capabilities of its partners, foster stability, and discourage aggression through these measures. The United States has expressed concerns and pushed for peaceful resolutions to the conflict in the SCS through political networks. It has pushed for communication between countries with competing claims and backed multilateral platforms like ASEAN. The United States has also tried to get other countries to put pressure on China to follow international law and the decisions of the Permanent Court of Arbitration in The Hague.

4.3.3 Taiwan

Taiwan's entitlements in the SCS are based on historical and geographic factors. The ROC government claims authority over the entire islands of South China Sea, including the Paracel Islands (Xisha Islands), Spratly Islands (Nansha Islands), Pratas Islands (Dongsha Islands), and the Macclesfield Bank (Zhongsha Islands).⁶⁹ Taiwan argues that it has historical evidence of early discovery, occupation, and administration of these islands. The issue of Taiwan between the US

⁶⁷ Gupta, Sourabh, and Matt Geraci. "China's Claims in the South China Sea." Esri, July 27, 2020.

⁶⁸ United States Navy. "U.S. Navy Participates in Cooperation Afloat Readiness and Training (CARAT) Brunei 2022." Accessed May 20, 2023.

⁶⁹ Tseng, Hui-Yi Katherine. "Taiwan in the South China Sea Disputes: Policies and Prospects." In *Territorial Disputes in the South China Sea*, 128–46. London: Palgrave Macmillan UK, 2015.

and China in the disputed waters is a significant point of contention in their bilateral relationships. The US has been a longstanding ally and supporter of Taiwan, while China prerogatives Taiwan as an element of its domain and seeks reunification. The US maintains unofficial relations with Taiwan and has a commitment to the island's security under the Taiwan Relations Act. It has been supportive of Taiwan's participation in international forums and has provided military assistance to help Taiwan defend itself. The U.S. considers any attempt to use force or coercion to determine Taiwan's future as a danger to the peace in the region.⁷⁰ The U.S.-China tensions over Taiwan and the South China Sea have contributed to a larger geopolitical rivalry between the two countries. The US has stated provision for a peaceful determination of clashes in the disputed area based on international law, while China prefers direct negotiations and bilateral discussions with the claimant countries, excluding external interference.

4.3.4 Vietnam

Vietnam claims sovereignty over islands in the South China Sea, including the Paracel and Spratly groups. The legal framework of international law, especially the United Nations Convention on the Law of the Sea (UNCLOS), supports Vietnam's position. Vietnam claims it has complete control over the waters around these islands. Both the deployment of Chinese military hardware and the development of man-made islands have caused concern in Vietnam. Vietnam's adherence to international law serves as the foundation for its encouragement for peaceful solutions to the issues, particularly the concepts of freedom of movement and peaceful resolution of disputes.⁷¹

4.3.5 Philippines

The Philippines has staked its own claim to territory in the contested Sea. The Spratly Islands are key to Philippine claims, as it is there that Filipino forces have conquered and managed territory. The Philippines believes that its rights to an EEZ and a continental shelf are recognized by international law, specifically UNCLOS. The Philippines decided to take legal action in 2016 by filing an arbitration claim against China. In its decision, the arbitral panel ruled against several Chinese claims and affirmed Philippine marine rights. According to the Philippines, the judgement is final and binding, and it should serve as a basis for future conversations and actions in the contested territories.⁷²

4.3.6 Malaysia

As one of the disputing countries in the disputed waters, Malaysia claims parts of the Spratly Islands as its own territory. Swallow Reef (Layang-Layang), Erica Reef (Terumbu Laya), Investigator Shoal (Terumbu Peninjau), and Mariveles Reef (Terumbu Ubi) are the primary features of interest for Malaysian claim. Malaysia asserts control over the strategically important Swallow Reef in the Spratly Islands. Since the 1980s, Malaysia has kept a naval facility on the reef as a strategic outpost to keep an eye on things. The naval installation also serves as a hub for marine security activities, environmental protection initiatives, and scientific inquiry. Malaysia's

⁷⁰ Wu, Charles Chong-Han. "The Taiwan Policy Act and the Future of U.s.-Taiwan Relations." *Stimson Center*, 2022.

⁷¹ Freeman, Chas W. "Diplomacy on the Rocks: China and Other Claimants in the South China Sea." Accessed May 19, 2023. <https://mepc.org/speeches/diplomacy-rocks-china-and-other-claimants-south-china-sea>.

⁷² Rosen, Mark E. "A CNA Occasional Paper Philippine Claims in the South China Sea: A Legal Analysis." Cna.org, 2014. https://www.cna.org/archive/CNA_Files/pdf/iop-2014-u-008435.pdf.

commitment to sovereignty and protection of its interests in the SCS is reflected in its continued presence and control of Swallow Reef.⁷³

4.3.7 Brunei

Brunei is another claimant country in the conflicted waters, laying claim to a portion of the contested sea's territory. The Louisa Reef (Terumbu Lousia) and the southern portion of the Louisa Shoal (Terumbu Lousia) in the southern part of the Spratly Islands are the primary focus of Brunei's claim. Louisa Reef and the southern portion of Louisa Shoal are part of Brunei's claimed territory in the SCS. Among the Spratly Islands, Louisa Reef may be found toward the south. Although the reef is relatively modest, its location is advantageous to Brunei's maritime pursuits. Louisa Reef and the southern half of Louisa Shoal are part of Brunei's continental shelf entitlements and are therefore subject to Brunei's claim.⁷⁴

4.3.8 Indonesia

As a nearby South China Sea country, Indonesia takes a stand on the constant conflicts in the area. Although it is not a claimant nation, Indonesia has voiced alarm over the escalating tensions and stressed its own maritime concerns and entitlements in the contested waters. The Natuna Islands, located in the southern SCS, are of particular importance to Indonesia's claim. Indonesia's claim centers on the Natuna Islands. For decades, Indonesia has ruled over the islands and the seas immediately surrounding them. Indonesia has made steps to protect its maritime resources, combat illicit fishing activities, and defend the livelihoods of local residents on the Natuna Islands, where a large fishing sector is based. The Natuna Islands are symbolic of Indonesia's will to defend its sovereignty and establish its rights in the conflicted waters.⁷⁵

In summary, the South China Sea dispute is a complicated problem with broad repercussions. Territorial disputes, maritime disputes, and the defense of rights to freedom of navigation are at the center of the conflict. The conflict's importance on a worldwide scale is demonstrated by the participation of claimant nations, regional parties, and outside forces. In order to meet the challenges posed by China's assertiveness, it is essential to defend the values of international law, peaceful conflict resolution, and freedom of navigation. Collaboration is vital to promoting regional stability and protecting the rights and interests of all parties involved, as are multilateral discussions, improved defense cooperation agreements, and security partnerships.

⁷³ The National Bureau of Asian Research (NBR). "Malaysia." The National Bureau of Asian Research, July 2, 2020.

⁷⁴ Putra, Bama Andika. "Comprehending Brunei Darussalam's Vanishing Claims in the South China Sea: China's Exertion of Economic Power and the Influence of Elite Perception." *Cogent Social Sciences* 7, no. 1 (2021): 1858563.

⁷⁵ Supriyanto, Ristian Atriandi. "Indonesia and the South China Sea." *Asia Policy*, no. 21 (2016): 21–28.

5 CHAPTER: FINDINGS

A well-known theory in international affairs called offensive realism emphasizes that governments are driven by their desire for security and power. This idea contends that governments compete with one another and may even engage in conflict as a result of their desire to increase their relative power.⁷⁶ The South China Sea has emerged as a significant theater for such competition. Offensive realists argue that states seek control and dominance over such key regions to secure their interests and enhance their power relative to others. Multiple powers, including the US and China, contest for influence in the disputed Sea, their actions to secure their interests can intensify the security dilemma. Heightened military presence, arms buildup, and aggressive behavior can lead to a spiral of distrust, escalating tensions, and destabilizing the Western security order.⁷⁷

Bilateral ties between the United States and China suffered a hit in 2018 when then-US President Donald Trump's concern with trade imbalances prompted him to slap punitive tariffs on China. Following the tariffs, China's access to high-tech US products was restricted, as were foreign investments with security concerns, as well as claims of unfair Chinese business practices. Despite requests from the business sector, US President Joe Biden has so far ratcheted up his predecessor's policies by forging anti-China coalitions and imposing further penalties. Biden now describes the confrontation between the United States and China as “a battle between the utility of democracies in the twenty-first century and autocracies.”⁷⁸ This competition creates a complex web of alliances and strategic partnerships, potentially destabilizing the existing Western security order.

5.1 Freedom of Navigation and International Law

A key tenet of international law, freedom of navigation, guarantees unrestricted travel by ships and aircraft throughout the world's waters and skies. It encompasses the right of the states worldwide to navigate freely, without interference, within the land waters and international waters of other countries. Freedom of navigation is crucial for global trade and economic prosperity. Approximately 90% of global trade is transported by sea, making maritime routes the lifeblood of the global economy. By allowing ships to navigate freely, countries promote the efficient movement of goods and resources, enabling trade to flourish. This free flow of commerce

⁷⁶ James, Patrick. “Offensive Realism.” In *Realism and International Relations*, 494–516. Oxford University Press, New York, 2022.

⁷⁷ Ali, Idrees, and Colin Packham. “China Destabilizing Indo-Pacific: U.S. Defense Secretary.” *Reuters*. August 4, 2019.

