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**US-CHINA RIVALRY IN THE SOUTH CHINA
SEA**

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Master's Thesis

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DEDICATION

I would like to express my endless thanks to my esteemed advisor, Dr. Akif Bahadır Kaynak, who did not spare his support, knowledge and experience for my master's education and thesis studies.

Words cannot describe how grateful I am to my family. Thank you very much to my dear mother, father and my beloved little brother for all the sacrifices you have made on my behalf. For me, your support has been what has kept me going so far. I cannot thank you enough for encouraging me from the beginning of the process.

ABSTRACT

US-CHINA RIVALRY IN THE SOUTH CHINA SEA

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The purpose of this thesis is to examine the South China Sea dispute and make an analysis of why the dispute is still not escalating, as well as the tension of the South China Sea dispute between the United States and the People's Republic of China. Following this, possible solutions and their impact on both the South China Sea region and the international community will be examined. Here I am arguing that the conflict between the US and China could potentially result in a new World War as a result of the South China Sea context. Because the desire of the conflicting parties to be the sole director in each field, which they do not see open to sharing in this deep issue, reveals the fact that the solution to this issue will pass through close combat. While some countries secure themselves in the shadow of powerful states, others seek ways to be conciliatory. However, the Spratly Islands and Paracel Islands in the South China Sea, which both the USA and China desire, prevent the creation of multilateral security in the region. The reasons for the active defense of the claiming states in the region, including the question of who is all the other formations, including the Spratly Islands, which are spread over an area of 200 hectares, are examined, and in this context, answers are sought to the questions of why the USA is in this region from the outside. There have been frequent conflicts over sovereignty rights and jurisdiction, and China, Vietnam, Taiwan, the Philippines, Malaysia and Brunei claim some or all of the islands in the region; thus, the Spratly and Paracel Islands became an important point in the dispute. The really worrying part of the South China dispute is undoubtedly discussed in the "nine dash line" in areas along the South

China Sea where China disputes the claims of many other countries. A powerful way to understand China's thoughts and perspective in this region is through nine dashe line. On the other hand, ASEAN's member states have benefited from the continuous consensus, consensus and consultation of policy makers and have worked towards achieving long-lasting peace in the region rather than absolute settlement. Since the 2002 Declaration on the Behavior of Parties in the South China Sea, many problems have been suspended because solutions have been delayed and the absolute truth in the region cannot be expressed with concrete examples.

The study of the South China Sea dispute is important in the field of international studies. Because any solution to the problem will affect international trade and international security. In addition, the peaceful resolution of this dispute can be used as an example for the resolution of other disputes of a similar nature. Finally, the South China Sea conflict is an important example of how countries use their soft and hard power to resolve disputes. Because, the auxiliary elements of the prevention of the dangerous tensions that have increased recently or that their results can be less damaging is a situation of how countries and organizations approach this issue.

Keywords: South China Sea, US-China Relations, Regional Disputes, Conflict

TABLE OF CONTENTS

	<u>Pages</u>
ABSTRACT.....	vi
LIST OF TABLES.....	x
LIST OF FIGURES.....	xi
ABBREVIATIONS.....	xii
1. INTRODUCTION.....	1
1.1 DEFINITION AND THE SCOPE OF THE STUDY.....	1
1.2 PURPOSE AND IMPORTANCE OF THE STUDY.....	5
1.3 RESEARCH QUESTIONS.....	5
1.4 METHODOLOGY.....	5
2. CHAPTER I: SOUTH CHINA SEA.....	7
2.1 LOCATION AND GEOGRAPHICAL FEATURES OF THE SOUTH CHINA SEA.....	7
2.2 THE HISTORICAL BACKGROUNG OF THE SOUTH CHINA SEA.....	8
2.3 THE IMPORTANCE OF THE SOUTH CHINA SEA REGION.....	12
2.4 SIGNING OF UNITED NATIONS CONVENTION OF THE LAW OF THE SEA.....	17
2.5 CHINA’S NINE LINE POLICY.....	19
2.6 SOVEREIGNTY CLAIMS OF THE PARTIES.....	22
2.7 SECURITY DILEMMA WITHIN SOUTH CHINA SEA DISPUTE: OFFENSIVE REALISM.....	28

2.8 CHINA’S ACCESS TO ENERGY RESOURCES.....	34
3. CHAPTER II: GREAT WAR BETWEEN CHINA AND THE USA.....	39
3.1. SIGNIFICANCE OF SCS FOR CHINA.....	40
3.2 SCS IMPORTANCE IN TERMS OF NATURAL RESOURCES.....	44
3.2.1 Deep Sea Concept.....	45
3.3 CHINESE CLAIMS IN THE SCS.....	47
3.4 IMPORTANCE OF THE SCS FOR THE USA IN MAINTAINING IT’S SUPERIORITY.....	50
3.5 POWER POLITICS IN THE SCS IN THE LENS OF REALISM.....	59
3.6 PEACE AND SECURITY IN THE REGION.....	65
3.7 ROLE OF ASEAN IN THE CONTEXT IF CONFLICT RESOLUTION.....	75
4. CONCLUSION.....	84
5. REFERENCES.....	90

LIST OF TABLES

	<u>Pages</u>
Table 2.1 Oil and Gas Reserves.....	15
Table 2.2: China's Military Spending Statistics.....	37
Table 3.1: United States' Military Spending.....	52



LIST OF FIGURES

	<u>Pages</u>
Figure 2.1: South China Sea Map.....	8
Figure 2.2: Freedom of Navigation.....	11
Figure 2.3: Nine Dash Line.....	20
Figure 2.4: Claimants of the South China Sea.....	23
Figure 2.5: One Belt One Road.....	31
Figure 3.1: Air Defense Identification Zones (ADIZ).....	43

ABBREVIATIONS

ADIZ	:	Air defense identification zone
APEC	:	Asia-Pacific Economic Cooperation
ARF	:	ASEAN Regional Forum
AUKUS	:	(abbreviation of the names of the three member states: Australia, United Kingdom and United States)
CBM	:	Confidence Building Measures
CLCS	:	Commission on the Limits of the Continental Shelf
ECS	:	East China Sea
EEZ	:	Exclusive Economic Zone
EIA	:	Energy Information Administration
EU	:	European Union
FON	:	Freedom of Navigation
FONOP	:	Freedom of Navigation Operations
G7	:	Group of Seven
ICJ	:	International Court of Justice
KADIZ	:	Korean Air Defense and Identification Zone
OBOR	:	One Belt One Road
OEC	:	The Observatory of Economic Complexity
PLA	:	People's Liberation Army of China

PLAN : People's Liberation Army Navy

PRC : People's Republic of China

SIRPI : The International Peace and Conflict Research Institute



LIST OF SYMBOLS (OPTIONAL)

- μ : Electron mobility
- λ : Wavelength
- ω : Angular frequency

Bu sayfa çıktıya eklenmeyecek!!

CHAPTER I

INTRODUCTION

1.1 DEFINITION AND SCOPE OF THE STUDY

For centuries, the South China Sea (SCS) region has been of great importance for the states surrounding it, as it covers a huge economic area. Moreover, it is the main route for trade and transportation of energy. The SCS is Southeast Asia's largest and the world's 26th largest basin globally, making it an important point both for its trade route and for energy security. In fact, more than 5 trillion dollars' worth of trade passes through the SCS region every year. (Hayton, 2017) The Strait of Malacca, which comes after the Strait of Hormuz, which is the region with the most intense energy flow, provides energy security through alternative ports that China (PRC) takes as a reference in the belt and road initiative. When we look at the energy flow passing here, it is seen that Singapore and Malaysia follow this flow, and it passes from here to the east Asian countries and passes from the SCS to the East Asian Sea. This route is also used for energy sources such as natural gas and coal. It passes through this region and proceeds towards Japan, South Korea and Taiwan. Considering the value of non-renewable energy, even coal exporter countries like Australia and Indonesia - the largest coal producers, exports coal from the SCS region. Furthermore, this region is also important for fisheries as it has one of the largest fishing areas. In fact, the SCS has a global share of around 30-35% in fisheries, this supply is 3 times that of Central Asia and 5 times that of North America. The fair distribution of fisheries shares causes a conflict because conflict arises when the opportunities provided are calculated. For example, the most important issue of the UK and the European Union (EU) was fishing and their quotas (European Commission, 2020) Moreover, it is estimated that there are significant oil and natural gas reserves under the SCS. There are huge natural gas reserves, especially close to Vietnam (Trung, 2016). But as emerging market economies continue to grow because of oil, there will be greater demand for a scarce critical commodity and conflict will arise (Caceres, 2014). This is because almost every oil has been extracted near the earth's surface, and the productivity of this region is undeniable. The emergence of a strategic reserve such as oil in this area means that the conflict will shift from the Middle East to Asia-Pacific, which increases the probability of this, given that China is the primary consumer in this regard. It is estimated that there are approximately 11 billion

barrels of oil in the SCS (EIA, 2013). The SCS contains more oil than any other region of the world, except Saudi Arabia, and some Chinese researchers refer to SCS as the "Second Persian Gulf" (Kaplan, 2015). The result, is undoubtedly the shift of the conflict area to the Asia-Pacific Region.

For these reasons, it is clearly seen that there is a tight competition between those who are willing to be dominant in this region, which has recently attracted the attention of great powers. Covering an area of 3.5 million square meters, this gigantic region is not limited to the surrounding states but is also important in the international arena due to its value. But still, due to the existence of many disputes for certain reasons over the years, states have faced many problems. Due to the fact that there are many landforms such as rocks, islands, islets and reefs in the region and the area is wide, there are many claims due to the abundance of riparian. These landforms consist of two large archipelagos. There are Paracel Islands in the north and northwest, the Spratly Islands in the south and the Scarborough shallows in the east. The landforms here and the exclusive economic zones constitute a riparian revolution area with the continental shelf problem and some sovereignty claims. Sovereignty over these islands is disputed. There also appear to be maritime jurisdiction disputes that they may or may not provide regarding maritime claims. (Bateman, 2009) Also, another example where the discussion is justified is undoubtedly the geostrategic benefit of SCS being the deep sea. This benefit provides a lot of freedom in the maneuvering area in submarine operations, which is of great strategic importance.

Being rich in resources and convenient in terms of location, the SCS has become an area of intense competition since it attracts attention in the international conjuncture, as well as being important for the surrounding states. It is seen that the region is quite tense due to the conflicts arising from the pursuit of interests in the region and the desire to dominate, which is aimed by some states. Some of the points of conflict are related to sovereignty rights and some of them are related to spheres of influence. So much so, that influencing the SCS (especially with the symbolic actions taken by the US using the symbolic navigation rights here), also improves the field of competition with China. While countries are dealing with their own sovereign rights, they also keep the balance. China and the US intend to balance these states in terms of sovereignty claims of riparian states, claims of each country for their proximity, or areas or parts desired by their economic exclusive zone. While trying to achieve this balance, China also takes care of its own rights. Looking at the historical process, China argues that the country, in its own words, has a history dating back to

2000 years. It has many theses that prove its claims that it's engaged in fishing activities in the SCS region. For example, the Qing dynasty (1644–1911) established a flourishing trade between East and West via the SCS. Therefore, these historical events in the SCS do not keep up with the sovereignty claims of the claiming countries, including China, in the modern world (Huang and Billo, 2015). On the other hand, the US does not actually have any formal claims to the SCS, but opposes China's sovereignty claims in the region, which can be considered important in international shipping. It has become important for the United States because of China's challenge to the order that the United States has supported since the Pacific War, and it is of the opinion that China is acting against international law. In a way, it opposes the fact that the state that will be sovereign is China.

In this conjuncture, the SCS occupies an important place in the Asia Pacific and the conflict between states cannot be justified. The presence of rich natural resources in the SCS intensified the problems between the states claiming the region (Huang and Billo, 2015). With the inclusion of some of the South East Asian countries -especially South Korea and Japan-, China on the one hand, and the USA excluding the states covering the region, there is a great competition. Today, the USA and China, which are seen as two superpowers and play a role in the field of regional security and globalization, aim to have a say in the region. The SCS region, which has always been seen as a pearl for China, wants to have a say in this region as it can benefit both economically and strategically. China wants to play a role in an existing global power configuration, even outside the Pacific region. On the other hand, it can be stated that it aims to exist in this position as it will provide benefits in the economic and military field for the USA, which wishes to "continue peace and stability" by winning the Cold War. Since the aims and objectives of these two states are the same, and they are also in a fierce power struggle in general, a conflict arises in this regard. Problems that occur in dimensions such as legal, political, economic and military fields have both regional and global aspects. Reflections of these are seen as pushing them to conflict and disagreement between states. However, in any case, when the continuation of security and stability in the region is desired, these two states focused on providing it. Due to the material damage caused by the hot conflict, both sides continue their struggle by using a soft and conciliatory attitude. However, as China's military capabilities develop day by day, it could quickly bring US military forces in the East Asian region into conflict formation. Thus, it could block its access to naval forces in the Western Pacific.

The South China Sea is among the most controversial regions in the world in terms of the number and complexity of jurisdiction and sovereignty claims. When the problem in the region is examined in areas such as the actors it contains, its location, sovereign rights in the region, jurisdictions in the sea and in the air, the extent of the rivalry between the states in the region and especially the USA and China will be seen. The multipolarity of the global order, the irregular and unstoppable rise of China, the US gaining its economic dominance in the region, as well as Japan's support and willingness to play an active role will be examined. However, due to the fact that the existence of tension in the region cannot be ignored, the superiority of the actors on many sides and facing each other will be examined and the threats in the security environment created by the military force used will be examined. As a result of these findings, the imbalance of military power, active armament, the search for sovereignty and the occurrence of small-scale conflicts due to the competition between the active states in the region will be examined. When these issues are taken into consideration, it will be understood how the tension between the USA and China has increased in the light of the policies managed in the region and what kind of atmosphere will prevail in the region will be dominated by a scientific literature review.

After making a general introduction by examining the importance of the GFD and the problems arising from it, I aimed to examine the power balances in the region by using realism as a result of the two main actors' tendencies in the region. With this study, the effects of the SCS on the regional and global environment will be understood and the competition between the China-USA will be examined and the problems of the two actors of the multipolar world will be examined. The possibility of hot conflict and the efforts of bilateral relations to isolate themselves will be followed by showing how the policy between the USA and China is perceived, how it has taken shape and how it may change over time. The national interests of China and the USA in the region and the situation of the region will be analyzed by examining the SCS dispute, with the importance of objectively conveying the global and regional reflections, by observing an objective transfer and determining the characteristics of the SCS in general terms.

1.2 PURPOSE AND IMPORTANCE OF THE STUDY

This study aims to analyze the competitions that have arisen as a result of regional and global troubles due to the fact that the SCS is an indispensable resource. The reason for the tension, which especially affects the existing tensions between China and the USA and which is frequently experienced in the region as a result, is due to the increasing interest in the SCS. Therefore, with this thesis, the effects of the SCS problem on the regional and global security environment will be investigated and its reflections on the China-US competition will be revealed. In this way, efforts will be made to prevent China's increasing power and influence with the US's containment policy.

The sub-texts of the problems will be examined by following up-to-date information. In this way, information about the possibility of solving the problem in the region will be obtained by looking at the result of the tension created by the competition in the region.

1.3 RESEARCH QUESTIONS

- a) What role does China play for the peace and security of the South China Sea?
- b) Why is China declaring more baseline and inland water claims surrounding all or part of island groups like Nansha?
- c) In light of the South China maritime dispute, what is the outcome of the conflict between the US and China?
- d) What is missing in the international arena to resolve the SCS conflict peacefully?

1.4 METHODOLOGY

This thesis bases its research aims on a historical analysis of the US and China's policy in the region. The thesis was written by reading the policy documents and an analysis was made on the policies of the states operating in China and the region. It is aimed to contribute to the future by researching the source of the conflict in the region. In this way, interviews, foreign and domestic news sources and databases were used.

While writing the thesis, primary and secondary sources were used. Documents, articles, interviews, video conference recordings, statistical data, original books and theses published by ASEAN and UN were used. The thesis basically tells the situation of China-US relations in the region and the situation in the international arena as well as the surrounding countries and deals with the part up to the present. Current situations have been used more and many references have been made by examining the ideas that make up the state identity and the point of view of the decision makers.



CHAPTER II

SOUTH CHINA SEA

2.1 LOCATION AND GEOGRAPHICAL FEATURES OF THE SOUTH CHINA SEA

The Asian continent consists of 5 main parts in general terms. It is called Southwest Asia, Central Asia, East Asia, South Asia, and Southeast Asia. The region consisting of East and Southeast Asia, the west of the Pacific Ocean and another part of these regions is called the "Asia Pacific" region. The Pacific Basin, which includes the SCS, includes the USA, Canada and countries in South America on the east side and the Asia Pacific on the west. Being a semi-enclosed sea, SCS is connected to the Indian Ocean by the Strait of Malacca, the world's most important trade route, and to the Pacific Ocean via Taiwan and the Philippines. A marginal sea, the SCS covers an area of 3,500,000 km from Singapore to the Taiwan Strait, making it the largest sea mass after the five great seas (Zhong, 2013). Mainland China is surrounded by Taiwan Island, the Sunda Islands, the Philippine Islands, and the Indo-Chinese Peninsula.

There are many landforms such as islands, islets, reefs and cliffs in the region. These geographical landforms are made up of two large archipelagos, with the Paracel Islands to the North and Northwest, the Spratly Islands to the South, and the Scarborough Bunker to the East. The surrounding cliffs, small islands and reefs are in the Paracel and Spratly Island chain. Most of them are unusable, but very active fishing is done in the surrounding area and accommodation is provided on these islands. Most of the islands are not suitable for human habitation as they have been submerged under water. Only fishermen sent by neighboring countries during fishing times stay on these islands for a short time and earn their living. Only the Spratly and Paracel Archipelagos and a few partially large islands are inhabited. There are structures built by the coastal states to provide transportation and security on the remaining islands and rocks.

Figure 2.1: South China Sea



Source: My Republica, 2019

2.2 THE HISTORICAL BACKGROUND OF THE SOUTH CHINA SEA

When we look at the history of the South China Sea, which has many states around it and therefore it is inevitable to have claims, it can be seen that clear data can be obtained in the middle of the 19th century. It is seen that the limitation of sea areas was determined after this date (Tonnesson, 2002). The reason is that, before this period, European states started to operate earlier in this region. Starting from the 16th century, Portugal, England, France, the Netherlands and other Europeans, together with their merchant ships, have increased the capacity in terms of global trade, commercializing Southeast Asia and providing integration in the region. Many European states have managed to capitalize the region by importing from here and have taken many ports under their control. Then, in the 17th century, they switched to spice and porcelain trade and imported them to Europe (Blussé, 1996). Issues such as maritime border separation has become widespread. In the light of the data that the states in the region and especially China can prove, it can be seen that it dates back to the 16th century. It has continuously carried out fishing and marine activities

in the sea and it has been seen that it can be proven in the historical course. It is stated that the sea is actively used and the sovereignty rights are therefore a right from those times.

Looking at the history of the SCS, it seems that it has been a region where the inhabitants of the region can become functional. In addition, it is clearly stated that the main function of the region from the past is to be a means of communication (Tonnesson, 2002). So much so that China, Vietnam, the Philippines and the Malays carried out fishing activities in this region. In addition to this, cultural and religious sharing was ensured in the region and it also became an important region where trade was carried out strongly. As a proof of the activities of the Chinese in the region, it can also be stated that Zheng He, *a Chinese sailor and fleet admiral during the early Ming dynasty of China*, visited various islands such as Spratlys and Paracels Islands, but his purpose was to seek shelter for security purposes (Huang and Billo, 2015). As can be understood, there was no search for sovereignty in the region, basically the land and sea areas were used for benefit.

After the industrial revolution of Europe in the 18th century, the search for new colonial areas in the world began in search of new raw materials and markets in order to contribute to their developing economies. Europe, which succeeded in colonizing Africa, then entered the Asian market from the 18th century and turned to China (Gulboy, n.d.). The search for sovereignty in the region has not been seen yet, and the region has been used only for commercial motives. Spratly and Paracel, two important islands in the region that will be important in the future, have not been in conflict. As a result, it was seen as an open door to the states seeking colonization only when it comes to the diversity of productive resources in the region. At this point, the colonial activities implemented until the 19th century are called 'Old Imperialism'. In this period, European states (England, France, Netherlands and later the USA) were in search of colonies and in fact, they discovered the new world by seeking trade routes. They also established settlements in this region. According to Tonnesson and Samuels, the period up to the 16th and 19th centuries is referred to as the 'Pre-Modern Era' for the SCS. The history of sovereignty disputes in the SCS begins with the introduction in the 19th century of the practice of dividing entire European territory between states with full sovereignty (Tonnesson, 2002). The 'Opium War' can be given as a full example of this. Between 1839 and 1842, there was a conflict between England and China, and as a result, China was forced to open its doors to Europe as a colonial state (Hayton, 2014). The main reason

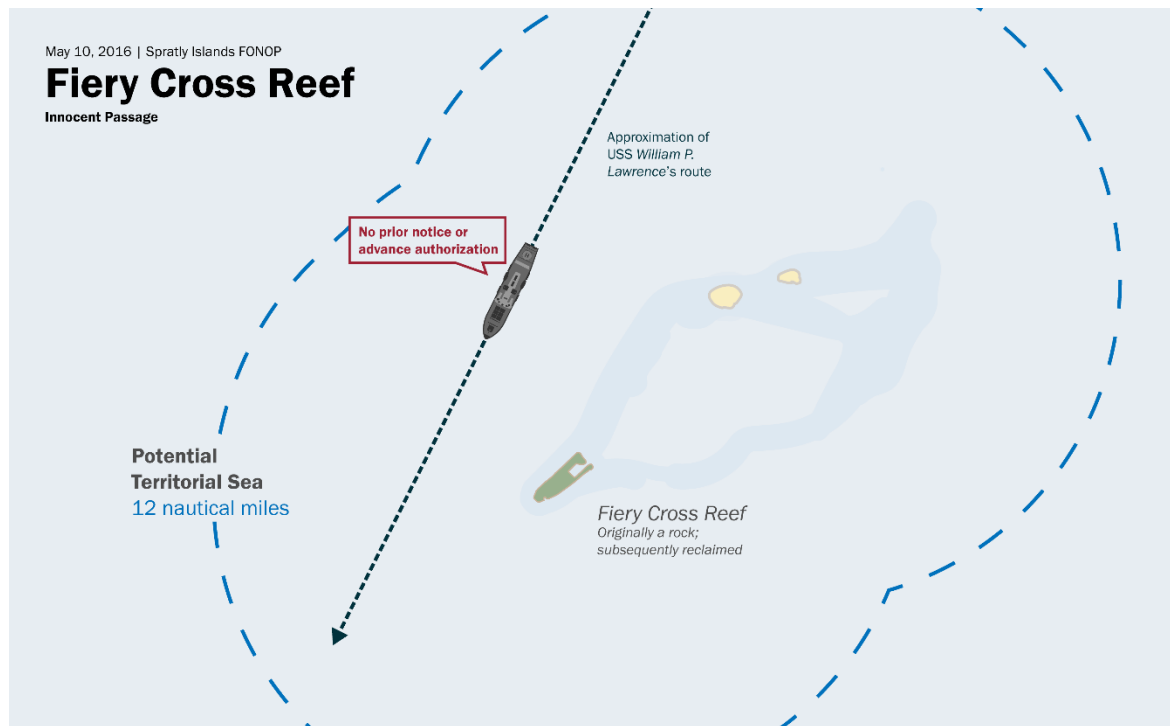
why sovereignty was not in question was the absence of a permanent naval power during the period. The other reason is that they did not see the potential to claim sovereignty over the Spratly and Paracel Islands, and even identified them as dangerous. Still, Japan used these islands but still did not claim them. After the 19th century, claims of rights came to the fore, the islands began to be discovered and exploited (Hayton, 2014). China, which is uncomfortable with this exploitation of Europe, has stated that it has sovereignty rights in the future. By stating and proving that China has played an active role in fishing and the use of the sea throughout history in the region, it has stated that it is right in its claim, which will appear in the future. As the SCS region was a place under French and British exploitation, it came under its rule due to the presence of their navy in the region.

