

China's Territorial Claim at South China Sea: A Strategic Competition with USA and its Implications

Kanwal Hayat

University of the Punjab, Lahore, Pakistan.

Rehana Saeed Hashmi

University of the Punjab, Lahore, Pakistan.

ABSTRACT

China claims South China Sea as its sovereign domain where it possesses the right to intervene militarily and economically. However, USA considers South China Sea as a common global passage where rule of law and freedom of navigation should prevail. These diverging viewpoints coexist in a wobbly peace environment where both US and China want their own version of international law to be applied and have occasionally resorted to minor armed conflicts over this issue. Every state claiming authority over South China Sea is willing to use coercion in order to get what they want, however, the extent of how far they are willing to go is not clear. This is resulting in a show of gunboat diplomacy involving maritime force of influential states that strives to manipulate the policy makers of the relevant nations (Costlow, 2012). The paper will focus on the situation in the South China Sea. South China Sea is not only claimed by China but various other Asian nations. Does this territorial strife possess the power to turn the region into a war zone? Being one of the most active trade routes in the world having complicated geography and the diverging regional and international interests makes it very sensitive area. China being the emerging economic giant gives competition to the USA in many spheres. Although America has no territorial claim in the South China Sea, it has strategic and economic interests. Where China wants a complete hegemonic control of the area, USA wants to find a way where free unchecked trade could be the future for all. Accompanied with numerous other South Asian nations claiming various portions of the region, a constant tension exists in the region.

Key Words: Exclusive Economic Zones, Freedom of Navigation, Strategic & Economic Interests, Territorial Claims

South China Sea: an overview

South China Sea covers more than 3.63 million square kilometers area and is important because of two integral reasons (Poonsiri, María, Araya. 2017). On one side it possesses a seabed that has approximately 11 billion oil barrels, along with 190 trillion cubic feet natural gas and abundance of food (TRT World, 2017). On the other side, it is has also become a vital route which caters more than one third of global shipping, which equalizes to around 5.3 trillion US\$ in annual trade and transits (Gewirtz, 2016).

South China Sea is one of the most unsafe hotspots in the world nowadays, as six countries along with China are currently asserting their ownership on the small land features within the sea (Bill Hayton, 2014). However, the dispute has been ongoing for a very long time. According to some analysts, the issue started in 1930s and since then has had two specific periods, one from 1994 to 1997 and the latest from 2009 and still going on (Tonnesson, 2001). Tensions escalated mostly during these two particular periods.

South China Sea is a contested region not just because it is one of the richest trade routes but also because of the abundant natural resources, including minerals, natural gas, oils and marine life. The Republic of China (ROC), The People's Republic of China (PRC), Vietnam, Malaysia, Brunei and Philippines all state their claims in the SCS. These claims are based on the "United Nations Conventions on the Law of Sea" (UNCLOS). The trade occurring in this region gives it significant strategic importance (Austin, 2015). On the other hand, numerous non-claimant states have openly declared their desire for the region to remain as "international waters" so that it could equally benefit all the nations. Although the peace in the region has not been currently breached, however, the continued military presence of nations in the region and the repeated Freedom of Navigation Operations by the US paves way for the mounting tensions between claimants and non-claimants states (U.S. Department of Defense, 2017). The claimants have remained wishful of not turning the region into a war zone, however, they do not want to compromise on their claim in the region and are more than willing to defend themselves. (Abke, 2018)

Geographic overview

South China Sea's geography is very rich including reefs, islands, shoals and mountains. The region is rich in natural resources; however, the lack of scientific exploration of the ocean bed is the reason as to why the accurate estimate about oils and minerals is not available. As per the estimation of one of China's oil enterprises, the natural gas in region exceeds 400 trillion cubic feet, and the oil present was estimated to be more than 120 barrel. Whereas US suggests that the area has abundance of this natural gas, more than 40 trillion cubic feet as well as around 11 billion oil barrels. In addition, the region is rich in marine life (Robert Beckman, 2013). According to an estimate by the Fridjof Nansen Institute, there are more than 3,360 different species of fish in the South China Sea and more than half of all fishing vessels of the entire world are active in South China Sea (Shrearf, 2012). The major geographical features of the Sea include islands. The Paracels are the major Islands. Others are the Islands of Sparty, the Pratas Islands. It also possess feature like shoals (the shoal of Scarborough) and banks (the Macclesfield). SCS is immediately adjacent to multiple countries like China as well as Vietnam, Brunei and Malaysia, along with Singapore and Indonesia.

