



Hacettepe University Graduate School of Social Sciences  
Department of International Relations

**FOREIGN POLICY BEHAVIORS OF MIDDLE POWERS UNDER  
DIFFERENT INTERNATIONAL SYSTEMS: THE CASE OF THE  
SOUTH CHINA SEA DISPUTE**

Abdullah KAYAR

Master's Thesis

Ankara, 2023



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## ACCEPTANCE AND APPROVAL

The jury finds that Abdullah Kayar has on the date of 13.06.2023 successfully passed the defense examination and approves his Master's Thesis titled "Foreign Policy Behaviors of Middle Powers Under Different International Systems: The Case of the South China Sea Dispute".

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## ETİK BEYAN

Bu çalışmadaki bütün bilgi ve belgeleri akademik kurallar çerçevesinde elde ettiğimi, görsel, işitsel ve yazılı tüm bilgi ve sonuçları bilimsel ahlak kurallarına uygun olarak sunduğumu, kullandığım verilerde herhangi bir tahrifat yapmadığımı, yararlandığım kaynaklara bilimsel normlara uygun olarak atıfta bulunduğumu, tezimin kaynak gösterilen durumlar dışında özgün olduğunu, **Prof. Dr. Murat ÖNSOY** danışmanlığında tarafımdan üretildiğini ve Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü Tez Yazım Yönergesine göre yazıldığını beyan ederim.

**Abdullah KAYAR**

## ABSTRACT

KAYAR, Abdullah. *Foreign Policy Behaviors of Middle Powers Under Different International Systems: The Case of the South China Sea Dispute*, Master's Thesis, Ankara, 2023.

This thesis aims to provide a comprehensive explanation to the behaviors exhibited by middle powers in the South China Sea Dispute. By employing the thematic analysis method and middle power theory, the objective is to identify the behaviors of middle powers that are party to the South China Sea dispute and assess their alignment with theoretical explanations. Since the onset of the dispute, claimant middle powers have pursued various strategies. This study examines the behavioral patterns exhibited by these middle powers under different international systems and assesses their congruence with middle power theories. Through the analysis, a discernible pattern emerges among the claimant states. Consequently, this thesis concludes that the behavior of middle powers in the South China Sea dispute vis-à-vis China aligns with the theoretical explanations.

### **Keywords**

Middle Power, South China Sea Dispute, International Systems, Vietnam, The Philippines, Malaysia, Taiwan

## ÖZET

KAYAR, Abdullah. *Orta Ölçekli Güçlerin Farklı Uluslararası Sistemlerdeki Dış Politika Davranışları: Güney Çin Denizi Sorunu Örneği*, Yüksek Lisans Tezi, Ankara, 2023.

Bu tez, Güney Çin Denizi Anlaşmazlığı'nda orta güçlerin sergilediği davranışların kapsamlı bir açıklamasını sunmayı amaçlamaktadır. Tematik analiz yöntemi ve orta güç teorisi kullanılarak, Güney Çin Denizi Anlaşmazlığı'na taraf olan orta ölçekli güçlerin davranışlarını belirlemek ve bunların teorik açıklamalarla uyumunu değerlendirmek hedeflenmektedir. Anlaşmazlığın başlangıcından bu yana, talep eden orta güçler çeşitli stratejiler izlemişlerdir. Bu çalışma, bu orta güçlerin farklı uluslararası sistemler altında sergiledikleri davranış kalıplarını incelemekte ve orta güç teorileriyle uyumunu değerlendirmektedir. Analiz sonucunda, talep eden devletler arasında belirgin bir kalıp ortaya çıkmaktadır. Sonuç olarak, bu tez, Güney Çin Denizi anlaşmazlığındaki orta güçlerin Çin'e karşı sergilediği davranışların teorik açıklamalarla uyumlu olduğu sonucuna varmaktadır.

### **Anahtar Sözcükler**

Orta Ölçekli Güçler, Güney Çin Denizi Sorunu, Uluslararası Sistemler, Vietnam, Filipinler, Malezya, Tayvan



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## ABBREVIATIONS

AEC	ASEAN Economic Community
AEDC	The Agreement on Enhanced Defense Cooperation
AMDA	The Anglo-Malayan Defence Agreement
APT	ASEAN Plus Three
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
BRI	Belt and Road Initiative
China-ASEAN DOC	2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea
COMECON	Council for Mutual Economic Assistance
DC	Developing Countries
EAS	East Asia Summit
ECFA	Economic Cooperation Framework Agreement
EDCA	Enhanced Defense Cooperation Agreement
EEZ	Exclusive Economic Zone
EIU	Economist Intelligence Unit
FDI	Foreign Direct Investment
FPDA	Five Power Defence Arrangements
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GNI	Gross National Income
IR	International Relations
MDT	Mutual Defense Treaty
NM	Nautical Miles

PCA	Permanent Court of Arbitration
PRC	People's Republic of China
ROC	Republic of China
SCS	South China Sea
SEATO	Southeast Asian Treaty Organization
SOFA	Status of Forces Agreement
TAC	Treaty of Amity and Cooperation in Southeast Asia
TRA	Taiwan Relations Act
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
USA / US	United States of America
USSR	Union of Soviet Socialist Republics
VFA	Visiting Forces Agreement
WHO	World Health Organization
WTO	World Trade Organization
WWI	World War I
WWII	World War II
ZOPFAN	Zone of Peace, Freedom, and Neutrality

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## INTRODUCTION

The South China Sea (SCS) dispute has become one of the most significant issues in the international community, attracting attention from all states from different parts of the World. The dispute involves all types of powers, great powers, middle powers, and small powers alike with contesting interests and claims. As one of the world's most important maritime trade routes, the SCS has economic, geopolitical, and strategic significance. The dispute involves competing claims over territorial sovereignty and maritime rights among People's Republic of China (PRC) and several Southeast Asian countries, including middle powers such as the Philippines, Vietnam, Malaysia, Taiwan, and a small power like Brunei. These different aspects of the dispute and asymmetrical power balance between the claimant states is what caused the problem to persist to this day. This thesis aims to examine the behaviors of middle powers in their conflicts with a great power (PRC) under different international systems using the SCS dispute as a case study.

Before moving on to the discussion about the behaviors of the middle powers, the concept of power should be examined and then the middle power concept should be explained. Although the power concept has long been a central focus of international relations, with scholars and policymakers alike examining how states use power to achieve their interests and objectives in the international system, the term does not have a universally accepted definition. Robert Gilpin (1975, p. 24) emphasized this ridiculous status and argued that all political scientists should be abashed by a large number of definitions of power.

In addition to all these, middle powers, in particular, have been studied for their unique position and behavior in the international community. These states have sufficient resources and capabilities to impact international outcomes but lack the global reach of great powers. Therefore, middle powers have to navigate the international system by collaborating with other states to achieve their objectives.

Nonetheless, the concept of middle powers poses significant challenges in terms of its definition, among other conceptual constructs. Its origins can be traced back to the 15<sup>th</sup> century when the Mayor of Milan used the term to define the states which are able to stand alone in international politics without the assistance of the empires (Yalçın, 2012, p. 197). However, because the term does not have a clear definition as others such as small and great powers, states which can be categorized under this concept has remained vague. In the international relations literature, even though the term middle power was first used after World War II (WWII) for Canada, and Australia, the first theorization of the concept was made in the 70s by Carsten Holbraad (Wilkins, 2018, p. 47). However, the relative increase in the capabilities and influence of the other states made the term to be used to define states with significant differences in capabilities, foreign policies, and identities. Therefore, various theories emerged in order to define middle powers. These theories can be grouped into three different categories; realism-oriented, liberalism-oriented, and constructivism-oriented middle power theories.