When looking at the end of the 19th century, in order to separate the period, the step of the USA in the region can be looked at in SCS. So much so that the Netherlands, France, England, Japan and the USA appear as countries that can claim sovereignty. It started to be spoken in the region after the USA reached the Philippines. Likewise, Japan's being active in the region started when it won the Sino-Japanese war in 1895, which it went to in 1894. Eventually, Taiwan acquired the Liaotung Peninsula and the Penghu Islands (Besikci, 2007). But diplomatically, it has still been a marginalized country. Japan's growing power, being excluded in the relations between the above-mentioned five foreign powers and the disputed maritime dominance in the 1920s, provided an Asian focus against western domination.

When we look at the beginning of the 20th century, the prominent country was Japan. So much so that the growing problem of militarism shook Japan due to the economic crisis. For this reason, they attacked Manchuria and China. Due to this non-stop expansionist policy of Japan, there was unrest in the SCS region. The Netherlands, England, France and the USA, which were tense after this unrelenting desire to expand, used the concept of territorial sovereignty as 'freedom of navigation' (FON) in the seas (Huang and Billo, 2015). They stated that the waters outside the borders of coastal countries are open to everyone. In response to the setback of this situation, China and Taiwan signed their own agreements in order to protect their existing rights and caused them to obey the rules of the west in order to be sovereign and thus open their countries to European trade. Thus, the claims of sovereignty in SCS and the efforts to explore the region have emerged.

Spratly and Paracel archipelagos, which they called dangerous in the following periods, and which are seen as important places today, claimed sovereignty by England, France, Japan and many other countries (Tonnesson, 2006).

Figure: 2.2: Freedom of Navigation



Source: Asia Maritime Transparency Initiative, 2017

While the Second World War was still going on, Japan attacked the American base and declared war against the United States. Japan landed in the Philippines, the British in Singapore, and the French in Indochina. But all of these regions remained in Japan until 1945. The Pacific war, which started with Pearl Harbor, made China an ally of the USA and England. Japan was defeated and its sovereignty was renounced with the 1945 Potsdam Declaration. After the withdrawal of Japan, the vacant lands, that is, the exploited states, argued that the lands were passed to them. Colonial states claimed the opposite. However, thanks to the increasing nationalism, the countries in the region declared independence. After the Second World War, the outflows of sovereignty increased and after the end of the war, there was no attempt to invade the islands, and the countries started to recover. Each country has tried to protect its rights in the region by proving that they use the sea

for their needs with historical sources. The USA did not have any claims on the lands from the region, but it was inevitable that freedom of navigation was emphasized by them in terms of trade. This principle is important for the Western power USA, which has an interest in the order in East Asia (Beukel, 2010). All parties, including foreign powers in the region, have claimed sovereignty over the islands, islets, reefs and reefs in the SCS since the Second World War. Each side is striving to assert its sovereign rights in the SCS.

In conclusion, the Second World War revealed the strategic importance of SCS in global affairs, in maintaining regional peace and stability. As the United States became the most dominant naval power in the region at the end of the Second World War, it paid little attention to the soil properties in the South China Sea. China, which organized sea voyages to the Paracel and Spratly archipelago under the direction of Chiang Kai-shek, remained active in the region (Huang and Billo, 2015).

2.3 THE IMPORTANCE OF THE SOUTH CHINA SEA REGION

This region is a critical commercial gateway for much of the world's commercial shipping and is an important economic and strategic sub-region of the Indo-Pacific. As the main sea, the SCS is an important region not only for China, but also for states that do not claim rights, such as the USA and Japan (Beukel, 2010). South Korea and Japan use the SCS for the supply of fuel and raw materials and as an export route, but the existence of diversion seaways crossing the SCS gives non-riparian states flexibility in this regard. Since the region is a valuable area, it has appeared as an open door to every state. This sea is of great strategic importance, and one-third of the world's shipping is seen as a source of trade worth trillions of dollars each year (Criekemans, 2017).

The landforms here and the exclusive economic zones constitute the continental shelf and the riparian revolution area with some sovereignty claims (Karabel, 2017). The reason is that the region is a very productive area in terms of resources. The SCS region has such an abundance of biodiversity that it hosts more than 30% of the world's coral reefs and also includes fisheries, with up to one-tenth of the global fisheries being met from the SCS region annually. However, it is an important area for energy importers in this region, which contains a large amount of oil and natural gas. About 1/3 of the goods transported by sea in the world meet about half of the energy needs of Northeast Asia (Karabel, p.3). A fertile area, the SCS has been described as the 'mother of all

territorial disputes' (Baviera, 2004). So much so that it can be seen as the center of growth in East Asia and continues to be of great importance for the sea route, and is referred to as the 'Second Persian Gulf' (Beukel, 2010). Hundreds of vessels, from fishing boats to oil vessels, navigate the waterway, and the bulk carriers that provide this circulation network feed the economies at the other end of the SCS. Its chief providers are China, Taiwan, South Korea and Japan, which streams trade to the west. Likewise, if it is known that natural gas and crude oil passing through the Strait of Malacca are more than half of the world's trade, this will not prevent SCS from being the absolute value of the world. In 2013, approximately 63% of world oil production was transported via sea routes. A strong transportation network is important in terms of connecting Northeast Asia and Southeast Asia to provide world trade from here. Oil and other liquids transported on these roads are an important part of global energy security.

The fact that the region is one of the busiest shipping routes in the world causes the surrounding countries and different states to show sensitivity to the traffic in SCS. In this context, freedom of navigation in the region is of great importance for naval fleets. Sea routes through the region are one of the most important in the world, connecting the Indian Ocean to Northeast Asia, including ports in China, Japan, Korea, and Russia. SCS is also of great importance for China as it has trade routes. According to China, the region is first and foremost a route through which trade with India, the Persian Gulf, the Middle East and Europe has been carried out since the past. China, which is highly dependent on foreign energy in terms of energy, meets this need by importing energy products coming through the transportation routes in the region. 80% of oil imports, which are of great importance for China, come from the Middle East and North Africa (Doğan, 2020). The region's dominance of transportation and transportation routes allows this state to open up to the world. Due to the fact that SCS is one of the most important transit points globally, it is also taken into account by states with no borders, such as the USA. The amount of energy transferred over SCS corresponds to half of the world's LPG and 1/3 of oil.

At the point of importance of SCS, rich fishery and natural resources can be examined. It is home to a rich variety of fish provided by the waters of the region. There are around 40 bird species, more than 400 coral and ocean creatures in the islands and surrounding waters in the region, in addition to other important sea creatures such as sea turtles, sea cucumbers, pearl oysters (Vu, 2012). Fishing is also kept at the forefront of the policies of the regional states, as it is seen as a

high income and foreign exchange income for those who make a living from food source and trade. The majority of the coastal workforce in the region makes a living from SCS, the habitat and spawning center for some of the world's most prized shrimp and tuna fish. Almost one-tenth of the annual global fishing takes place in this region, and over 30% of the world's coral reefs, which are considered one of the most valuable creatures in terms of biodiversity, are located in SCS. Fishing, which is the livelihood of people living in countries along the coastline of the SCS, whose number exceeds 500 million and which includes China, Vietnam, Taiwan, Malaysia, Singapore, Indonesia, Brunei and the Philippines; therefore, it is also of great importance for the countries of which these people are citizens (Bygora, 2021).

This feature of SCS, which is a part of the Pacific Ocean and is believed to have large oil and natural gas reserves, shows the third reason for the importance that coastal states and other international actors ascribe to the region. The reason why this feature of the region is so valuable that it can drag states into conflict is undoubtedly because oil is the most traded product in the world. Oil, as well as being a symbol of superiority throughout the 20th century, has maintained this title in the 21st century and has become one of the actors of the land conflicts in the SCS (Daniel, 1991). There is a reason why such importance is given to the existence of "possible" oil resources in the region. As countries' energy sufficiency levels decrease and they experience unease about their energy security, they are starting to give more importance to their offshore oil and natural gas production potential. In this respect, SCS attracts great attention by being seen as a potential oil basin due to the hydrocarbon sediments it contains. (See, Table 1).

Table 2.1: Oil and Gas Reserves

	Proven Oil Reserves (Billion Barrels)	Proven Gas Reserves (Trillion Cubic Feet)	Oil Production (Barrels/Day)	Gas Production (Billion Cubic Feet)
Caspian Sea Region	15.4-29.0	236-337	1,000,000	2846
Gulf of Mexico (US)	2.7	29.4	1,014,000	5100
North Sea Region	16.8	156.6	6,200,000	7981
Persian Gulf	674,5	1718	19,226,000	5887
South China Sea	7.5	145.5	1,367,000	2323
West Africa/Gulf of Guinea	21.5	126.3	3,137,000	200 (est.)

Source: Vietnam Energy Policy Laws and Regulations Handbook, 201

In addition to the fertile resources in such a large area, it is highly likely that the claims of riparian states and foreign powers, alliances and conflicts, may be the center of a new world war that may occur due to the display of the powers of the states. In fact, it is an undeniable fact that the SCS is a valuable sea, as it can be understood from this complex structure of the states, due to the fact that it is a strategically strong position, as well as natural reserves, which are among the main reasons for the endless conflict in the region.

Due to the presence of nuclear weapons countries in the region, SCS stands out as important. In addition, it has a situation that attracts global actors to a competitive environment. It has a structure that will allow the countries and foreign countries in the region to expand their regional influence and compete against the adversities experienced in shaping the security environment. In addition, the regional arms race has increased compared to previous periods, the sense of nationalism has

come to the fore, and this region is worth talking about politically because of the steps of countries to strengthen their power.

The most important actor in SCS is undoubtedly China. China has attracted attention in the environment by adding the military modernization process to its gross national product, which has been increasing for a quarter of a century, and therefore to the necessary defense expenditures. It carried out land expansion activities by filling sand on the islands under its control with its historical claims in SCS. In addition, the construction of military bases was enough to complicate the conflicts. Taking control of the SCS, both economically and security-wise, will offer countries strategic advantages. The fact that it is an important route of global trade increases the problems in the region. For this reason, considering the possibilities of conflict, the evolution of China's military power and the US's security efforts in the Asia-Pacific, it would not be surprising that different actors also speak out in the region (Karabel, 2017). This is precisely the center of geopolitical interests and the site of increasingly intense global and regional political struggle (Hanayi, n.d.).

The region is very hot due to the tension and the defense expenditures in the region are increasing due to the conflicts. Most of these expenditures are made by China. There are also concerns about the arming of Japan with its past colonial expansionism. Looking at the location in the region, the spread of China everywhere symbolizes its existence as an economic power (Kozanhan, 2020). In this way, the formations in SCS are seen as an advanced logistics support base from a military point of view, when viewed from their transportation routes. By increasing the operational range of the navy and air forces through the naval bases and airports to be built on the islands in the region, it will be able to provide shipments to longer distances. In addition, it is known that with the early warning systems that can be deployed in the region, the movements of all residents in the region can be monitored and communication can be established. Examples in the military field, such as the formations in the SCS, can offer important advantages such as being able to be seen as a defense shield geographically, allowing the control of routes and providing convenience in terms of intelligence.

2.4 SIGNING OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The examination of the delimitation of areas in the seas was examined by the United Nations (UN) Convention on the Law of the Sea in 1982. This convention, which entered into force on 16 November 1994 with the participation and approval of 60 countries in total, also brought regulations on many issues such as territorial waters, exclusive economic zone (EEZ), continental shelf, neighboring region, archipelago states, archipelago waters. One of the most important innovations brought by the Convention is undoubtedly the establishment of the International Court of Law of the Sea for the settlement of disputes that may arise from the implementation of the Convention.

The problems in the SCS, as mentioned in the previous chapter, are mainly due to conflicts related to territorial waters, continental shelf and EEZ. First, according to article 3 of the Convention, each state has the right to designate a distance not exceeding 12 nautical miles. In addition, clauses relating to the continental shelf include the seabed and land beyond the territorial sea, up to the outer threshold of the continental margin or, if less, 200 nautical miles from the baseline from which the territorial sea is measured. In this region, the riparian state has the right to conduct various investigations and benefit from the natural resources of this region, and it means that it may also have the right to lay submarine cables and oil pipes in this region (Pekcan, 2017).

The exclusive economic zone also extends up to 200 miles from certain lines of the territorial sea, according to Article 57 of UNCLOS. The rights granted to the coastal state in this marine area are also of an economic nature and are the operation and protection of living and non-living natural resources on the seabed, on the seabed and in the groundwater, according to Article 56 of UNCLOS. They have the right to establish and use artificial islands, facilities and structures, and to conduct scientific research, regarding activities for the exploration and operation of the region for economic purposes. If we look at another article about the EEZ; Rocks that are not suitable for human habitation or do not have an economic life of their own shall not have exclusive economic zones or continental shelves (Bayillioglu, 2017).

Although the 1982 Convention has made a great contribution to the issues related to maritime areas, it also causes major problems in some issues related to the limitation. At its simplest, formulations such as the EEZ cause overlapping of claims in closed seas such as the South China

Sea. That's why in the South China Sea, countries try to build military outposts on small islands to support their claims on the EEZ and the continental shelf, and this leads to many conflicts.

Although the UN Convention on the Law of the Sea, it contains no provisions on sovereignty over the islands. On the other hand, SCS states do not only claim maritime areas, but also have sovereignty over islands in the sea. The Convention concerns only the delimitation of maritime areas, and the state that dominates the islands can declare an EEZ around the island. Artificial islands do not have any maritime zones, only 500 meters of safety zones. The Convention concerns only the delimitation of maritime areas, and the state that dominates the islands can declare an EEZ around the island. Artificial islands do not have any maritime zones, only 500 meters of safety zones. 60/8 of UNCLOS. It has been claimed that they do not have island status, do not have territorial waters, and will not affect the maritime jurisdiction area limitations. It was explained that the structures under the artificial islands in question should be evaluated (Andreeff, 2014-2015).

China ratified the UN Convention on the Law of the Sea on 7 June 1996 and according to Article 310 of the Convention; *‘does not prohibit any State from making notices when signing, ratifying or acceding to this Convention, however handled, provided that such notices are not intended to exclude or alter the legal effect of the provisions of this Convention in its application to that State.’* In summary, even if a state ratifies the contract, it can make statements on the condition that it does not aim to be outside the legal effects of the provisions of the contract or to change their legal effects. Considering that, China's signing of the Convention does not affect its claim to sovereignty over the islands.

Referring to the contiguous waters part and territorial sea in the sentence “China has unquestionable sovereignty over the islands and adjacent waters in the SCS” in the first part of the sentence that China sent to the Commission on the Limits of the Continental Shelf (CLCS), an arm of the UN, in 2009. It exhibits a position consistent with UNCLOS. However, with the reference to sovereign rights and jurisdiction in the section "has sovereign rights and jurisdiction over the relevant waters, seabed and subsoil", which is explained later, and the language used by UNCLOS to refer to the rights and jurisdictions of the coastal state in the EEZ and the continental shelf contains (Scott, 2016). When examined together with the map reference that China gave it, it can

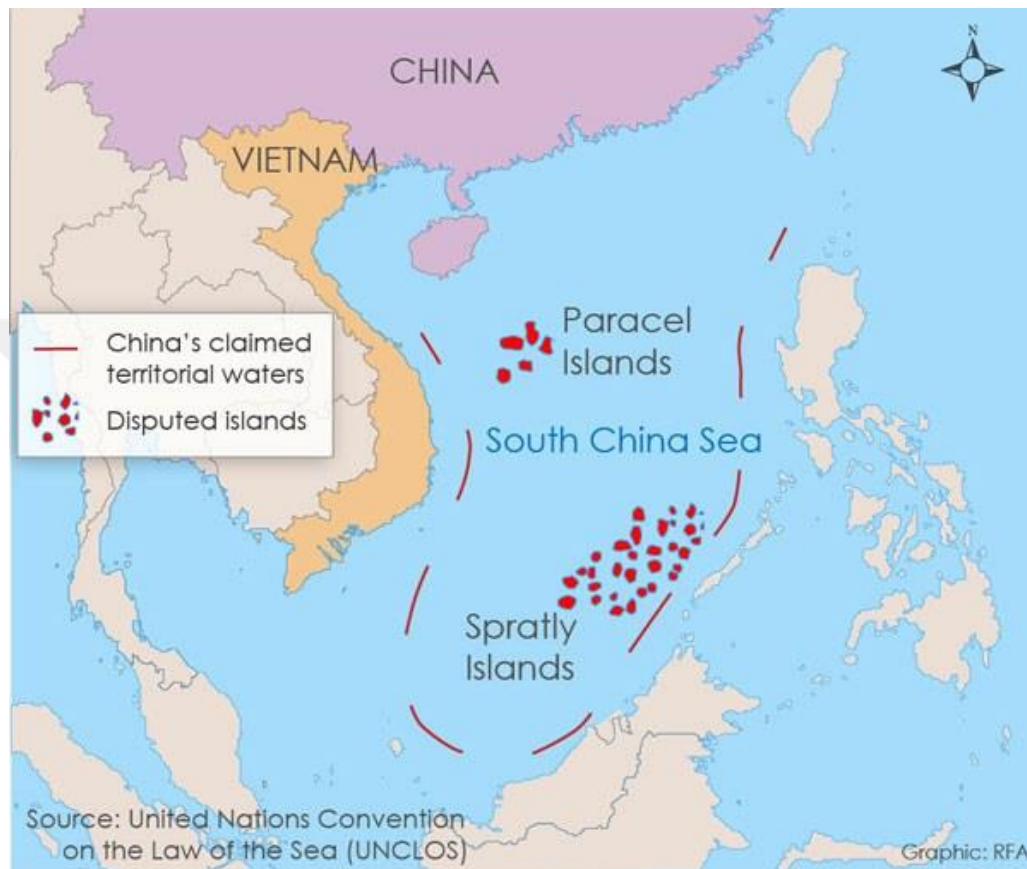
mean that China claims sovereign rights and jurisdiction over the entire maritime area within the nine-lined line, as will be explained in the next chapters.

On the other hand, the USA argues that the disputed areas in the SCS should be acted in accordance with international law. Likewise, he thinks that the solution should be realized through international law, and therefore with UNCLOS, which still continues. However, even if the US Senate does not approve, the US is not officially a party to UNCLOS for this reason, and it still adheres to its principles.

2.5 CHINA'S NINE-LINE POLICY

The Nine Dash Line specifies the maximum coverage of Chinese history claims in the SCS. China's claim is not that the entire area within the nine dash line is a territory to be controlled, but that the islands within it, Paracel, Spratly, Zhongsha, and Pratas, belong to China. If China is given the territory they deserve, they will have exclusive economic control over the rest of the area within the Nine Dash Line. China was the first country to discover and exploit the resources of the SCS islands. It was the first country to consistently exercise sovereign powers over them. The SCS has been under Chinese control for over 2000 years, and its vital trade route is rightly defended by China as theirs. China still maintains its aggressiveness in this regard, as countries that do not accept this want China to withdraw in accordance with international maritime law.

Figure 2.3: Nine Dash Line



Source: Radio Free Asia, 2015

It is estimated that \$3.4 Trillion of trade passed through SCS in 2016. If China had justified control over this region, then they could benefit from this much-needed economic activity, but they are not. China can use its profits to help its large populations by providing benefits that require more funding, but a comment comes from pro-Chinese commentators that countries like the Philippines and Vietnam want to thwart this and are getting their own reward from the desperate Chinese people.

According to Article 56 of the United Nations Law of the Sea and Conventions (UNCLOS), to which China is a party, states have the exclusive right to use the resources of their exclusive economic zones (EEZ) and to construct artificial islands (UNCLOS 43). -44). Therefore, any part of the 9 lines within another country's EEZ is illegal; International law prohibits China from seizing resources and creating islands in other states' EEZs (UNCLOS 43-44). As a result, all hyphens in China's 9-dash line within the Philippine and Vietnam's individual EEZs marked on the map in Figure 2 are illegal claims. Duties of the Straits Bordering States in Article 44 On the part of the straits littoral States, they shall not hinder transit passages and appropriately declare any navigational or overflight hazards of which they are aware in or on the strait. There will be no suspension of transit pass.