The sea connects Pacific Ocean to the Indian Ocean. Due to this advantageous location, it is one of the most active global trade routes. Being the second most

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used sea in the world, it carries on an approximate of 30-33 % of the global ship trade, moving about \$5 trillion goods annually. (Linderman, 2018)

Challenging claims to sovereignty

At the high tide above sea level, there are about 180 features in the sea. A diversity of shoals, rocks, reefs, cays and sandbanks, along with submerged features and unidentified shoals are evenly shared between four different geographical regions of the sea. These features also face the territorial claim issue. Sometimes these are completely claimed by couple of countries such as China and Taiwan and other times partially being claimed by various countries, such as Malaysia, the Philippines, Brunei and sometimes even Vietnam. All the land marks of the SCS are being completely claimed by The Republic of China (ROC) and Taiwan (Robert Beckman, January 2013). Caught between the coastlines of Malaysia, Brunei, Vietnam, the Philippines, Hainan (the Southernmost Chinese Province) and Taiwan it is a 1.4 million sq miles of islands and oceans (DeLisle, 2012). The Paracels and the Spartlys, two of the largest islands in the region are largely unpopulated and much less important in size as well as resources. However, the real treasure is found about 4000 meters deep where the preliminary tests show that the region might be an abundant source of hydrocarbons and unproved oils, in addition providing enough room for the nuclear submarines to steer unchecked. The Sea is also the number one food source for the nations surrounding it, as it totals an approximate of 8 % of the World's total fishing production, while feeding most of the populated nations around it. It is extremely rich in marine biodiversity, having 40% of World's tuna variety and constitutes to 22 % of the standard Asian diet (Vagg, 2012). SCS is undoubtedly vital to the Southeast Asian mode of life; nonetheless it is overwhelmed by the inhabitants overfishing activities, land reclamation, resource exploitation and various pollutants. At present, 40% of South China Sea's fish reserves have vanished, whereas 70% of the residual coral reefs are labeled as being in "fair to poor" circumstances (Khoury, 2017). This is due to the recovery activities and dredging processes conducted by Vietnam, China, and the remaining claimant states (Langenheim, 2015).

In addition, the apprehensions of an arms race intensifies as China, Malaysia, the Philippines and Vietnam all have increased their military upsurge and strategic exercises in response to one another's claims and reclamation attempts. In the Philippines, the arrival of politically aggressive President Duterte, the rising Vietnam's military budget and the impulsive decisions of President Trump are altogether making South China Sea's future murky at best. With the rise of tensions in the region, the role of all the surrounding nations is becoming awfully critical (Oslen, June 2019). Since 1947, the presence of the United States Seventh Task Fleet, which was originally present there for maintaining stability and peace

in the region, is now being confronted by China's military expansion and some predict it as a trigger for conflict in Southeast Asia (Mollman, 2016).

The source of conflict can be traced far back to 1927, when China designed a territorial map of its authority; it also included all of the South China Sea. The region, since then has seen power changing hands between various regimes and later on the colonial powers. Whereas, most would debate that the majority of issues are resultant of the Japan's defeat in Second World War and the 1951 San Francisco Treaty following it. One of the surrendering terms of Japan was forfeiting its claim on the South China Sea region, thus creating a power vacuum (Price, 2001). No single nation was given explicit rights over the water and China used this as an advantage by submitting the infamous "nine-dashed line" claim nearly covering the entire South China Sea region (Gupta, 2012).

Ever since 1947, USA deployed its vessels in the Pacific waters of South China Sea near Guam and Japan and has looked out for South Korea, Japan and the Philippines. In 1954, Vietnam submitted its own claim backed up by the historical data dating back from 15th & 17th centuries along with French colonial territorial records. Whereas Filipino claims are more on the shaky grounds laying claims on only parts of the Spartlys. They present the argument of "prescriptive acquisition" supporting their claims on the usage of the settlements they have established in the Spartlys and the vital economic and strategic role they play (BBC News Asia, 2016).