⁷⁸ Huang, Yukon. “The U.s.-China Trade War Has Become a Cold War.” Carnegie Endowment for International Peace. Accessed August 12, 2023. <https://carnegieendowment.org/2021/09/16/u.s.-china-trade-war-has-become-cold-war-pub-85352>.

encourages economic growth, enhances market access for businesses, and creates employment opportunities worldwide. The principle of freedom of navigation plays a vital role in maintaining peaceful international relations.⁷⁹ It helps prevent conflicts and tensions that could arise from the restrictions or denial of access to maritime and airspace routes. When countries respect and uphold this principle, it fosters stability, cooperation, and mutual trust among nations. Freedom of navigation is closely tied to national security and defense. Naval forces require unrestricted access to international waters to protect a country's interests and ensure the safety of its citizens. The ability to deploy and maneuver naval assets is vital for responding to security threats, conducting humanitarian operations, and deterring potential aggressors.

Freedom of navigation is rooted in the fundamentals of international law, including UNCLOS. UNCLOS recognizes the right of all states to navigate freely in international waters and ensures the protection of navigation-related rights and freedoms. Upholding freedom of navigation demonstrates a commitment to the rule of law and the principles of fairness and equality among nations. UNCLOS, which was adopted in 1982 and has been approved by a resounding majority of countries, provides a comprehensive legal framework governing the rights and responsibilities of states in maritime spaces.⁸⁰ Under UNCLOS, all states, regardless of their size or military strength, have the right to navigate freely on the vast oceans, which are beyond the territorial waters of any nation. The high seas are considered international waters, and the right to free navigation exists in all states, overflight, and other related rights. This freedom includes the ability to engage in military operations, scientific research, commercial shipping, and exploration for resources such as fisheries, minerals, and hydrocarbons. Here are important components of freedom of navigation mentioned in UNCLOS.

5.1.1 Innocent passage:

The principle of innocent passage establishes the conditions under which ships may transit the territorial seas of coastal governments. It lays out the parameters within which foreign vessels may transit certain seas while still respecting the littoral state's authority. By "innocent passage," the United Nations Convention on the Law of the Sea (UNCLOS) means that foreign ships may sail freely and without interference through the territorial sea of a coastal state so long as they do not threaten or use force against, or otherwise contravene, the laws and regulations of that state.⁸¹ To respect the rights of navigation of other nations, the principle of innocent passage rests on the premise that coastal governments have the capacity to regulate and enforce laws inside their territorial seas.

For an innocent passage to be granted, foreign ships must transit the territorial sea without causing any extra delays or making any unwarranted stops. The passage should be unbroken and uninterrupted, barring emergency situations or the requirement to adhere to the rules and regulations of the state along the coast. During innocent passage, foreign ships shall not do

⁷⁹ Bateman, Sam. "Freedom of Navigation and the Law of the Sea." *Asia & the Pacific Policy Society*, January 20, 2020.

⁸⁰ Merdekawati, Agustina, and Marsudi Triatmodjo. "Equity Interest Scheme's Compatibility with the UNCLOS 1982's Common Heritage of Mankind Principle." *LAW REFORM* 18, no. 1 (2022): 111–31.

⁸¹ The Maritime Executive. "Maritime Security: The Concept of Innocent Passage." Accessed May 19, 2023. <https://maritime-executive.com/features/Maritime-Security-Private-The-Concept-of-Innocent-Passage>.

anything that could be seen as an attack on the sovereignty, security, or peace of the coastal state. They should also refrain from doing anything that can damage the marine ecosystem, such as littering or illegal fishing. Foreign ships that are practicing innocent passage are subject to the jurisdiction of the coastal state.⁸² These regulations may include navigational and safety requirements, environmental protection measures, and customs and immigration procedures. However, such laws and regulations must be consistent with international law and should not unjustifiably interfere with innocent passage. States along the coast are entitled to establish specific regulations and conditions for innocent passage in certain areas, such as military zones, archipelagic waters, or areas of particular environmental sensitivity. These regulations should be reasonable and not discriminate against ships of any particular nationality. Additionally, coastal states have the authority to temporarily suspend innocent passage in situations of national security or during times of armed conflict.⁸³

5.1.2 Transit Route:

The term "transit Route" is used to describe the privilege of using international straits and other similar waterways for international shipping. International straits are the narrow waterways between two separate governments' exclusive economic zones (EEZs) or high seas, or between the territorial sea of a coastal state and the high seas. Some well-known examples include the Panama Canal, the Strait of Malacca, and the Strait of Hormuz. According to the principle of transit passage, vessels and aircraft have the authority to move spontaneously and quickly through certain waterways without unreasonable obstruction. This means that the coastal state whose waters the strait runs through has no right to prevent or hinder the passage of ships and planes, with the exception of reasonable limitations pertaining to safety, security, and the conservation of the oceanic environment.⁸⁴

Even in the midst of armed war or interstate tensions, transit passage privileges are not suspended. To exert influence or demonstrate sovereignty over the strait, coastal states cannot unilaterally halt or restrict transit passage. This ensures the smooth operation of international maritime trade and safeguards the freedom of navigation at sea. Coastal states have the right to implement rules and policies pertaining to navigation safety, marine environment conservation, and traffic management within the strait even if they cannot block transit passage. These regulations should be reasonable and should not discriminate against ships or aircraft of any particular nationality. They should also be consistent with international law, including UNCLOS.⁸⁵ Transit passage also extends to submarines and aircraft carriers passing through international straits. However, these vessels are subject to specific provisions in UNCLOS that require them to operate on the surface and display their flag, ensuring transparency and avoiding ambiguity regarding their presence in the strait.

⁸² Hebbar, Anish. "Innocent Passage under UNCLOS: An Exploration of the Tenets, Trials, and Tribulations." In *Maritime Law in Motion*, 227–56. Cham: Springer International Publishing, 2020.

⁸³ Hakapää, Kari. "Innocent passage – past and present." *Jussens venner* 33, no. 6 (1998): 333–54.

⁸⁴ Caminos, Hugo, and Vincent P. Cogliati-Bantz. "Transit Passage Defined." In *The Legal Regime of Straits*, 206–24. Cambridge: Cambridge University Press, 2014.

⁸⁵ Malhotra, Ankit. "Understanding Innocent and Transit Passage." *jtms*, June 5, 2020. <https://www.journalofterritorialandmaritimestudies.net/post/2020/06/05/understanding-innocent-and-transit-passage>.

5.1.3 Sea lanes passage of Archipelagic:

Passage via archipelagic sea lanes is governed by a set of rules that determine who can sail or fly across these waters. This description fits the category of states known as "archipelagic states," which are made up of several islands. Internal waters of an archipelagic state consist of the sea surrounding the archipelago and the waters encircled by its furthest islands. The archipelagic state enjoys complete authority and jurisdiction over these waterways because they are an integral component of its territory. The authority to sail through authorized sea lanes within archipelagic waters is granted to foreign ships and aircraft. These shipping channels are designated so that international ships can use them without interruption from the archipelagic state for legitimate purposes.⁸⁶ The passage of Sea routes between islands cannot be suspended or blocked by the island-state, equivalent to the notion of safe transit through territorial waters. This is a permanent entitlement that does not terminate in the event of war or international tensions.

The rules governing transit via archipelagic maritime lanes should not favor or disadvantage any one nation's ships or aircraft. The right of transit across the specified maritime lanes is extended to all foreign vessels and aircraft, regardless of their country of origin. However, archipelagic nations are allowed to set legislation and take actions within the sea lanes to ensure the security of routing, control traffic, and safeguard the surroundings. However, these guidelines must be fair and should not hinder the right of transit. When passing through the territorial waters of an archipelagic state, foreign ships are issue to the jurisdiction and regulations of that state. All necessary reporting, notification, and operational processes must be followed, as well as all applicable safety and environmental regulations.

5.1.4 Exclusive Economic Zone (EEZ):

The Exclusive Economic Zone (EEZ) of a coastal state stretches out to a maximum of 200 nautical miles (about 370 kilometers). Within this area, the coastal state has exclusive control over the use of the sea, the seafloor, and the subsoil for the extraction of natural resources. The coastal state has exclusive jurisdiction over all EEZ resources. The natural assets such as fish, oil, gas, minerals, and renewable energy sources located within the zone may be explored, exploited, conserved, and managed under this jurisdiction. In addition to protecting and preserving the maritime environment, the coastal state is responsible for establishing and regulating marine scientific research.⁸⁷ Other states have freedoms and rights within the EEZ, despite the coastal state's exclusive rights to the resources within its EEZ. Navigational freedom, aerial flight, the ability to install pipes and cables under the water, and the ability to undertake scientific research are all examples. However, these actions cannot violate the coastal state's sovereign rights and must be carried out in conformity with its laws and regulations. Exclusive control over the continental shelf rests with the coastal state located inside its EEZ because it is an underwater extension of its landmass. The coastal state has sole jurisdiction over the continental shelf and its non-living resources, such as oil, gas, minerals, and other raw materials. When it comes to the management and usage of the resources in their EEZs, coastal states are strongly urged to work together with

⁸⁶ Lestari, Maria Maya. "What Is the Right, Archipelagic Sea Lanes and Passage? (According to Unclos 1982 and Practice)." *Indonesian Journal of International Law* 18, no. 2 (2021).

⁸⁷ Rahman, Md Mostafijur. "Exclusive Economic Zone (EEZ)." In *The Palgrave Encyclopedia of Global Security Studies*, 1–7. Cham: Springer International Publishing, 2019.

other states, especially in circumstances where the resources are shared or straddle neighboring zones.⁸⁸ In addition, UNCLOS stresses the importance of coastal governments considering sustainable development and maritime environment conservation in their EEZ endeavors.

5.1.5 Liberty of High Sea:

The open seas are the areas of international waters beyond the jurisdiction of any single nation. They are not the exclusive property of any one nation, but rather are considered international waterways shared by all nations. Huge swaths of ocean outside the territorial waters, archipelagic waterways, and coastlines' exclusive economic zones make up what are known as the high seas.⁸⁹ All nations' ships should be allowed unfettered access to the high seas, free from intervention from landlocked states. The right to innocent passage, the ability to travel through international waterways, and the capability to engage in military, academic, and commercial pursuits are all included in this liberty. Aircraft have the same unfettered liberty to fly across international waters. High seas provide an area for unfettered overflight, but coastal states have limited control over the airspace above their territorial waters.⁹⁰ All nations have equal access to fish in the high seas. Overfishing can be avoided and marine resources protected thanks to conservation efforts and regulations. For the purposes of communication, energy transmission, and other similar operations, states have the right to install underwater cables and pipelines on the high seas. The high seas are open for scientific exploration and inquiry by all nations.