In the second half of the 17th century, the principle of freedom of the seas was generally adopted as an important part of the need of European countries to expand global trade and open up to overseas markets. Ships of all countries had the freedom to navigate the open seas of the world. However, China still saw the land as the pillar of its economy. Coastal defense was lacking. Since the end of the Qing Dynasty, China has always been a problematic place for the idea of territorial sovereignty, including island features.

After the middle of the 20th century, China gained national liberation and independence over time and was able to take place as an equal actor in international relations. After the Second World War, China gradually regained its lost sovereign rights and retained jurisdiction over the main island properties in the SCS. Therefore, at the beginning of 1948, China published an SCS Islands Location Map with the main aim of clarifying its country's territorial sovereignty under the post-war international order.

The way of globalization states that under modern maritime law, China has maritime jurisdiction in certain maritime areas in light of its sovereignty. This is why China claimed in its 2009 Verbales Notes “sovereignty over the islands and adjacent waters in the SCS” and “sovereign rights and jurisdiction over the waters concerned and the seabed and subsoil”. Of course, maritime rights and jurisdictions were not created by China. These new concepts come from the West. China claimed and exercised maritime jurisdiction in four convention areas established during the first United Nations Conference on the Law of the Sea in 1958 and UNCLOS in 1982. Today, the maritime jurisdiction claimed by China follows the claims and practices of the international community,

especially Western countries. It also expresses the development and evolution of the principles and rules of modern maritime law. Free sea is a relative idea. As the age progresses, actions at sea have to comply with more and more regulations. This helps to promote maritime security and sustainable development, and is in line with the principle of balance by addressing other generations. It also serves the common interests of humanity. This is especially true in closed and semi-enclosed seas and SCS is suitable for this. Therefore, China believes that apart from territorial sovereignty over island features, it enjoys all kinds of rights provided in the Law of the Sea Convention and customary international law in a “dash line”. On the other hand, about the usability of each right, the scope of the rights and the way they are used are evaluated.

Additionally, most of China's territorial claims in the surrounding EEZ are unjustified according to the court ruling. According to the international court in 2016, the historical claims that China used to justify the 9 lines are baseless and illegitimate (PCA Case No 2013-19 112). Therefore, China's unlawful behavior towards states is official and has no historical basis. Whether the land features that China occupies are islands, rocks, or low tidal elevations determine the extent of its surrounding borders. For example, the artificial islands that China has built on the Subi, Gaven, and Fiery Cross reefs are far from any state's EEZs in the South China Sea. However, since the artificial islands of Fiery Cross and Gaven are built on rocks and the Subi reef is based on a low tidal height, the former only qualify for twelve-mile territorial waters. Second, according to UNCLOS there are no legal limits. Thus, while China may at most claim sovereignty over a twelve-mile radius around Gaven and Fiery Cross reefs, all-out territorial claims are criminal.

2.6 SOVEREIGNTY CLAIMS OF THE PARTIES

There are both sea and land claims between riparian states in the SCS region. In the historical process, the claims of China, Philippines, Vietnam, Brunei, Taiwan, Malaysia and Indonesia for the right of sovereignty over the islands and waters on the SCS have caused hot conflicts from time to time (Karabel, 2017). So much so, that the increasing importance of the region and UNCLOS, which is known as the constitution of the seas, which came into force in 1982, provided the countries with the right to benefit more from the seas. Thus, the importance of SCS on behalf of the states that are parties to the SCS problem has come to the fore, and this situation has intensified the competition.

Looking at the region, the potentials it offers are important and they are many. Some of the points of conflict are related to sovereignty rights and the other part is related to spheres of influence. Influencing and adding to the influence of the SCS, especially as the actions taken by the USA by using its symbolic navigation rights here, also improves the field of competition with China. The claimants of the Paracel Islands are China, Taiwan and Vietnam, but the weight is in China. While the same countries claim the Spratly Islands over the entire island, the Philippines, Malaysia and Brunei claim partial rights (Hasan, Jian, He, 2019). Except for Brunei, other mentioned countries have partially occupied it. The Scarborough reef is claimed by China, the Philippines and Taiwan but has been controlled by China since 2012.

Figure 2.4: Claimants of the South China Sea



Source: Wirth, S., 2021

Many riparian countries have a political dispute with China over their regional formations and also because of China's claims with the USA in the EEZ. It is trying to legalize its own claims, and on the other hand, it takes the de facto step that slowly sees control, called the 'salami tactic' (Denk, 1999). So much so that in the UNCLOS of 1982 regarding the USA, it claims that, regarding the

activities of foreign country vehicles, the riparian country was authorized to regulate economic activities in the EEZ, but there was no regulation for the passage of soldiers. China, on the other hand, thinks that the contract is authorized to regulate not only economic but also military sea vehicles belonging to foreign countries in the EEZ. On the other hand, as well as the disagreements with ASEAN and China on this issue, the approaches of the party states China, Vietnam, Philippines, Malaysia and Brunei to a solution can also be specified.

China demonstrated its rights in the SCS region in the 'Nine Lines' published in 1947. All features in the area bounded by this nine-lined line can be a claim to dominate and control over land, water and seabed. From the point of view of maritime law, there is no clear situation in this regard as coordinates are not provided for islands or baselines (Tsirbas, 2016). China's claim is that it has sovereignty over the SCS region, including the Spratly and Paracel Islands; that it owns all of the waters and has historical rights over the SCS. In addition, China claims rights on the basis of discoveries, historical development and occupation (Bateman, 2009). Looking at the historical dimension, China's claim explains that they were fishing in SCS and also engaged in other activities 2000 years ago. Looking at the historical course, there is evidence for this, and this evidence goes back to the time of ancient dynasties. The argument for dominance over the islands is not based solely on China's exploration here. Chinese scholars emphasize that an effective occupation is important as in modern international law. Attempts have been made to justify ancient China's occupation of the islands in the SCS by listing China's usual activities at sea, including economic development and operations such as fishing, afforestation (Zou, 2007). That's why they argue that they have sovereign rights. Take the Han Dynasty, which ruled in 206 BC and 220 AD; Spratly and Paracel Islands, which were discovered and used in this period, are their rights according to China. In particular, there are many references to the discoveries they made. Based on historical sources, China's own territory, the islands in the SCS, became part of China during the Manchu Dynasty, and is seen as belonging to China on maps and documented documents (Broderick, 2015). For example, in 1877, the Paracel Islands belonged to China, and it is clear that the exercises on these islands also took place in 1902, and that this was done with military ships. In 1992, China enacts laws on territorial waters and successive regions. It was made because they saw it as an important move after the Cold War, and they state that they will use all his instruments regarding his own sovereignty.

While these claims are generally not accepted by UNCLOS, Article 15 of UNCLOS provides an exception:

'Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.' (United Nations Convention on the Law of the Sea, n.d.)

When viewed together with this explanation, UNCLOS does not mention the historical rights as a basis for maritime claims. Although China has always claimed that it has historical rights alone, if it wishes to settle disputes with the claimants legally, the issue of historical rights will have to be abandoned.

Taiwan also has a claim in the SCS like China. Taiwan states that they have the legal administration of all the lands they own. This time, the Nine Lines Map of Taiwan, which claims to be the first to discover the Spratly and the Paracel Islands, which it has claimed since 1974 (Karabel, 2016) and to be the first to use it in history, is shown as evidence in comparison to its claims. They also argue that China was the first to discover and use the Spratly and Paracel islands, and were also incorporated into their national territory and ruled by imperial Chinese governments (Position Paper On ROC South China Sea Policy, 2016). The island it claims is Taiping. They claim that this island belongs to them. They maintain forces on the island and builds facilities on the island. It currently holds the largest of the Spratly Islands, Itu Aba (Taiping Island) and Pratas Island. Taiwan negatively affects its relations with other party countries as its claims about the SCS issue are the same as China. The reason was that they got closer with Taiwan's proposal to support China in the 1988 China-Vietnam conflict and to take common legal decisions.

Vietnam also claims sovereignty over all of the Spratly Islands and parts of the Paracel Islands. Vietnam has already named this region the "East Sea" (Eryigit, 1988) They states that its position in the islands, which it says is close to itself as a region, has been in place for a long time, depending

on the historical process. It shows the map published in the 1834 Minh Mang period as evidence, based on the claims of exploration and occupation. Similar to China, Vietnam bases its claims on the region on historical grounds (Dundar, 2021). It applies a balancing strategy while solving the problems related to the conflicts in the region. It emphasizes that the region is an element of national interest, and on the other hand, it keeps its relations with China away from conflict. It tries to balance relations with China in order to ensure its own national security, and in this context, it tries to develop itself in terms of economic and defense with a collaborative approach, with the support of organizations such as ASEAN, of which it is a member, and other major powers that have conflicts of interest with China in the SCS, such as the USA and Japan. In balancing policy, Vietnam cooperated with India, which does not directly benefit in the region, in order to be in an advantageous position (Pekcan, 2016).

The Philippines, on the other hand, refers to its part of the SCS as the 'West Philippine Sea' (Eryigit, 1988). The Philippines only claims sovereignty over parts of the Spratly Islands and the Scarborough Reef, 130 miles from the Philippines' Luzon Island (Pekcan, 2016). The country does not claim any rights on Paracel. They State that the area to which the country claims is not included in the Spratly Islands group and is included in a different group that Philippines calls the 'Kalayaan Islands' (Li, 2014). The Philippines bases its claims on exploration, effective occupation, geographic proximity, security, and continental shelf boundaries. They also stated that they already had sovereignty over a part of the Spratly Islands with an official statement in 1971. What the country states on behalf of the entities it claims is the presence of Taiwanese forces on Itus Aba Island because it is geographically close to it and it sees this as a threat (Li, 2014). On the other hand, the Philippines stated that the islands were unclaimed during the period of occupation. With the San Francisco Treaty of 1952, it was stated that while Japan gave up its rights, it was left to the other allies. Then they occupied the islands, stating that they were *res nullius* (land that did not belong to any sovereign state) (Dogan and Gurkaynak, 2019). However, it is stated that the Kalayaan Islands were discovered by Philippine citizen Tomas Cloma and passed to the Philippines through occupation (Li, 2014).

The Philippines maintains its existence in between seven and nine geographical features, although it is stated in different numbers in various places. The Philippines has been one of the main

defenders of the conflicts in the region, in the structures that it established its claim and sovereignty. Claiming rights to most of the SCS, this country will not give up parts of the Spratly Islands and Scarborough Reef. The country sees this SCS issue as an international issue and states that it is not appropriate to settle it among the claimants in the region, on the contrary, it should be viewed multilaterally. They openly declared this in the UNCLOS of 1982, and the method desired by the Philippines is brought to the agenda when the problems that need to be resolved with China are discussed. Contrary to the claims of the Philippines, it was moved to the "International Permanent Court of Disputes" in 2013 due to China's acrimony on this issue. They argue that the Nine Lines Map should be invalid, based on China's claim that it sees it as a historical right. Thus, it achieved its purpose, and the claims of sovereignty based on historical rights in the field of law came to an end. The EEZ has proven to be worthy of consideration, and it is the Philippines that profits from it. As a matter of fact, it has been declared that the sovereignty rights of the Philippines are violated in the parts of the Philippines, which are considered to be in its EEZ region, regarding the harassment of China in the region.

We can call Brunei the most quietest country in the SCS. It still has its claims on the EEZ. It claims sovereignty over the Louisa Reef and Rifle Bank in the Spratly Islands group, and the country states that these areas are within the boundary of the continental shelf. After Brunei signed UNCLOS, in 1984 the government published a map that could be shown as the first evidence of its claims to the region, thus defining the continental shelf and EEZ rights, but not occupied (Junfeng, n.d.).

Brunei is a country that grows its economy with its oil and natural gas exports. It is important for its stability in the SCS, as most of Brunei's hydrocarbon resources are located in its EEZ, which provides 90% of government revenue (Doğan and Gürkaynak, 2019). Its economically strong trump makes the sea areas it deserves and the formations on it even more important. As a resource that provides its economy, it seeks partners and provides an understanding of cooperation, since oil exploration and dredging activities are expensive.

Finally, the claimant country in the region is Malaysia. Malaysia claims only part of the Spratly Islands and follows a soft policy of ad hoc diplomacy and pragmatism. In addition, unlike other

states, it has no historical evidence. It bases its claims only on the continental shelf and its occupations. But lately Malaysia have broken their silence. So much so that the negative developments between them and China have been effective in this, because they do not have the capacity to fight with China. However, Malaysia's general strategy aims to strengthen its military ties with the United States in order to balance with China despite China's increasing presence in Southeast Asia (Dogan and Gurkaynak, 2019). At the same time, it continues its military cooperation with the USA, using its rebalancing strategy in the Asia-Pacific (Montemalo, 2016). The cooperation between the two countries, the formation of the "US-Malaysia Partnership" in 2012, proves this. As a result, Malaysia's presence in the region continues its struggle as one of the parties to the SCS conflict, with China's developing economy, the military and economic support of the United States, and ASEAN's goal of solving the problem in the SCS. Looking at Malaysia's continental shelf thesis, one can look at UNCLOS in 1958. So much so that, with the continental shelf law enacted in 1966 and 1969, the 'Oil Exploration Law', which allowed oil exploration in these areas, was carried out to support its claim to sovereignty (Dogan and Gurkaynak, 2019). In addition, the map they published in 1979 shows the territorial waters and continental shelf boundaries of Malaysia and they have claims on these formations.

2.7. SECURITY DILEMMA WITHIN SOUTH CHINA SEA DISPUTE: OFFENSIVE REALISM

Realists believe that anarchy brings insecurity and therefore governments are created to protect their people from the international system that is insecure. The main actor is the state, and private companies, religious organizations and non-state actors play a role in shaping the system. The central state is in competition with the others. On the other hand, they are rational about states taking actions to benefit them and argue that states will shape their behavior accordingly when the cost of the action exceeds the benefit. This approach can be approached according to the idea of aggressive realists, which is an idea of current realist approaches. Aggressive realists agree with classical realists that states will seize every opportunity to increase their power, where the benefits outweigh the costs, even if the reasons are different (Lobell, 2010). When viewed in this context, in Thucydides' view of the Peloponnesian War, one of the parties, Athens, expressed that "the strong should do everything they can do, but the weak should accept what they have to accept" is

expressed in offensive realism. In addition, another assumption is that security is the main scheme of international politics. However, this security context is mostly made within the framework of aggressive security strategies, so that security can be provided. States will never be sure of the other side's intentions, and with this fear, if states accept that they are stronger than their rivals, they have a better chance of survival and are not threatened (Mearsheimer, 2006). It is desirable to create an open trading system and take a cooperative approach, but as we have seen in every world war these situations change focus quickly when conflict arises. The main reason is to survive.

Aggressive realism, which is the theory of international relations, argues that states are prone to competition and conflict because they pursue their own interests, increase and maximize their power, and fear other states. They argue that states also have to behave in this way in order to survive in the international system (Johnson, 2016).

Security is insufficient for aggressive realists. The anarchic nature of the international system forces states to seek supremacy rather than equality, seeking to make themselves more secure and thus maximize their share of power in the world, in order to increase their chances of survival. The fundamental desire of every power is to be hegemon, and the stronger the state, the less likely it will be a target, as the weaker ones will be discouraged from challenging it. As Mearsheimer points out (2001:33), states quickly realize that the best way to ensure their survival is to be the most powerful state in the system. Uncertainty about the intentions of states pushes great powers to adopt competitive, expansionist and aggressive policies when the benefits outweigh the costs. Since intentions are never clear and a state is likely to become more aggressive in the future, all major powers consider the worst case scenario and therefore increase their power through competitive expansion. Also, for aggressive realists, offensive actions often succeed. We can see this situation in China in the SCS issue.

According to realism, countries can take some measures to protect their integrity. These measures are part of this power race. Today, what is called power is not only military, but sometimes economic, commercial moves or sanctions. At the heart of the events in the region is the power-oriented race of China and the USA. These two countries are in an effort to establish superiority over each other with the moves they have made or are trying to do in the region. If China upsets

the international balance of power regionally, other countries will have to act against China to rebalance the system. Because this is the 'system balancing' principle of realism.

While China's view of world politics under the leadership of Mao during and after the Cold War was expressed with "war" and "revolution", today it is "peace" and "development" (Harris, 2014). As in the Cold War era, China today does not accept the US being the only superpower and the unipolar world order that it has created. China is in search of a multipolar order in today's world with organizations such as BRICS and Shanghai Cooperation Organization. Recently, China's aggressive attitude in Southeast Asia can be seen as China's desire to change its style in the international environment.

After the Cold War, China was able to resolve its border problems peacefully with countries such as Russia, Tajikistan and Kazakhstan in Central Asia. And at the current point, projects such as OBOR have been working with the countries of this geography close to a problem until now. Just like in the Central Asian example, China needs to resolve the continental shelf problems and regional sovereignty dilemma in the SCS through peaceful and dialogue ways, but its very aggressive and offensive attitude poses a problem for the surrounding countries and other related countries. On the other hand, it wants to activate the deterrent force elements by strengthening the military presence in the region. The weapons and equipment used in the region and the threat elements are among the biggest examples of this. For example, the USA's continuing arms trade with Taiwan, the USA's closeness with Japan, the historical problems between China and Japan and which are expected to be solved today, force China to make a counter move. Developments such as China's construction of an artificial island in the South China Sea to expand its maritime continental shelf increase the tension in the region. The fact that each country is against China in the form of a single heart causes China to be more offensive than defensive in this case. Because China is not a middle runner and has not been seen to spend or implement policies on behalf of defense.

Figure 2.5: One Belt One Road Area



Source: Radio Free Asia, 2020

China's ability to solve problems such as border, security and trade in the SCS depends on China's development of bilateral relations with the countries in the region. In SCS, which is more important for China, ASEAN is crucial for a US-free solution. Because China does not adopt a multilateral foreign policy. It seems that China wants to settle its regional problems with the countries of the region itself, without a third country or countries. China knows that being a superpower like the USA can pass without a regional power. The USA is also making moves against China's efforts to increase its regional potential. Therefore, in order to overcome the historical problems that China has experienced, especially with Japan, bilateral dialogues with this country should be increased. In general, China's main problem is not with the people of the region, but rather with the regional question. It can be concluded that he does not want to solve his regional problems in a multilateral way.

For example, it can be said that China's entry into the UN in 1971, being one of the five permanent members of the UNSC, being included in international formations such as the IMF and the World

Trade Organization, refutes the thesis that China does not look forward to a multilateral solution. When he also showed a willingness to enter the UN, this reflected his acceptance of multilateralism as a process that gave legitimacy to Mao's China, not his explicit acceptance of multilateralism as a principled tool to achieve foreign policy goals. In the same situation, although many researchers perceive China's policy in the SCS as defensive, only its policies remain a tool. In SCS, on the other hand, the interventions of China from time to time create a perception of security threat in the countries of the region, which causes tension between the two relations. Therefore, China should be in a dialectic with the countries of the region, rather than a disagreement and aggressive attitude. If the countries in the region see their own security under threat, they can adopt a balancing policy against China and form new alliances with the USA. The counterpart of this in terms of China causes China to adopt a more aggressive attitude and to turn towards aggressive realism. For great powers, it is not enough just to have power; The main thing is not to allow any other state to change the balance of power. China wants to prevent its increasing power in the region by developing its economic and military relations with Japan, Taiwan and the Philippines against the rising power of China in the SCS against China in the USA.

From all these inferences, according to the unipolarity-multipolarity understanding in realism; The excessive use of force by China or the USA in the region will force the countries of the region to make a balancing policy with the other side. What the regional countries should do in this situation is to make a balancing policy. The best example of this is Japan. While Japan had close relations with the USA before, it has been following a balancing policy between countries such as China and the USA by announcing its support for China's projects such as OBOR in recent years.

The OBOR Project, which China announced in 2013 and described as the "project of the century", will be in the form of two lines, both by sea and by land, with President Xi Jinping's announcement in 2013, It will also enable them to establish political and cultural ties (Campbell, 2016). In addition, the US's efforts to restrict China in this region with its presence in the Asia-Pacific region contradicts the US, as China establishes a direct link with Europe and Africa with this project. It is stated that China's economic and political power will spread to this area. In this context, the OBOR project, which is the official example of China's use of its soft power, which has gained strength over the years, in the international conjuncture is the most important example. On the

other hand, it can be examined with OBOR and TPP, which show the current situation of US-Chinese rivalry and both states use their power against each other. The Trans-Pacific Partnership, or TPP, took place 1 year after the OBOR project and was signed between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, Vietnam, and the United States. However, with the US withdrawal from the TPP during the US President Donald Trump era, China's project has remained unrivaled today, and the TPP project is not in force. Apart from a historical purpose, China's desire to spread its economic power from the Asia-Pacific region to Europe and Africa is a response to the policies implemented by the USA against China in the Asia-Pacific region. This friction did not create a hot conflict. Rather, it is seen as a struggle for economic and political supremacy. With this project, China will not only make a move forward for its own economy, but will also integrate the Asian economy into the world. China's stable policies aiming at economic growth naturally give it a political power. With this power, Beijing gives itself an advantage in its competition with the USA and in its region. With the OBOR system established by China, which is in an increasingly dominant position, it will play an auxiliary role in its strong presence in the SCS region, along with other systems it has established.

Apart from China, almost all of the countries bordering the SCS have become allies of the USA due to the Chinese threat, as well as for historical and economic reasons, and the USA pursues a "containment" strategy towards China through these countries. China, on the other hand, is aware of this situation and takes a stance on the axis of "aggressive" realism, as stated by Mearsheimer in the SCS, since it needs to be an effective actor in its immediate environment in order to take a stance against the Western hegemony led by the USA. China's aggressive attitude can be seen as an act of overcoming the "containment" strategy directed by the USA, or as an attempt to build a multipolar world system and in this context to question the systemic hegemony of the USA and its allies. As a matter of fact, China wants to create a new world order built on the axis of multipolarity. In this context, both countries have set forth the goal of being an indisputable hegemon in their own regions.