The remaining claimants are restricted by their own power and size. Taiwan in 1947 submitted the same nine-dashed claim as China and controls the biggest natural Spartlys islet (Wu, 2016). In the meantime, basing their assertion on the "exclusive economic zone" laws, Brunei and Malaysia have presented claims to their respective coasts islands. These claimant states don't stand a chance in military strength with China and whereas Vietnam is desperately trying to increase its deterrence capabilities, these states have also chosen to exercise law as their when required, a move that was led on by the Philippines (Ramadhani, 2017).

Nine-Dash line

Nine-dash Line also referred to a dotted line drawn by China, on its official maps which outline is claim on the South China Sea. Originally, an eleven dashed line was incorporated in 1947 in the map of Republic of China (ROC) (Brown, 2009). Although the line initially comprised of eleven dashes, today it has nine dashes and is used by both the Republic of China (ROC) and the People's Republic of China (PRC) (Gao, Jia, 2013). In order to justify its claims, China debates of having historical rights to the region inside the nine-dash line. Whereas, China asserts all the area within the nine-dash line as its domain which is around 80% of the whole Sea, the member country has not shed light on its legal significance (Buszynski, Roberts. 2015). The meaning of the line is proposed differently by experts. For example, the line may indicate that People Republic of China claims all geographical features including the land and waters of the Sea as its domain

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(Riegl, Landovsky, Valko, 2014); however such a declaration would breach the United Nations Convention on the Law of the Seas (Bengco, 2011). In addition, this would not be well-suited with the UNCLOS, as the claimants require outlining their claims with exact coordinates of the regions/territories they want to be in charge of (Jamandre, 2011; Esplanada, 2011). Moreover, it is unclear whether the People's Republic of China is claiming authority over the region. In other words, it could exploit any resources surrounding the nine-dash line, or whether it asserts authority which would permit them to make precise rules related to the nine-dash line or any part that lies within it (Taipei Times, 2014). Additionally, China would retain the right to implement these rules and also punish member states that do not behave according to them. Whereas such a claim would not breach the UNCLOS, as long as navigation freedom is continued at least 12 NM away from China's land, it still extends beyond the other state's claims within the Sea (Chan, 2016).

China's approach towards its claims

China practices a peacefully coercive policy in the South China Sea (Hiebert, Nguyen, Poling, 2014). The policy is very effective as it is labeled to be "salami slice" strategy: meaning that China keeps on acquiring small but effective steps that will hopefully not incite an armed reaction from any other claimants. In doing so, China has gradually but effectively changed the status-quo over disputed territory in its favor (Baruah, 2014).

China's approach to South China Sea maritime claims

The reason as to why the Sea of South China is so much in the limelight is due to the fact that slowly but effectively China has been asserting its authority over many land mark of the Sea and waters surrounding it. Additionally, China also has a track record of aggressive approach in the region (Fravel, 2011). China, in 1974 snatched and took the Paracels islands from Vietnam coercively (AFP, AP, 2014), thus started asserting its influence over the surrounding region near Spartlys since 1988 when it took Johnson Island after an armed conflict with Vietnam (DRV) (Chang, 1991). It also managed to take over the Scarborough Shoal from Philippines in a non-violent struggle (Ortigas, 2012). According to Dr. Greg Austin, China's claims in the SCS are triggered by the unwavering belief that according to the commonly recognized international law standards, that China legitimately should have possession SCS's land features. China however has not been meticulous in abiding by the set of laws connected with marine zones and principles that are mentioned in UNCLOS (Austin, 2016). It hasn't, and for what it's worth, neither has any of the other claimants. In addition, it is also on China's priority list to draft a law acceptable to international community. One that provides it fair claim over the resources lying far below the land features (Hooper, 2016).

However, in actual it is all about China's nine-dash line claim. It debates China possessing chronological rights confined by the famous nine-dash line, to authenticate its reach for the natural riches lying on the sea bed and they are inside the EEZs of Vietnam, Malaysia, Brunei, Indonesia and the Philippines (Chen, 2018). The nine-dash line's legitimacy issue was highlighted by Philippines before the arbitral panel (The Hague, 2015). It is expected that the arbitral panel would, permanently, clarify the financial ambiguity crafted by China's this illegal endeavor to deprive the coastal states of the SCS of oceanic resources along with fisheries, which happen to be their legitimate economic possessions (Daiss, 2016).