5.2 Freedom of navigation as strategic tool

The concept of freedom of navigation is a fundamental principle in international law, aimed at ensuring unimpeded maritime access for all nations. However, in the situation of the SCS, both China and the US have been accused of instrumentalizing freedom of navigation as a strategic tool rather than upholding it as a legal principle. An interview has been conducted in which Lt. Cdr. Adnan Mir PN quoted that “both U.S and China do not accept international law of sea, so they have their own perceptions about freedom of navigation and both are trying to implement their own powers for the sake of navigational freedom to create their dominance in the region. Rules or laws are basically made for small and weak states to follow and great powers are the creator of those laws to create their dominance in the world.”

5.2.1 China's Instrumentalization of Freedom of Navigation:

China has been assertive in its territorial rights in the conflicted Sea, asserting control over disputed islands and reefs. Despite 2016 international arbitration rulings, an international tribunal, constituted under the United Nations Convention on the Law of the Sea (UNCLOS), ruled against China's claims in a case brought by the Philippines, China has continued to build artificial islands

⁸⁸ Van Tran, Thuy. *Freedom of Navigation in the Exclusive Economic Zone: An EU Approach*. Newcastle upon Tyne, England: Cambridge Scholars Publishing, 2022.

⁸⁹ Van Su, Nguyen. “International Waters and the Freedom of the High Seas - National Defence Journal.” *Tapchiquptd.vn*, 2018. <http://tapchiquptd.vn/en/research-and-discussion/international-waters-and-the-freedom-of-the-high-seas/11252.html>.

⁹⁰ Khoei, Peyman Hakimzade, and Mohsen Abdollahi. “Limitations of Freedom of Navigation on the High Seas.” *Specialty Journal of Politics and Law* 1, no. 1 (2016): 60–66.

and deploy military assets in the region.⁹¹ By utilizing freedom of navigation rhetoric, China seeks to justify its actions and legitimize its control over disputed areas, portraying them as within its sovereign territory. China has also been accused of imposing excessive restrictions on FON in the disputed waters. It has established controversial territorial baselines, requiring foreign vessels to seek permission before entering designated areas. Such actions of China are portraying the clear image that China is using freedom of navigation law to influence the Asia-Pacific region and exercise its power in order to alter the world order.

5.2.2 US Utilization of Freedom of Navigation:

The US has frequently conducted freedom of navigation operations (FONOPs) in the South China Sea, challenging China's excessive maritime claims. Through these operations, the US aims to demonstrate that it does not recognize Chinese territorial assertions and uphold the values of FON. However, these actions are also driven by strategic considerations, as the America seeks to uphold its military existence and influence in the area. In 2019, the US Navy conducted a FONOP near the contested Scarborough Shoal, challenging China's restrictions on freedom of navigation.⁹² While the operation aimed to uphold international norms, it also served to assert the US presence in the region and signal its commitment to its allies. The US employs freedom of navigation as a strategic tool to signal its commitment to regional security and deter potential adversaries. The US regularly conducts combined military trainings with allies and partners in the disputed sea, highlighting its assurance to FON and deterring any attempts to restrict maritime access.⁹³ These exercises serve as strategic tools to uphold regional solidity and counterbalance Chinese growing influence.

5.3 Creation of Security Alliances to counter China:

In recent years, the rise of China as a global power has prompted the creation of security alliances aimed at countering its influence and addressing regional security challenges. These alliances have emerged as a reply to Chinese assertive behavior in various strategic areas, including the SCS and the broader Asia-Pacific region. Motivated by concerns over China's expanding military capabilities, territorial disputes, and its impact on the existing rules-based international order, countries have sought to form collective security arrangements to preserve regional stability, protect shared interests, and uphold international norms and principles. The creation of these security alliances reflects a shift in the geopolitical landscape and underscores the growing importance of collaboration and collective action in managing the challenges posed by China's rise.

5.3.1 Enhanced Defense Cooperation Agreements (EDCAs):

Enhanced Defense Cooperation Agreements (EDCAs), signed in 2014, are agreements between the United States and Philippines that aim to enhance defense cooperation, increase military

⁹¹ Uscc.gov. "South China Sea Arbitration Ruling: What Happened and What's next?" Accessed May 22, 2023. <https://www.uscc.gov/research/south-china-sea-arbitration-ruling-what-happened-and-whats-next>.

⁹² Panda, Ankit. "South China Sea: US Destroyer Conducts Freedom of Navigation Operations near Scarborough Shoal." Thediplomat.com. Accessed May 22, 2023. <https://thediplomat.com/2018/01/south-china-sea-us-destroyer-conducts-freedom-of-navigation-operations-near-scarborough-shoal/>.

⁹³ Fravel, M. Taylor, and Charles L. Glaser. "How Much Risk Should the United States Run in the South China Sea?" *International Security* 47, no. 2 (2022): 88–134.

interoperability, and strengthen the capabilities of the partner state's armed forces. The agreement allows a greater revolving presence of US forces in the Philippines and facilitates joint training, exercises, and infrastructure improvements.⁹⁴ The EDCA enables the Philippines to enhance its naval sphere consciousness, develop its defense capabilities, and strengthen its deterrence against potential threats in the South China Sea. Basa Air Base, located in Pampanga province, Philippines, is one of the agreed-upon locations for rotational presence and activities under the EDCA. It provides strategic proximity to the SCS and serves as a hub for joint training, exercises, and logistical support. Antonio Bautista Air Base, located in Palawan province, Philippines, is another designated location for potential activities under the EDCA.⁹⁵ The base is strategically positioned in close proximity to the disputed waters of the conflicted Sea, making it suitable for naval security cooperation and surveillance operations. Under the agreement between the two countries, which entered into force on February 1st, 2023, the United States revealed plans to expand new military sites in the Philippines. Lal-lo Airport in Cagayan, Balabac Island in Palawan, Naval Base Camilo Osias in Santa Ana, Cagayan, and Camp Melchor Dela Cruz in Gamu, Isabela are the four new locations.⁹⁶

5.3.2 The Quadrilateral Security Dialogue (Quad):

The United States, Japan, Australia, and India form the "Quad," which is crucial in balancing Chinese aggression in the disputed Sea. Since its inception in 2007, representatives from the four member countries have convened on a regular basis to discuss issues of mutual concern. Prime Minister Shinzo Abe of Japan projected the establishment of Quad in 2007.⁹⁷ The struggle in the disputed sea is one of many regional security challenges discussed and addressed during the Quad. Each nation is dedicated to maintaining Asia-Pacific region's tranquility and security and is concerned about Chinese maritime claims and aggressive conduct. To strengthen maritime security and advance a free and open Asia-Pacific, the Quad participates in cooperative military exercises, intelligence sharing, and capacity-building programs.⁹⁸

In February 2021, trade ministers from the Quad countries held their first virtual meeting. This dialogue emphasized the importance of resilient supply chains, technology, and trade. In March 2021, the leaders of the Quad countries issued a joint statement affirming their commitment to an "inclusive, free, open, and rules-based Indo-Pacific." The statement explicitly emphasized the importance of a free, open, and inclusive trade and economic architecture in the region. In October 2020, the four countries announced an initiative to promote diversification and resilience in critical supply chains, focusing on sectors like pharmaceuticals, medical devices, semiconductors, and rare earths. This effort seeks to ensure that trade is not disrupted by vulnerabilities in supply chains. The Quad countries have supported initiatives such as the Indo-Pacific Business Forum, which aims to promote economic growth and connectivity in the region. Some Quad countries have

⁹⁴ U.S. Embassy Manila. "Enhanced Defense Cooperation Agreement (EDCA) Fact Sheet." U.S. Embassy in the Philippines, March 20, 2023.

⁹⁵ Acosta, Rene. "U.S. Begins Air Base Rehab in Philippines as Part of Basing Agreement." USNI News, March 20, 2023.

⁹⁶ U.S. Department of Defense. "Philippines, U.S. Announce Four New EDCA Sites," February 2023.

⁹⁷ Buchan, Patrick Gerard, and Benjamin Rimland. "Defining the Diamond: The Past, Present, and Future of the Quadrilateral Security Dialogue." Center for Strategic and International Studies, 2022.

⁹⁸ Fas.org. "The 'Quad': Security Cooperation among the United States," 2022.

pursued bilateral and multilateral trade agreements that align with the Quad's goal of protecting free trade. For instance, Japan has been a proponent of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which includes several Quad members and aims to facilitate trade among its signatories. Japan and Australia signed the Japan-Australia Economic Partnership Agreement (JAPEA) in 2015. India and Australia have also expressed interest in enhancing their bilateral trade relationship. The Quad's primary goal is to protect free trade, unrestricted shipping lanes, and the safety of international air travel. Members of the Quad met in 2022 and made a pact to uphold a rules-based maritime system everywhere from the East to the South China Seas while also strongly opposing any forceful, provocative, or unilateral efforts to alter the current order. These steps show that the international community is united in its opposition to Chinese expansionist actions in the territorial sea and serve as a deterrent.