The USA sees China as a threat to its global hegemony and has a "containment" policy. In the context of the SCS, its policies aim to limit China's influence. While this would force countries to choose sides, the policy now leads to a trade war that could escalate into a military conflict. Antony Blinken, who was appointed as the US Secretary of State in 2021, made his first overseas

visit to Japan and South Korea, which is close to China, and expressed the determination of the US in its strategy towards China. Ultimately, the United States wants to isolate China in the region and squeeze it by keeping it within its borders. In this context, controlling China from the outside has been the main strategy (Tamer, 2021).

The broader concept of the SCS conflict and the US containment policy towards China can be explained by different realities. So much so that US involvement in the SCS conflict is a problem. Some countries will ally with the United States, others with China, which will divide the region. This causes China to dominate the region and means that it must be willing to bring the countries in the region together. This will ensure peace in the region and also eliminate the political conflicts arising from the divided interests of the SCS. However, there may be a risk of a new world war in which international organizations will play a role in preventing the spread of communism that already exists in the region. Considering that China is currently strong both economically and defensively, and therefore the US needs strong allies in Asia, the US containment policy against China will already fail. After a critical assessment of US allies in the region, powerful allies are not ready to partner with the US. This is because they do not want to jeopardize their relations with China due to the trade partnership. Countries that could be allied with the United States are weak and in need of protection. This would not be in the interest of the USA (Teixeira, 2019).

2.8 CHINA'S ACCESS TO ENERGY RESOURCES

The South China Sea is important in terms of safely reaching the "energy resources", which are the infrastructure element of the "economic growth" that brings China's strategic superiority, to the mainland of China, and also constitutes the "backyard" of China. Simultaneously, as its economy and military capabilities improve, China will take a more aggressive stance in the face of territorial and sovereignty issues around it. The basis of these offensive actions is based on the line of nine stripes. When this situation is viewed in the light of the Monroe Doctrine, when the nine-line line is used together with other Chinese discourses such as 'peaceful ascension', it is against an increasingly assertive and assertive Chinese image, which is less dangerous, has a historical basis, and China's interests are self-defeating against foreign intervention. It can be understood that they serve a perception that they deem necessary for his defense.

China's confrontational actions in the SCS and in the East have led observers to argue that it is a "Monroe Doctrine". But viewed in this context, these discussions were not agreed upon as to what a Monroe Doctrine could be. There are cases of the extent to which China's behavior in the region actually constitutes a doctrine of regional exclusion rather than the commonly used term Monroe Doctrine. China has actions that it denies and does not see as confrontational, and it denies excluding other regional countries. By defining air defense, it actually lays the groundwork for the development of this doctrine. There are Chinese discussions on security belts and island chains as strategic regions. There is an obvious shortcoming of the Monroe Doctrine, which is described as exclusionary, and there are many denominations on this subject. Actions related to Southeast Asia are pushing Chinese attitudes into sharp focus. So much so that the authorities claim undisputed sovereignty over most of the SCS. Already in 2010, as the Chinese foreign minister stated, China is a large country and other countries are relatively small to China. It is obvious that he insisted that he practically dominates upon defending the reality of this. Looking at China, it follows the Monroe Doctrine and appears to be a regionally powerful state under construction (Holmes, 2012).

What is unclear when the nine lines are mentioned is whether the lines on the map may be the simple map-making rule that brings together the many islands, islets, reefs, shallows and rocks in the region for clarity but united not to claim, or whether complete maritime sovereignty is sought is not known. The point is, given China's claims, China's statements regarding the SCS are not exactly a regional exclusion doctrine as defined here. All other doctrines cover more than a thousand sovereign countries. The allegations are not new, despite the construction of an artificial island, patrolling the coast guard and maritime resources. Although China has regularly reiterated its territorial claims for security in the region, no effort has been made to deny entry to ships or aircraft of other countries in the region. China has, of course, said that it respects the freedom of navigation and extreme flight that all countries in the SCS are entitled to under international law (Jackson, 2016).

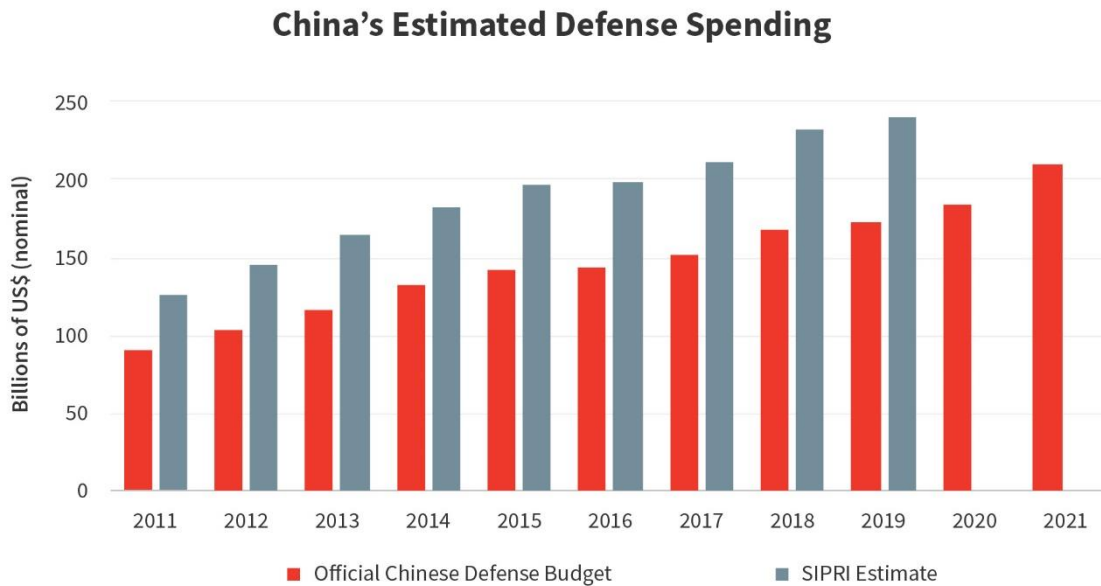
The reason China is not the Monroe Doctrine is no doubt because it has publicly condemned any such doctrine of territorial exclusion in the past and declared in official terms that such a doctrine would never be adopted. Adopting such a doctrine requires clear expression. As a result, it raises the question of why the previous policy has changed. We have seen states in the past reject their

previous policies, but in the future China may not accept it because they normally would never admit what they did. The other reason for the absence of the Chinese Monroe Doctrine is despair over regional exclusion doctrines. With the motto of 1890s Japan, "Asia for Asians", China's recent historical experience cannot be said to have been very positive (Jackson, 2016).

According to China's defense, the actions taken to ensure regional and global peace indicate that China is not in an aggressive attitude. It is also seen that China's situation in the SCS is not as negative, assertive and aggressive as perceived by the USA, and it is stated in its defense that its aim is only to protect its own interests. However, if we take the surrounding situation as a basis, it is seen that China frequently makes harassment in the region a continuity in the case of countries that the USA does not support or agree with yet. Perhaps the most important issue that will strengthen China's self-defense may continue in cases where China does not attack and the USA harasses them, rather than counter-attack, which is not the case. If both sides continue their aggressive actions, this can lead to conflict. If it accepts direct actions as aggressive actions, the conflict-prone rivalry between the two states in the region may turn into a hot conflict. However, both sides are aware that a possible hot conflict between the two states can cause great damage. For this reason, they will take a more rational approach and try to avoid a possible conflict, but this is just a possibility. As long as China tries to establish hegemony in the region with its aggression, sincerity and rationality will not be possible.

States cannot understand each other's intentions, and they are not malignant institutions. Many factors push states to offensiveness. For this reason, intentions and purposes may differ and naturally, states may tend to use their military forces. In the context of the SCS, China behaves in the same way. Like this example, the only purpose of states is to survive. Therefore, the protection of sovereignty is the most basic drive that motivates states. Moreover, in this context, they are capable of continuing their harassment, regardless of who they claim historically in the environment. Due to the structural conditions emerging in the new world order and the different world perceptions of the new generation Chinese leaders, it is obvious that China, which stands on the defensive in the SCS, does not reflect the truth. The regions where conflicts may occur in the US-China rivalry are the Senkaku/Diaoyu Islands, Taiwan and the South China Sea.

Table 2.2: China's Military Spending Statistics



Source: CSIS, 2021

It may be possible to conclude that the security dilemma occurs in the SCS. This security dilemma is due to the size of the Chinese power, which has a tendency to attack, and the stance of China's military power that is indistinguishable from the offensive or defensive nature. This raises tensions over China's use of its power to defend its claims and even its intention and stance to aggressively seize natural resources in the disputed region. Other claiming countries think that China is more likely to verify its claims unilaterally by using force rather than cooperating to use these waters. This is illustrated by the backlash of the growing power of other states making claims around the SCS, who feel their interests are threatened by Chinese power. Rather than trying to cooperate or maintain closeness with China in these waters, there will likely be a sustained trend of increasing power. Thus, it can be seen that the existence of a security dilemma in the SCS region hinders cooperation efforts regardless of the benefits described by the reviewers at the beginning of this situation. Before discussing the possibility of cooperation in these waters, the preconditions for cooperation to de-escalate the security dilemma, which is the biggest obstacle to cooperation,

should be looked at. If the intensity of the security dilemma, which is seen as an obstacle, can be reduced, the situations that prevent cooperation will also be reduced.



CHAPTER III

GREAT WAR BETWEEN CHINA AND USA

An analogy to the Thucydides example cannot be avoided when considering the USA and China. When examined, the war that ravaged the Ancient Greek world is attributed to two causes: the rise of Athens and the fear it inflicted on Sparta, the entrenched power. To prevent a new cold or hot war, the US and China must avoid fears and misperceptions about changing power relations. However, before that, it is necessary to examine the relevant data in order to examine the causes and find solutions.

Balancing Americans' overestimation or underestimation of Chinese power is essential. The US engages groups with the economic and political incentives to do both. Measured in dollars, the Chinese economy is about two-thirds the size of the US economy, but when many economists think about the growth rates of China and US, measuring in dollars is not enough. Because it is possible that China will overtake the US in the 2030s (Nye, 2021). In this context, it would be surprising if the US were not in the SCS, albeit an ocean away. The military expenditures of the USA exceed that of China, but still, China's military capabilities have increased relatively in recent years, when the military balance is considered, it is concluded that China cannot exclude the USA from the Western Pacific. In terms of the difficulty of examining and judging balances of power, the United States may retain some long-term strength advantages that contrast with China's vulnerable areas.

The US maintains interests in the SCS in ensuring freedom of navigation and securing maritime lines of communication (SLOCs). It also states that it supports any agreement on binding codes of conduct and confidence-building measures. It threatens SLOCs, which are important sea crossings that facilitate trade and the movement of naval forces, by China's claims. The main issue with trust comes from the failure of Chinese and Southeast Asian leaders to resolve disagreements diplomatically. It can also defame international laws governing maritime disputes and promotes destabilizing armaments. The importance of SCS can be examined when we look at the fact that the crowd in this region is sided with each other, the claims of rights are followed without concrete

evidence, and the use of the conflict between the two great powers, the USA and China, everywhere in the international arena.

In this section, while talking about the great war between the USA and China, information will be given about the lack of laws, the reasons why some problems are caused by the pretexts, and the application of sanctions by encouraging mergers to a hot war rather than a defined cold or hot war. In this context, the problem in the region gains meaning by examining the importance of this region, the reasons for the USA's involvement, and the keystones in China's dominance in the region.

3.1 SIGNIFICANCE OF SCS FOR CHINA

When examining the importance of SCS for China, it will be clearer to first look at it from a general perspective. The region's trade routes, natural resource reserves and symbolic sovereignty are important for China. Especially in terms of energy security, this region is important for China. So much so that China's statement stated that it will release crude oil from the country's reserves according to its needs and that China is in communication with countries that produce oil and consume as much (Lijian, 2021). According to International Energy Agency data, China's oil imports will reach 75% in 2030. A significant amount of this rate passes through the routes in the SCS. Apparently, being an important location in terms of energy route and trade, there is a trade of five trillion dollars a year, which is one of the reasons why it is important for China. Regarding fishing, SCS is a very fertile region. It is also important in direct proportion to the nutritional habits of Asia. It is one of the most important and most abundant commercial fishing areas in the world. Migratory species, such as common stocks of pelagic fish and tuna and similar stocks, are known to be the most common commercial stocks (Wang, 2001). The use of this area can be seen as acquiring a large part of world trade, which increases the value of the region for China. In addition to fisheries, SCS is the first region that comes to mind when it comes to hydrocarbon reserves. Many coastal states at the time occupied the islands in the region to lay claim to future negotiations. These resources are important enough to trigger a war. For this reason, it has been an unmissable resource for China. According to the research of China, there are hydrocarbon deposits on the continental shelf around the Spratly Islands, 25 billion cubic meters of natural gas, 370,000 tons of phosphorus and 105 billion barrels of oil (Wang, 2001).

The content of the EEZ concept defined with UNCLOS includes a part suitable for this situation. *'Coastal states have the right to use, develop, manage and protect all resources - fish or oil, gas or gravel, nodules or sulfur - in the waters, on the ocean floor and in the lower part of an area above it.'* provides the advantage of having the right to use it. In order to be able to claim the continental shelf, it has become important that the states and, above all, China, regardless of their settlements, have islands in the SCS.

When we look at the strategic importance, the concept of the 'deep sea' emerges. From the point of view of China's military modernization, the depth of the sea is important in terms of the manoeuvrability of vehicles such as submarines. This issue is also important in terms of security, that is, it protects the coasts of the Bohai, Yellow Sea, East and South China Seas, which are close seas for China, and taking it under protection opens an important protected area for China. Since 1980, China has started to take steps to strengthen its armed forces. According to a strong navy facility by China, new ship and submarine construction, modernization activities are emphasized. It provides the activities of aircraft carriers, submarines, modernization of weapons. In addition, the SCS and its formations can create a natural barrier in case of war and facilitate defence as a natural defence shield. This is particularly important on the Pratas Island near Taiwan, the Scarborough Reef near the Philippines, and the Paracel Islands in Vietnam. Considering the geographical advantages for China, the chain of islands extending in two rows offers a great advantage for China's defence.

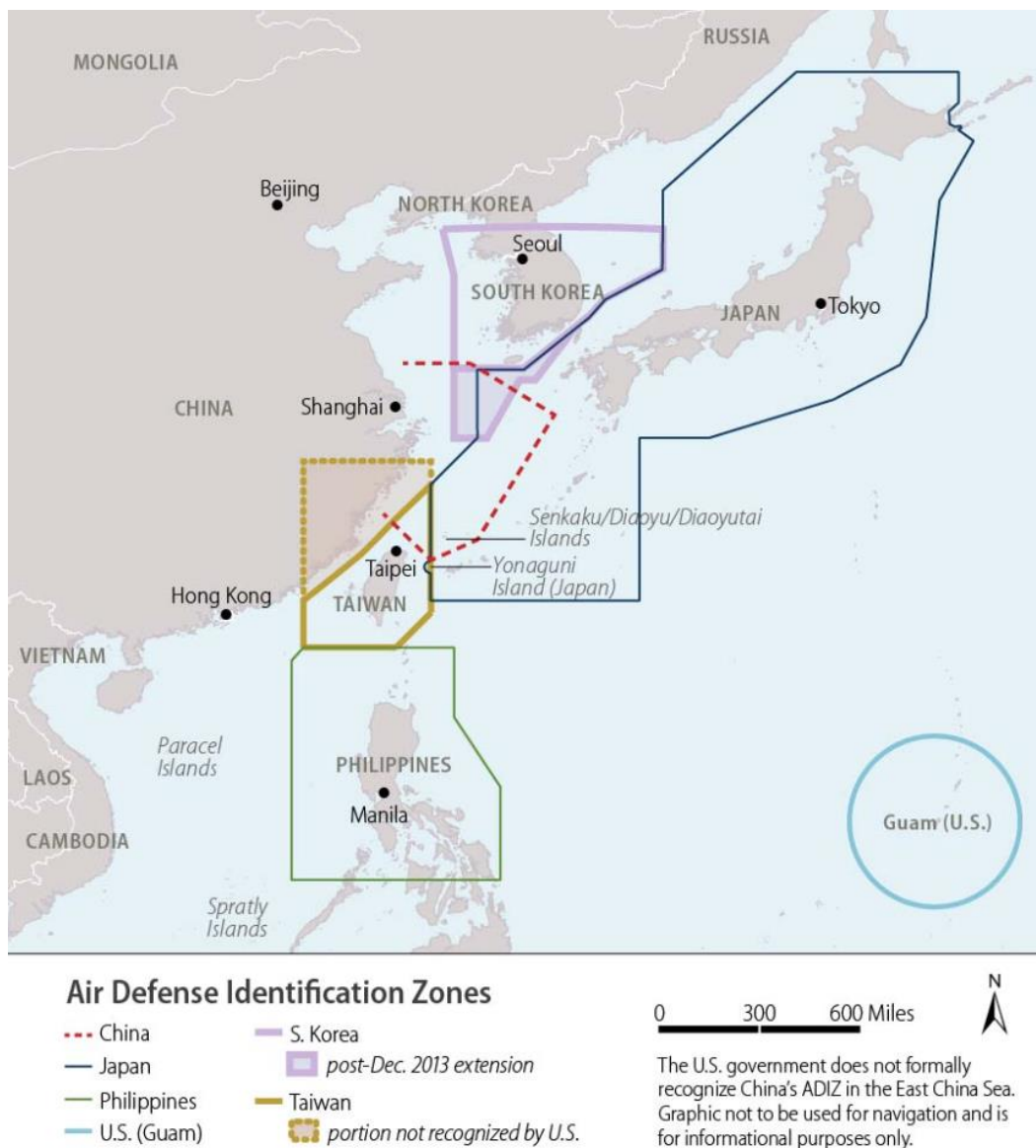
China is here to change the status of islands and islets. In other words, there is work to transform the cliffs into islands. Countries such as Vietnam, Malaysia and the Philippines are also trying to expand their land, but the most prominent actor here is China. The artificial island sector, which the world powers watch with concern, the islands that have emerged in the last some years and their resources are in a sense that has drastically changed the balance of power in the SCS, which is the keystone of much of the world's international trade. It uses the islands as a whole to strengthen its claim to sovereignty in the region and has continued to build it despite the violation of international law (Seyfort, 2021). In this context, this issue has a lot of strategic significance for China, which is trying to turn small landforms into island status. Looking at the availability, there is the main definition for UNCLOS in this regard. Islands are meaningless on their own, rocks or other shapes do not have an EEZ of their own or formations like continental shelves. It is important

for an Island under UNCLOS definition that it stand on water and be surrounded by a body of water. The strategic meaning of turning these formations into an island is important for China because a military build-up can be made there. It builds airports and runways for military aircraft and helicopters, and ports for ships, on the existing formations of geographical landforms on SCS and artificial formations it has built-in some regions. The control and arming of the region are important for China and also closely concerns the security of the riparian countries. China, on the other hand, acts extremely offensive in these matters, regardless of its rights. Especially with Taiwan, the country with which it has significant disagreements, it has evolved into a matter of intimidation rather than solving the military problems in the region.

Announcing in 2016 that it will declare an Air Defense and Identification Zone at Sea (ADIZ) in the SCS, China would create an unnamed ADIZ area if the triangle was completed. (See, Figure 4). Thus, the country would have the opportunity to control and monitor the annual trade route of approximately 5 trillion dollars, both from the sea and from the air. ADIZ provides countries with the opportunity to control, track and inspect both sea and air in the seas beyond their sea, air, and land borders. However, the Beijing administration has not declared any ADIZ regions so far. One declared territory is Taiwan. In 2021, 52 warplanes belonging to the People's Liberation Army of China (PLA) were reported to have entered the area declared ADIZ by Taiwan. These flights were the largest number of aircraft detected in a single day since Taiwan began keeping records in September 2020. The fact that China continues its flights to ADIZ by increasing the number of aircraft indicates that the tension in the region has escalated (Aytekin, 2021). Likewise, South Korea, another active country in the SCS region, has problems with this system. It is known that China and Russia have had an ongoing exchange since the Cold War. Apart from their interests in the region, they have absolute claims in terms of the importance of their words in the international arena. In November 2021, South Korea announced that warplanes belonging to Russia and China entered the Korean Air Defense and Identification Zone (KADIZ). Russia also stated that they carried out joint patrol flights with China in the Sea of Japan and the East China Sea. While it may cause serious problems in this region, it also explains China's claims in the region and its reasons. It is known that a total of nine aircraft flew in the KADIZ region of South Korea for about ten minutes in these joint patrol flights. Although it is stated that they left the KADIZ region without entering the regional airspace of South Korea, this situation is at a disturbing level. The reason why China and Russia do this is debatable, but in the statements made by China, they explained

that this situation is completely included in the routine exercise process. However, whatever the explanations, this situation qualifies as a threat.

Figure 3.1: Air Defense Identification Zones (ADIZ)



Source: Rinehart, 2015

While examining these strategic meanings, there is the motto of China that should not be forgotten. For China, economic growth is directly proportional to China's domestic legitimacy. All presidents

up to Xi Jinping have aimed at economic growth. They have always put projects that increase influence and support trade and development, such as their five-year development plans, One Belt One Road (OBOR) project, at the top of their calendars. The aim is to bring China back to its great old days. It is of great importance for the country not to relive the period until 1949, when the People's Republic of China was established after the Opium Wars, known as the 100-year century of humiliation. Everything that is done to prevent this from happening, the biggest parameter of every targeted formation is economic growth. In this context, SCS takes advantage in every way and gets the biggest income of its targets by using it here.