China's security concerns

It is important for China to control the South China Sea as being close by Sea; it acts as a shelter for China's Southern region, as well as a critical trade route for China which includes 80% of its oil imports (Marex, 2018). In 2010, a report issued by New York Times asserted that SCS is a core interest like Taiwan. Even though the article generated substantial interest among Sino- American experts, no proof was unearthed verifying this deliberate spreading out of China was vital to its interests to incorporate the South China Sea.

Whether China formally includes the South China Sea in its core interests or not, however under the President Xi Jinping's administration, China's dealings imply that controlling the South China Sea is fairly high on its priority list. It is treated as a core interest under President Xi, as China relates it to its sovereignty (Woody, 2015).

It is contended that in a speech made at the Politburo meeting with its peripheral neighbors, Xi emphasized that China "must improve the ability to safeguard maritime rights and interests, and resolutely safeguard our country's maritime rights" (Fravel, 2011).

China interests in South China Sea are many but most important of those is observing from strategic viewpoint: First, it aims at protecting its territory and its financial hub from an assault from the sea-side. Next, it strives on protecting the raw material coming to China's ports from the IOR (Indian Ocean Region). Next it wants to be assured of the safe passage of its trade to Europe, Asia even to Africa via the South China Sea. Finally, it wants to claim and exploit the real and imagined hydrocarbon resources of the SCS as it wants to reduce its dependence on natural gas and oil of the Persian Gulf and Africa travelling through two highly sensitive chokepoints, i.e. Straits of Malacca and Hormuz (Kim, 2015).

This strategic goal can very well turn into a reality, if the oil reserves of the SCS turn out to as much as China's optimistic guesses. This provides the most feasible solution to the Malacca dilemma by giving China access to large reservoirs of gas and oil available from secure location its own "near seas" without the fear of any external intervention. . If the predicted oil reserves prove to be true, this dream strategy can be achieved. This can turn out to be a permanent solution to the Malacca dilemma, as this would give China close access to the huge gas and

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oil coffers from its own sea, from a position that is much safer and probably less likely to be under sanctions. If considered from this perspective, it is not difficult to understand China's willingness to alienate its Asian neighbors and sacrifice much of the rapport built with ASEAN through meticulously crafted peaceful and non-violent diplomacy (Oba, 2018).

One of the reasons of anxiety for the neighboring countries is the extremely assertive approach of China to link the SCS to its sovereignty and the associated resource concerns in the SCS (Odgaard, 2003).

Actions of China in South China Sea

As mentioned earlier, during 2012, the actions of China in the SCS got derailed, when it exercised coercion to seize Scarborough Shoals from the Philippines. In a Report presented to the House Foreign Affairs Committee, Chinese academic Bonnie Glaser narrated, Beijing as an Emerging Power in the South China Sea: The actions of China in the SCS are methodical and calculated: these actions are not because of the unplanned poor organization and routine politics. Rather, the design of its actions lately hints at excellent intergovernmental synchronization and planning of its political, military and economic sectors and its interests are civil-military directed (Glaser, 2012). This usual pattern of bullying and coercing other claiming parties hints at China's highest management decision to practice coercive tactics. These tactics are not only affecting the Philippines and Vietnam, China's primary targets but are also distressing the region on the whole (Glaser, 2012). She also singled in her report that China's strategies, claims, abilities, aspirations and behavioral designs are comparatively diverging from other claiming states: Beijing refrains from holding any multiparty negotiations regarding the marine and territorial issues of the region, hence preferring bilateral sessions where it applies influence on smaller, more fragile states. As for ITLOS (International Tribunal on the Law of the Sea), China rejects its role regarding the territorial and marine conflicts ongoing in the South China Sea. Even though Beijing has consented to ultimately start negotiations to formulate the South China Sea's Code of Conduct, Chinese authorities in recent times have indicated that negotiations can only occur when conditions are ripe (Zhang, 2013).

According to the "salami slice" strategy being practiced by China for last couple of years, it keeps on taking progressive but small steps, which are unlikely to incite armed response from other claimants. However, this has overtime changed the disputed claims status quo in China's favor. This has been referred unofficially by some Chinese as "cabbage approach", as it is similar to the layer-by-layer method in which a wrapped feature is encased. Either way, the strategy has been quite effective for China (Hayderian, 2019).