Realism-oriented middle power theories are the systemic-structural approach, functional approach, and Robert Keohane's in-between approach. The liberalism-oriented middle power theory on the other hand is the behavioral approach. Lastly, the identity approach is the constructivism-oriented middle power theory. In this study, in order to define middle powers in the South East Asia an amalgamated approach will be used relying on the existing International Relations (IR) literature. Subsequently, this thesis will explore how middle powers have behaved in the SCS dispute under different international systems.

As aforementioned, the behavior of middle powers as in other international disputes has been influenced by the international system in which they operate. There are different interpretations from scholars about the policy options of the middle powers under different international systems. In general, there are four different foreign policy strategies for middle powers to use in their relations with the great powers. These are balancing, bandwagoning, hedging, and buck-passing (B. F. Tesson, 2012, p. 193).

Bandwagoning is defined in two different ways. The first definition would be surrendering to the powerful side in a conflict (J. Mearsheimer, 2014, p. 163). Meanwhile, the term can be defined in a wider manner as well, “Bandwagoning” should not be seen solely as yielding. Furthermore, it can be described as pursuing its own interests under another banner and joining a stronger coalition (Schweller, 1994, pp. 95–98).

Balancing is the exact opposite strategy of the bandwagoning policy. Balancing is “opposing the stronger or more threatening side in a conflict” (Schweller, 1998, p. 66). Alternatively, “trying to match, exceed or block the power of a stronger state” could be used to define balancing (Walt, 1990, p. 265). These two dichotomic strategic options can be seen in most of the studies conducted by realist scholars who believe that middle powers respond to a threat by following these notions. However, the realist perspective about the behavior of the middle powers is heavily criticized by recent scholarship, which uses Asian states’ responses to a threatening PRC. These criticisms resulted in the emergence of the hedging and buck-passing concepts in the middle power literature (Goh, 2016; Kang, 2003b; Koga, 2017; Kuik, 2016a; Liow, 2005).

In the IR literature, hedging is defined in two ways. Either it is seen as a middle policy between balancing and bandwagoning or it is described as an alternative opposite policy. Hiep (2017, p. 26) defines hedging as the “behaviour of a country pursuing the off-setting of risks by choosing multilateral policies with the intention of making mutually reactive effects”. During the evaluations of the middle powers’ foreign policy choices, Hiep’s definition of hedging will be used, as his is the most thoroughly defining study of the concept. His concept of hedging has four components and the states must use all these factors in order to decide whether they are using hedging strategy (Hiep, 2013).

The last strategy that can be employed by middle powers is buck-passing. Buck-passing can be defined as the weak form of bandwagoning. It can be described as “allowing the unipolar power to bear the primary cost of actions that benefit everyone” (Mowle & Sacko, 2007, p. 70). Buck-passing is leaving

the balancing behavior to others, which results in free ride the balancing behaviors of the other states (Richey, 2020, p. 2).

This thesis will analyze how middle powers have responded to the dispute under different international systems, using the above foreign policy strategies including the Cold War (bipolar), post-Cold War (unipolar), and current (multipolar) international systems. The analysis will consider how different international systems have impacted the behaviors of middle powers in the SCS dispute, including their alliances, diplomatic efforts, and military actions. By examining the behaviors of middle powers under different international systems, this thesis will contribute to a better understanding of the role of middle powers in regional conflicts and global stability.

### **RESEARCH QUESTION**

All middle power theories expect middle powers to behave differently. Apart from the expected behaviors, there are different ideas about the number of policy choices of middle powers under different international systems. To exemplify, Swielande (2018, p. 23) believes that unipolar, and multipolar international systems gave middle powers a wider range of policy choices than the bipolar international systems. Meanwhile, Posen (2009) although supporting this view, further contends that middle powers have more policy options in a multipolar world due to the ability to sweep across great powers. Similarly, in his article "The Role of Middle Powers" Carsten Holbraad (1984, p. 84) argues that in bipolar systems there is a wide spectrum of policy choices for middle powers. They can bandwagon with one of the superpowers or they can be isolated as members of the non-aligned movement during the Cold War.

In light of all these, the middle power literature has various expectations for the behaviors of middle powers. For example, the realist scholars emphasize balancing strategy as the most viable option for middle powers under all of the international systems. On the other hand, newly emerged scholarship emphasizes hedging strategy as the most viable foreign policy means. After throughout examination of the middle power literature in general, IR scholars

expect that in the unipolar international system, middle powers can use bandwagoning and hedging strategies but bandwagoning is more likely than hedging. In the bipolar international system, middle powers can choose between balancing and bandwagoning strategies. However, as bandwagoning is seen as a security threat by the secondary powers, middle powers have more tendency to adopt a balancing strategy. Thus, in a multipolar international system, balancing and hedging are the key strategies that can be employed by the middle powers.

Based on this information, the main research question of this thesis is “Are the foreign policy behaviors of middle powers that are part of the SCS dispute in accordance with the behavioral patterns that are theoretically defined by the middle power theories?”. In order to answer this question thoroughly, the following sub-questions will also be answered.

- What is a middle power?
- Which states in the SCS dispute can be considered as middle powers?
- What are the theoretical assumptions about the foreign policy behaviors of the middle powers?
- What are the strategies that has been adopted by the middle powers that are included in the SCS dispute?

While answering these questions the limitations of this thesis become apparent. This thesis is limited to the middle powers, which are the claimant in the SCS dispute (Vietnam, Taiwan, the Philippines, Malaysia). In addition, this thesis is limited from 1945 to 2022.

## **RESEARCH METHOD**

This study aims to explore whether middle powers in the SCS dispute are behaving in accordance with middle power theories. To achieve this objective, a qualitative research design will be utilized. The types of approaches that will help the researcher in social sciences and international relations science are quantitative approach types, qualitative approach types, and mixed approach types. (Karasar, 2020, p. 76).

Qualitative research is a method of inquiry that involves the collection and analysis of non-numerical data. Qualitative research is generally based on interpretation, using non-numerical data, and using the inductive method (Creswell, 2013, p. 47). This thesis is a qualitative study that does not make use of numerical data. This method is particularly suited to explore complex and context-bound phenomena, such as the behavior of middle powers in a geopolitical conflict.

There are many different sub-branches of qualitative research. The most commonly used of these are narrative studies in which a person's experiences with an event are examined, phenomenological studies in which the experiences of a group of people about a phenomenon are examined, case studies in which the experiences of both those who experience an event, those who are affected, and those who create it are examined, ethnographic studies that examine people sharing the same culture and grounded theory research that aims to build a theory (Creswell, 2013). Because this study will use a case to evaluate behaviors of middle powers the sub-branch of qualitative research case study method will be used.

### **Data Collection**

The data collection for this study will involve the use of primary and secondary sources. Primary data will be collected through evaluation of the government reports, international agreements, and other formal documents. The secondary data for the study will be collected through a comprehensive review of academic literature, books, journal articles, news articles, and other relevant sources. in-depth literature reviews using university libraries and online sources. An online review will be conducted using electronic databases such as JSTOR, ProQuest, and Google Scholar, as well as other online sources.