5.3.3 AUKUS (Australia, United Kingdom, United States):

In September 2021, politicians from Australia, the United Kingdom, and the United States announced the formation of a strengthened trilateral security collaboration known as "AUKUS." The purpose of AUKUS is to fortify the bilateral relationship between the two countries so that one may better support the other's security and defense objectives. The partners' dedication to maintaining peace and order in the Asia-Pacific is reaffirmed by AUKUS. The alliance's concentration on cutting-edge technologies, including as nuclear-powered submarines, is intended to strengthen defense and security cooperation.⁹⁹ By enhancing the military capabilities and deterrent efforts of its member countries, AUKUS contributes to regional security dynamics. Australia's capacity to track and react to developments in the Asia-Pacific, especially the South China Sea, is bolstered by the partnership's provision of cutting-edge assets that can be deployed there. With this declaration, a trilateral consultation period of 18 months and two related streams of effort got underway. The UK's Integrated Review of Security, Development, and Foreign Policy, disclosed in March 2021, asserts the nation's ambition to be “deeply engaged in the Indo-Pacific” by 2030. It further commits to enhancing capabilities focused on China to effectively counter the “systemic challenge it poses to our security, prosperity, and values.”¹⁰⁰

The US Department of Defense intends to integrate AUKUS with the Pacific Deterrence Initiative (PDI), a fund oriented towards the Indo-Pacific region established by the National Defense Authorization Act in 2021. The PDI encompasses budgetary allocations to reinforce deterrence and uphold a competitive advantage relative to China, which also includes a modest allocation for security cooperation with allies and partners. Initially, the defense department's budget request for the PDI stood at US\$5.1 billion (subsequently revised by the US Congress), encompassing various operational capabilities, with US\$3.9 billion (approximately 80 percent) allocated to the navy.¹⁰¹ Purchasing nuclear-powered submarines for the Royal Australian Navy is the initial AUKUS

⁹⁹ Gering, Tuvia. “Why China Is Genuinely Worried about AUKUS.” The China Project, November 29, 2021.

¹⁰⁰ Busch, Otto von, Reviewed b, and Karl Palmås. “Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy, March 2021, Command Paper 403. By UK Cabinet Office: March 2021, Command Paper 403. By UK Cabinet Office.” *Design and Culture* 13, no. 3 (2021): 361–66. <https://doi.org/10.1080/17547075.2021.1935549>.

¹⁰¹ Department of Defence Budget, Office of the Under Secretary of Defence (Comptroller), Government of the United States of America, Pacific Deterrence Initiative, Fiscal Year 2022, May 2021.

program.¹⁰² Focusing on cyber capabilities, artificial intelligence, quantum technologies, and new subsea capabilities, the second program aims to improve joint capabilities and interoperability. On March 13, 2023, AUKUS partners announced the best plan to speed up the development of Australia's nuclear-powered submarine capacity without compromising on non-proliferation safeguards.¹⁰³

5.4 Maximization of power and security

Offensive realist posits that states are driven by the pursuit of power and security.¹⁰⁴ According to this perspective, major powers exercise navigation in the conflicted Sea to maximize their power and security. In an interview, Captain Ghulam Akbar, ex-naval Attaché China, in an interview said that “US is using Freedom of navigation to create its hegemony in the disputed region. For this purpose, US has created alliances with Australia, Germany, France, Japan, and Canada. AUKUS and Quad. These alliances represent US keen interest in this region, US has created these alliances to maximize its power and security collectively in the region. Now US do not inter into any region alone but it uses its alliances and partners to keep its presence in particular region.” By demonstrating strong naval presence and conducting joint freedom of navigation operations (FONOPs), major powers assert their influence and assert their role as regional security guarantors.

Offensive realists argue that major powers exercise freedom of navigation to secure their economic interests. The South China Sea is a crucial maritime trade route with vast reserves of natural resources. Ensuring unimpeded access to these resources and maintaining stable trade routes is vital for major powers' economic well-being and power projection capabilities. The European Union has shown interest in maintaining freedom of navigation and maritime security in the South China Sea. European naval vessels have conducted patrols and exercises in the region, emphasizing the importance of unimpeded trade routes for global economic interests. India, with its growing economic interests, has maintained a naval presence in the South China Sea to safeguard its trade routes and maritime security. While India's activities might not be termed FONOPs, they serve to protect its economic interests by ensuring access to sea lanes vital for trade with Southeast Asian countries. Japan, a prominent global actor with substantial economic stakes in the area, consistently dispatches its naval vessels across the South China Sea to protect its crucial energy and trade pathways. Through the practice of ensuring freedom of navigation, Japan effectively secures its economic concerns and upholds its influence in the worldwide economic landscape.¹⁰⁵

Major powers exercise FON in the disputed Sea to strengthen their alliances and deter potential adversaries. Offensive realists argue that states engage in strategic partnerships and alliances to

¹⁰² Pant, Harsh V. “AUKUS and the Indo-Pacific: Stakeholders Weigh Their Wins and Losses.” Observational Research Foundation, December 10, 2021.

¹⁰³ U.S. Department of Defense. “AUKUS: The Trilateral Security Partnership between Australia, U.K. and U.S.” 2023. <https://www.defense.gov/Spotlights/AUKUS/>.

¹⁰⁴ Johnson, Dominic D. P., and Bradley A. Thayer. “Survival under Anarchy from the Pleistocene to the Present.” *Politics and the Life Sciences: The Journal of the Association for Politics and the Life Sciences* 35, no. 1 (2016): 1–26.

¹⁰⁵ Guoxing, Ji. “Center Occasional Paper - SLOC Security in the Asia Pacific.” Dkiapcss.edu, 2000.

maximize their power and security.¹⁰⁶ Through joint exercises and FONOPs, major powers reassure their allies, deter aggression, and signal a united front against potential threats. The United States conducts joint freedom of navigation exercises with allies such as Japan, Australia, and the United Kingdom. These actions serve to strengthen alliance relationships, deter potential aggression, and send a clear message that any disruption to freedom of navigation will be met with a unified response.

5.5 Stability of Global order

The SCS has become a focal point for global stability due to its strategic significance. The emergence of China, as influential power in the region, create concerns for the permanency of current international order. The United States, in collaboration with its allies, has played a crucial role in maintaining the permanency of the world order in the region. The America, as a global superpower, has cultivated alliances and partnerships in the South China Sea to deter potential aggression and maintain a balance of power.¹⁰⁷ By strengthening its ties with regional allies, the US bolsters their military capabilities and reinforces a collective defense posture. This deterrent effect helps stabilize the global order by dissuading any tries a change in course from the current situation. The US-Japan alliance is a cornerstone of stability in the South China Sea. Through joint military exercises, intelligence sharing, and defense cooperation, the alliance enhances deterrence and counterbalances China's assertive actions.¹⁰⁸

The US, along with its partners, strives to uphold the rules-based international order in the South China Sea. This order guarantees liberty of navigating, compliance with international law, and amicable conflict resolution. The Quadrilateral Security Dialogue (QUAD), comprising the US, Japan, Australia, and India, serves as a mechanism for fostering security cooperation and upholding the rules-based order. This partnership promotes independence of navigating, maritime security, and admiration for universal rules in the conflicted sea, contributing to global stability.¹⁰⁹ The US and Australia have actively participated in Humanitarian Assistance and Disaster Relief (HADR) operations in the South China Sea. For instance, after the devastating Typhoon Haiyan in the Philippines in 2013, the US-led Operation Damayan provided vital aid and assistance, demonstrating the stability-enhancing role of US alliances in the region.¹¹⁰

The US, through its alliances, exerts normative power and engages in diplomatic efforts to promote stability in the South China Sea that automatically result in the stability of global order. By advocating for peaceful resolutions and facilitating dialogue among stakeholders, the US helps mitigate tensions and foster cooperative solutions to disputes. The ASEAN plays a vital part in regional balance. The US has engaged with ASEAN countries through initiatives such as the

¹⁰⁶ Wall, Colin, and Rachel Ellehuus. "Leveraging Allies and Partners." Center for Strategic and International Studies, 2022.

¹⁰⁷ Poling, Gregory B. "The United States Is Deeply Invested in the South China Sea." *Foreign Policy*, August 14, 2022.

¹⁰⁸ Berkofsky, Axel. "The US-Japan Security Alliance – Ready and Equipped to Deal with China?" *SSRN Electronic Journal*, 2022.

¹⁰⁹ Plaster, Graham. "The Quad: A Mature Counterbalance in the South China Sea." *FAOA Journal of International Affairs*, December 16, 2022.

¹¹⁰ Gong, Lina. "HADR as a Diplomatic Tool in Southeast Asia-China Relations amid Changing Security Dynamics." Quincy Institute for Responsible Statecraft, December 3, 2021.

ASEAN-U.S. Maritime Exercise, aimed at enhancing maritime security and promoting a rules-based order.¹¹¹ These diplomatic endeavors reinforce stability by encouraging cooperation and peaceful interactions.

5.6 China as common security threat

Emergence of China as a great power in the Asia-Pacific region has led to growing concerns among the members of AUKUS (Australia, the United Kingdom, and the United States) and the Quadrilateral Security Dialogue (Quad), comprising Australia, India, Japan, and the United States. China's actions and policies are perceived as a common security threat by these alliances. China's rapid military modernization, including the development of advanced weapons systems and expanding its naval capabilities, has raised alarm bells for AUKUS and Quad. China's assertive actions in the South China Sea, such as the construction of military bases on artificial islands, have increased tensions and undermined regional stability.¹¹² China's construction of military facilities on reclaimed islands in the SCS, including the positioning of missile systems and warrior aircraft, poses a direct military threat to the interests of AUKUS and Quad members. These actions challenge the existing balance of power and could potentially escalate regional conflicts.