3.2 SCS IMPORTANCE IN TERMS OF NATURAL RESOURCES

When examining the importance of SCS for China, it will be clearer to first look at it from a general perspective. The region's trade routes, natural resource reserves and symbolic sovereignty are important for China. Especially in terms of energy security, this region is important for China. So much so that China's statement stated that it will release crude oil from the country's reserves according to its needs and that China is in communication with countries that produce oil and consume as much (Lijian, 2021). According to International Energy Agency data, China's oil imports will reach 75% in 2030. A significant amount of this rate passes through the routes in the SCS. Apparently, being an important location in terms of energy route and trade, there is a trade of five trillion dollars a year, which is one of the reasons why it is important for China. Regarding fishing, SCS is a very fertile region. It is also important in direct proportion to the nutritional habits of Asia. It is one of the most important and most abundant commercial fishing areas in the world. Migratory species, such as common stocks of pelagic fish and tuna and similar stocks, are known to be the most common commercial stocks (Wang, 2001). The use of this area can be seen as acquiring a large part of world trade, which increases the value of the region for China. In addition to fisheries, SCS is the first region that comes to mind when it comes to hydrocarbon reserves. Many coastal states at the time occupied the islands in the region to lay claim to future negotiations. These resources are important enough to trigger a war. For this reason, it has been an unmissable resource for China. Spread over an area of 3,477 million km², SCS is one of the world's richest marine resources. It is known to have 190 trillion cubic feet of natural gas and 11 billion barrels of oil reserves. SCS has diverse ecosystems with 3,000 fish species and 600 coral reef species, various mangrove and seagrass species, and turtles and seabirds using the islands (Basu, 2021).

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3.2.1 Deep Sea Concept

When we look at the strategic importance, the concept of the 'deep sea' emerges. From the point of view of China's military modernization, the depth of the sea is important in terms of the manoeuvrability of vehicles such as submarines. This issue is also important in terms of security, that is, it protects the coasts of the Bohai, Yellow Sea, East and South China Seas, which are close seas for China, and taking it under protection opens an important protected area for China. Since 1980, China has started to take steps to strengthen its armed forces. According to a strong navy facility by China, new ship and submarine construction, modernization activities are emphasized. It provides the activities of aircraft carriers, submarines, modernization of weapons. In addition, the SCS and its formations can create a natural barrier in case of war and facilitate defence as a natural defence shield. This is particularly important on the Pratas Island near Taiwan, the Scarborough Reef near the Philippines, and the Paracel Islands in Vietnam. Considering the geographical advantages for China, the chain of islands extending in two rows offers a great advantage for China's defence.

China is here to change the status of islands and islets. In other words, there is work to transform the cliffs into islands. Countries such as Vietnam, Malaysia and the Philippines are also trying to expand their land, but the most prominent actor here is China. The artificial island sector, which the world powers watch with concern, the islands that have emerged in the last some years and their resources are in a sense that has drastically changed the balance of power in the SCS, which is the keystone of much of the world's international trade. It uses the islands as a whole to strengthen its claim to sovereignty in the region and has continued to build it despite the violation of international law (Seyfort, 2021). In this context, this issue has a lot of strategic significance for

China, which is trying to turn small landforms into island status. Looking at the availability, there is the main definition for UNCLOS in this regard. Islands are meaningless on their own, rocks or other shapes do not have an EEZ of their own or formations like continental shelves. It is important for an Island under UNCLOS definition that it stand on water and be surrounded by a body of water. The strategic meaning of turning these formations into an island is important for China because a military build-up can be made there. It builds airports and runways for military aircraft and helicopters, and ports for ships, on the existing formations of geographical landforms on SCS and artificial formations it has built-in some regions. The control and arming of the region are important for China and also closely concerns the security of the riparian countries. China, on the other hand, acts extremely offensive in these matters, regardless of its rights. Especially with Taiwan, the country with which it has significant disagreements, it has evolved into a matter of intimidation rather than solving the military problems in the region.

Announcing in 2016 that it will declare an Air Defense and Identification Zone at Sea (ADIZ) in the SCS, China would create an unnamed ADIZ area if the triangle was completed. Thus, the country would have the opportunity to control and monitor the annual trade route of approximately 5 trillion dollars, both from the sea and from the air. ADIZ provides countries with the opportunity to control, track and inspect both sea and air in the seas beyond their sea, air, and land borders. However, the Beijing administration has not declared any ADIZ regions so far. One declared territory is Taiwan. In 2021, 52 warplanes belonging to the People's Liberation Army of China (PLA) were reported to have entered the area declared ADIZ by Taiwan. These flights were the largest number of aircraft detected in a single day since Taiwan began keeping records in September 2020. The fact that China continues its flights to ADIZ by increasing the number of aircraft indicates that the tension in the region has escalated (Aytekin, 2021). Likewise, South Korea, another active country in the SCS region, has problems with this system. It is known that China and Russia have had an ongoing exchange since the Cold War. Apart from their interests in the region, they have absolute claims in terms of the importance of their words in the international arena. In November 2021, South Korea announced that warplanes belonging to Russia and China entered the Korean Air Defense and Identification Area (KADIZ). Russia also stated that they carried out joint patrol flights with China in the Sea of Japan and the East China Sea. While it may cause serious problems in this region, it also explains China's claims in the region and its reasons. It is known that a total of nine aircraft flew in the KADIZ region of South Korea for about ten

minutes in these joint patrol flights. Although it is stated that they left the KADIZ region without entering the regional airspace of South Korea, this situation is at a disturbing level. The reason why China and Russia do this is debatable, but in the statements made by China, they explained that this situation is completely included in the routine exercise process. However, whatever the explanations, this situation qualifies as a threat.

While examining these strategic meanings, there is the motto of China that should not be forgotten. For China, economic growth is directly proportional to China's domestic legitimacy. All presidents up to Xi Jinping have aimed at economic growth. They have always put projects that increase influence and support trade and development, such as their five-year development plans, One Belt One Road (OBOR) project, at the top of their calendars. The aim is to bring China back to its great old days. It is of great importance for the country not to relive the period until 1949, when the People's Republic of China was established after the Opium Wars, known as the 100-year century of humiliation. Everything that is done to prevent this from happening, the biggest parameter of every targeted formation is economic growth. In this context, SCS takes advantage in every way and gets the biggest income of its targets by using it here.

3.3 CHINESE CLAIMS ON THE SCS

Although the claims of China in the SCS have not been definitively clarified, the claim of China is based on its history. As mentioned before, China claimed that China was the first country to establish administration on these islands in the SCS, the inhabitants of these islands were also Chinese people and the first country to have economic activities in the SCS. They state that territorial sovereignty has been consistently held by China for thousands of years, and they explain that successive Chinese governments have consistently exercised jurisdiction over the islands in the region.

International law fully recognizes many ways for a state to gain sovereignty over its territory. Moreover, it also determines the conditions for a state to gain sovereignty (Teh-Kuang, 1991). Before the 18th century, it was acceptable to have sovereign rights by discovery. As a result of the changes made within the framework of international customary law, when the state occupied lands that belonged to no one, it allowed a state to gain sovereignty over the land.

In this regard, China stated that it was the first country to exercise sovereignty and jurisdiction over the SCS and its landmass. Explains that it is using continuity present and peacefully and effectively. It asserts that claims of sovereignty over islands and reefs exist based on historical evidence of environmental use. The evidence suggests that the effectiveness of China's control over land exists and that this control is visible in the name of domination, and that this is a form of occupation. China considers that its sovereignty claims are legally valid and that the activities of the riparian states in the SCS amount to 'occupation' and 'illegal occupation'.

Each country has some issues and elements that it prioritizes in its domestic and foreign policy. The degree of value given to these issues by states also affects the behaviour of that state. The point of importance given to these elements is the point we call 'basic interests' (Dogan, Gurkaynak, 2019). Fundamental interests for China, including the SCS issue and other external issues, are somewhat shaped by its territorial integrity. It states that they have indisputable sovereignty over the islands and neighbouring waters in this region and that they have sovereignty and jurisdiction over the sea floor and over the relevant waters. In fact, as an example to this situation, the joint claim of Malaysia and Vietnam to UNKSK on the expanded continental shelves on 7 May 2009 can be given. According to China's statement, the nautical mile in both countries' common sub-regions violated China's sovereign rights and jurisdiction in the SCS. Pursuant to Article 5(a) of Annex I to the Continental Borders Commission's Rules of Procedure, the Chinese Government requests that the Commission disregard the Joint Submission of Malaysia and the Socialist Republic of Vietnam. Following this text, in addition to including these judgments, Vietnam, Indonesia and the Philippines did not accept the U-shaped line shown in the 'Nine Line Map' published by China, following this step of China, and applied to the international arbitration court within the scope of UNCLOS with a legal challenge. The Philippines initiated this case unilaterally and was not recognized by China. The Court noted that to the extent that China had historical rights to the waters in the SCS, these rights were lost due to its incompatibility with the EEZs mentioned in UNCLOS. The fact that fishermen and navigators have benefited from this area in the past indicated that they could not find any historical evidence indicating that China exercised special control in the region, and they stated that there is no legal basis to claim historical claims in the sea areas that fall within the Nine Lines (The South China Sea Arbitration, 2016). China, which does not respect the decision, has clearly stated its determination on this issue, as understood by this example.

China, the main actor in this region, aimed to increase its military capacity after the Cold War and therefore began to develop its navy. It has increased the tension in the region by reaching the extent of hot conflict with the riparian countries and by following an active policy for their rights at sea. China, which gained a significant power in the region after the withdrawal of the USA and the Soviet Socialist Republics (USSR) from the region at the end of the war, caused it to use the qualification of being a permanent member of the United Nations.

In this context, China's fundamental interests and those that require a peaceful solution can be defined if it competes with other states for economic and political independence. In the 'White Paper' published by the Chinese Ministry of Defense in 2016, in the light of China's objectives and strategies towards SCS, some of the riparian states have taken actions on issues related to China's regional sovereignty, naval rights and benefits from these rights and that they have been illegally invaded. states that China will carry out air and sea surveillance no matter what. That is why China always resists protecting its maritime rights and economic interests. It claims and defends important waters, islands and reefs in the East China Sea, South China Sea and Yellow Sea. In this context, it conducts law enforcement operations and uses naval and air forces in these waters. In response to security threats, violations and provocations, since 2012, Chinese Armed Forces ships have conducted nearly 5000 maritime security patrols and maritime activities aimed at maintaining maritime peace and stability (China's National Defense in the New Era, 2019). As a result, it appears that China describes its activities in the SCS as peaceful. They state that it will increase its military interventions in situations that contradict its policy, and it is understood that they aim to establish a regional hegemony as a result.

As stated in the previous section, they claim that the Spratly Islands were given to them after the San Francisco agreement because Japan renounced its rights. Due to the need for international reflection, the Chinese government has published a map of maritime jurisdiction areas known as the Nine-Dash Line (See Figure: 2). The map is completely dashed lines and covers the entire SCS. They have also shown that they have taken steps in accordance with international law.

China, the world's largest energy user, surrounded by countries such as Russia, India, South Korea, Taiwan and Japan, has an exit from the land in the Xinjiang Uyghur Region and SCS from the sea. The aim was essential to develop natural resources and control pathways for energy flow. Therefore, the region is so valuable, and because China is aware of this, it tries to prevent the siege.

When the above-mentioned materials such as fisheries, energy resources or strategic importance are considered, riparian countries and China are experiencing great difficulties. The aggressive attacks of China and the claims of other countries increase the tension in the region. General disputes continue around Spratly (Nansha), Paracel (Shisha), Pratas (Tungsha) islands, Natuna Islands and Scarborough Beach. All of the countries apply to the International Courts, but China constantly refuses, as well as deploying to the islands in the SCS. China wants to carry its increasing economic presence in the international arena in this region, as well as to the military field. For this reason, the dependence of the countries of the region in China is increasing, and they do not want to spoil their relations with China so that their economy will not be damaged. China's pursuit of its rights in these regions, the fact that the vast majority see it as their own, and that it increases its military power causes the countries of the region to hesitate. For this reason, countries seek alliances.

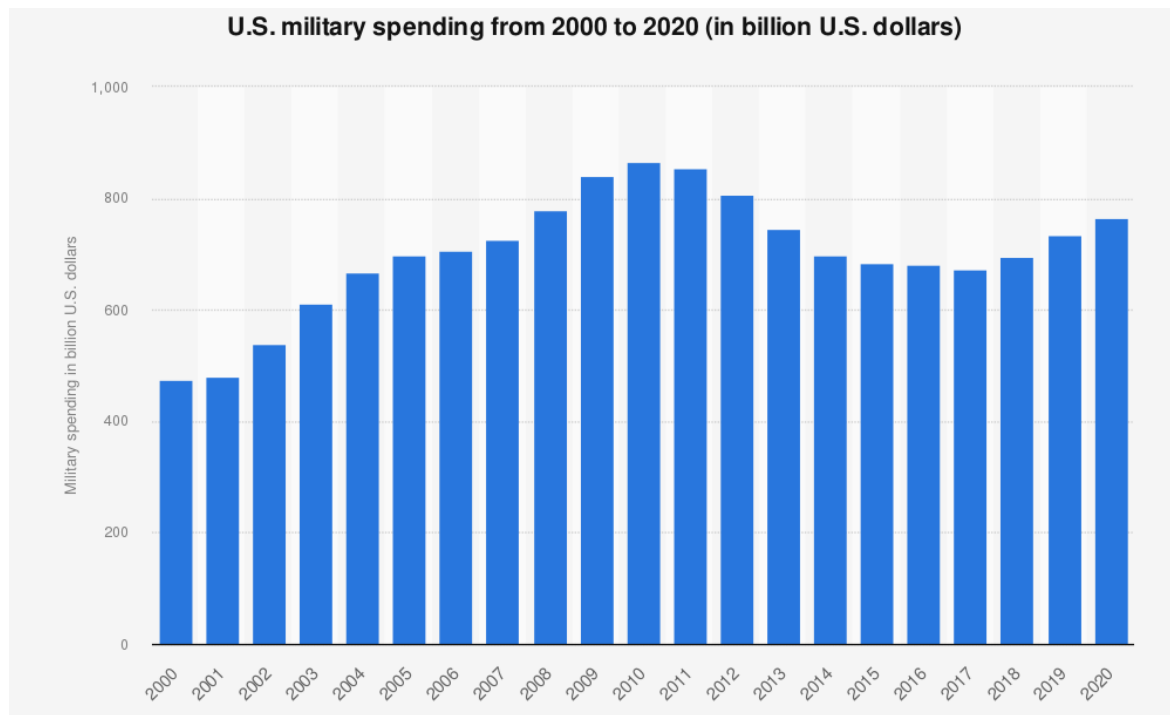
Undoubtedly, the main source of the problems experienced in the region today is China's desire to expand its sphere of influence in the SCS for various purposes, taking advantage of the instability in the region after World War II. The general finding in this field is that the root of the problems is the continental shelves of the riparian states and the uncertainty of the EEZs, but it is not. The main reason is the turmoil in the SCS because of the conflicts for the energy interests and sovereignty of the countries in these areas. The fact that countries establish jurisdiction in the SCS means that their political importance increases on a global basis. The fact that non-regional states continue their activities in this region is another meaning of the desire to maintain their jurisdiction. China is trying to strengthen its presence in the region with its historical claims in the region and continues its territorial expansion. This situation is seen as a threat to the environment and foreign states and causes these states to be in an arms race. According to the statements of the International Peace and Conflict Research Institute (SIRPI), this region is getting more armed and modernizing its armies every year. As a result, the result of armaments in this region will be challenging (Genc, 2019).

3.4 IMPORTANCE OF THE SCS FOR THE USA IN MAINTAINING ITS SUPERIORITY

The United States has many interests in the SCS, along with economic, military, historical and diplomatic reasons. First, economic interests, freedom of navigation and unhindered trade, promoting an approach based on international law and rules, and finally strengthening military

cooperation with US allies in the SCS are examples of US interests. First, the USA's ultimate goal in the SCS is economic. A massive \$5.3 Trillion of trade goes through SCS every year. More than 60% of global maritime trade and about 22% of total global trade pass through it. In addition, one-third of global shipping passes through SCS each year. In addition, 40% of the world's petroleum products pass through this sea. In addition, more than 65% of China's and more than 42% of Japan's total trade passes through SCS each year. The lifeline of at least 10 of the major countries depends on the SCS. It is stated that the commercial shipping and offshore borders of the USA have the right to use natural resources determined in UNCLOS (Dirmeikis, 2018). According to the US Energy Information (EIA) reports, some of the global crude oil and more than half of its global trade passes through the SCS, making it one of the largest economic and trade areas in the world. Since most of the energy resources are in this location, it is inevitable that the SCS region will benefit the US economy. On the other hand, among the claims in this region, China has an 80% claim, limiting these claims to the Nine-Dash Line. In this regard, the USA is involved in conflicts aimed at maintaining peace in the region for economic and political reasons. The reason is that China does not believe in its fairness in this matter and harms the US position in the region. Besides not being a regional entity, SCS is of paramount importance to US interests. The US has a solid amount of trading networks from the SCS. Due to the country's reliance on product shipments, the US cannot foresee China's over-seeming destructive activities but does not allow aggressive steps taken by China to stand in its way.

Table 3.1: United States' Military Spending



Source: Statista, 2022

It serves in terms of how it plans to operate within the framework of international maritime law protocols while activating China's activities to expand its economic and military power through the conflict in the SCS. So much so that the USA, it is trying to make China open to peace and cooperation in order to take action in the region, to use it effectively by keeping the sea lines open, and thus to prevent any aggressive action that will destabilize the developing trade, and to work on it by using international laws and contracts while doing this. Undoubtedly, the importance of this region for the United States can be examined through its allies and relations in the region, the free use of the seas, trade and transportation routes, and energy resources (especially hydrocarbon) through the unrest brought about by the determination of China as a global power.

Self-interested USA, freedom of trade and the fact that the SCS is an important location for the largest share of imports are possible in this region and between the Western Pacific and the Indian Ocean for the deployment of the defence corridor is a tremendous advantage. The fact that the serious contraction in the American defence structure does not include the navy is another issue that needs to be emphasized. In the context of the Indo-Pacific Strategy implemented in the Trump

administration, China has a basic strategic goal to counter its growing power and influence in the sea (Shicun, 2019). It looks after allies and alliances in the region in order to realize the USA's Asia-Pacific priority policy. For this reason, it has acquired allies from the SCS region as well as the Asia-Pacific and consolidated its military presence in the region. These allies are the Philippines, Taiwan, and Malaysia. Indonesia is also an ally, but the country is not directly involved in the SCS conflict. In this regard, it would not be right to look only at the SCS allies of the USA. The SCS, East China Sea (ECS), and the Yellow Sea border three US allies, comprising Japan, South Korea, and the Philippines. The SCS and ECS surround Taiwan, including the Taiwan Strait, and the United States has security-related policies in the context of Taiwanese relations. SCS; Singapore borders Southeast Asian countries that are current or potential US partner countries such as Vietnam and Indonesia. As a result, bilateral alliances have been established within the framework of the 'containment policy' aimed at the strategic goal of the USA. In a possible conflict with the US, the Chinese bases in the SCS and the forces from them are the creation of a regional defense area aimed at keeping US military forces out of the chain of the island border. This defense consists of blocking or preventing access (A2/AD) with the aim of keeping China out of this area. Therefore, if the US's allies are reduced to all of Asia, it will be more possible to understand its activities against China at the target point (O'Rourke, 2021).

The existing bases and forces in the SCS are seen as a defensive stronghold in the SCS for China's emerging naval-focused strategic deterrent nuclear power. The fact that the USA was here and held this fortress predicted that China would be vulnerable in a possible war. Attacking Chinese bases will temporarily bind the aggressor US and potentially delay the advance of US forces into the SCS. It is clear that the US forces will take much more effort to destroy the bases and counteract the ordinary forces from the bases. In recent years, relations on both sides have become increasingly tense. There is a growing discord in areas such as economic cooperation, China's military modernization, and the deployment of US troops in the region.

It will be more understandable when the US policy in the SCS is explained with examples in the background of such resistances and conflicts. Since the end of the Cold War, US policy towards conflicts in the region has been decisive. It has shaped its policy in response to any event that threatens its own interests. The dispute within the SCS resonated with the public after China's invasion of Mischief Reef in 1994 (Fravel, 2014). Concerned about the situation in the region and

those unilateral actions and possible reactions increase regional tensions, the US State Department announced a new policy on the SCS and the Spratly Islands, which it deems important, on May 10, 1995. Looking at the formulation of this policy, the policy of the USA has maintained its consistency. Their ultimate goal is to solve problems by opposing the threat and use of force to settle rivals' claims. However, this includes targeting the interests of the claiming parties and resolving conflicting issues with them, thereby increasing diplomatic activities to ensure peace and prosperity. Another one is undoubtedly to preserve the freedom of navigation of aircraft and ships in the air and on land, and finally, not to take a position on the legal values of sovereignty claims in the region (Stockton Center for International Law, 2021).

After the occupation, the tension caused by the conflict decreased. Later in the period, China and ASEAN turned to developing a code of conduct for disputes in the SCS. Both parties issued a declaration in 2002 to conclude with a binding code of conduct for a future date (Fravel, 2014).

China took action to defend their claims and thesis they made over the region. Steps to address issues such as Vietnam's offshore exploration blocks that took place between 2006 and 2008, including the United States, to defend their claims and threats against oil companies that play an investment role, fishermen claiming to be the rightful owners in the region, and the unrest caused by China's nine-line map has been discarded. The threats to the US oil companies, where China is operating on the coast of Vietnam, can be accepted as a challenge. In addition, China's sending and harassing USNS Impeccable and other US navies by investigating and harassing their ships has come to the fore due to the official violation of their navigational rights, which is a very important point. These were the issues that the USA should pay attention to in 2009. With the Obama administration, policies towards SCS had to be reassessed.

In the 2008 presidential election, Barack Obama gave signals about a change in domestic and foreign policy. His foreign policy approach was on "liberal internationalism". This approach, identified with presidents such as Jimmy Carter and Bill Clinton, aims to adapt the theory of "democratic peace" to the world order. In accordance with this purpose; He argued that free trade should be established between countries, international organizations and the international legal order should be supported. It also foresees the achievement of the stated ideals by establishing cooperation on an equal level with other countries.