### **Data Analysis**

The data collected from the primary and secondary sources will be analyzed using thematic analysis. Thematic analysis is a method of qualitative data analysis that involves the identification, analysis, and reporting of patterns and

themes within the data. Even though the thematic analysis method emerged in psychology due to the flexible nature of the method, it can be used in qualitative researches in various fields (Braun & Clarke, 2006, p. 78). The data analysis process will involve the following steps:

- Familiarization with the data: This involves reading and re-reading the sources and historical studies for the case studies to gain a comprehensive understanding of the behaviors of the middle powers.
- Coding: This involves assigning descriptive labels to the data based on the themes that emerge from the behaviors of the middle powers.
- Theme development: This involves organizing the codes into themes that capture the key ideas and concepts in the behaviors of the middle powers.
- Interpretation: This involves making sense of the themes and developing a coherent narrative that answers the research question.

## **LITERATURE REVIEW**

In the literature, there is no study directly answering the research question of this study. No study in the literature examined different middle powers' behavior in their conflicts with a great power neither for SCS dispute nor for any other dispute. However, there are numerous studies in the literature that examines traditional (A. F. Cooper et al., 1993; Dewitt & Kirton, 1983; Gelber, 1946; Higgott & Cooper, 1990; Karim & Nabila, 2022; Schiavon & Domínguez, 2016; Welsh, 2004) and emerging middle powers behavior separately and as a group for a specific period (De Castro, 2020; Hiep, 2013; Öniş, 2014; J. Ping, 2022; Schiavon & Domínguez, 2016; Thies & Sari, 2018; Tinh, 2021; T. U. Tran, 2018; Yalçın, 2012). This study is different from the rest of the studies as it evaluates the behaviors of middle powers for a long period of time.

The literature for this study can be divided into two. Firstly, the literature about the middlepowerism of the claimant states will be analyzed. Thereafter, the literature on the behavior of those states should be examined.



The claimant states in the SCS dispute can be listed as PRC, Malaysia, Vietnam, the Philippines, Taiwan, and Brunei. In the literature, PRC and Brunei are not categorized as middle powers. PRC is categorized as a great power (Bijan, 2005; Deng & Moore, 2004, 2010; Kroenig, 2020; Liping, 2001; J. J. Mearsheimer, 2021; Michnik, 2021; Murphy, 2017; Rodrik & Walt, 2022; Vertin, n.d.; Yilmaz & Sun, 2022; Zeng, 2016) and Brunei is categorized as a small power (Anckar, 2020; Attwood & Bray, n.d.; Bray, 1990, 1990; Corbett & Veenendaal, 2018; Hassan et al., 2022; Jetin & Chaisse, 2018; Jittaruttha, 2018; M. Kim, 2012; Menon, 1989; Noeh et al., 2022; Northover, 2013; Purwantoro, 2020; Strating, 2020; Thambipillai, 1998).

The middle power statuses of the other states are not controversial. There are numerous studies claiming the statuses of other states as middle power, including Vietnam (Ban, 2011; A. F. Cooper, 2013; Do, 2022a; Gilley & O'Neil, 2014; Karim & Nabila, 2022), the Philippines (Abbondanza, 2022; A. Baviera, 2020; De Castro, 2020; Higgott & Cooper, 1990; W. Kim, 2015; S. Lee, 2012; Medcalf & Mohan, 2014; J. Ping, 2022; Teo et al., 2016), Malaysia (Carr, 2014; A. F. Cooper, 1997; D. A. Cooper, 2011; Emmers & Teo, 2018; Gilley & O'Neil, 2014; Hellendorff, 2016; Jordaan, 2017; S. Lee, 2012; Thies & Sari, 2018), and Taiwan (Bruce Jacobs, 2013; Cyr, 2003; Rockower, 2011; Taylor, 2022; Thies & Sari, 2018).

Le Dinh Tinh (2021, p. 331) evaluates Vietnam's middlepowerhood, which he argues that the country is a middle power under all three approaches <sup>1</sup>. Thuy T. Do (2022, pp. 335-337) also evaluates Vietnam based on all of the middle power approaches and concludes that Vietnam should be classified as a middle power even though it has some shortcomings when viewed through the Western middle power literature. In recent work, Le Dinh Tinh and Vu Thi Thu Ngan (2022, pp. 320–321) evaluate the Vietnamese position in the global system before and after the Covid-19 Pandemic through three main approaches to middle powers. They identify Vietnam as a middle power before and after the

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<sup>1</sup> Systemic-structural, behavioral and identity approaches

Covid-19 Pandemic. In another work, Le Dinh Tinh (2019) evaluates Vietnam once more and argues it is an emerging middle power under all of the middle power approaches.

Malaysia is maybe the least controversial middle power among the claimant states. For example, Cooper (1997) in his book uses the behavioral approach and concludes that Malaysia is a middle power under this approach. Ping (2017) on the other hand evaluates Malaysia's middlepowerhood under the systemic-structural approach and its material capabilities. He concludes that Malaysia is a middle power in respect to its material capabilities such as population, Gross Domestic Product (GDP), military spending, etc.

The Philippines on the hand is also identified by scholars as a middle power using all of the three approaches. Baviera (n.d.) evaluates the Philippines' diplomatic choices and concludes that the Philippines rose to a middle power status behaviorally due to its foreign policy strategies. Ping (2017) also recognizes the middle power status of the Philippines and argues that by its material capabilities, the Philippines should be regarded as a middle power.

Even though Taiwanese statehood is one of the most controversial topics in the realm of international relations, there are various studies that evaluate Taiwan as a middle power (Bruce Jacobs, 2013; Cyr, 2003; Rockower, 2011; Taylor, 2022; Thies & Sari, 2018). In some of these studies, Taiwan's middle power status is either considered as an assumption or Taiwan has been evaluated as such. Ping (2017) is one of the scholars who evaluates Taiwanese middle power status using material capacities as an indicator. After his evaluation as other claimant states, he regards Taiwan as a middle power.

Therefore, concerning the SCS dispute, Vietnam, the Philippines, Taiwan, and Malaysia can be considered as middle powers. Still, Brunei and PRC cannot be added to this categorization due to PRC's vast capabilities and Brunei's smallness.

Lastly, the literature about the behaviors of these middle powers concerning the SCS dispute will be examined. There is comprehensive literature about the

behaviors of these middle powers in the 21<sup>st</sup> Century (Ciorciari, 2010; Gerstl, 2021, 2022b; Han et al., 2023; Hiep, 2013, 2016a; Kuik, n.d., 2008; J. yun Lee, 2017; Leng & Chang Liao, 2016; Liow, 2005; Marlay, 1997; T. B. Tran & Sato, 2018; T. U. Tran, 2018; T. Y. Wang & Tan, 2021; Wu, 2016; Zha, 2022). However, the studies concerning the behaviors of these middle powers in the Cold War is rather limited (Ciorciari, 2010). Therefore, the behaviors of these middle powers during the Cold War era will be evaluated using historical events and existing literature.

In these studies, most of these middle powers' behaviors against PRC are evaluated. According to these studies, the middle powers in the SCS dispute generally used hedging strategy as their primary foreign policy strategy (Ciorciari, 2010; Gerstl, 2021, 2022b; Han et al., 2023; Hiep, 2013, 2016a; Kuik, n.d., 2008; J. yun Lee, 2017; Leng & Chang Liao, 2016; Liow, 2005; Marlay, 1997; T. B. Tran & Sato, 2018; T. U. Tran, 2018; T. Y. Wang & Tan, 2021; Wu, 2016; Zha, 2022).