China's increasing economic influence and diplomatic assertiveness have been viewed as tools to expand its regional dominance and undermine the interests of AUKUS and Quad members. China's use of economic leverage, such as through trade sanctions and investment pressures, to influence the political decisions of neighboring countries raises concerns about its intentions and its ability to coerce smaller nations. China's Belt and Road Initiative (BRI) aims to strengthen economic connectivity and infrastructure development in the conflicted region.¹¹³ By investing in strategic infrastructure projects, Beijing seeks to exert influence, enhance its soft power, and create dependencies among regional nations, thereby challenging the influence and security architecture established by the US and its allies. The challenges posed by China's behavior, including maritime assertiveness, economic interests, regional influence, and violation of international norms, have prompted increased cooperation and collective efforts among the US and its allies addressing the common security problems*. Recognizing and effectively responding to Chinese actions in the conflicted Sea is crucial for safeguarding stability of the region and upholding the rules-based international order in the face of this common security threat.

5.7 Balancing China's expanding regional impact

In order to thrive in the international framework, offensive realism postulates that governments want to increase their strength and security. As a result, the US has been pursuing a plan to counterbalance China's expanding influence in the area. As part of its plan to counterbalance China's expanding influence, the US has established and expanded military ties and security partnerships throughout the region. These alliances provide a network of support and cooperation among like-minded nations, serving as a deterrent against potential aggression and expanding China's sphere of influence. In June of 2021, the G7 nations, in collaboration with the Biden

¹¹¹ The White House. "ASEAN-U.S. Leaders' Statement on the Establishment of the ASEAN-U.S. Comprehensive Strategic Partnership." The White House, November 12, 2022.

¹¹² Grossman, Derek. "Why China Should Worry about Asia's Reaction to AUKUS." *Foreign Policy*, April 12, 2023.

¹¹³ McBride, James. "China's Massive Belt and Road Initiative." *Council on Foreign Relations*, February 21, 2019.

administration, unveiled the Build Back Better World (B3W) initiative. This effort represents a concerted endeavor by the US and its allies to counterbalance China's proposed Belt and Road project. President Joe Biden has emphasized that the US is embroiled in a "long-term strategic competition" with China, characterizing it as "intense rivalry." Undoubtedly, the B3W initiative by the Biden administration holds substantial strategic significance in the ongoing contest with China. As the Belt and Road projects advance, the US has grown increasingly apprehensive that China might challenge and undermine American interests globally. China's expansive Belt and Road Initiative forms a critical component in the US's perception of China as an escalating "emerging challenge."¹¹⁴

The US maintains a significant military presence in the Asia-Pacific region, which acts as a balancing mechanism against China's growing power. The US maintains military bases in Japan, South Korea, and Guam, which serve as strategic locations for the projection of military supremacy in the Asia-Pacific.¹¹⁵ These bases allow for rapid response capabilities, deterrence against aggression, and participate to balancing Chinese military expansion in the region. The US employs economic tools to balance China's influence by fostering and strengthening economic relationships with regional partners. By promoting free trade agreements and economic integration, the US seeks to create economic interdependencies that mitigate China's leverage and provide alternatives for countries in the region. The Trans-Pacific Partnership (TPP), a multilateral trade contract involving several states in the Asia-Pacific region, was viewed as a strategic tool to counterbalance Chinese economic dominance. Although the US withdrew from the agreement in 2017, it demonstrated the US's intention to create a regional economic framework that could counter China's growing influence.¹¹⁶ The "Comprehensive and Progressive Agreement for Trans-Pacific Partnership" (CPTPP) is a regional trade agreement that includes countries such as Japan, Australia, and Vietnam. The CPTPP aims to strengthen economic ties among member countries, delivers substitutions to Chinese economic dominance, and promote economic stability in the region.¹¹⁷

Countries are balancing China's infrastructure development initiatives in the region by attracting investments and offering alternative development projects. This helps to counter China's influence and prevents a scenario where countries become overly dependent on China's economic and strategic interests. Japan has launched the Partnership for Quality Infrastructure (PQI), which aims to provide high-quality and transparent infrastructure development in the region.¹¹⁸ The PQI offers

¹¹⁴ Zhao, Minghao. "The Belt and Road Initiative and China–US Strategic Competition." *China International Strategy Review* 3, no. 2 (2021): 248–60. <https://doi.org/10.1007/s42533-021-00087-7>.

¹¹⁵ Kim, Claudia Junghyun. "Introduction: U.S. Military Base Towns in Korea and Japan." In *Base Towns*, 1–27. London, England: Oxford University PressNew York, 2023.

¹¹⁶ Asia Regional Integration Center. "Trans-Pacific Partnership (TPP) Free Trade Agreement." Adb.org. Accessed May 22, 2023. [https://aric.adb.org/fta/trans-pacific-partnership-\(tpp\)](https://aric.adb.org/fta/trans-pacific-partnership-(tpp)).

¹¹⁷ Wu, Terry, and Doren Chadee. "Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP): Implications for the Asia-Pacific Region." In *Advances in Theory and Practice of Emerging Markets*, 53–74. Cham: Springer International Publishing, 2022.

¹¹⁸ Katada, Saori N. "Partnership for Quality Infrastructure: Developmentalism or New Liberal Order?" Ubc.ca. Accessed May 22, 2023. https://sppga.ubc.ca/wp-content/uploads/sites/5/2020/07/Katada_revised-UBC-Partnership-for-Quality-Infrastructure.pdf.

an alternative to China's Belt and Road Initiative, focusing on quality, sustainability, and local ownership.

5.8 Destabilization of Western security order

The idea of 'freedom of navigation' is fundamental to the Western security order, which was significantly shaped by the US through coalitions like the Quadrilateral Security Dialogue (QUAD) and the cooperation between Australia, the UK, and the US (AUKUS). However, disputes brought on by the use of autonomy of movement in contested domains, especially in the SCS, have the possibility to undermine the current security system. In an interview Lt. Cdr. Adnan Mir PN stated that "there are two countries India and Australia that can confront with China. Japan on the other side alone is not in the condition to do so, but with the assistance of U.S, Japan also poses tensions for China. China signed the Solomon Islands deals that would focus on boosting its national security capacity. These Islands located in southern Pacific near Australia. These Chinese steps would destabilize the stability of the Western security order. India joined Quad recently; the creation of AUKUS would also destabilize the region. India is also playing its part through Andaman Islands that are located near Strait of Malacca, which is another important choke point for sea lane of communication. U.S being world hegemonic power is making its presence through its partners that includes India, Australia, Canada, UK and Japan. It also created alliances like AUKUS and QUAD to control the region and destabilize the environment for China to create its influence and from becoming dominant threat for U.S. Now U.S is shifting its Nuclear Submarine technology from India to Australia because India does not have such islands where US can plant that technology, U.S purpose is to navigate through Australia in the region and limit the Chinese activities in the region, so this shift of technology would further destabilize the region."

5.9 Shift in Security Paradigm

The concept of FON in the disputed sea has the potential to bring about an important shift in the security paradigm of the Asia-Pacific region. As great nations, like America, China, and regional stakeholders, engage in disputes over territorial claims and exercise their rights to navigate through these waters, the balance of power and security dynamics in the region can be fundamentally altered. Freedom of navigation disputes have the potential to redefine security priorities for countries in the Asia-Pacific region. Traditional security concerns, such as military threats and territorial integrity, may become intertwined with issues of maritime access and control. This shift broadens the scope of security considerations, requiring nations to reassess their strategic priorities. The Philippines, a claimant nation in the disputed waters, has witnessed a redefinition of its security priorities due to freedom of navigation concerns. It has sought to stabilize its alliance with the US, which emphasizes military cooperation, with the need to maintain economic ties with China, highlighting the evolving nature of security considerations in the region.¹¹⁹

Freedom of navigation concerns in the SCS can foster enhanced regional cooperation among countries with shared security interests. By working together to safeguard freedom of navigation, nations can strengthen multilateral frameworks, promote dialogue, and forge common strategies to address security challenges in the region. The "Association of Southeast Asian Nations"

¹¹⁹ Poling, Gregory B. "The Transformation of the U.S.-Philippines Alliance." Center for Strategic and International Studies, February 7, 2023.

(ASEAN) has played a crucial role in order to promote communication and collaboration among its member nations regarding liberty of navigation in the waters of the South China Sea. Through mechanisms such as the ASEAN Regional Forum and the Code of Conduct negotiations, ASEAN nations aim to maintain stability, ensure the peaceful resolution of disputes, and promote regional security.¹²⁰

In 2021, Australia made a notable announcement of \$65 million in funding for regional maritime nations. This funding aims to facilitate advanced training, technical guidance, and collaborative efforts, which will notably bolster relationships within the region. Alongside this, a resolute commitment to climate action was demonstrated through a dedicated allocation of \$500 million. This funding is aimed at assisting Southeast Asian nations in enhancing their forest, land, and agriculture management practices. Furthermore, a significant stride towards practical climate action was marked as the Prime Ministers of Vietnam and Australia signed a Joint Statement in November 2021, reaffirming their unwavering dedication to this cause.¹²¹ Conversely, the United Kingdom's fresh maritime security initiative aimed at involving ASEAN states has been centered on Operation Fortis. This operation saw the Carrier Strike Group 21 (CSG 21) engaging in an array of exercises throughout Southeast Asia from June to December 2021. Notably, this initiative encompassed bilateral passing exercises (PASSEX) with Thailand, Malaysia, and Vietnam, entailing navigation through the South China Sea in 2021. A critical aspect of this endeavor lies in the UK's capacity to sustain its presence and maintain regular at-sea activities.¹²²

The Western security order, built upon principles of international laws, the right to routing, and amicable conflict resolution, is facing a critical challenge. The confrontations in the conflicted sea undermine the trust and cooperation amongst nations, while also hindering the collective efforts to address shared global challenges. The potential for miscalculation or accidental escalation in this volatile region is a constant source of concern for the international community. It is imperative for all stakeholders to engage in meaningful dialogue, promote confidence-building measures, and uphold the fundamentals concerning worldwide law to prevent further destabilization of the Western security order. Constructive diplomatic negotiations, multilateral cooperation, and respect for the rights of all nations to navigate freely in international waters are crucial for preserving security and prosperity in the SCS and beyond.