During Obama's first presidency, the Asia-Pacific Region was one of the first issues of American foreign policy due to reasons such as China's increasing military capacity and influence in the region, border disputes in the East and South China seas, and the threat of North Korea. The Asia-Pacific policy of the USA, which was called the "Pivot" in this period, was based on the fact that the US interests in this region could not be left to a passive leadership directed from Washington and the necessity of an active US participation in the region and guidance to the surrounding countries against the rising Chinese threat. There are travel plans that Obama made during his presidency, and they are interesting. It is not surprising that he made visits to Far East and Southeast Asian countries, as well as talks in Japan, South Korea, Malaysia and the Philippines. So much so that these countries were not just chosen. Each of the countries he meets has its own place in regional and global politics. Also, these states have conflicts with China in one way or another. All this does not reveal the essence of the "back to Asia" strategy. The USA chose this line mainly over China. So the main purpose here is to "stop" Beijing. He aims to realize the peaceful order he said in the first weeks of his otherness by trying to stop China. In this way, they would provide themselves with an area that could have an influence in Asia.

However, at the beginning of Obama's second term presidency, it was discussed whether the US foreign policy would continue its policy towards the Asia-Pacific Region, with John Kerry as the Secretary of State and Chuck Hagel as the Minister of Defense. In addition, the seldom and short-term nature of John Kerry's visits to Asia, while frequently visiting the Middle East, has been an important factor in making these comments. During Obama's second presidency, the priorities of the US foreign policy began to change with the new Secretary of State, Kerry. In this period, the priority was shifted to the Middle East, Iran and Russia.

In this area, the crux of Obama's rebalancing strategy was to strengthen both the US and Southeast Asian military presence in the region to forge stronger alliances with Southeast Asian nations and act as a counterweight to China's growing stubbornness. To achieve this goal, Obama sought to strengthen military agreements with established powers such as Australia, South Korea, and Japan, as well as forge relations with emerging powers such as Vietnam, Indonesia, and the Philippines. In addition, the Department of Defense had committed \$425 million to boost the maritime surveillance capabilities of Southeast Asian countries through its Maritime Security Initiative.

Obama continued joint military exercises with countries in the region, preparing to rise and to demonstrate his determination (Uriel, 2016).

Despite these successes, Obama's strategy has caused confusion. In terms of bilateral security alliances, the USA has partially achieved its purpose. Concerning rising powers, the Obama administration began using these small countries to force China to join the global rules-based order. An ambitious strategy to unite the rising powers has not been as effective as Obama had hoped. After the international court in The Hague, Philippine President Duterte expressed that he was ready to abandon the arbitration decision in order to strengthen his relations with China, which he saw as the winner of the future in China, and this was in order to establish hegemony. Similarly, Vietnam and Malaysia began to downplay their conflicting territorial claims with China after realizing the economic benefits that accompanied a closer relationship with China. He sought to use this to follow his own lead and curb military spending by demanding greater transparency from China. The defense budget of the USA increased during this period. Budgets were flowing into the SCS area. China continued the construction of the islands during Obama's tenure. But he announced that his presidency would eventually stop. However, the construction of military facilities continued at full speed. Finally, the overall strategy of focusing the majority of the US military on the Asia-Pacific has only encouraged China to level up.

On the subject of the economy, Obama wanted some progress to contain China. China's preferred method of dealing with its economy was to work through multilateral institutions such as ASEAN. Establishing close relationships with different leaders, he raised American prestige within these institutions. But the growing connectivity has not helped institutions to pressure China to comply with global norms. He went beyond diplomatic pressure and came into contact with other leaders. The aim was to bring China under its own economy. To achieve this goal, Obama proposed the Trans Pacific Partnership. However, China's exclusion from this trade agreement has encouraged China to pursue its own economic programs such as the Belt and Road Initiative and the Asian Infrastructure Investment Bank. With the spread of these projects around the world and the increasing dependence of other countries on Chinese investments, it encourages China to continue expanding to gain the upper hand. Overall, the Obama administration has been unsuccessful neither in controlling China nor in stopping their advances in the SCS. While Obama's approach

was problematic for China, his policies did not significantly worsen the external environment that Jinping was trying to protect (Canrong, 2016).

The main actor that affected these balances was China. In order to achieve the targeted economic growth, they sought in the environment. China has also reflected its economic potential to take its place in this new order, as well as its military power. In this context, it was enough for the USA to focus on the region. While for the West it means armed struggle with the perception of war, for China it means superiority compared to the opponent with diplomatic, misleading/confusing and economic pressure based on the philosophy of Sun Tzu. In general, the idea of the USA consists of initiatives in the sense of military-security, and China's ultimate goal is always to provide economic-political, trade and soft power initiatives. While the increasing military activity in the SCS can be cited as an example of China's steps in the military-security field, its resource extraction targets in the region and its economy by growing power are thus creating a defense mechanism. The USA is mostly trying to prevent the rise of China by keeping the field calm as much as possible, which is a method it has been using for centuries.

With the increasing tensions in the SCS, the already existing fierce competition, with the possible outbreak of war in the current situation, there is an emerging rivalry in the ideological, economic, technological and military fields. Due to the Taiwan and Hong Kong issues, the tension is increasing with the increasing military activity in the East and South China Seas and it seems that it will cause a possible hot conflict in the future. At SCS, the USA's efforts to persuade its allies against China, China's desire to include the containment strategy in NATO's agenda, China's increasing economic and political influence area to the West and the USA with the Belt and Road Initiative, the development of its technology, Issues such as trust in the state, which emerged as a result of the welfare at the social level following the progress of the 5-year development plans they made, were the problems of bilateral relations.

With China's increasing military spending and strengthening with naval power, SCS has recently increased its mobility. Likewise, the USA is involved in both air and sea patrols in the region and conducts exercises. The region where both countries are militarily close to each other and the region that has the potential to be a hot conflict is this SCS region. Considering the military expenditures of the USA, it is known that it is more than that of China. It is known that the US

plans to spend up to 7.1 billion US dollars on defense to counter the rising China, and in addition to missile defense systems, logistics and cooperation with regional allies, there is a six-year, 27 billion US dollars plan to increase the US power in the region. Determined (Chan, 2021). The main reason why China does not keep spending too much is its belief that the amount of spending will not measure military effectiveness.

In short, the USA will not withdraw from this region. It has adopted the SCS as the conflicts of the states in the region should be resolved and military support should be given when necessary. As long as they maintain the view that they believe to be originated from China and as long as they continue to put their hand in the region militarily, the SCS region will continue to be a problem in the relations between the USA and China. At the same time, the US tries to limit the role of the SCS issue in the US-China relationship by balancing sovereignty issues with its step in the management of the conflict with its neutrality. As China's power expanded, the SCS became a military conflict area with the US and allied powers. It is clear that it is due to China's confidence in its strategic and economic power in the region and its stable course. It is clear that SCS will not back down and its shadow will be felt in the region due to China's dominant policy, contrary to the US's preoccupation in the region. It is known that China's military capacity problem compared to its regional rivals with this attitude and the USA's lack of a strategy for the region are effective. A rising China is a threat. It is a serious situation to resist this and continue the struggle for hegemony, the smooth continuation of world trade in the SCS and free navigation in international waters. The US is using its military resources and allies to stop this rise of China. China, on the other hand, is pursuing a three-pronged medium-term strategy: maintaining a moderate external environment to focus on its own priorities; reducing dependency on the US while increasing other states' dependence on China; and expanding Chinese influence (Hass, 2021).

Due to the tensions over the Asian policy at that time, the USA decided that it needed to be more comprehensive. For this reason, these were voiced at the meeting at the ASEAN Regional Forum in 2010. Statement by then-Secretary of State Hillary Clinton, stating that they were disturbed and worried about the US attitude and the tension in the SCS, exemplified the freedom of navigation policy in 1995 and approved the use of force and threat in terms of not taking sides. The ultimate goal of the US has been to comply with the 2002 Code of Conduct declaration and be open to cooperation, not purely coercion (Stockton Center for International Law, 2021).

Considering these criteria, the general problem of the USA with China was actually the claims about maritime rights based on the Nine Dash Line, although they did not directly address China. On the other hand, it indicates a more collaborative approach and differs from China's 'bilateral negotiation' perspective. The US has further characterized the legitimacy of the claims of jurisdictions in the SCS as a situation in which the dispute must be resolved, although it does not have a general stance on the problems inherent in the claims of sovereignty. The US, which has always stated that it is neutral, has remained on the side of managing tensions remotely. US shown that they can directly intervene in conflict issues. In short, they stated that they have taken steps to take measures despite reaching a full agreement and creating a trustworthy environment. When you look at it, its main purpose is not to give freedom of maneuver to a growing and aggressive China.

Looking at the past year, the situation is no different. In the US argument, China should not legally exercise claims on the Scarborough Reef and Spratly, including the EEZ, and should not harass the deserving Filipinos on the high seas. The Philippines said that the reefs and islets would not have a sea area even if they were enlarged by construction activities; He also argues that China is violating UNCLOS by harassing Filipino fishing vessels (Cubukcuoglu, n.d) Considering that a selfish approach is adopted, it does not find it right for China to exploit resources unilaterally. When we look at it from another perspective, the USA against China, and the surrounding countries, especially not only Taiwan, but also the Philippines. As can be understood from the defense agreement signed by the Philippines in 1951 with the USA, it seems that they are arming against China in the region. In addition, locking the so-called primary and secondary island chains and ensuring that China does not maneuver has been the main goal of the United States. So much so, that the Visiting Forces agreement allows US troops to access Philippine soil for military exercises aimed at regional security and humanitarian aid work, as it provides discussions on arms increases and military cooperation (Jennings, 2021) It has no claims in the area, but will continue to be stationed there as long as it is fed.

3.5 POWER POLITICS IN THE SCS IN THE LENS OF REALISM

This section can be explained by the argument that the actions of China and the USA in the SCS are indicative of a strategic perspective based on realistic principles. Aggressive rhetoric fueled by naval modernization, island building, a desire to disrupt the status quo, and a lack of institutional

cooperation suggest that China is primarily concerned with power consolidation and an eventual power transition in the Asia-Pacific. It sees national history and identity as factors that predispose China to adopt this aggressive strategic viewpoint. In the face of this aggressiveness of China, the USA continues to be active in the region in order to prevent China from gaining efficiency from the region and to cut off its further development. There is a 'power' issue in the middle, and examining the balance between the USA and China, with the realistic perspective that is used and taken as the basis, will support the narrative of the main theme. From a classical Realist perspective, the SCS is a region increasingly shaped by conflicts that focus on the challenges of an emerging China to the US. China's insistence on strengthening its military capabilities and presence in the region by using its economic power is an indication of China's desire to change the security structure in the region and thus the 'Balance of Power'.

China has become an economic and military rival of the USA. With this rise, the interested parties have turned their attention to the theories that shape and direct the foreign policy among the world states. Realism, which is a suitable theory to connect with the SCS problem, is one of the basic theories of the International Relations discipline. They see the international system as anarchic, that is, due to the absence of absolute authority, realists argue that states should ensure their own security. Conflict is inevitable as it is the result of states competing for power and security in an anarchic system. While anarchy in this case does not mean chaos, what matters is denying the existence of an authority higher than the state that can enforce the rules or maintain order. Because there is not a single law enforcement force to maintain order in the system. Realists argue that states try to increase their power to protect themselves and get what they want from the international system.

The issue of 'power', which we use when defining realism and which is the main cornerstone, is one of the points that can be taken into account in SCS. Power is defined as the ability of one actor to make another do something that he cannot do. Strength is the core of understanding every state's security strategy. The realist school of thought argues that China's actions in the SCS are fundamentally a function of China's calculations of what is best for relative strength and survival (Donnelly, 2004). The power of others has always been a threat, and self-interest is sought for survival. However, for the majority, Waltz argues that there will be a 'balancing' in response to increased power.

Given the SCS conflict, realists argue that China's strategy in the region is primarily based on power dynamics and that China's actions in the SCS are at least in line with the understanding of 'aggressive realistic strategy'. The theory that China's strategy is based on aggressive realism draws attention to the increased presence in the SCS of the People's Liberation Army Navy (PLAN), which will one day challenge the United States, as part of the increase in China's military capacity. China's island construction relies on the navy's new Liaoning aircraft carrier, increased maritime patrols, hanging Chinese flags in remote areas of the sea and arresting foreign fishermen, expanding security resources so that China can one day achieve regional hegemony. China is doomed to conflict with the US on its way to great power status, and therefore, for aggressive realists, the most important strategic function of the SCS as far as China is the element of power. The monopoly of control over the sea will allow China to exceed its operational capacity in the Asia-Pacific and the first archipelago, an important step in securing hegemony.

Mearsheimer, the name of aggressive realism, who states that China has dominance in Asia and that the US overthrows leaders in the Western Hemisphere that it considers anti-American or pro-Soviet Union during the Cold War, is the same way that China overthrew the US in Asia. argues that it has an effect to keep it from being effective and even to turn the United States upside down. China is not expected to be strong enough to directly challenge US influence in the SCS today, but aggressive actions and the views of Chinese leaders that the US has no role in the conflict suggest that China is acting as an aggressive realistic state by taking some steps (Stewart, 2018). When we look at the returns of aggressive realism, it is seen that China is accumulating power resources with an aggressive attitude in the SCS region, and it can be clearly seen that it provides its own security. On the other hand, when we look at defensive realism, it can be determined that this situation is handled in a more positive way. So much so that for China, given its situation at sea, it can be stated that its actions in the region are a security strategy based on defensive realism. It may be a matter of determining the military response of the exposed state in the event that the air, land and sea borders surrounding the possible conflict and the US or another state with China are violated or pose a threat. China has demonstrated its intention to use diplomacy in the SCS for cooperation with other countries, a prime example of which is the 2002 ASEAN-China Statement of Conduct. But it is ironic that the executive mechanisms of this signed declaration have not been put into effect until today. Although Vietnam insisted during the ASEAN Presidency in 2020 to activate this declaration in July 2019 on its first framework, no results have yet been achieved.

According to offensive realism, Mearsheimer argues that China's economic rise will result in the military force it will use to become a dominant power in the region. In this context, it is thought that the rise of China has started to follow an expansionist policy in the close circle of the rising new world power and is likened to the rise of the USA in the 19th century, when it expelled traditional colonial powers such as England, Spain and France from Europe (Ayhan, 2020). In short, China is trying to remove the USA from the region in order to ensure its own dominance and influence in the region, and it is clearly seen that the USA is also trying to prevent the development of its rival's economic, political and military power by following a containment policy against China. The USA sees China as a threat to its global hegemony and therefore has a policy of "containment". In the context of the SCS, policies are not intended to resolve conflicts that bind them mutually beneficially, but rather to limit China's influence. This is in a system that will force countries to choose sides. This move by the US and its allies is unnecessary and harmful to the target. In addition to violating sovereign rights, this situation is contrary to the concept of democracy claimed by the US government. In cases where the economic sanctions and containment policies cannot be implemented, a civil war situation may arise. In the long term, in this case, the targets are postponed and the situation derails. Geopolitical interests can be examined to explain civil war in many regions, including the SCS region. Of course, the disagreement in the SCS case stems from issues such as sovereignty, economic development, and military resentment for China and other claimant states. Now, in a possible situation, this issue of civil wars abuses the development project of a region and the armed forces step in. Such actions result in a loss even in GDP, which in the case of SCS is a stalemate. These territorial-based containment policies are used by the United States and its allies to ensure that China, as well as the entire Asian continent, does not benefit from the strategic location of SCS. The USA's use of the realism strategy aims to protect its concerns and existing position in the world. It can be seen that the USA uses the policy of containment against growth and focuses on challenging it in political and economic logic. The US states that having control and engagement with the countries surrounding China, the policy made works very well and the US will maintain its position. According to its strategy of realism, the USA aims to keep China busy and uses these diplomatic tactics as it hopes to make an agreement with them to neutralize the competition between them. The USA interferes with China's trade and makes agreements with other countries by promising to provide security in order to prevent it. While China continues to increase its position in the global position, on the one hand,

the USA tries to maintain its position despite the implementation of restrictions without triggering the attacks that China will make or take steps in order to limit this rise of China. In this context, the use of two strategies is beneficial for both countries. Another element of efforts has focused on supporting the 2016 decision by the Permanent Court of Arbitration (PCA) in The Hague in the dispute between the Philippines and China. Also, according to this decision, China's territorial claims against the Philippines had no legal basis. In other words, while the USA points to the impact of the SCS region decision, it is also worth considering whether China will be affected or not (Teixeira, 2019).

Mearsheimer defines it as a period of 'transition of power' in which the international system is prone to major international conflicts. In this context, it can be understood that what is seen in the SCS region and East Asia also justifies Mearsheimer and helps to understand the aims of China and the USA's policies and activities in the region. On the other hand, the two powers mentioned want to turn the current power situation in their favor. As Mearsheimer points out, they tend to use force to change the balance of power. The cost and risk are high, but unless a state achieves its ultimate goal of hegemony, there is a desire for more power. No state can achieve global hegemony anyway, and the world is always doomed to competition for this reason. The structure of the international system consists of making the states that aim to ensure their security still aggressive towards each other. Because there will never be complete security and the intention of the opponent will never be sure. In this case, they always accept that they are stronger than their rivals (Mearsheimer, 2001). In the context of the SCS, the guarantee of survival is undoubtedly hegemony in the region, because no state can seriously threaten such a power.

China's actions in the SCS identify with the aggressive realism principles of its security strategy in Asia. China's ultimate goals in SCS go far beyond its position in Asia. China aims to establish regional hegemony and seeks to use SCS in its desire to extend power to the depths extending to the Pacific. Differences that we call national history and culture also inflame the conflict and also play a role in its resolution. Although the course of policy in the SCS is unstable, China's actual strategy is completely different (Ayhan, 2020). Consistency in the central government's strategic actions can be seen if they can fix their internal issues. The general attitude of China in the region is to destabilize the balance of power and to achieve an order that will suit its own interests in the long run. There are examples that are seen as evidence of the Chinese strategy, which has been

described as offensive. In the region, China has shown its intention to oppose the balance of power. We can understand this best when we look at the historical process and the increasing equipment for military use at sea.

China's security policy, as well as its foreign policy, is influenced by the realist perspective and the assumption that the strong will dominate the weak. Considering the concept of American hegemony, there are defenses that the USA will always use its power to control weak countries. While China aims to become powerful and wealthy as it was 100 years ago, it expects the world to define them as great powers. The fact that the current leader, the USA, does not recognize China's growing power is seen as arrogance for China (Liao, 2019).

In addition to the aggressive activities in the SCS, it can be said that China's movements on the subject have evolved into a situation that can be called provocative in recent years. China's actions and stance on the region and on maritime disputes changed after Mao. So much so that Deng Xiaoping succeeded Zedong in leading the CCP, and in addition to being responsible for his economic reform, they became closer with its neighbors. During these periods, the defender was acting more like a real state. In the early days of the Chinese Communist Party, the country was vulnerable and suffered from the social, economic and political chaos brought about by Mao's policies such as the Great Leap Forward. The state also had to give importance to its foreign policy because it could not pursue issues like the SCS aggressively and actively. Already as a result of the Cold War, the country was too tired to keep up with the state of the international system, and Deng 'waited for his time' thinking in classical Chinese fashion. During this time, they would bandage their wounds and heal. They did not pose a threat throughout the 90s and 2000s, and they looked at the situation in the region from an optimistic perspective. But in 2009, then-president Hu Jintao insisted that China's foreign policy be viewed from Deng's framework (Stewart, 2018). On the contrary, the current Chinese President Xi Jinping has taken a more aggressive stance by considering Chinese interests in the SCS.

China is not acting defensively at the moment. It is not worried about maintaining the status quo power balance in Asia or the current situation. More SCS conflicts seem to embrace threatening neighbors and their safety and operating peacefully and legally at sea as well. The US intervention and response to freedom of navigation operations (FONOP) sees the US presence in the region as a threat to itself. Come to think of it, if we were looking at a defensively realistic China, it would

be less responsive to the peaceful US presence in the SCS. But instead, what we are looking at is aggressively realistic China, which acts against the United States, acts against the power against it, and sees it as a threat, stating that it will not act with it (Mearsheimer, 2002). The factors of this perspective, which are the security and power capabilities of the strategic and vital interest of the state, help to foresee the rivalry between the USA and China. The nature of the rivalry between the two forces them to form balancing alliances against each other in order to prevent the domination of one side. That is why states and great powers in general are the primary factors in the international arena and here anarchy reigns. However, as seen above, international organizations have little power in the decision-making process as their decisions are not binding. It is possible to say that this has been deterred by the USA, which has formed military alliances with China's neighbors in order to prevent China's ambition and aggression in the SCS and in all its claims in general. Still, since China has been taking actions with cautious and swift steps for years, it can be seen as more groundwork for the US rather than holding them back. The UN has no influence on China's activities in the SCS, the problems in the SCS are complex and have been going on for a long time, and it seems that this situation does not seem very open to resolution. For all beneficiaries, this area is a precious metal and everyone wants to increase the power and right of all those cross-cutting claims by occupying the islands and reefs in the SCS and building military bases. Due to China's aggressiveness in this situation, the surrounding countries are in a position of ambition here. For this reason, they cooperate with the USA and they believe that the USA will play a peaceful role in this problem. It cannot be overlooked that the USA appears to be more conciliatory and balancing on the agenda. Although the military intervention in the regions from the USA and harassment of China angers China, it encourages so-called diplomacy in the region.

3.6 PEACE AND SECURITY IN THE REGION

The power struggle between the USA and China is increasing day by day. Sovereignty claims between the countries that the USA is close to and China are in a position to affect the competition, world political and economic balances. SCS is known as a problem that concerns the whole region and is a party to the countries with sovereignty claims. There are risks in the region, which has an important place in the world economy, in case of increasing military capacities and claims of sovereignty in case of an armed conflict. It is the current situation that China's sovereignty claims

announced via the Nine Dash Line and the main conflicts with other countries in the region continue over certain islands. In addition, the problem that confronts China and the countries in the region that are allies or close to the USA in the region, his interest in the Asia-Pacific region during the Obama era, and the signing of new agreements in the field of defense with the surrounding countries created the China-US competition in the region. China's actions at home and around the world largely determine the US attitude towards them. While this position is controversial, it is believed that China, not the United States, can change the course of US-Chinese relations at historical crossroads (Jisi, 2021).