A critical trait of China's approach is to cautiously evade PLA navy's direct involvement to the possible extent (Martinson, Yamamoto, 2017). The Coast

guard of China along with its grand fishing ships have been patrolling the Sea and asserting its claim forcibly on the area and its surrounding fishing waters. The major public act of this would be chasing the fishing ships away that do not belong to China, hence declaring the territory as China's domain, such thing happened in the case of Philippine marines and fishing vessels (Zhou, 2017). In May of 2014, the first deep-sea oil exploration rig was placed by China in Vietnam's EEZ. According to China's claim, this was inside their EEZ block that extended all the way from Western part of the islands of Paracel, which had been under their occupancy since 1974. On the hand, the Vietnamese claimed not to recognize China's claim over the territory, hence according to them it was a clear violation on China's part (Leaf, 2014).

According to a senior adviser at Washington's Centre for strategic and international studies, Ernest Bower, "It looks to Southeast Asia as if China has taken off the gloves". This reference was made keeping in mind the coercive and hard-nosed approach China has showed in the South China Sea. The snatching of the Scarborough Shoal from the Philippines and the incident with Vietnam are prime examples of this. Along with this the constant aggressive stance of China regarding its "assumed territory" has always been cause of concern among many countries of the region. Simultaneously, Beijing also carries on advertising its predominant relations with its neighboring ASEAN members (Bower, 2014).

Xi Jinping, the Chinese President declared a new project of China during its visit to Indonesia in 2013, known as the New Maritime Silk Road (Chatzky, McBride, 2019). The basic concept revolves around building five links along a marine route that starts from China going inside the SCS, next to Indonesia/Brunei, Singapore, India, Myanmar, Malaysia and Sri Lanka extending all the way to Africa's eastern coast. This route will go through the Suez Canal via the Red Sea, to the Chinese ports in Greece through the Eastern Mediterranean and then to Northern Sea Ports (Teizzi, 2014). These five links are focusing on:

- Enhancing and developing marine communiq  ,
- boosting connection between seaports,
- advancing naval alliance for search and rescue operation,
- navigation,
- Encouraging people to people interaction and cultural exchanges, safety and fishing.

It also includes boosting regional as well as sub-regional financial collaboration that includes boosting international production chains and enhancing financial cooperation zones. It is anticipated the latest "Maritime Silk Road" project was started as China needed to be presented as a rather compassionate and generous neighbor to other marginal states in the region to balance the uneasiness that ASEAN perceives about China's hardnosed policy in relation to its sovereignty assertion towards the SCS. It seems as if China is proposing a choice. For states which challenge China's claims might have to face aggression in various forms; though, on the other hand, the states that practice moderate policies or

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consent to China's claims would get political as well as financial benefits (Glaser, Pal, 2014).

Political interests linked to South China Sea

South China Sea is surrounded by seven different countries having opposing maritime claims; some more complicated than the others due to the contradictory claims of islands inside other states "Exclusive Economic Zones" (EEZ) (Zachary, 2014) (Karishma, 2014). The Paracel and the Spratly Islands are two chains of islands that have been often exchanged and fought over between various countries. The Spratly Islands are occupied by three countries and claimed by other six of them (Tonnesson, 2002). However, China claims complete South China Sea as its sole territory, a position from which China is not budging since 1940 (Tonnesson, 2002). Malaysia, Brunei, Indonesia, the Philippines and Taiwan also assert a claim on parts of South China Sea as well as a few other disputed islands. Due to the opposing maritime arguments, China and the Association of Southeast Asian Nations (ASEAN) summarized the 2002 China-ASEAN declaration on the behavior of regional actors in the SCS (Amer, Thao, 2015). However for South China Sea, this "code of conduct" has merely been an insignificant fix for the basic issue regarding sovereignty and hasn't weakened any claimants resolve on giving up their territorial claims.

In spite of "intraregional distrust, deeply rooted historical issues, and rapidly increasing military spending" in the surrounding region of South China Sea, Cliff Rogers, argues in an article published in RAND corporation that "not only has the conflict not escalated into a serious military conflict; it has, in fact, been mitigate... in fact, a more stable peace has developed" (Cliff, 2011). Still the question remains unanswered that whether this tranquility can sustain itself as the larger trends of economic and demographic growth keep on expanding into the South China Sea (Bhaskaran, 2013).