¹²⁰ Ibid

¹²¹ Synthesis Report. "Australia and Southeast Asia: Shaping a Shared Future," 2022. <https://asiapacific4d.com/idea/southeast-asia-report/>.

¹²² Le Thu, Huong, and Bart Hogeveen. "UK, Australia and ASEAN Cooperation for Safer Seas." Org.au, 2022. <https://www.aspi.org.au/report/uk-australia-and-asean-cooperation-safer-seas>.

6 CHAPTER: CONCLUSION

The subject of "Freedom of Navigation" and its relationship to the "South China Sea conflict" has significant attention. As nations compete for control over the disputed waters, tensions have escalated, leading to concerns about potential conflicts and the stability of the region. Conflict in the South China Sea centers on territorial disputes between a number of nations, notably China, Vietnam, the Philippines, Malaysia, and Taiwan. At the center of this conflict is China's assertive behavior, as it has been actively building and militarizing artificial islands, challenging the existing status quo and international law.

One of the fundamental principles at stake in this conflict is the concept of FON. It is a concept enshrined in international law that allows all nations to navigate the world's oceans freely. The South China Sea is a vital maritime artery through which trillions of dollars' worth of trade passes each year. Therefore, any disruption or infringement of freedom of navigation in this area can have severe consequences for global trade and regional stability. In light of the geopolitical battle between the rapidly modernizing Chinese military and the still powerful US forces, this specific issue might be seen as a significant test case that would expose Beijing's prospective capabilities and intent to alter the regional status quo. How the US handles this so-called Asian problem is becoming a barometer for the future status of US primacy as it faces crucial opportunities to show its unmatched resilience, defense, and diplomatic skills in protecting its allies and friends while managing its rivalry with a rising China. As a result, rivalry between China and the US may be impossible to avoid, especially given that both nations are always vying to promote their own geostrategic supremacy and national interests.

From the U.S. perspective, freedom of navigation entails the unimpeded movement of planes and ships transiting foreign waterways and airspace in accordance with established lawful agendas, such as the United Nations Convention on the Law of the Sea (UNCLOS). The U.S. views this principle as essential for maintaining open and secure global trade routes, preserving the stability of maritime commons, and upholding the rights of all nations to access and utilize international waters. In contrast, China's approach to freedom of navigation has been subject to scrutiny and differing interpretations. While China officially supports freedom of navigation in principle, the global community and other countries are concerned about its activities and policies in the conflicted Sea. China's construction and militarization of artificial islands, assertion of territorial claims inconsistent with international law, and imposition of fishing restrictions in disputed waters have been perceived by some as attempts to limit freedom of navigation and assert control over strategic areas. China argues that its actions in the South China Sea are aimed at safeguarding its sovereignty and security interests. It asserts historical claims over the majority of the disputed waters based on the "nine-dash line" concept, which has been widely disputed by neighboring countries and dismissed by an international arbitration tribunal. China's perspective on freedom of navigation is influenced by its desire to protect what it sees as its legitimate rights and interests, including control over its claimed territories and the prevention of external interference in regional affairs. The differing interpretations of freedom of navigation between the United States and China have led to tensions and disagreements, mainly in the SCS. The United States conducts regular "Freedom of Navigation Operations" (FONOPs) to challenge what it perceives as China's excessive maritime claims and to assert the rights of all states to spontaneously navigate through

international waters. China, in turn, has criticized these operations as provocative and a violation of its sovereignty.

From an offensive realism perspective, the FON conflict in the South China Sea can be understood as a manifestation of great power competition and the pursuit of strategic dominance in the Asia Pacific region. Offensive realism, as a theory of international relations, posits that states are driven by the desire for power and security in an anarchic international system. In this context, the South China Sea conflict reflects the competition between the United States and China for regional influence and control. From an offensive realist perspective, China seeks to protect its national interests, secure vital resources, and deter potential challenges to its rise as a global power. On the other hand, the United States perceives China's actions as a threat to its own strategic interests and regional influence. The United States, as a major power, aims to maintain its position of dominance in the Asia Pacific and prevent the emergence of a regional hegemon that could challenge its supremacy. Therefore, the United States employs measures such as Freedom of Navigation Operations (FONOPs) to counter China's attempts at establishing de facto control over the South China Sea.

While it is accurate to say that both China and the United States have strategic reasons to be interested in the Asia-Pacific, it is crucial to understand that their views on freedom of navigation are different. The United States views its activities as a method of upholding the current system of rules-based governance and preventing any one nation from dominating the region, while China's moves have been interpreted by some as attempts to impose control and build supremacy. However, it is crucial to avoid oversimplifying the issue and to consider the complex geopolitical dynamics and the historical context in which these actions are taking place.

It is important to understand that the United States has had a longstanding presence and security commitment in the Asia Pacific. This commitment stems from its desire to protect its interests, promote regional stability, and uphold the principles of a rules-based order. The creation of alliances serves as a means to enhance cooperation and coordination with like-minded countries in the region. AUKUS, for example, is a recent alliance formed between Australia, the United Kingdom, and the United States. It focuses on strengthening cooperation in areas such as defense, technology, and intelligence sharing. The Quad, comprising the United States, Japan, Australia, and India, is another alliance that has gained prominence in recent years. The Quad seeks to address common security challenges and promote an unrestricted, accessible, and welcoming Asia-Pacific. The alliance focuses on areas such as maritime security, counterterrorism, connectivity, and humanitarian assistance. The US perceives the Quad as an apparatus to strengthen its regional partnerships, project influence, and ensure a stability of power in the face of China's increasing assertiveness.

The SCS dispute has allegations for regional alliances and partnerships in the Western security order. The United States, as a major stakeholder, has been actively engaged in upholding FON and supporting its regional allies and associates. The confrontational nature of the dispute can strain alliances and partnerships, as different nations have varied interests and perspectives on how to address the issue. This could weaken the cohesion and effectiveness of the Western security order in the Asia Pacific region. The SCS serves as a crucial maritime trade route, facilitating a

substantial portion of global trade as it traverses through its waters. Disruptions on the region's freedom of navigation can have far-reaching implications for global trade and economic stability. The Western security order, with its emphasis on open access to international waters and protection of trade routes, is essential for ensuring the free flow of goods and maintaining economic prosperity. Any destabilization in the SCS has the potential to disrupt global supply chains and impact the economic stability of Western nations.

7 REFERENCES

- “China, AUKUS Countries Clash at IAEA over Nuclear Submarine Plan.” *Reuters*. September 16, 2022. <https://www.reuters.com/world/china-aukus-countries-clash-iaea-over-nuclear-submarine-plan-2022-09-16/>.
- “Declaration on the Conduct of the Parties in the South China Sea.” In *China–Asian Relations and International Law*, 241–43. Elsevier, 2009.
- Acharya, Arabinda, and Antara Desai. *South China Sea Developments and Its Implications for Freedom of Navigation*. London, England: World Scientific Europe, 2021.
- Acosta, Rene. “U.S. Begins Air Base Rehab in Philippines as Part of Basing Agreement.” *USNI News*, March 20, 2023. <https://news.usni.org/2023/03/20/u-s-begins-air-base-rehab-in-philippines-as-part-of-basing-agreement>.
- Alenezi, Danah Ali. “US Rebalance Strategy to Asia and US-China Rivalry in South China Sea from the Perspective of the Offensive Realism.” *Review of Economics and Political Science* ahead-of-print, no. ahead-of-print (2020).
- Alenezi, Danah Ali. “US Rebalance Strategy to Asia and US-China Rivalry in South China Sea from the Perspective of the Offensive Realism.” *Review of Economics and Political Science* ahead-of-print, no. ahead-of-print (2020).
- Ali, Idrees, and Colin Packham. “China Destabilizing Indo-Pacific: U.S. Defense Secretary.” *Reuters*. August 4, 2019. <https://www.reuters.com/article/us-australia-usa-china-idUSKCN1UU045>.
- Asia Regional Integration Center. “Trans-Pacific Partnership (TPP) Free Trade Agreement.” *Adb.org*. Accessed May 22, 2023. [https://aric.adb.org/fta/trans-pacific-partnership-\(tpp\)](https://aric.adb.org/fta/trans-pacific-partnership-(tpp)).
- Bateman, Sam. “Freedom of Navigation and the Law of the Sea.” *Asia & the Pacific Policy Society*, January 20, 2020.
- Bergesen, Helge Ole, Georg Parmann, and Øystein B. Thommessen, eds. “United Nations Convention on the Law of the Sea (UNCLOS).” In *Yearbook of International Cooperation on Environment and Development 1998–99*, 113–17. Routledge, 2018.
- Berkofsky, Axel. “The US-Japan Security Alliance – Ready and Equipped to Deal with China?” *SSRN Electronic Journal*, 2022. <https://doi.org/10.2139/ssrn.4032742>.
- Buchan, Patrick Gerard, and Benjamin Rimland. “Defining the Diamond: The Past, Present, and Future of the Quadrilateral Security Dialogue.” Center for Strategic and International Studies, 2022.
- Caminos, Hugo, and Vincent P. Cogliati-Bantz. “Transit Passage Defined.” In *The Legal Regime of Straits*, 206–24. Cambridge: Cambridge University Press, 2014.

Center for Strategic and International Studies. “Freedom of Navigation in the South China Sea: A Practical Guide,” August 25, 2017. <https://www.csis.org/analysis/freedom-navigation-south-china-sea-practical-guide>.

Chakraborti, Tridib, Mohor Chakraborty, and Sudhir T. Devare. *India’s Strategy in the South China Sea*. London, England: Taylor & Francis, 2022.

Chang, Teh-Kuang. “China’s Claim of Sovereignty over Spratly and Paracel Islands: A Historical and Legal Perspective.” Case.edu. Accessed May 19, 2023.