Le Hong Hiep (2016, pp. 333–334) examines the behaviors of Vietnam and concludes that after the normalization of relations Vietnam started to pursue the hedging strategy against PRC. While Hiep believes that Vietnam used all four components of hedging strategy and all of these factors have the same weight for Vietnam, Tran and Sato (2018, p. 93) in their article “Vietnam's Post-Cold War Hedging Strategy: A Changing Mix of Realist and Liberal Ingredients: Vietnam's Post-Cold War Hedging Strategy” argue that the importance of those components changed overtime. They observe that at the beginning of the period, direct engagement and economic pragmatism were the most important components until the Vietnamese membership in the Association of Southeast Asian Nations (ASEAN). Until the new millennia, direct engagement kept its seat as the most important factor. In the last part of this period, hard balancing and soft balancing gained importance and shaped the Vietnamese hedging strategy towards PRC.

Thayer's analysis of Vietnam's foreign policy aligns with Hiep's argument. Thayer (2008, pp. 26–27) provides an overall evaluation of Vietnam's

relationship with PRC from 1991 to 2008, encompassing a combination of hedging, engagement, and omni-enmeshment approaches. Hedging, as defined by Thayer, involves maintaining multiple options open as a general strategy. States have the ability to simultaneously adopt engagement and hedging strategies, according to Thayer. Vietnam's engagement policy involves establishing diverse connections with PRC across various areas and concerns, while also aiming to enhance relations with the US. This approach corresponds to Jackson's hedging indicator of simultaneously improving relations with both major powers.

According to the literature, Malaysia was the first state, which uses the hedging strategy. The reason for Malaysia's hedging strategy was to achieve "regional neutralization" in Southeast Asia (Suryanarayan, 1975, p. 47). The other states began to use hedging strategy after the Cold War but Malaysia began to use hedging strategy after the détente period. This hedging strategy of Malaysia continued after the Cold War until today. Cheng-Chwee Kuik (2010) showed that before the Cold War period, Malaysia did not pursue the bandwagoning or balancing strategy but it used the hedging strategy which began with President Razak's official visit to PRC. The studies find Malaysia pursued the hedging strategy after the Cold War continued. Kuik in his several studies showed Malaysia's consistency using the hedging strategy after the Cold War period (Kuik, n.d., 2012, 2013, 2016b, 2016a). There are other studies in the literature which support Kuik's findings (Gerstl, 2020, 2022a; J. Y. Lee, 2017; Liow, 2005; Suzuki & Lee, 2017). During this period, Malaysia's hedging strategy is driven by its desire to maintain its autonomy and avoid being drawn into the great power competition between PRC and the US. Malaysia has sought to balance between these two powers by deepening economic ties with PRC while also maintaining security cooperation with the US.

The Philippines began to use the hedging strategy like Vietnam after the Cold War. However, Vietnam was consistent with its hedging strategy but the Philippines took a break from the hedging strategy for a short period (Han et al., 2023). Gerstl (2022) showed the foreign policy choices of the Philippines after

the Cold War with its study. There is a general acceptance in the literature that this shift was taken place under President Aquino but was used most effectively under President Duterte (De Castro, 2020; De Castro, 2016b, 2016a; Heydarian, 2017). In his article, Richard Javad Heydarian (2017) argues that the Philippines has pursued a "hedging-plus" strategy towards PRC and the US. This strategy involves balancing between these two great powers while also seeking to diversify its partnerships with other countries in the region. Heydarian notes that this approach has been driven by a number of factors, including the PRC's growing assertiveness in the SCS and the Philippines' desire to maintain its alliance with the US. The Philippines' hedging strategy is driven by its need to balance PRC's economic power and America's military might. While President Rodrigo Duterte has sought to improve relations with PRC, he has also maintained close ties with the US through joint military exercises and other forms of cooperation. Other scholars have highlighted some of the challenges that the Philippines faces in pursuing a hedging strategy. For example, Aileen S.P. Baviera (2020) notes that domestic politics can complicate efforts to balance between great powers. She argues that Duterte's pivot towards PRC has been met with resistance from some segments of Philippine society who view it as a threat to national sovereignty. Overall, it is clear that hedging is an important strategy for the Philippines as it seeks to navigate its relationships with great powers in an increasingly complex geopolitical environment. While this approach presents certain challenges, it also offers opportunities for Manila to pursue its interests through strategic partnerships with multiple actors in the region.

Taiwan was the last country to use the hedging strategy. Until the multipolar international system, Taiwan pursued a balancing strategy against PRC. Only after the presidency of Ma Taiwan began to adopt a hedging strategy in the SCS. However, this strategy did not last long and was replaced by a rebalancing strategy with Ma's successor (Leng & Chang Liao, 2016; T. Y. Wang & Tan, 2021; Wu, 2016).

In conclusion, in the literature, the foreign policy behaviors of these middle powers in the Cold War period need further evaluation using foreign policy choices adopted by these states. In addition, for the periods following the end of the Cold War, the literature should be supported with ignored policy choices by scholars. This study will contribute to the literature by evaluating the pre-Cold War foreign policy strategies of these states and evaluate these strategies in accordance with the expectations of IR scholars.

In the first chapter of this study, the theoretical framework of this thesis will be discussed and the middle powers of SCS will be determined. In the second chapter, historical developments in the SCS dispute will be examined and the claims of the states that are part of the conflict will be evaluated under international law. In the last chapter middle power behavior under different international systems (bi-polar, uni-polar, multi-polar) will be evaluated and behavioral patterns of the middle powers that are involved in the SCS dispute will be uncovered. These patterns' accordance with the literature will also be discussed in the last chapter.

## **CHAPTER 1: THEORETICAL BACKGROUND: CONCEPT OF MIDDLE POWER**

The definition of the term middle power is relatively vague when compared with that of the other types of powers, and there is no universally accepted definition of the term in the IR literature. Knowing this, this chapter aims to make a thorough analysis of the middle power concept. To begin with, the first part of the chapter discusses all the terms and theoretical explanations that are relevant to the middle power concept. This will be followed by a detailed discussion of middle power itself as the conceptual framework of this thesis. In this regard, the first part will discuss the power concept in IR. After that, power classifications in the IR literature will be discussed. Then, alongside the other power classifications, the definition of the middle power concept will be evaluated. The chapter will also examine middle power theories to identify middle powers that are party to the SCS dispute. In addition to that, definitions of the international systems and the behavior of middle powers under those systems will be argued in this chapter.

### **1.1. POWER IN INTERNATIONAL RELATIONS**

Power is one of the most important concepts of international relations. The reason why the concept holds an important position in the discipline is that it is one of the most basic concepts that help us understand interstate relations from past to present. The most commonly used definition of power in the field of IR is the capability of influencing the will and behaviors of others, either by force, threats, or persuasion (Holsti, 1964, p. 175). However, for the sake of this study, the power concept will be examined with its deeper connotations.