Economic interests linked to South China Sea

SCS works as the main shipment point for few of world's most successful economies and is likely to grow more important with the growing economy of each nation. One expert deduced, "Each year, 50,000 vessels use the strait that now separates three sovereign states. The Straits of Malacca channels two-thirds of the world's entire freighted oil and half of its liquid natural gas tankers. Apart from energy supply vessel transit, the strait funnels about a third of the world's annual freighted tonnage between the Indian and Pacific Oceans" (Clinton, 2011). To be more precise, the "oil transported through the Strait of Malacca from the Indian Ocean, en route to East Asia through the South China Sea, is more than six times the amount that passes through the Suez Canal, and times the amount that transits the Panama Canal. Roughly two-thirds of South Korea's energy supplies, nearly 60

percent of Japan and Taiwan's energy supplies, and about 80 percent of China's crude oil imports come through the South China Sea." As Asian countries continue with their ascend in the economic sphere, it is becoming quite clear that that economic crossroads like South China Sea will continue becoming strategic transit points (Clinton/2, 2011).

The two-pronged issue: U.S. military exercises in China's Exclusive Economic Zones

USA squabbles that about freedom of Seas declared by UNCLOS that consists of passive military/ naval exercises in coastal states EEZs. To this China does not agree. China claims these are anything but peaceful activities (Mason, Wallace, 2016). This divergence paved way for a couple of serious episodes: the clash involving a Chinese navy vessel and American surveillance jet (Huang, 2018) & the episode of 2009 where USNS Impeccable was harassed by Chinese paramilitary and fishing vessels. Recently another severely close seizure of an American Patrol Navy jet caused a new diplomatic dispute (GREEN, HICKS, COOPER, SCHAUS AND DOUGLAS, 2017).

The ground reality for U.S. policy makers

The ground reality for American policy makers: China has authority over the entire South China Sea's land features north of 12 degrees latitude, basically the South China Sea's northern segment (SCMP, 2019).

- China controls Paracel Islands since 1974, and is doubtful to ever leave in spite of Vietnam's claim (Pham, 2014).
- In 2012, China effectively resolved the Scarborough Shoal issue with the Philippines when it again asserted over the shoal. Again it is not likely to give it up (World News, 2016).
- This leaves the Spratly Islands as the only remaining feature not entirely under the direct physical command of Beijing.

This condition implies America's tactical options, focusing on a peaceful law-based resolution, require focusing mainly on the Islands of Spratly, which unfortunately for the policy makers and executors, are the most multifaceted and officially unfathomable region of the South China Sea (Haver, 2018).

American policy regarding the SCS (South China Sea)

The focus of America's policy regarding the SCS is based on international law primarily dealing with this issue. For last few years, official American announcements have stressed upon the necessity for contesting claiming parties to adhere the international law and its rules (Mason, Brunnstorm, 2016).

According to the public testimonies and congressional statement from in-service U. S. officials, the American strategy consists of the following components

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- Not using coercion or force by all the contesting states to determine the issue of sovereignty or change the current status of the SCS's contested portion (Mason, Brunnstorm, 2016).
- The liberty to navigate freely for all the naval or commercial vessels and aircrafts. The text of UNCLOS saying "high seas freedom", along with peaceful military exercises should be respected by all the coastal states (Ku, Fravel, Cook, 2016).
- All claims related to South China Sea water region must be in line with International law and therefore must be co relative with the Sea's land features. The nine-dash line however, does not come under this restriction. In other words, only rocks and islands (land features) create marine zones, not reciprocally (Parameswaran, 2016).
- USA neither favors one nation over the other regarding the claim, nor chooses sides.
- An effective layout promoting a rule-based structure regarding management and regulation of the related counties is imperative in the South China Sea. A mechanism for avoiding conflicts and managing them should be provided in the areas prone to crisis so that disputes do not further escalate (Khanna, 2018).
- The United States recognizes and supports international dispute resolution instruments, including the ones presented in the UNCLOS treaty (Nemeth, Mitchell, Nyman& Hensel, 2014).
- America will positively respond to the small littoral countries of South China Sea that are their allies or official "strategic partners" who strive on improving their patrol and monitor capabilities in their territorial waters (GFP Team, 2018).

Main purpose of USA is to improve their access to the territorial waters of South China Sea to further their military capabilities.