The problem for the US in SCS is China's increasingly aggressive policies and artificial island construction, while its allies are unable to form a holistic policy and have problems with China. In order to solve this problem, the USA has started to become more active in the SCS, and the approach defined as the rebalance policy with the Obama administration is an all-out strategy with political, military, and economic branches. While the US's agreements with its allies and increasing its military presence is in the political and military areas, the Trans-Pacific Partnership is the economic area of the strategy. China considers this strategy as containment. The U.S. Navy sent a guided-missile destroyer close to China's artificial islands in the disputed SCS, giving an angry accusation from Beijing, which said it informed and followed the American vessel (Cooper and Perlez, 2015). The US's patrol of the USS Lassen warship near the Spratly Islands on October 27, 2015, and China's military display of power in the SCS further tensed the atmosphere.

The conflict between the USA and China needs to be examined in the fields of trade and security. China sees its surrounding area as a security zone and aims to strengthen its military presence around it. The construction of artificial islands, the sand islets and reefs it uses, is an example of strengthening its environment. The USA, on the other hand, states that it will protect the countries of the region in response to China's actions, which are thought to be aggressive expansionist. For example, patrolling the waters of the region and the exercises it carries out are the activities carried out by the USA to demonstrate its protective role in the region (Ankasam, 2019). Many countries in the SCS are concerned about how the United States will protect them. The US wants to prove that it is the main actor in the construction of the security system in the region through military activities and tries to prove it by doing exercises from time to time.

The ultimate goal of the US is undoubtedly to diminish and, if possible, stop China's impact in the region. In the competition between the USA and China, it is seen that the countries in the SCS try to remain neutral. The reason for this is, in fact, it is known that some countries have commercial relations with both China and the USA, and some see it as a aid to defend their security in the region. For example, in the electricity industries of countries such as Japan and South Korea, imports are made from China. Both countries see China as a country where they can develop their economic relations. Or there are different things that China exports apart from electricity: In 2020, China exported \$110B to South Korea. The main products that China exported to South Korea are Integrated Circuits (\$16.3B), Broadcasting Equipment (\$3.89B), and Computers (\$3.86B) (OEC, 2020). This approach of the two countries is sufficient to soften the security competition between them. Although the two areas are very different from each other, although China is in an important position for the countries of the region in terms of economy, it is thought that the states in the SCS need the USA in terms of security (Ankasam, 2019).

Apart from the SCS region, the Southeast Asian region is also a region where the competition between the USA and China is intense. In fact, all of Asia gets its moisture from the power struggle of these two. Countries that are members of ASEAN are trying to balance between the USA and China. ASEAN members have close relations with the USA. In the National Security Strategy Document published by the USA in 2017, they abandoned the term Asia-Pacific and used the term Indo-Pacific (Koyuncu, 2021). It seems that the USA considers China as a line stretching from the Pacific to India as part of its encirclement policy. China is also developing close relations with ASEAN. But on the other hand, it shows that it is the biggest power in the region. It was inevitable that the competition with the USA, which disturbed them in the region, reflected on the naval exercises. A presence in the region is demonstrated through training activities, port visits, exercises and maritime security operations in the region. Thanks to these activities, conflicts that may occur in the region are prevented through cooperation. Security of navigation is established, access to the region is provided, the peaceful resolution of regional problems is promoted, the implementation of international maritime law is supported, and lastly, regional and bilateral military relations are developed.

Besides these, navigational safety operations are frequently mentioned by the USA. Operations such as keeping the transportation and trade routes open on the SCS within the scope of the

principle of freedom of the seas by the US Navy and Air Force and the Coast Guard Command, protecting the rights and authorities at sea, preventing the occupation of formations in the region, and observing the rights of the airspaces equally, in accordance with this policy, encourages rights holders to comply with international law on maritime claims. What the United States has stated is that it aims to maintain its maritime presence activities at high speed in these efforts to strengthen its strength and presence. It is of the view that there is strong shaping in and around the SCS, ensuring the existence of these Navigational Operations, deterring conflicts and coercion, and also benefiting the freedom and protection of the seas. In fact, they have always stated in every conference that the seas should be independent, and they talk about the peaceful resolution of maritime disputes and their dependence on the rule of international law, stating that they are engaged in these activities in order to protect their allies and strengthen their positions. The Obama administration and US strategies have heightened the prestige of its relationship with regional organizations and countries, but have had little effect in leveraging multilateral institutions to counter Chinese actions in the SCS. Institutions included the Asia-Pacific Economic Cooperation (APEC), the ASEAN Regional Forum (ARF), and others. They highlighted the ARF and SCS, free navigational flow and territorial claims. These institutions have tried to secure the statements in order to maintain regional peace, but China has rejected statements criticizing its activities in the region (Nguyen, 2015).

Southeast Asian countries and China met frequently to discuss the application of the 'code of conduct' for the SCS. The aim here is to try to detect and manage the tensions that may arise from the disagreements between the rights holders in the region. The 'Statement on the Conduct of Parties in the South China Sea' signed in 2002 was signed, and its terms were aimed at more peaceful resolution of problems and cessation of activities that complicate these problems and adversely affect stability and peace. It was a declaration that could be thought of as a compromise step towards China's position in the region. Out of keeping with the times, this declaration failed to anticipate the activities at SCS (Chang, 2020).

Near the end of the Cold War, the idea of codes of conduct was brought forward by ASEAN. He came up with this idea because of ASEAN's desire to eliminate the escalating tensions in the region without causing a great power war. Compared to today, it was not possible to invite the USA to

the region at that time, and there was a serious shortage of power in the region. For this reason, it was more likely to put China on the path ASEAN wanted for the problem in the region. China signed the declaration and joined the Treaty of Friendship and Cooperation in Southeast Asia. The end was not quite as desired. Peripheral countries continued to assert their sovereignty. China, on the other hand, has turned to fortify outposts, ports, radars and military facilities in the region. Disputes at sea between China and other countries became more frequent and caused problems in the region. The code of conduct between ASEAN and China was not enough to ease tensions in the SCS. Because of ASEAN's principle of non-interference in the internal affairs of countries, this declaration was written in a way that prevents the signatory states from violating their ability to exercise their national sovereignty. It has become difficult to handle disputes arising from claims of sovereignty. The code of conduct expectation was intended to encourage compliance with Southeast Asia's SCS claimants, but little was done about it. Countries did not get along with each other, and so they pursued strategies on their own to deal with the ever more powerful China, rather than cooperating with each other. Vietnam formed its naval forces to defend itself against China's naval force. Vietnam believes that China's actions at sea have negated much of the real success of the regimes. It believes that China has not long had a peaceful rise and has used diplomacy and military maneuvers, often referred to as a strategy of creeping assertion (Blazevic, 2012). Indonesia and Malaysia, on the other hand, believe that 'Discrete Diplomacy', a step in which there is an informal dialogue to resolve a political issue and the existing mediators are involved in order to build relations and encourage the conflicting parties to reach an agreement, will persuade China to stop. The Philippines furthered its relations with China and became a partner in energy exploration. But he later became uncomfortable with the Chinese influence in the sea and took it to court. Then it moved closer to China again and distanced itself from its security ally, the United States. Discussions for the code of conduct at SCS sought to show China the importance of the 'Path to ASEAN' and promoted consensus in Southeast Asia. However, this point was never reached. China harassed Malaysian and Vietnamese fishermen, removed energy prospecting vessels; it denied the Philippines access to Scarborough Shoal and harassed them by intruding into Indonesia's EEZ. It is not surprising that there is no cooperation in the region, and that China wants to be alone rather than with the rights holders, because China always stays close at first, but still prefers solitude in the end. China has convinced most of the countries in the region

that there will be negative returns to opposing it, whether by reducing trade between them or investing in the Belt and Road Initiative (Chang, 2020).

Many years have been waited for situations such as the preparation of drafts, the determination of issues to implement the code of conduct through the SCS, and it is still progressing slowly. While the publication of this declaration will positively affect peace and security in the region, years of friction are ruining things even more. There was still much to be negotiated and they were aiming to complete it by 2021. They failed to complete and may miss the 2022 deadline as well. A number of China and ASEAN debates have remained divided on the issue. People's Liberation Army Major General Yao Yunzhu stated that whether the agreement will be legally binding, the scope of activities in the geographical and naval areas will be discussed with the roles of foreign powers. He stated that the more negotiations, the more bargaining will be and the intensification of the US and other regional foreign powers' interventions, making it difficult to reach a compromise. There is uncertainty as to whether these rules will be negotiated by the end of 2022 (Zhou, 2021). In terms of security, the scope of the code geographically corresponds to China's nine-line claim. Although ASEAN supports the prohibition of land reclamation in the region, China of course opposes it. On the other hand, given the events of tension in the region, attention should be paid to the handling of the process, as there may often be a search for a solution. It was discussed whether each country that is not a party to the law should be allowed to conduct military exercises in the region without the consent of all right holders, which is an issue that China is very enthusiastic about. It is possible that China may have a veto over military exercises between the USA and the countries of the region. On the other hand, there is no specific information limiting sovereignty claims over the waters, islands, reefs, cliffs or EEZs in the region. This maintains the current status quo, but the tension in the region does not end, making it harder for the code to manage tensions (Chang, 2020). Progress on these spoken situations has come to a standstill for the past two years due to the coronavirus. In the summer of 2021, China and 10 other members announced that they had agreed on the preamble of the code, but negotiations are ongoing in the next reading of the draft.

The United States and the European Union have expressed their concern over China's increased military aggression in the SCS, as well as in the East China Sea. The US and China stated that their actions in the SCS, the East China Sea and the Taiwan Strait have adversely affected peace

and security in the region and have an impact on the security and welfare of the US and EU. They also subsequently reviewed strategies at sea. They state that they share a strategic interest in strengthening cooperation in the region and supporting it with rules, on the basis of common values and common interests. They controlled their interest in stability and status quo in the Taiwan Strait, and both sides sought to cooperate in accordance with their own 'One China' policies.

Although some countries advocate the resolution of the SCS conflict within ASEAN, China of course opposes this. Even this declaration, which took a long time to negotiate, stated that states should resolve their judicial disputes peacefully (Stewart, 2018). We can see China resisting a binding agreement in the region, opposing a rule-bound international order, and choosing its strategic interests rather than integrating into the peaceful liberal international order. China's perception of itself as a rising state explains its aggressive steps in the SCS. In a defensively realistic China, it would likely take a softer view of the region's peaceful and legal US presence. On the contrary, in the event of an attack, it will see the USA as a threat and will try to neutralize it as soon as it limits its maneuver. This region is an important region for China's national security. So much so that they equate them with regions such as Taiwan, Xinjiang, Tibet and Hong Kong, that is, they state that they are ready to fight, if necessary, even if this region is not completely dependent on China. This is proven by China's one-China policy. The fact that the SCS is so important to China causes problems because it significantly limits what other states in the region can do to provoke China and trigger war to push it back.

G7 (Group of Seven) and ASEAN, which make up the seven most important countries of the world economy, discussed and agreed on respect for international law at the SCS at the first foreign minister meeting at the end of 2021. They also talked about the importance of maintaining peace, security, stability, safety and freedom of navigation and flight at SCS. They pave the way for building trust and resolving conflicts peacefully and within UNCLOS rather than hard. They have included ASEAN in the leadership mechanism for maintaining peace and security in the region (Anh, 2021). Immediately after these speeches, the US Secretary of State spoke about China's aggressive actions after his visit to Southeast Asia. So much so that there were recommendations for the countries in the region to unite against China. The USA has stated that it will work with its regional allies to establish and defend a rules-based order against the rising power China, which it describes as a threat to the freedom of maneuver in the SCS. They reiterated the call for countries

to unite for any activity that could be considered a threat in the SCS. So much so, that China also rejected this decision after the decision of the international court to reject China's historical claims in 2016, and that China moved its military equipment to the waters in the region. U.S. and Chinese relations have plummeted in recent years due to differences in human rights, Hong Kong and Taiwan. There was already a power domination war between them, but due to some triggering factors, this situation is quite frictional. The United States insists on stating that it depends on having a military presence committed to peace and security, which is vital to the prosperity of the region (Hudson, 2021).

In SCS, it is the result of China's unilateral attempts to change the status quo and against the rule of law. Further militarization of the region includes attempts such as the threat of order and security in the region. Many international communities complain about this situation, and China's continued actions that increase tensions, including repeated military exercises and missile tests, continue to cause concern in the region. Many of its allies (particularly Japan), including the United States, consistently advocate the application of the rule of law in the SCS to ensure freedom of navigation and overhead flight, and to ensure maritime security. It should be one of the aims of each country involved in the SCS to support the peaceful resolution of disputes in accordance with international law and UNCLOS (Ministry of Foreign Affairs of Japan, 2021). Undoubtedly, the most peaceful solution in the region should be to ensure the common use of natural resources over which no state has full sovereignty. It is important that the parties negotiate and have a common consent by taking some steps through the international judiciary. The situation is different for China, although the surrounding countries use them in the name of repelling. Looking at all of the problems in SCS, it appears that it is exposed to a deep security dilemma that leads to the 'spiral model'. This pattern begins when one of the countries acts outside the agreement and changes its intentions. Giving up peaceful means and intending to use military means to resolve the conflicts of countries summarizes this situation. However, the security dilemma situation and this spiral pattern can be reversed and become a security dilemma corrected through cooperation and assurance, or worse, a war of territory (Raditio, n.d.). China, with or without an exception, has tended to ensure its security by disturbing other countries. So much so that even if there is no direct attack, it forces itself to resist by resorting to an imminent threat. As Mearsheimer stated, it is clearly seen in the current situation in SCS that China will try to be regional hegemony in Asia

and that the USA, which is the only regional hegemon of today, will lead to counterbalancing moves. The exercises of the USA with Japan in 2021 with its submarines were not the first. Many times, they send ships and military vehicles to the region to show power, and China thinks that this situation is not suitable for peace and stability. Stating that due to this stance of the USA, China would come to an agreement with the countries of the region, they began to emphasize the importance of peace and security in the region. On the one hand, the US states that it maintains the status quo in the region, but on the other hand, China emphasizes that it is the worst action for SCS. The aim is not to establish Chinese hegemony in the region and to give confidence to the countries of the region.

The new military alliance announced by Australia, the UK and the USA (AUKUS) in September 2021 is one of the most important foreign policy steps taken in international politics in recent years. The development of common skills and technology sharing will take place between these three countries. It aims at a more comprehensive integration of security and defense-related technology, science, industrial bases and supply chains than the current state. It also undertakes to supply nuclear submarines to the USA, UK and Australia (Yesiltas, 2021). The end touched by this formation is undoubtedly understood that China has integrated with a regional deterrence plan on behalf of the Indo-Pacific. Even when Australia isn't a party to the region, it's wary of escalating tensions and will help it keep its self-defense nuclear defensive. Although each country has different plans and intentions, the main goal is to create a defense bloc that will balance China's military rise and expansion in the region. Against AUKUS, which is the strongest security formation since the Second World War, China has stated that this formation is characterized as great irresponsibility. They claim that this alliance against the SCS has damaged peace and security in the region and increased the arms race, and added that it has caused more confusion by accusing the Western countries participating in AUKUS of reverting to the Cold War mentality. On the other hand, China is also trying to establish its own sovereignty in the region by militarizing the region. Even the ASEAN countries do not completely agree. The Philippines is also of the opinion that this will be a problem in reducing its support for them due to its proximity to the west.

Peace must prevail not only on land but also at sea. Both areas are important given the increasing trade traffic along sea routes and the abundance of sea-based natural resources that support national and global economies. In this regard, Article 301 of UNCLOS states that;

'In exercising their rights and performing their duties under this Convention, States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations.' (UN, Preamble to the UN Convention on the Law of the Sea)

The peaceful use of the oceans and seas has been interpreted in many ways. According to the report of the UN Secretary-General, it was processed taking into account that the UN Charter and other obligations of international law determine whether a naval operation can be considered peaceful. Article 2(4) and Article 51 of the UN Charter states that military activities are not prohibited by UNCLOS. In addition, although military use of the seas is not completely prohibited, military activities such as military exercises in another state's EEZ increase the sensitivity regarding the security of coastal states. In the SCS issue, the parties involved discussed both the pros and cons of peace. This adapts to Johan Galtung's concept of Negative and Positive Peace. It covers the conditions of states and international law of matters at sea and on land. Negative peace among ASEAN members has been continued in terms of easing conflicts. ASEAN Declaration, Treaty of Friendship and Cooperation, DOC, ASEAN Concord II and ASEAN and China Guidelines. For the purpose of making peace, platforms suitable for peace have been provided within the framework of certain articles of UNCLOS and the ground has been prepared to maintain it. The geopolitical dynamics between the USA and China raises concerns in maintaining peace in the SCS. This problem, which has intensified over the years, has also increased the controversial military activities at sea. China has likewise expanded its territory with the militarization of artificial islands, and the United States has also provoked China to implement warships as a FONOP exercise under customary international law. The influence of the institutions in the region in maintaining peace is also great because the decisions taken create obstacles. The rules are not binding and do not cover regional norms. Tensions in the SCS have been rising steadily since the end of the Cold War and should be supported for a binding all-country agreement for disputes. This tension in the SCS will persist for years and even tend to escalate. Every positive peace-building behavior can be seen as vital steps towards peace and security in the SCS. For every country that has an interest in the region, it is necessary to spend more effort in order to achieve greater success. Tools such as joint solutions, development, the sharing of fisheries resources, the protection of the sea, the implementation of joint responsibility and security cooperation, regional

cooperation between ASEAN and China, and the promotion of peace and security should be provided. For the US-China relationship, it could have been healthier if Asian states had helped balance China's rising power and military might rather than relying on the US. The strongest unit that can help this is undoubtedly ASEAN (Kaplan, 2014). The adoption of the legally binding Code of Conduct at SCS should be persuaded and cooperation should be encouraged.

3.7 ROLE OF ASEAN IN THE CONTEXT OF CONFLICT RESOLUTION

This was considered a historic victory when the Permanent Court of Arbitration ruled in favor of the Philippines in its case against China's SCS claims. Strongly enforcing territorial claims against international law and increasingly militarizing the SCS region, despite criticism from the international community, were among China's goals. China has not declared an air defense designation zone in the SCS, nor has it taken any action to begin reclamation work at Scarborough Shoal. Even after the Shangri-La summit and before the Court's final decision, there were even rumors that China was more tolerant of Filipino fishermen entering Scarborough Shoal (Tong, 2016)

In general, China's position and claim has not changed at all. Many argue that this is a historic case that could equate states large and small before international law. According to a report dated July 15, China continues to prevent Filipino fishermen from approaching Scarborough Shoal, rightly located in their EEZ. China refused to recognize the court's decision, as every other member of the Security Council had previously behaved when confronted with international law. Despite positive prospects, the SCS dispute is in a stalemate. The international community, especially the US-backed bloc, including Japan, Australia, the EU, Vietnam and the Philippines, is pushing China to make a final commitment, hoping for an end to the conflict. But the pressure on China is not very positive.

As a result, China believes ex-Westerners have been stealing its fish and oil from outside in collaboration with Western powers. It is also believed to be using disputes and claimants as pawns to contain and restrain what it sees as the rise of the United States to territorial dominance. The main thing is that if a proposal is prepared and implemented, which invalidates China's claims and refuses to take a share in the resources in the disputed regions, China will be provoked. All of the claimants want China's continued economic openness, and they all have their own political and

military reasons for not wanting it to be in their favour. China definitely uses its individual needs as a trump card to prevent unity against itself (Valencia, 2020).

First of all, most analysts take refuge in ASEAN to negotiate a Code of Conduct on the South China Sea. Normally ASEAN is not capable of meeting such high expectations. ASEAN has little hope of leading the Southeast Asian countries towards a common stance against China, as even the EU is grappling with the Brexit problem due to inseparable individual national interests. ASEAN faced a number of challenges when considering the diverse culture and history of the region. It has not gone through two world wars that could keep different national interests on a common line, as in the EU

As in the EU, political integration is the most difficult process in ASEAN. Just as political issues end in Brexit, the SCS dispute is tearing ASEAN apart. The SCS dispute is a sensitive issue that ASEAN states cannot agree on due to their differing interests. It is this issue that has helped China divide ASEAN unity from within. This could also be an explanation for China's increasing aggression in the SCS. China does not want a strong and unified regional organization by its side and is doing and will do its best to prevent ASEAN integration. In this context, forcing ASEAN to establish a Code of Conduct and hold bilateral talks with China could be counterproductive.

International law cannot change the attitudes of both countries in this situation. There are reasons why the international legal system has long been viewed only as law for small states. Powers like China, USA, Russia or UK will never obey the law if the law is against their national interests. After observing the negligible effects of the court's decision on China, it is clear that they will be no different from their legal case from Vietnam or other plaintiffs.

Another weakness of ASEAN is its inability to deal with Chinese military power. Although ASEAN's members have created an economic powerhouse with a GDP of \$700 Billion (Deik, n.d), the region has yet to develop its human capital and military capabilities. Moreover, trade dependency between ASEAN and China continues to deepen and will provide leverage for the latter in the region (Li, 2017).

On the basis of increasing tensions in the SCS region, the term militarization with aggression is associated with diplomatic struggles over maritime claims in a multinational structure. The US and its regional allies state that China is militarizing the SCS region by deploying military assets

such as radars and missiles to the occupied territory in the region. China says that the USA, which it accuses of carrying out its operations and military activities under the guise of freedom of navigation, undermines peace and stability in the region. Both sides accuse each other of militarizing the region for this reason (Kuik, 2016). So much so that, by examining certain military assets and regulations with the moves made, it can be determined who is active in this issue when the issues such as the establishment of military bases, as well as the deployment of the armed forces, are examined. The occupiers and beneficiaries of Spratly Island were militarized years ago. All of them have deployed military personnel here, and ports and runways have been built for aircraft and ships. China points out that unlike the USA itself, it has military zones in the Philippines and Thailand, even if there are no maritime bases, and points to Singapore and Malaysia for patrol flights targeting China's submarines as soon as possible. The US has also strengthened its military presence in the SCS with its FONOPs. China, on the other hand, sees these as warship diplomacy and sees these actions only as defense for itself. There are still goals that China and other rights holders can create a formal code of conduct to prevent and control conflict. The resolution of disputes over the scope of the code, its legal status and method of application is still delayed. However, the struggle for dominance of China and the USA in the SCS region is like an increasing race that seems to be never ending.