Morgenthau suggests that "international politics, like all politics, is a struggle for power" (Thompson, 1984, p. 381) Due to realists taking ownership of the term since Carr, power has been seen as the "exclusive province" of realists. Realists argue that power is the ability to compel others with material capabilities to do something beyond their will (Barnett & Duvall, 2005, p. 40). Morgenthau listed nine elements of power, which are; "geography, natural

resources, industrial capacity, the state of military preparedness, population, national character, national morale, quality of diplomacy, and the quality of government” (Rasheed, 1995, p. 97).

However, throughout history, most political debates involved power, from various IR theories. Yet, neither the importance nor the definition of power is well-accepted among IR scholars (Baldwin, 2002, p. 236). Kenneth Waltz (1986, p. 333) stated the central role of power in realist theory while stressing the controversy in defining it. Meanwhile, Robert Gilpin (1975, p. 24) suggested that all political scientists should be abashed by a large number of definitions of power. The fact there is no clear definition of power is surprising given that it is one of the most widely used concepts since Thucydides. As aforementioned realists define power as “A has power over B to the extent that he can get B to do something that B would not otherwise do” (Dahl, 1957, pp. 202–203). Which can be interpreted as the term “power”, is close to the terms “authority”, “coercion”, and “influence” (Öğün & Aslan, 2014, p. 95). Meanwhile, liberals argue that power is not solely in the hand of the state, but it is diffused among different institutions. They also believe that military power has become inefficient and is no longer a reliable indicator due to this diffusion (Steans et al., 2001, pp. 57–60).

With all these conflicting definitions, the first study, which became a reference source for the IR discipline was Lasswell and Kaplan’s famous book *Power and Society: A Framework for Political Inquiry* published in 1950. Many scholars such as “Herbert Simon (1953, 1954, 1957), James G. March (1955, 1956, 1957), and Robert Dahl (1957)” followed their definition of power (Baldwin, 2016, pp. 2–3). The main contribution of, Lasswell and Kaplan was the treatment of power as a subtype of influence (Baldwin, 2016, p. 7). Following their study, the Dahlian concept of power emerged, which can be summarized in four points; power as a casual concept, power as a relational concept, power as a multidimensional concept, and the many, variable bases for power without a hierarchy among them (Baldwin, 2016, pp. 2–3). Criticizing the Dahlian concept of power, Bachrach and Baratz suggest that the powerful also utilize



agenda-setting as a means of exerting their power, by relying on their competitors' lack of knowledge to evade direct conflict. This definition of power brought a second dimension to the Dahlian concept of power (Piper, 2005, p. 118). In addition to these two views, Steven Lukes (2004, p. 11) developed the third dimension of power in his book *Power: A Radical View*. He suggests that power is not only about getting the desired outcomes by controlling decision-making processes or setting the agenda but power can be exercised by domination which means changing the values, preferences, interests, beliefs, and desires of others by the powerful.

In addition, Joseph N. Nye (2013, p. 1) also distinguishes types of power as; hard, soft, and smart power. Nye (2009, p. 160) suggests that when power is defined as the ability to change the behaviors of others, the only means to achieve this are coercion, payment, and attraction. Hard power is coercive and uses payment. Conversely, soft power is the ability to achieve the desired outcome by attracting others. Smart power, on the other hand, uses elements of hard power and soft power.

## **1.2. CLASSIFICATION OF STATES IN THE IR LITERATURE**

In the IR literature, states can be classified in various ways. The most general methods for classification range from economic indicators to states' military capabilities. For example, the World Bank classifies the states as low, lower-middle, upper-middle, and high-income states using the data on their Gross National Income (GNI) per capita. IMF classifies the countries in the world as advanced economies, emerging markets, middle-income economies, and low-income developing countries (*Fiscal Monitor (October 2022)*, n.d.). Economist Intelligence Unit (EIU), which is a research and analysis division of "the Economist" uses democracy as an indicator and divides states into full democracies, flawed democracies, hybrid regimes, and authoritarian regimes (*Democracy Index 2022 | Economist Intelligence Unit*, n.d.). In terms of their power, states are often categorized as superpowers, great powers, regional powers, middle powers, and small powers. Moreover, middle powers can also

be divided into traditional and emerging middle powers introduced to literature by Eduard Jordaan in 2003 (Jordaan, 2003, p. 165).

### **1.2.1. Superpowers**

The term superpower dates back to the 1944 definition by William T.R. Fox in his book "The Superpowers: The United States, Britain, and the Soviet Union: Their Responsibility for Peace", Fox (1944, p. 21) defined superpowers as a great power with great mobility of power. According to Fox's definition, a superpower can use power across the whole globe differently from a great power that only uses power in its near abroad. Even though Fox defined the US, the Union of Soviet Socialist Republics (USSR), and Britain as superpowers, later on, the term was only used in reference to the US and the USSR until the end of the Cold War. Even though following the end of the Cold War, the USA remained the sole superpower in the international system, recently, the term started to be used for PRC as well (Dellios, 2005, p. 5).

The term superpower has changed over time, parallel to the development of IR as a discipline; in line with their perception of the international system, IR scholars have different definitions for the term. In the earlier periods of the Cold War, being a superpower state was defined as possessing nuclear weapons (Karataş, 2021, p. 680). For Brooks and Wohlforth (2016, p. 94) the term superpower is the ability to operate globally. Meanwhile, Samuel Huntington (1988, p. 98) defines the term as "a superpower has to stand for an idea with appeal beyond its borders". In addition, Bremmer (2015) argues a superpower must have enough economic, military, and political power to change the behaviors of others. Moravcsik (2010, pp. 91–92) includes another criterion for the term and states economic or soft power alone does not make a country superpower. Therefore, a superpower must be involved with hard security issues like war and peace. Miller (2006) believes that a superpower should influence and dominate more than one region on the globe. Moreover, a superpower must have the necessary needs to sustain its hegemony on the ground where it dominates. In addition to economic, and hard power capabilities

and being active all over the globe, Shiraev and Gibson (2009, p. 19) add soft power, internal stability, and global attractiveness to the term superpower.

With all these definitions on hand, an all-encompassing supra-theoretical definition of a superpower can be reached to separate the term from the other power classifications. Alice Lyman Miller comes up with a similar definition, arguing a superpower should be regionally dominant and have all four axes of power; military, economic, cultural, and political (Bullock, 2019, p. 7). Thus, it can be concluded that all the authors agree on some attributes of superpowers, which are; having more military capability than the other states, having a high GDP, a vast population, the ability to act globally, internal stability, and soft power (Karataş, 2021, p. 680).

### **1.2.2. Great Powers**

Unlike the term superpower, the term great power has a more recognized definition in international law and diplomacy, referring to their unique duties and rights (Berridge & Young, 1988, p. 224). The term was used frequently throughout the modern history of IR, particularly in the peace treaties following major conflicts. The term was used for the first time, in the Congress of Vienna, to identify Austria, Russia, Prussia, Britain, and France (Nicolson, 2000, p. 137). Since then, the number of great powers within the international system changed constantly.

In general, great powers are defined by their attributes. Their interests are believed to be general and universal rather than limited (Berridge & Young, 1988, p. 227). According to Hedley Bull (1995, p. 202), in addition to having general interest, great powers also need formal recognition to have special responsibilities, as was the case in the Congress of Vienna or the permanent members of the United Nations (UN) Security Council. Moreover, a great power needs great military power, which Ranke puts as “a great power should maintain itself against all others, even if they unified” (Berridge & Young, 1988, p. 229). Table 1 shows the military spending of the considered great and superpowers in millions.