American interests in the region

In summer of 2010, the Obama administration, through diplomatic and non-coercive conflict resolution strategy engaged small littoral states of SCS to fulfill USA's military and national interests (Marston, 2016).

The American government wants "freedom of navigation in this Sea including unchecked legitimate trade and commerce in addition to peaceful military exercises inside the EEZ of China (Buszynski, 2017). With time the region of SCS has transformed into a crucial link in the "rebalancing Asia strategy and the United States administration want the tables to tilt in its favor totally, rather than opting for an armed conflict.

USA already has signed a defense agreement with the Philippines and Japan. In case if China attacks any of the naval or coast guard ship of Philippines or Japan, shoots any of its military aircraft, or attack any members of their army, then

according to the treaty, America can intervene on its behalf (Council on Foreign Relations, 2019). In the words of American Pacom Commander Phil Davidson, “Preserving a free and open Indo-Pacific is a core interest of the United States”.

China is also very significant for the resolution of critical issues that are important to the U. S, such as putting an end to the nuclear programs of North Korea and Iran (Beehner, 2006), preserving peace in the East China Sea and the Taiwan Strait, tackling climate change, and encouraging investment, trade and financial growth (Okuda, 2016)(Weeks, 1999).

Clash of interests and Implications for the region

Ever since the global economic crisis, China and USA have been in a phase of cold confrontations in South China Sea. As U. S. regards China not just as a revisionist state • but also a strategic adversary, it is deemed on achieving two simultaneous goals.

To deter China, it is not just focused on intensifying its military exercises in the South China Sea but also develop its global network allies like Australia and United Kingdom as well as regional allies such as South Korea and Japan. The outcome has been seen in the form of high frequency Sino-American naval and air encounters. The intense inconsistency between the motives and interests of both sides has become grimmer, while the regional security conditions and their bilateral relations continue to advance. The situation if continues to escalate, can lead to direct conflict.

Vital interests of America and China in SCS

The debate about diverging interests of China and USA in South China Sea is a fierce one. Neither of the countries has been publicly vocal about using the term “core interests” about their respective stakes in the South China Sea region. Nonetheless, the vital interests of both countries in the region are quite obvious. Both countries strive to achieve comparative advantage over the other, hence gaining regional dominance.

Although USA first announced its interests in South China Sea region in 1995, however, their interests have become clear with time, especially under the administration of Obama and Trump. U. S. bureaucrats have officiated American “top national interests” as well as “vital interests” in the South China Sea. These are three dimensional “vital interests”.

First, their interest is the unchecked navigation and access of American military aircrafts and vessels within South China Sea region. Second is to safeguard the overwhelming American military might and the plausible strategic deterrence capability through maritime control in avoiding political confrontation leading to armed conflict. Lastly, it strives on formulating a “rule-based regional order” governed by the United States.

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China's interests on the other hand are split into four stages. In the first stage, China's core interest is the territorial claim on the South China Sea, exclusive economic zones and its historically claimed region. In the second stage, for China's national security policy, both airspace and these islands play an essential role. The third stage revolves around domestic economic growth of China, as it is the largest oil importer and commodity exporter in the world. About 60 to 80 percent of these oils and commodities are funneled via South China Sea. In the last stage, China's interests also rely on formulating rules to limit actions of all the regional claimants, thus establishing a stable and sustainable development atmosphere for the adjacent areas.

As obvious, the main conflict in the South China Sea is because of the conflicting American pursuit in controlling the regional order and checking China's growing influence. America wants to uphold its overwhelming stance as a major super power in the South China Sea. It wants to play the role of a "defender" of the existent order. Whereas, China views this as a hoax, believing that it is U.S. underlying objective to "contain" China's expansion in the region.

China's land recovery, to a great extent, seeks to prevent the notion of any new illegitimate island occupation and breach of China's maritime claims. From the U. S. perspective, China is vigorously involved in "militarization" and aims on defining a circle of influence and eventually controlling the South China Sea. According to rules, China's fondness for managing the maritime issue through consulting code of conduct is viewed as creating "distinctive rules" while leaving U. S. The American practice and understanding of international law and freedom of navigation are also not aligned with China's viewpoint.

These conflicting ideals are not only a result of strategic suspicion and mutual mistrust, but also due to clash of their vital interests. For instance, America considers its Freedom of Navigation Operations and front-line operation as its fundamental interest, but that is viewed by China as a great challenge to its national security and defense.