Chaudhury, Dipanjan Roy. “Vietnam Justified in Defending Its Rights in Vanguard Bank in South China Sea.” *Economic Times*, September 30, 2019. <https://economictimes.indiatimes.com/news/defence/vietnam-justified-in-defending-its-rights-in-vanguard-bank-in-south-china-sea/articleshow/71368439.cms?from=mdr>.

Dolven, Ben, Mark E. Manyin, and Shirley A. Kan. “Maritime Territorial Disputes in East Asia: Issues for Congress.” Fas.org, 2014. <https://sgp.fas.org/crs/row/R42930.pdf>.

Fas.org. “The ‘Quad’: Security Cooperation among the United States,” 2022. <https://sgp.fas.org/crs/row/IF11678.pdf>.

Fravel, M. Taylor, and Charles L. Glaser. “How Much Risk Should the United States Run in the South China Sea?” *International Security* 47, no. 2 (2022): 88–134. https://doi.org/10.1162/isec_a_00443.

Freeman, Chas W. “Diplomacy on the Rocks: China and Other Claimants in the South China Sea.” Accessed May 19, 2023. <https://mepc.org/speeches/diplomacy-rocks-china-and-other-claimants-south-china-sea>.

Galdorisi, George. “The United States Freedom of Navigation Program: A Bridge for International Compliance with the 1982 United Nations Convention on the Law of the Sea?” *Ocean Development and International Law* 27, no. 4 (1996): 399–408. <https://doi.org/10.1080/00908329609546091>.

Gering, Tuvia. “Why China Is Genuinely Worried about AUKUS.” *The China Project*, November 29, 2021.

Global Challenges. “Global Challenges - South China Sea: War on the Horizon?,” January 18, 2017. <https://globalchallenges.ch/issue/1/arms-race-in-the-south-china-sea-what-threshold/>.

Gong, Lina. “HADR as a Diplomatic Tool in Southeast Asia-China Relations amid Changing Security Dynamics.” Quincy Institute for Responsible Statecraft, December 3, 2021. <https://quincyinst.org/2021/12/03/hadr-as-a-diplomatic-tool-in-southeast-asia-china-relations-amid-changing-security-dynamics/>.

Gov.cn. “The History and Reality of the South China Sea Issue.” Accessed May 17, 2023. http://ca.china-embassy.gov.cn/eng/sgxw/202009/t20200913_4615002.htm.

Govinfo.gov. “- Maritime Disputes and Sovereignty Issues in East Asia.” Accessed August 24, 2022. <https://www.govinfo.gov/content/pkg/CHRG-111shrg53022/html/CHRG-111shrg53022.htm>.

Grossman, Derek. “Why China Should Worry about Asia’s Reaction to AUKUS.” *Foreign Policy*, April 12, 2023. <https://foreignpolicy.com/2023/04/12/aukus-china-indo-pacific-asia-submarines-geopolitics/>.

Guoxing, Ji. “Center Occasional Paper - SLOC Security in the Asia Pacific.” Dkiapcss.edu, 2000. <https://dkiapcss.edu/Publications/Ocasional%20Papers/OPSloc.htm>.

Gupta, Sourabh, and Matt Geraci. “China’s Claims in the South China Sea.” Esri, July 27, 2020. <https://storymaps.arcgis.com/stories/f41484de9d4144c59b22540cb94b150a>.

Haines, Steven. “1907 Hague Convention VIII Relative to the Laying of Automatic Submarine Contact Mines.” Usnwc.edu. Accessed February 22, 2023. <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1005&context=ils>.

Hakapää, Kari. “Innocent passage – past and present.” *Jussens venner* 33, no. 6 (1998): 333–54.

Hartman, Leigh. “The Importance of the South China Sea.” Share America, July 11, 2019. <https://share.america.gov/importance-of-south-china-sea/>.

Haythornthwaite, Shavana. “The Peace of Breda (1667).” *Oxford Public International Law*. Accessed February 22, 2023. <https://opil.ouplaw.com/page/492>.

HCSS. “Between AUKUS and the Quad: Scaling European Interest in the Indo-Pacific.” The Hague Centre for Strategic Studies, February 15, 2022. <https://hcss.nl/report/between-aukus-and-the-quad/>.

Hebbar, Anish. “Innocent Passage under UNCLOS: An Exploration of the Tenets, Trials, and Tribulations.” In *Maritime Law in Motion*, 227–56. Cham: Springer International Publishing, 2020.

Hoffmann, Albert J. “Navigation, Freedom Of.” Edu.sg. Accessed January 19, 2023. <https://cil.nus.edu.sg/wp-content/uploads/2017/11/A.J.Hoffmann-Freedom-of-Navigation-EPIL.pdf>.

<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1644&context=jil>.

Icrc.org. “The Geneva Conventions of 1949 and Their Additional Protocols,” October 29, 2010. <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>.

James, Patrick. “Offensive Realism.” In *Realism and International Relations*, 494–516. Oxford University Press New York, 2022.

Johnson, Dominic D. P., and Bradley A. Thayer. “Survival under Anarchy from the Pleistocene to the Present.” *Politics and the Life Sciences: The Journal of the Association for Politics and the Life Sciences* 35, no. 1 (2016): 1–26. <https://www.jstor.org/stable/26372766>.

- Julienne, Marc. “AUKUS Rocks the Boat in the Indo-Pacific, and It’s Not Good News.” Ifri.org. Accessed August 24, 2022. <https://www.ifri.org/en/publications/editoriaux-de-lifri/lettre-centre-asie/aukus-rocks-boat-indo-pacific-and-its-not-good>.
- Katada, Saori N. “Partnership for Quality Infrastructure: Developmentalism or New Liberal Order?” Ubc.ca. Accessed May 22, 2023. https://sppga.ubc.ca/wp-content/uploads/sites/5/2020/07/Katada_revised-UBC-Partnership-for-Quality-Infrastructure.pdf.
- Khan, Muhammad Usama. “AUKUS and Its Implications on Maritime Security.” *Geopolitical Monitor*, March 15, 2022. <https://www.geopoliticalmonitor.com/aukus-and-its-implications-on-maritime-security/>.
- Khoei, Peyman Hakimzade, and Mohsen Abdollahi. “Limitations of Freedom of Navigation on the High Seas.” *Specialty Journal of Politics and Law* 1, no. 1 (2016): 60–66.
- Kim, Claudia Junghyun. “Introduction: U.S. Military Base Towns in Korea and Japan.” In *Base Towns*, 1–27. London, England: Oxford University Press New York, 2023.
- Kohona, Palitha T. B. “The United Nations Treaty Collection on the Internet – Developments and Challenges.” *International Journal of Legal Information* 30, no. 3 (2002): 397–425. <https://doi.org/10.1017/s0731126500010118>.
- Kraska, James. *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics*. New York, NY: Oxford University Press, 2011.
- LaGrone, Sam. “U.S. Destroyer Performs South China Sea FONOP; China Says It Expelled Warship.” USNI News, July 13, 2022. <https://news.usni.org/2022/07/13/u-s-destroyer-performs-south-china-sea-fonop-china-says-it-expelled-warship>.
- Law, Penn State, James W. Houck, and Nicole M. Anderson. “The United States, China, and Freedom of Navigation in the South China Sea.” Psu.edu. Accessed August 23, 2022. https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1230&context=fac_works.
- Law, Penn State, James W. Houck, and Nicole M. Anderson. “The United States, China, and Freedom of Navigation in the South China Sea.” Psu.edu. Accessed August 23, 2022.
- Le Thu, Huong. “Rough Waters Ahead for Vietnam-China Relations.” Carnegie Endowment for International Peace, September 30, 2020.
- Leleu, Gary. “Mare Nostrum.” REVOLVE, August 13, 2012. <https://revolve.media/mare-nostrum/>.
- Lestari, Maria Maya. “What Is the Right, Archipelagic Sea Lanes and Passage? (According to Unclos 1982 and Practice).” *Indonesian Journal of International Law* 18, no. 2 (2021).
- Maizland, Lindsay. “The U.s.-Japan Security Alliance.” Council on Foreign Relations, September 20, 2013. <https://www.cfr.org/backgrounders/us-japan-security-alliance>.

Malhotra, Ankit. "Understanding Innocent and Transit Passage." *jtms*, June 5, 2020. <https://www.journalofterritorialandmaritimestudies.net/post/2020/06/05/understanding-innocent-and-transit-passage>.

McBride, James. "China's Massive Belt and Road Initiative." Council on Foreign Relations, February 21, 2019. <https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative>.

Mearsheimer, John J. "The False Promise of International Institutions." *International Security* 19, no. 3 (1994): 5.

Mearsheimer, John J. "The False Promise of International Institutions." *International Security* 19, no. 3 (1994): 5.

Merdekawati, Agustina, and Marsudi Triatmodjo. "Equity Interest Scheme's Compatibility with the UNCLOS 1982's Common Heritage of Mankind Principle." *LAW REFORM* 18, no. 1 (2022): 111–31.

Mirski, Sean. "The South China Sea Dispute: A Brief History." *Lawfare*, June 8, 2015. <https://www.lawfareblog.com/south-china-sea-dispute-brief-history>.

Nasir, Muhammad, Wan Siti Adibah Wan Dahalan, Harun Harun, and Phoenna Ath Thariq. "Unilateral Claim in Dispute of Island over the South China Sea." *Sriwijaya Law Review* 4, no. 1 (2020): 1.

Ott, Marvin. "The South China Sea in Strategic Terms." Wilson Center, 2019. <https://www.wilsoncenter.org/blog-post/the-south-china-sea-strategic-terms>.

Panda, Ankit. "South China Sea: US Destroyer Conducts Freedom of Navigation Operations near Scarborough Shoal." *The Diplomat.com*. Accessed May 22, 2023. <https://thediplomat.com/2018/01/south-china-sea-us-destroyer-conducts-freedom-of-navigation-operations-near-scarborough-shoal/>.