Since China announced its broad claims to sovereignty in the SCS in 2009, the region has consistently militarized as it tries to justify and defend its claims. This crisis in the SCS has been talked about by many clashes between maritime watchdogs, fishing boats, and the rupture of seismic cables with oil exploration vessels and various diplomatic fights (Buszynski and Hai, 2020). Other plaintiffs within ASEAN, including Vietnam, Indonesia, Malaysia and the Philippines, have sought to modernize maritime and coast guard capabilities to maintain the status quo in the region. But compared to China's military upgrades, ASEAN's improvements are not enough. Vietnam's military modernization apart from ASEAN is deep, enough to offset China's growing military. Likewise, Taiwan continues to develop its military infrastructure in the region. The forces outside the entire region are; India, Japan, France, UK, Australia and the USA continue to increase their military presence in the region to rival China's expansion (Grossman, 2020). Its activities are held as frequent joint exercises, FONOPs, in support of international law and codes of conduct. It is planned to create certain forces in the SCS, it can be seen that China plays the

most role in the activities of deployed soldiers, weapons, upgraded military facilities or established bases. Contrary to popular belief, the situation in the SCS is not a regional arms race (Vuving, 2017). There is no competition, that is, there is no such thing as a competitive environment. If the arms race is the act of trying to equal or surpass the opponent, no one in the region can catch up with China. There is no effort to gain military equivalence or superiority in the SCS region, on the contrary, everyone only claims rights from the places they claim. These activities are ensured with minimum deterrence. They are geared towards softening the process rather than blatant aggression. But on the face of it, China's large military is highly assertive in the region and has contributed to the growing confidence in Vietnam or the Philippines to be assertive in the region against ASEAN maritime counter claimers. Claimants partner with major powers outside the region to accelerate military modernization against China and improve their ability to rein and stabilize China. Otherwise, China will limit the use of the region by dominating these efficient and effective sea routes alone. To have a say in this region may mean that China overthrows the US throne in a global sense. After the crises in the region, China's attitude continued to be assertive. So much so that it is trying to steadily advance its military presence without giving up any of its legal claims. It avoids armed conflicts and tends to increase its power while avoiding conflicts with the states of the region and the USA. In situations where there is a potential for conflict, China, which makes a pushback by deploying its ships to the seas, strategically engages in a strategy of overwhelm. In order to prevent US intervention, they were trying to erase from their agenda the allegation that China violated the UN Charter's prohibition against aggression (Buszynski and Hai, 2020).

China's militarization activities in the region have been processed in connection with military moves, non-military or paramilitary activities in terms of operation. In addition, China is trying to continue these actions without causing reactions in the disputed region. On the other hand, in terms of timing and speed, China's unilateral military moves were occasionally applied to external developments that linked China with the US, and started to accelerate as of 2016. Despite international resistance, China has acted too dominantly for control in the SCS. Deciding this year that the Nine Lines claim is not legally binding under international law, The Hague was ignored by China. The Chinese military has established bases on islands in the region containing cruise missiles, warplanes, anti-aircraft defenses, and advanced military equipment outside of China's internationally recognized borders (Morris, 2021). One of the main problems with its growing

military presence is, in fact, the problem that China may prevent the United States and other allied countries from providing protection to Taiwan. They are also criticized by many of their regional neighbors for fueling territorial disputes. China's escalating actions and assertion are a mix of non-military and paramilitary measures. Fishing bans on foreign vessels, maritime patrols by the coast guard, and the sending of law enforcement officers to the area to stop seismic surveys by other claimants are measures they take to threaten foreign oil companies shipping. These measures have functioned as non-military and paramilitary features with military operations. With this system, which started and continued with Xi Jinping in 2013, the claims of nine-line lines have been reinforced. The placement of oil wells, reclamation projects and artificial islands in the waters near the Parcel Islands, as well as the settlement of outposts, airstrips, barracks and ports are being built in these disputed areas. It has deployed a large number of submarines and ships to the region, along with land-based precision-guided missiles and warplanes. Providing stable growth in the region, China has surpassed the ASEAN member states. Although the countries concerned occupied all the islands and reefs and worked to strengthen their military presence and facilities there, China was the country that dominated the last militarization. China has consistently built airfields used by military aircraft and built cruise missiles and anti-aircraft guns at Fiery Cross, installing other surveillance systems such as radar, although China claims there is no militarization to the contrary (Buszynski and Hai, 2020). China plans to build nuclear power plants on new artificial islands, and in addition to installing high-frequency radar systems (Morris, 2021). Besides China, Spratly and Fiery Cross, there are also artificial islands of Subi Reef and Mischief Reef and Moody Island. There are airstrips for civil and military use on these islands, and China is in this region because it wants to establish a military power triangle. In this context, China can effectively transform the strategic waterway into a "China lake" by acquiring the ability to police the region under an air defense identity that will encompass most of the SCS. Thus, it poses a serious threat to the states of the region and the USA (Johnson, 2017). China is rapidly militarizing its artificial islands in the region, which creates security concerns in the region. In addition, another aim of China is to create a zone of exclusion in the region and to highlight its superior air and sea capabilities against other riparian states (Genc, 2019).

There is a trade-off between maintaining stability and maintaining its sovereignty and needs in China's domestic affairs. As Chinese expert Zhuang Gutou puts it, *"China is able to build whatever*

it needs on its territory". It states that China's military deployment is not for expansion, but to defend its security and interests (Kipgen, 2020). They have relied more on the coast guard and law enforcement than the navy to defend interests in the SCS region. They tended to take the islands in the region and build military outputs in the spoken regions. The aforementioned target of China is to defend its claims and not to deviate from the path of nationalist legitimation and to avoid situations that would disrupt it. It aims to transform China's relations with claiming countries in the collaborative and integrative process into common security with institutionalized mutual interest and dependency. When the relations between the USA and China are examined and the full purpose of this militarization in the region is examined, it is clear that there will be a conflict that will last for years.

China may engage in military intervention against other claiming countries and US ships. China states that the US may lead to escalation of tensions in the region and may even occupy Scarborough Shoal, the troubled area between China and the Philippines, or build a military base. If China already identifies US actions as provocative, it has the potential to do so. It can even prevent the sending of supplies and soldiers to the occupied islands between countries and use military force to seize the islands. Having an aggressive stance, China continues its policies by revealing its nationalist side, which is the harbinger of the use of force in its strategy. It may be willing to resolve these issues throughout its position in the region, taking into account sovereignty issues in the SCS. It can also call for it to use its sovereignty by stating that it is suitable for military intervention. This lays the groundwork for the invasions they are ready to make, and their strategic move provides a good excuse. These excuses can be hidden under the cover of military action and preparations under the guise of carrying out military exercises.

There is the fact that the SCS conflict is highly asymmetrical and therefore cannot be handled symmetrically. China is a superpower in the region, and the Philippines, Vietnam and other beneficiaries are just smaller states. In this context, it is not possible to expect a fair solution that treats all participants equally. ASEAN countries have to learn how to work in a mutually beneficial way commensurate with China. Leveraging international law or forcing China to accept ASEAN's Code of Conduct proposal is nonsense. It will be more honest with realist thinking and support China's higher position in every negotiation.

The complexity of the conflicting claims in the SCS, combined with the economic risks in territorial waters, proved insurmountable. With the continuation of the confusion and disorder in the region, a series of problems continue in the context of SCS. This happens with an analysis of ASEAN's role as the main intergovernmental organization in the region and the involvement of the US-Japan security alliance as a negotiating forum. It can be useful in predicting the future of territorial claims by assessing ASEAN's actions in the political-security arena in relation to the SCS disputes. Still, the inadequacy of ASEAN's step is in favor of China (Li, 2017).

Currently, ASEAN has ten official members in Southeast Asia, and the only counterbalance to China's presence in the region is the organization formed by these states. ASEAN protects the economic interests of its member states through peaceful negotiations and other political measures (Egbering and Putten, 2017). Also, ASEAN does not have a collective security mechanism scheme. Thus, ASEAN's recent success in gaining Chinese approval for a binding code of conduct in the SCS is testament to the regional organization's progress. The Organization must continue to maintain basic safeguards for ASEAN members by adapting to the changing political situation in the region.

East Asia's SCS dispute is nothing more than demanding that ASEAN change itself to counter an increasingly aggressive China. So much so that ASEAN has gathered more political influence throughout its history and has been playing a role in regional economic and security activities. Especially from the 1990s to the early 2000s, this organization strongly supported regional economic development and mediated conflicts between member states. In addition, ASEAN maintained friendly relations with China in this process and made China an important partner for ASEAN against the USA and a balance in the region (Buszynski, 2003). However, ASEAN has not been able to take a common stance lately. At this point, ASEAN's weakness in taking a political stance against China as a bloc also has the potential to strain relations within the union. Despite the general disagreement between ASEAN and China in terms of dominance of the South China Sea since 2002, the failure of a healthy orientation in the approaches of the Union countries shows that this process is not new.

There was a discussion between China and Malaysia in 2020, which Malaysia described as an "attack" and China said it had sent 16 aircraft to the South China Sea for a routine flight (Huang, 2021). The Chinese Foreign Ministry denied the attack accusations and the Chinese Air Force said that the U.S. was conducting a routine training operation on the South Nansha Islands in the South China Sea. He also stated that the Chinese Air Force strictly adhered to international law without entering the airspace of other countries. China states that Washington is specifically using the SCS conflict to disrupt China-ASEAN relations and is forcing ASEAN to take sides against China by spreading rumors about sensitive issues and spreading them with media power. As long as such disagreements arise, and China always resorts to such means to justify itself, unity will be meaningless. The only meaning is ASEAN members' support for each other in this process, but for China this cannot be an obstacle.

There is an ASEAN effect in the solution of the problems, but due to the principle of non-interference in the internal affairs of the member states, the ASEAN-style solution is not possible due to the economic and commercial relations of the member states with China, the US influence and the lack of legal binding institutionally. For example, considering that a joint declaration could not be published for the first time in its history due to SCS conflicts after the ASEAN 2012 Summit, ASEAN's ineffectiveness in finding a solution becomes evident (Karabel, 2021).

ASEAN could have a stronger position in negotiating economic deals with China and other actors. A common denominator can be found if ASEAN is integrated into the regional economy as much as possible for mutual benefit. However, if ASEAN countries negotiate one-on-one, they may lose. To defeat a giant like China, we must act as a unit. The failure to ensure regional security and the lack of a platform where claimants can discuss SCS causes ASEAN's loss of authenticity as an internationally influential regional organization. Given this engagement, China is changing its objectives in the region, and ASEAN should continue to adapt to the new political context and ensure dialogue between claiming members. Moreover, it is obvious that riparian countries, including China, will continue to expand their spheres of influence with exercises and different actions. In April 2020, China created two new administrative districts and transferred the Administrative administrations of Xisha District on the Paracel Islands and Nansha District on the Spratly Islands to the Woody Islands. Vietnam also objected to the situation, claiming that its sovereignty was violated. Also, in April 2020, Vietnam filed a complaint with the UN alleging that

Vietnamese fishing boats were sunk near the Woody Islands. Based on such examples, it can be stated that ASEAN ineffectiveness may push countries to unite within themselves.



4. CONCLUSION

China and the USA, which are the dominant powers of the political and economic system in the world, came face to face at the summit, leaving behind their other rivals, which they made a significant difference. This situation caused a different reaction in the world. The USA has always seen China as a strategic competitor and is trying to implement the containment strategy. China, on the other hand, is trying to build a multipolar system as a supporter of globalism with communist capitalist methods. In this context, it aimed to create a siege. For example, these events, which emerged over economic and trade wars such as the loss of Hong Kong's autonomy, the Belt-Road Initiative, and the Taiwan problem, and these events, which are considered as part of the USA's "containment" strategy of China, are gradually emerging as the harbinger of a new cold war. However, after examining the basis of the SCS problem and looking at the problems that may arise from the recent tensions, they can also be predicted as indicators of a new world war.

China has built a number of sites on artificial islands in the SCS. The USA, on the other hand, demands sovereignty in the areas of the Pacific and has tried to organize Eurasia in accordance with it. China and the United States are preparing for any military conflict and problems in the SCS region. However, there is no clear indication that the two sides want to strategically resolve their conflicts by using force. There are seriously increased risks in ongoing military interactions, but these risks are not difficult to control when there is no individual desire for conflict (Mandelbaum, 2019).

As a result, there is a possibility that these systemic tensions between the USA and China may turn into an armed conflict in the short term after possible triggers in controversial areas such as the SCS issue. In addition, China's avoidance of confrontation with the USA, which is aware of the fact that wars have ended its large economies in response to the US's containment policy, makes long-term system-level tensions likely to leave the conflict for time. The possible hot conflict in SCS will seriously damage both the economic development in the region and the world trade. It is extremely important to establish a code of conduct that will be applied in order to prevent conflicts in military encounters and to end armed conflicts.

The current US approach in the SCS region is mostly to use military FONOPs and other operations to deter China from testing US commitments and counter China's naval expansion. Considering the equilibrium variable in the region, it is very difficult for this approach to be effective. China's strategy is quite clear, and unless the United States changes in the same way, it seems unlikely that the balance will change. There will always be the potential for conflict as US ships and aircraft continue to spy on the SCS. This is an inevitable situation. The size of the Chinese army puts the USA in a difficult situation. So much so that the Chinese army is in the comfort of being in its own geography. Even though the US fleet is more heavily armed and outnumbered and advanced than China, China's warships and submarines are enough to surpass the US. For this reason, the two states will be able to stabilize the SCS by making an agreement (*modus vivendi*) that they are already in conflict and basically leaving the resolution of the conflict to another time, creating a temporary situation. Co-operation in this region not only helps prevent conflict or a rambling arms race in the SCS, it can also help clarify a temporary legal regime it confers and improve adherence to agreed maritime practices.

There are many conflicting interests' issues between the parties in the SCS region and the focus is on building confidence in the legal regime for maritime and the characteristics of the Spratly Islands in particular on the alleged issues. The links between the US and China's logic of interest in the region can be looked at. Over the Spratly islands on the SCS, a high-level US-Chinese strategic discussion on the SCS can be proposed for the US to find the way for diplomacy. The details of China's claims regarding military activities, naval and territorial demands, rapid management of resources and control over access can be examined, and both sides will have stated and clarified their intentions to the extent possible. China wishes to change its interpretation of UNCLOS, which provides the necessary permits for naval vessels, in order to eliminate confusion in accessing naval ships while maintaining its claims within its own nine lines in the SCS. Concerns about freedom of navigation when this issue of actions in the EEZ and the need for harmless passage in its territorial waters is blended with claims that China's military vessels require permission to operate in the EEZ or harmless passages, with claims that it is effectively China's EEZ in the field of the SCS increased. If China changes this step, it will remove the incentive for freedom of navigation operations to protest this claim. Yes, it can, and there is no need for US FONOPs who want to question this claim. Based on the smooth implementation of such matters,

the United States can provide firm assurance that the SCS will not sail within 15 nautical miles while conducting freedom of navigation and overflights to avoid crisis. The US may propose a joint US-China-ASEAN study on environmental health to remove plastic from SCS. In addition, the United States may propose an SCS environmental resources commission with relevant resources to support these efforts to protect the sea.

The region that needs to be convinced here is China. So much so that it takes the lead among the cause of the whole SCS problem. The country has a system in which it acts in line with its own interests and is designed to burn down any obstacle that stands in its way. Like every country that has supported enlargement for years, China has actually entered a dangerous situation in this regard. Beijing claims roughly 90% of the sea, covering an area of about 3.5 million square kilometers. The SCS is stated to be important for the strategic patrol of the Chinese SSBN [nuclear ballistic missile submarine], which must enter the Western Pacific Ocean for its nuclear deterrence against the United States, and will be a buffer zone for China when the US launches a military attack on mainland China. . Tolling alarm bells, the world's two largest armies regularly accuse each other of "destabilizing" actions in the SCS and in the Taiwan Strait. China also perceives this situation as a threat to its sovereignty. As stated in the previous sections, China will have advantages by establishing its dominance in the region, as a result, it can control bilateral competition with the USA by accepting the problem, but fears that the USA and its allies may include China in the Pacific, SCS and the Indian Ocean. In order to solve the problem, the only way is to meet on a common denominator. Because, looking at the situation in the environment, it is possible that a possible war will break out, which may be evaluated as a world war.

Today, Xi Jinping said that even as Chinese warplanes conduct military exercises in the airspace around Taiwan, China prefers to take control of Taiwan peacefully rather than militarily. It is a worrying situation for Taiwan, which shares a maritime border with China and is self-governing. It has also been the latest flashpoint between the two superpowers, with the US supporting Taiwan in this regard and opposing what it sees as offensive destabilizing actions from China. China's power is increasing and its military capabilities are increasing in parallel. With the development of its economy and, in fact, since the collapse of the Soviet Union, it is closing the gap between it and the USA, which has been a super power. In order to gain more capacity, China pursues its own interests and maintains its assertion abroad. In this context, it continues to manage the policies

aimed at ensuring dominance in the technologies of the 21st century. Jinping is more authoritarian than the leaders of the previous country and therefore has caused much more problems and friction between the US and China. Basically, what they are trying to do is to establish a nice new balance between the two countries as this balance of power approaches. The SCS, with its six different claimants and the Chinese, are building outposts that they actually turn into military bases, a region that has been debated for years. In this context, a very large Coast Guard ships are being built and they are scaring the countries. They do not allow to use resources that are rightfully theirs under the Law of the Sea. The USA and western countries are worried that they will hinder the freedom of navigation in the region, in this context, the presence of navies of Japan, Australia, France and other countries are held in SCS to show that these waters should be open to everyone.

The key is Taiwan on SCS. Taiwan is the only issue on which the US and China can seriously fight. The fact that both China and the US have nuclear weapons is therefore disastrous if this situation continues to develop. China, of course, sees Taiwan as its own country's province, and so Jinping may abandon many worrying peaceful unifications and ultimately use force against Taiwan. Although countries warn them not to go too far for full independence, it will be possible to try to increase the anxiety and sense of hopelessness among people, and sooner or later they will accept being a part of China. The USA, of course, supports Taiwan in this regard, it already has a long history. Taiwan is a symbol of democracy. The United States should not take a position on whether or not Taiwan should eventually join China as a sovereign state and should withdraw. Because it connects people on both sides of the Taiwan Strait. But actions must continue if these differences are to be resolved peacefully.

The relationship between the US and China need not be merely hostile. There are many global issues that the two countries, along with the rest of the international community, can work on. Their impact on climate change is huge and they can work on it, or with North Korea and Iran, non-proliferation is also involved. There are many similar issues and there is a need to improve the atmosphere in the relationship between the USA and China, to ensure cooperation on any issue, at the same time, in order to reach a summit, they add conditions to cooperation. The point here is that China needs to see that it is in its own interest to cooperate so that steps can be taken in response to peaceful solutions. There will always be competition, but it can also be open to cooperation. After all parties reaffirm their commitment to a peaceful solution, the next step is to

tear down relations between ASEAN and China. Claimants in the SCS have historically been reluctant to pursue bilateral negotiations with larger states for fear that a larger state will prevail over them. Similarly, China does not want to continue multilateral negotiations in an official setting, preferring to participate in bilateral negotiations instead. Given China's view of negotiation and the recently increased unity among ASEAN claimants, it is time for SCS to initiate bilateral negotiations to resolve disputes in non-multiple claimant areas. That is, if bilateral negotiations have been successful in areas where there are only two claimants, these agreements can remove important parts of the SCS. It can also create a domino effect on countries that resolve disputes with China, potentially providing a stance towards a multilateral settlement in areas of multiple claims.

It can be seen that ASEAN has slightly reduced security competition among its members. However, from an economic point of view, it was a difficult situation to get out of the way, such as the deepening of the integration process, cultural relations, and problems arising from external pressures from the political point of view. The harmony of the organization, in fact, it was seen that individual interests were taken into consideration rather than consensus. It can be seen that this is the main shortcoming in the SCS problem. Trying to alleviate internal tensions and remaining somewhat passive, ASEAN faced many more problems while dealing with external conflicts. They couldn't make a clear decision on China and couldn't make much of an opening about foreign pressures.

The viable solution to the dispute in the South China Sea, for example, would be swift and permanent if there was a legal solution. All claimants will agree to adopt a legal settlement and submit the dispute for arbitration to the International Court of Justice (ICJ), which will judge it under applicable international law. The approach to China must be constructive. A political solution, also called the one-way approach, will be permanent. By adopting a political solution, all parties will discuss the dispute at the round table. Other measures, such as Confidence Building Measures (CBMs), can also be applied, particularly in smaller countries, to prevent further conflict and promote understanding among claimants. CBM may include the pathway approach such as the workshop approach, as well as collaboration in energy research. Claimants can gain trust and understanding by holding informal meetings. In particular, this could be a softening effect for tensions between the US and China.

A new world war, which is possible in the Pacific, is on the agenda. Will this be due to a general problem that may occur in SCS, maybe due to another coastal state between the USA and China, or is this due to Taiwan? In the light of the Taiwan problem, is this war seen as a necessity in case of a possible war? Will the Russian side get its share from this, or will the US subsidize or turn its back on the states it supports in a war that may occur over the SCS? With the containment policies, examples such as the KUAD alliance, Japan's argue of Manchuria, it seems that the preparation for war is certain. Considering every possibility and example described in this thesis, the USA and China can cause great destruction when they create the war.

In the case of the SCS dispute, lasting peace is very difficult to achieve as most claimants are reluctant to resolve the sovereignty issue by any approach. Peace can only be achieved when the interests of the claimants are taken into account. Compared to the interests of sovereignty, the security of sea routes and the exploration of natural resources are relatively easy. The stability and security of SCS is essential to the economic development of all beneficiaries. Therefore, agreements can be made on the extraction of energy resources, which can provide a temporary peace. Or, the previous efforts of all claimants could be stepped up to further pursue negotiation cooperation on matters other than territorial claims. Thus, China's proposal to set aside its dispute would be a wise choice for all beneficiaries. States can maintain peace by acting rationally to avoid conflict.

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