Country	1950	1960	1970	1980	1990	2000	2010
<b>United States of America</b>	160576,7	414052,7	555938,2	451312,1	644023,9	481079,6	875941,8
<b>PRC</b>	...	...	...	...	21815,4	42200,0	132604,4
<b>Japan</b>	...	9149,3	17142,6	28184,6	43583,9	47190,9	47391,7
<b>Russia</b>	...	...	...	...	...	21809,6	46084,7
<b>USSR</b>	...	...	...	...	203913,8	xxx	xxx
<b>France</b>	14973,7	29816,7	34251,9	46639,0	52575,7	46043,7	49527,3
<b>Germany</b>	...	30523,6	44056,6	57718,5	62837,3	43389,9	42002,0
<b>Italy</b>	6707,2	9883,1	14760,5	19730,7	28847,9	33662,6	30444,3
<b>United Kingdom</b>	31214,9	44254,4	45923,0	54944,5	61809,9	49435,3	64129,5

Table 1: Military Spending of Great and Super Powers (Author's own collection, inspired by SIPRI Milex, n.d.)

In addition to military capabilities, a great power needs economic power and soft power elements as well. Robert Keohane and Joseph Nye (1977, p. 65) argue that a great power can use vast economic resources for its global interests, and use these resources in order to achieve its goals. Meanwhile, Robert Gilpin (1987, p. 31) emphasizes the important role that great powers play in shaping the economic life of the international system, stating that 'the development of the international economy has been shaped by the relative economic and political power of the great powers'.

In his book "The Future of Power," Nye (2011, pp. 5–6) highlights the significance of soft power in the policies of great powers. He argues that relying solely on hard power is insufficient for a great power to achieve its objectives and that it must also employ soft power to attract others.

### 1.2.3. Regional Powers

Contrary to the great powers which are interested in influencing the global scene, the expectations of the regional powers are, as the name suggests, regional. Regional powers generally try to influence the developments in their region of origin. As is the case in different power classifications, the regional power concept also has some vagueness. To exemplify, some authors classified countries like PRC (R. T. Kappel, 2010; Nolte, 2010; Wagner, 2016; Zhu et al., 2005), India (Bratersky & Lunyov, 1990; R. T. Kappel, 2010; Kapur, 2006; Nolte, 2010; Silva, 1995; Stephen, 2012; Stewart-ingersoll & Frazier, 2010; Wagner, 2016), Brazil (Bandeira, 2006; Becker & Egler, 1992; Genna & Hiroi, 2007; R. T. Kappel, 2010; Schenoni, 2018; SOARES DE LIMA & HIRST, 2006; Stephen, 2012; Wehner, 2015), South Africa (Flemes, 2009; Geldenhuys, 2010; Nel, 2010; Nolte, 2010; Stephen, 2012), Mexico (Bagley, 1981; Schiavon & Domínguez, 2016), Nigeria (Baker, 1984; Gebrewold, 2014; Hulse, 2016; Wright & Okolo, 1999), Egypt (Bahgat, 2009; El-Labbad, 2014; Öniş, 2014; Sharp, 2011), Iran (Bahgat, 2009; Beck, 2020; Kaye et al., n.d.; Rubin, 2006; A. Z. Rubinstein & Smolansky, 2016), Indonesia (Emmers, 2005; Quayle, 2013; Schiavon & Domínguez, 2016; Tan, 2015), and Israel (Beinin & Hajjar, 2014; Chomsky, 1999; R. Kappel, 2014; Kaye et al., n.d.; Nolte, 2010) as regional powers, while some others classify them as great or middle powers. For example, PRC is considered a great power by some authors (Bijan, 2005; Deng & Moore, 2004; Larson, 2015; Liping, 2001; Zeng, 2016).

To be able to determine a regional power one should refer to different ranges of IR theories, as relying on one theory may not capture the complexity of the term. Balance of power in the international system, and regional systems is important for the identification of regional powers, but “ideas about leadership” and economic factors are important for the term regional power (Nolte, 2010, p. 883).

Destradi (2010, p. 905) defines regional powers as “a) that these states belong to the region considered; b) that they display a superiority in terms of power capabilities, that is, that they possess the largest power share in the region and,

c) that they exercise some kind of influence on the region.” Meanwhile, Lemke (2002, p. 49) define the term by a structural approach, and argues that regional powers are the dominant states in the “local hierarchy”. Apart from the material capabilities Nolte gives importance to regional powers' ability to ingratiate inside or outside of the region (Destradi, 2010, p. 906). In addition, Schoeman (2000, p. 49) claims that a regional power's most important attribute is its stabilizing and leading role in the region. With a more spleenless approach, Burges (2008, p. 73) argues regional power states' main aim is “to reach a “shared goal”, and not enforcing or imposing a particular order corresponding to its interests”.

Even though the concept is still vague, some essential characteristics can be attributed to regional powers. Firstly, a regional power must present itself in a leading position in some of the four-power axis in a specific region. The state needs the material, organizational, and ideological resources to become a regional power. The regional powers need to have well-established ties with a specific region and exert influence through mechanisms such as regional organizations. Additionally, the regional powers should identify regional security issues of its region of origin in its agenda in a detailed way, when compared with other regions. Lastly, the role of the regional powers in a specific region should be recognized both by the regional and global actors (Nolte, 2010, p. 893).

#### **1.2.4. Middle Powers**

As stated in the previous parts, the classification of states based on their powers is rather vague and in a similar fashion defining middle powers is the hardest of all. A middle power state in one study can be in another category in the other. A middle power state can be defined as a state which is neither a great power nor a small power based on its quantitative capabilities, influence, and behaviors (Jordaan, 2003, p. 165). However, scholars have offered various definitions for middle powers. Some defines middle powers to be states with intermediate material capabilities. Others argue that states that emphasize multilateralism in their foreign policy are considered middle powers. (Chapnick, 1999, p. 73).

The term was first used by the Mayor of Milan in the 15<sup>th</sup> Century to define the states which are able to stand alone in international politics without the assistance of the empires (Yalçın, 2012, p. 197). Nowadays, the term is used in a wide manner for defining states with significant differences in capabilities, foreign policies, and identities. For example, states such as Canada, Brazil, Sweden, Malaysia, Australia, and Turkey, all of which display different characteristics are named as middle powers in the IR literature (Jordaan, 2003, p. 165). However, when the term emerged for the first time in the modern era, at San Francisco Conference in 1945, it was only used for defining a small number of states such as Canada, Australia, and Sweden, the victorious countries of WWII, which were not as strong as the great powers of the time (Holmes, 1963, p. 138). The initial reasons for defining them as middle powers in the UN rested on their capabilities, willingness to deter international threats to international peace, and their important geopolitical locations (Emmers & Teo, 2018, p. 2). Canada, as a state which does not have the capabilities of great powers, was the first state to use the term in its foreign policy to increase its influence (Welsh, 2004, p. 1). Canada's definition of the concept referred to the country's junior partnership in larger alliances and its role in actively resolving disputes in any global region. Canada was first followed by Australia and Sweden, and then Japan, South Korea, and South Africa as the countries that used the term in their foreign policy activities (Yalçın, 2012, p. 198).