Pant, Harsh V. "AUKUS and the Indo-Pacific: Stakeholders Weigh Their Wins and Losses." Observational Research Foundation, December 10, 2021.

Plaster, Graham. "The Quad: A Mature Counterbalance in the South China Sea." *FAOA Journal of International Affairs*, December 16, 2022. <https://faoajournal.substack.com/p/the-quad-a-mature-counterbalance>.

Poling, Gregory B. "The Transformation of the U.s.-Philippines Alliance." Center for Strategic and International Studies, February 7, 2023. <https://www.csis.org/analysis/transformation-us-philippines-alliance>.

Poling, Gregory B. "The United States Is Deeply Invested in the South China Sea." *Foreign Policy*, August 14, 2022. <https://foreignpolicy.com/2022/08/14/the-united-states-is-deeply-invested-in-the-south-china-sea/>.

Putra, Bama Andika. "Comprehending Brunei Darussalam's Vanishing Claims in the South China Sea: China's Exertion of Economic Power and the Influence of Elite Perception." *Cogent Social Sciences* 7, no. 1 (2021): 1858563.

Raditio, Klaus Heinrich. "China and the Tension in the South China Sea: A Defensive Realist Perspective." Cuny.edu. Accessed December 20, 2022. <https://aacs.cuny.cuny.edu/2014conference/Papers/Klaus%20Raditio.pdf>.

Raditio, Klaus Heinrich. "China and the Tension in the South China Sea: A Defensive Realist Perspective." Cuny.edu. Accessed December 20, 2022.

Rahman, Md Mostafijur. "Exclusive Economic Zone (EEZ)." In *The Palgrave Encyclopedia of Global Security Studies*, 1–7. Cham: Springer International Publishing, 2019.

Research Society of International Law. "Case Brief on the South China Sea Arbitration between the Republic of the Philippines and the People's Republic of China by the Permanent Court of Arbitration." Research Society of International Law | RSIL. Research Society of International Law, August 12, 2017.

Rosen, Mark E. "A CNA Occasional Paper Philippine Claims in the South China Sea: A Legal Analysis." Cna.org, 2014. https://www.cna.org/archive/CNA_Files/pdf/iop-2014-u-008435.pdf.

Roy, Denny. "The 'China Threat' Issue: Major Arguments." *Asian Survey* 36, no. 8 (1996): 758–71.

Selden, J., J. Howell, M. Nedham, and P. Zambone. *Mare Clausum; The Right and Dominion of the Sea in Two Books ... Written at First in Latin ... Formerly Translated into English, and Now Perfected and Restored by J. h. Kembe*, 1663.

Singh, Teshu. "China and the Air Defence Identification Zone." Ethz.ch. Accessed May 19, 2023. <https://www.files.ethz.ch/isn/176944/SR148-IPCSSpecialFocus-ADIZ.pdf>.

Singh, Udai Bhanu. "Major Powers and the Security of Southeast Asia." *Strategic Analysis* 24, no. 2 (2000): 315–42. <https://doi.org/10.1080/09700160008455215>.

Slaughter, Anne-Marie. "International Relations, Principal Theories." Princeton.edu. Accessed December 20, 2022. https://scholar.princeton.edu/sites/default/files/slaughter/files/722_intlrelprincipaltheories_slaughter_20110509zg.pdf.

Smith, Robert S. "Recent Criticism of the Consulate of the Sea." *The Hispanic American Historical Review* 14, no. 3 (1934): 359–63. <https://doi.org/10.1215/00182168-14.3.359>.

Song, Yann-Huei, and Keyuan Zou. *Major Law and Policy Issues in the South China Sea: European and American Perspectives*. London, England: Routledge, 2016.

Stone, Lester B. *Global Power Revelry and South China Sea Dispute*. Alpha Editions, 2018.

Strategic Studies Institute, U.S. Army War College, and David Lai. *Asia-Pacific: A Strategic Assessment*. Barking, England: Lulu.com, 2013.

Strating, R., and East-West Center. *Defending the Maritime Rules-Based Order: Regional Responses to the South China Sea Disputes*. East-West Center, 2020.

Supriyanto, Ristian Atriandi. “Indonesia and the South China Sea.” *Asia Policy*, no. 21 (2016): 21–28.

Tang, Shiping. “Fear in International Politics: Two Positions.” *International Studies Review* 10, no. 3 (2008): 451–71.

The Maritime Executive. “Maritime Security: The Concept of Innocent Passage.” Accessed May 19, 2023. <https://maritime-executive.com/features/Maritime-Security-Private-The-Concept-of-Innocent-Passage>.

The National Bureau of Asian Research (NBR). “Malaysia.” The National Bureau of Asian Research, July 2, 2020. <https://www.nbr.org/publication/malaysia/>.

The National Bureau of Asian Research (NBR). “Vietnam.” The National Bureau of Asian Research, June 26, 2020. <https://www.nbr.org/publication/vietnam/>.

The White House. “ASEAN-U.s. Leaders’ Statement on the Establishment of the ASEAN-U.s. Comprehensive Strategic Partnership.” The White House, November 12, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/12/asean-u-s-leaders-statement-on-the-establishment-of-the-asean-u-s-comprehensive-strategic-partnership/>.

Theutenberg, B. O. Johnson. “Mare Clausum et Mare Liberum.” Ucalgary.ca, 1984. <https://pubs.aina.ucalgary.ca/arctic/Arctic37-4-481.pdf>.

Tseng, Hui-Yi Katherine. “Taiwan in the South China Sea Disputes: Policies and Prospects.” In *Territorial Disputes in the South China Sea*, 128–46. London: Palgrave Macmillan UK, 2015.

Tufts.edu. “Chapter 3: Freedom of Navigation.” Accessed February 22, 2023. <https://sites.tufts.edu/lawofthesea/chapter-three/>.

U.S. Department of Defense. “AUKUS: The Trilateral Security Partnership between Australia, U.K. and U.S.,” 2023. <https://www.defense.gov/Spotlights/AUKUS/>.

U.S. Department of Defense. “Philippines, U.S. Announce Four New EDCA Sites,” February 2023. <https://www.defense.gov/News/Releases/Release/Article/3285566/philippines-us-announce-four-new-edca-sites/>.

U.S. Embassy Manila. “Enhanced Defense Cooperation Agreement (EDCA) Fact Sheet.” U.S. Embassy in the Philippines, March 20, 2023. <https://ph.usembassy.gov/enhanced-defense-cooperation-agreement-edca-fact-sheet/>.

United Nations. “Chronological Lists of Ratifications of, Accessions and Successions to the Convention and the Related Agreements, as at 31 July 2013.” *Law of the Sea Bulletin* 2014, no. 83 (2014): 9–13. <https://doi.org/10.18356/75f8e2f2-en>.

United Nations. “Legal Information Relevant to the United Nations Convention on the Law of the Sea.” *Law of the Sea Bulletin* 2018, no. 97 (2019): 16–62. <https://doi.org/10.18356/f522d96b-en>.

United States Navy. “U.S. Navy Participates in Cooperation Afloat Readiness and Training (CARAT) Brunei 2022.” Accessed May 20, 2023. <https://www.navy.mil/Press-Office/News-Stories/Article/3198414/us-navy-participates-in-cooperation-afloat-readiness-and-training-carat-brunei/>. +

Uscg.gov. “China’s Island Building in the South China Sea: Damage to the Marine Environment, Implications, and International Law.” Accessed May 19, 2023. <https://www.uscc.gov/research/chinas-island-building-south-china-sea-damage-marine-environment-implications-and>.

Uscg.gov. “South China Sea Arbitration Ruling: What Happened and What’s next?” Accessed May 22, 2023. <https://www.uscc.gov/research/south-china-sea-arbitration-ruling-what-happened-and-whats-next>.

Van Su, Nguyen. “International Waters and the Freedom of the High Seas - National Defence Journal.” Tapchiqui.vn, 2018. <http://tapchiqui.vn/en/research-and-discussion/international-waters-and-the-freedom-of-the-high-seas/11252.html>.

Van Tran, Thuy. *Freedom of Navigation in the Exclusive Economic Zone: An EU Approach*. Newcastle upon Tyne, England: Cambridge Scholars Publishing, 2022.

Vu, Minh Phuong. “Vietnam Seeks Safer Maritime Security Partnerships.” East Asia Forum, May 5, 2023. <https://www.eastasiaforum.org/2023/05/05/vietnam-seeks-safer-maritime-security-partnerships/>.

Wall, Colin, and Rachel Ellehuus. “Leveraging Allies and Partners.” Center for Strategic and International Studies, 2022.

Wong, Bailey. “Understanding the Potential for Conflict in the South China Sea.” *Clocks and Clouds* 7, no. 1 (2016). <http://www.inquiriesjournal.com/articles/1567/2/understanding-the-potential-for-conflict-in-the-south-china-sea>.

Wu, Charles Chong-Han. “The Taiwan Policy Act and the Future of U.S.-Taiwan Relations.” *Stimson Center*, 2022. <https://www.stimson.org/2022/the-taiwan-policy-act-and-the-future-of-u-s-taiwan-relations/>.

Wu, Terry, and Doren Chadee. “Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP): Implications for the Asia-Pacific Region.” In *Advances in Theory and Practice of Emerging Markets*, 53–74. Cham: Springer International Publishing, 2022.

Www.un.org. “Overview - Convention & Related Agreements.” Accessed May 19, 2023. https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm.

Wyndham, Percy. “International Maritime Law — The Declaration Of Paris, 1856.” Parliament.uk, 1877. <https://hansard.parliament.uk/Commons/1877-03-02/debates/238fe51f-5f8b-478c-8ee4-d81d4e2de72f/InternationalMaritimeLaw%E2%80%9494TheDeclarationOfParis1856>.