Cold conflict: the new trend

Informally speaking, China at present is in a defensive posture, whereas U. S. is in the offensive stance. For strategic advantage, China wants to protect its maritime jurisdiction and territorial sovereignty from being challenged. America contrarily outlines its interests as maintaining balance of power in the region to avoid the relative regression brought by peer rivals. The land repossession and the speedy code of conduct sessions of 2014 have given China comparative advantage on a political level. However, America's increased military deployments and advanced strategic synchronization with its partners and allies is a way of tilting the regional balance power in its favor. Lastly, as the biggest superpower, with support from India, Australia, South Korea and Japan, America can muster far more resources

and military forces than China, hence putting China in a defensive stance again. A large number of American political elites believe that during Obama administration, the compromises and depicted weakness tilted the advantage in China's favor. The notion that America should make their military stronger while practicing diplomatic balancing along with suppression against China has intensified their cold confrontation. In the last few months of 2018, the stressful mood that China and America might go to war in this region had been predicted in America. Numerous American think tanks including the Council on Foreign Relations and the Rand Corporation, listed the region of South China Sea as the most likely future conflict area in China. Even a type of low-intensity war is being coined as one of the options by various U.S. academics.

For the time being, policymakers of both states have admitted that going to a "hot war" is not a suitable option with their own strategic interests, for it will be a no-win scenario for either. Nevertheless, neither state wants to be the first one to make concessions. Under the conflict of interests and structural contradictions framework, the geopolitical opposition between America and China in the South China Sea is likely to continue. Investigation and counter-investigation, interference and anti-interference of naval forces are likely to increase. The power struggle might also increase to a certain level. America balancing and restraining against China, with the help from Australia, the U, K., Japan, India, Vietnam and South Korea, paired with counter measures by China to reinforce front-line defense, will keep the South China Sea in a state of "cold conflict."

Recommendations about the South China Sea and U.S. policy

Washington needs to devise policies keeping various security issues in perspective. These comprise of the stabilization of Eastern Europe States as Russia aims on extending its influence, countering the threat of ISIS terrorism in Syria and Iraq in addition to countering the overall terrorism problem in the Middle East and Africa and also easing the ongoing Afghanistan conflict. Also a peaceful resolution for Israeli-Palestinian issue is a priority (Keck, 2014).

Although China's cooperation is not at the core of resolving these issues, still Beijing as a rising global power, especially its diplomatic presence in the Middle East is important.

This multi-faceted amalgamation issue broadens the perspective for Sino-American relations and highlights the South China Sea as being an integral element in their overall diplomatic relations (Bader, Lieberthal, & McDevitt, 2014).

Conclusion

The American approach is quite appropriate as primarily it is of diplomatic nature but doesn't entirely rely upon it. It aims to create stability and sustainability by urging all to follow international law rules. It clearly outlines how USA wants the

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issue to be handled. It offers hard-power proposals to redress power disparity between China, the Philippines and Vietnam. Lastly, it slips in a deterrence element by not neglecting America's security alliance with the Philippines since it provides American air and naval entrance in Singapore (Panda, 2019). In contrast, Beijing believes that Washington has unnecessarily set hurdles regarding the policies of the SCS. China's analysts, during a track II meeting, debated that American policy since 2010 has been focused at the Philippines, Vietnam and Japan to use coercive means, thus making them more dependent on the USA (Valencia, 2018).

However, China wants America to just stay out of the SCS's maritime territorial issues. China and USA give serious competition to each other whether economy is concerned; however, China believes the territorial issue as a regional dispute and doesn't want an international (American) intervention in it.

The situation in the South China Sea needs to be resolved through peaceful means without conflict, as a conflict would turn the region into an active war zone. As the region is hub of trade and economic boon, violence in the region can affect not only the immediate parties involved but can also severely damage the economy of other countries in the region. For a peaceful resolution, ASEAN needs to take up the role of a referee and keep the aggression in check. The countries claiming parts of the sea should abide by the rules and laws of UNCLOS.

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Biographical Note

Kanwal Hayat is Ph.D. Scholar at Department of Political Science, University of the Punjab, Lahore, Pakistan.

Dr. Rehana Saeed Hashmi is an Associate Professor at Department of Political Science, University of the Punjab, Lahore, Pakistan.