Before moving to the discussion on the theories of middle powers, one should examine the definitions of the term by prominent IR scholars. Burges (2013, p. 288) defined middle power as a state which has a substantial advantage compared to the small states in terms of material capabilities but is in a disadvantageous position against the great powers. Meanwhile, Wang and French (2013, p. 985) define middle powers as states which are not powerful enough to exert immediate influence in global politics but powerful enough to protect themselves from others. According to Jordaan (2003, p. 165), middle powers are states that fall between great and small powers in terms of their material power, capabilities, and influence. These states promote stability in the world system through their diplomatic efforts and by playing a mediating role in

international conflicts. Keohane (1969, p. 296) argues that the middle powers are those states whose leaders believe that they cannot be effective in the world system on their own but have a great impact on world issues if they act as a group. However, Adam Chapnick (1999, p. 73) states that a middle power is a relative term, and when defined as geographically delineated entities, states, which are not great or small powers, are middle powers. In addition to these different middle power definitions, which emphasize different aspects of power, Jordaan divides the middle power concept into “traditional middle powers” and “emerging middle powers”.

#### 1.2.4.1. Traditional Middle Powers

In international relations, despite ongoing controversies, certain states have collectively been labeled as middle powers. As discussed previously, Canada, Australia, Sweden, and Norway, are the early examples of middle powers and there is a substantial consensus in the literature about their middle powerness (Jordaan, 2003, pp. 165–166). However, the expansion of the term to the Third World after the rise of Southeast Asian states caused confusion about the definition of middle powers. Because traditionally defined middle powers like Canada and Sweden have barely commonalities with the states that are newly included in this category. Extending the same definition to define countries such as Brazil, Malaysia, Turkey, etc., created substantial confusion in the scholarly world. Finding common grounds for the states classified under the same term created ambiguity. To clarify this confusion, Eduard Jordaan introduced subdivisions to the middle power concept. In this regard, Jordaan categorized the middle powers as traditional and emerging, based on their behavioral and constituent differences. Sandal (2014, p. 693) agrees with Jordaan’s categorization and argues that newly defined middle powers such as Malaysia, Argentina, Vietnam, Brazil, or South Africa cannot be studied the same way the traditional middle powers such as Canada, Australia, or Sweden.

In this regard, Jordaan (2003, p. 165) defined the traditional middle powers as *“wealthy, stable, egalitarian, social democratic and not regionally influential. Behaviourally, they exhibit a weak and ambivalent regional orientation,*



*constructing identities distinct from powerful states in their regions and offer appeasing concessions to pressures for global reform.”*

#### 1.2.4.2. Emerging Middle Powers

In his work, Jordaan (2003, p. 165) defines emerging middle powers as “*semi-peripheral, materially inegalitarian and recently democratised states that demonstrate much regional influence and self-association. Behaviourally, they opt for reformist and not radical global change, exhibit a strong regional orientation favouring regional integration but seek also to construct identities distinct from those of the weak states in their region*”.

The difference between the two concepts of middle power is shown in Table 2 by Jordaan (2003).

	<b>Traditional Middle Power</b>	<b>Emerging Middle Power</b>
<b>Democracy</b>	Stable social democracy	Unstable and recent democracies with undemocratic characteristics
<b>Emergence</b>	During Cold War	After the Cold War
<b>Position in the world economy</b>	Core	Semi-periphery
<b>Regional influence</b>	Low	High
<b>Regional integration</b>	Ambivalent	Eager (leadership role)
<b>Nature of actions to affect deep global change</b>	Appeasing and legitimizing	Reformist and legitimizing

Table 2: Core Differences between Traditional and Emerging Middle Powers (taken by Eduard Jordaan (2003) The concept of a middle power in international relations: distinguishing between emerging and traditional middle powers, *Politikon*, 30:1, p.168)

### 1.2.5. Small Powers

Like the term great power, small power was also used for the first time in Vienna Congress. Until World War II, the concept was used for categorizing those states that were not classified as a great power (Ingebritsen, 2006, pp. 5–6). As there is no recognized middle power term in the Congress, all of the states which are not great powers are classified as small power. In the IR discipline, the term prevails in the Cold War after the publication of Annette Baker Fox's "The Power of Small States: Diplomacy in World War II" (Tür & Salik, 2017, p. 5). However, after the concept emerged in the IR literature, the scholars did not bring objective determiners for the concept. Thus, defining the concept is as hard as the other power-based classifications. The major disagreement on the concept is on the nature of the smallness of the state. There are three major strands while examining the concept. The first would be the vulnerabilities of the small powers, which made them ineffective in the international system if they were to act alone. The other is the capabilities of the small powers, which can be divided into qualitative and quantitative capabilities. Lastly, the size of a state is contextual rather than a fixed concept (Baba & Önsöy, 2016, p. 5).

However, different indicators are used to term the concept in the IR literature. When examined, the population is the most frequently used variable while explaining the concept, although there is no consensus on the exact number of populations for being a small power. In addition, the GDP and area of the country are used in order to define the small powers quantitatively (Tür & Salik, 2017, p. 7).

According to David Vital's (1967, p. 8) definition, states can be divided into two categories based on their level of economic development. If a state is economically developed, then those with a population of less than 10-15 million should be considered small powers. On the other hand, if a state is underdeveloped, then those with a population of less than 20-30 million should be considered small states. Meanwhile, Jean Luc-Vellut (1967, p. 254) believes that small states have 10-50 million population, and 2-10 billion dollar GNI.

Barston (1971, p. 41), on the other hand, argues that small powers have a maximum of 10-15 million population, and considers most of the small powers as economically underdeveloped states.

In addition, states as well can be an indicator of being a small power for other states. For example, Neumann ve Gstöhl (2004, p. 6) determine the Netherlands as a criterion for Europe and argue that states less powerful than the Netherlands should be recognized as a small state.

Some Intergovernmental Organizations also categorize states and use the category of small states. For example, Commonwealth Secretariat defines small states as “Sovereign states with a population of 1.5 million people or less” (Secretariat, 1991).

### **1.3. MIDDLE POWER THEORIES**

Even though the term middle power was first used after WWII for Canada, and Australia, the first theorizing of the concept occurred in the 70s by Carsten Holbraad (Wilkins, 2018, p. 47). The middle powers can be identified and expected to behave in various ways. The theories of middle powers differentiate in this manner. All of the theories identify the middle powers in a certain way and expect them to behave differently from each other. Middle power, according to one theory, cannot be seen as one in the other. Thus, as there is no general theory for middle powers; all middle power theories should be evaluated before examining the regional states in Southeast Asia.

#### **1.3.1. Realism-Oriented Middle Power Theories**

Realism-oriented middle power theories can be diversified in two ways. One type of realist middle power theory is affected by the neorealist approach and called Systemic Structural Approach. The other type is called the Functionalist approach. The last approach introduced to the middle power literature by Robert Keohane lay between the realist and liberal middle power theories.

Realist middle power theories generally take the material capabilities into account for determining the middle powers in the international system. GDP, population, arms strength, and territory are the most used indicators.

#### 1.3.1.1. Systemic Structural Approach<sup>2</sup>

As the name suggests, the systemic structural approach to middle powers is based on the idea of an anarchical international system affected by the balance of power. Like other realist-oriented middle power theories, material capabilities are at the center of defining middle powers, which put them between great powers and insignificant states in the international system.

Chapnick (1999, p. 77) argues that middle power theories originated from the systemic structural approach. However, the author does not accept this approach as a distinct middle power theory but is included in other middle power approaches. In addition to Chapnick, Holbraad, Dewitt, and Kirton support the primacy of the systemic structural approach. Holbraad (1971, p. 42) cites Thomas Aquinas and states that the middle power concept is a relational concept that can be defined regarding the great powers and small powers. Dewitt and Kirton (1983, p. 22) argue the existence of a hierarchical international system in which material capabilities create three different classes for states in terms of their powers.

Holbraad (1971, p. 83), on the other hand, claims that the only difference between middle powers and small powers is the strength that they possess. He compares the international system with the English class system and concludes that the international hierarchy is similar to the English class system. As in the class system, there is a small number of states at the top, a vast number of states at the bottom, and an upper and lower-middle class system in between.

The authors using the systemic structural approach, emphasize material capabilities over other state attributes. According to the authors, the classification of states should be done based on their strengths. Thereby, states

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<sup>2</sup> Also known as Hierarchical Approach

neither great nor small powers could be recognized as middle powers. Wood (1990: 74), for example, uses GDP as an indicator for identifying middle powers by stressing the objectivity of GDP. Finlayson (1988: 3) even gives an exact minimum and maximum GDP of \$50 billion to \$500 billion and identifies 33 countries as middle powers. In her earlier study, Neack (1993) uses a statistical model to identify middle powers. Using GDP, population, military expenditure per capita, literacy rate, and infant mortality per thousand live births as variables.

In contrast to other systemic structural approaches, national interests are important in the policy-making of middle powers (Neufeld, 1995, p. 9). While liberal approaches expect middle powers to behave as good international citizens, which promotes multilateralism and international law, the systemic structural approach thinks that middle power states use balancing, bandwagoning, isolation, and hedging in their relations with great powers (Edström & Westberg, 2020, p. 176).

#### 1.3.1.2. The Functional Approach

Gelber introduced functionalism to middle power theory in 1946. The functional approach has commonalities with the systemic structural approach because both theories emphasize the importance of material capabilities, but the functional approach also considers the status of middle powers to be important. Gelber argued about the functional capabilities of some states, which differ them from less influential ones (Huelsz, 2009, p. 30).

The functional middle power theory focuses on functional capabilities and middle power status. Therefore, even if middle powers are not as strong as great powers, they can affect international affairs in certain areas ignored by great powers. Middle powers are more effective in international politics than small powers but are seen poorly by great powers. Therefore, the great power can influence all policy areas, and small powers cannot be influential in international politics, but middle powers can be influential only in some policy areas (Chapnick, 1999, p. 74).

The functional approach to middle powers claims that a country able to influence a certain region and specific areas of international politics should be regarded as middle power (Shin, 2015, p. 1). According to the functional approach, middle powers tend to use “niche diplomacy” because they believe they can get the greatest return on investment for their foreign policy choices if they focus on certain areas (Thies & Sari, 2018, p. 399). Gareth Evans (2011) defines it as “concentrating resources in specific areas best able to generate returns worth having, rather than trying to cover the field”. For example, in IR literature, Brazil and Turkey are considered middle powers under the functional approach. Öniş and Kutlay (2015, p. 37) consider Turkey and Brazil as emerging middle powers. They argue that Turkey focuses on humanitarian diplomacy, and Brazil focuses on global health diplomacy.

In addition to focusing on niche diplomacy and influencing international affairs at some point, the role of international organizations is also an indicator of the functional model. For example, both Gelber and Claxton (1946) believe that non-permanent membership is a good indicator of a country’s role in the UN.

#### 1.3.1.3. Keohane’s ‘In-Between’ Approach

Even though Robert Keohane is known for his contribution to the liberal institutionalist theory of IR, In his earlier studies, he discusses middle powers in *Lilliputians’ Dilemma: Small States in International Politics*. In his work, he divides states into four according to their capability of affecting the international system (R. O. Keohane, 1969, p. 295). He categorizes states as “system determining, system-influencing, system-affecting, system-ineffectual.” According to Keohane, ‘system-determining’ states are great powers that can shape the system on their own. ‘System-influencing’ states are secondary states which cannot shape the system by themselves but can have a huge impact on the system individually. ‘System-affecting’ states are middle powers that can affect the system through multilateralism, alliances, or international organizations. ‘System-ineffectual’ states are small powers and cannot impact the system without a large number of coalitions (R. O. Keohane, 1969, p. 296).

When further examined, it can be concluded that Keohane divides the states solely based on a structural approach. He adds a psychological dimension to its classification because he believes objective reality is not the only factor for the determination of foreign policy behaviors by state officials. For middle powers, he concludes that in addition to systemic factors, a middle powers leader believes that his state cannot act alone in the international arena; only if they can have an impact on the system by acting as a small group or through an institution (R. O. Keohane, 1969, p. 296).

In his seminal work, Keohane (1969, p. 297) expounds upon the multifaceted influences that shape the behavior of middle-power states and their statesmen. Keohane astutely observes that both systemic and psychological factors play crucial roles in dictating the conduct of these states within small group settings. Furthermore, he posits that middle-power states, rather than engaging in isolated actions within the international system, tend to navigate their course through international institutions. This phenomenon, which aligns closely with the behavioral model espoused by middle power theories, underscores the profound similarity between the actions of middle powers and their reliance on multilateral frameworks.

### **1.3.2. Liberalism-Oriented Middle Power Theories**

#### **1.3.2.1. Behavioral Approach**

After the Cold War began, realism-oriented middle power theories dominated the field of study for decades. However, the behavioral approach to middle powers was introduced to the field with the book of Cooper, Higgott, and Nossal, "Relocating Middle Powers: Australia and Canada in a Changing World Order" published in 1993. Apart from other approaches to middle powers, the behavioral approach tries to identify them by their similar foreign policy behaviors. Cooper, Higgott, and Nossal (1993, p. 17) define these similarities as "their tendency to pursue multilateral solutions to international problems, their tendency to embrace compromise positions in international disputes and embrace notions of 'good international citizenship' to guide their diplomacy". They believe middle powers will be active in peace-keeping and peace-building

operations, mediation, strongly committed to multilateralism, and concerned with second-order issues such as environment, human rights, etc. With their book on middle powers, they changed the middle power concept drastically and added behavioral factors to the concept, which were only defined by their material capabilities and geographic locations.

The behavioral approach is the literature's most used middle power theory (Chapnick, 1999, p. 75). In addition to Cooper, other scholars as well contributed to the concept. For instance, Græger (2019, pp. 98–101) expanded the commonalities of middle powers as their willingness to become active mediators because they preferred a more stable world.

As in the functional model, the behavioral model also expects middle powers to conduct niche diplomacy because of their limited capabilities when compared to great powers; they focus their attention on the areas left by the great powers (A. F. Cooper, 1997, p. 7). Table 3 shows some examples of the niche diplomacy activities of some middle powers.

<b>Middle Power</b>	<b>Niche Diplomacy Area</b>
<b>Australia</b>	Environment, Human Rights, NonProliferation
<b>Brazil</b>	Global Health Diplomacy
<b>Canada</b>	Human Security
<b>Mexico</b>	Global Environmental Politics
<b>South Korea</b>	R&D and Technology Transfer
<b>Turkey</b>	Humanitarian Diplomacy, Mediation

Table 3: Niche Diplomacies Conducted by Middle Powers (taken by Tolunay Öndül (2022) *Global Shifts and Military Dimension in Middle Power Politics: Turkey's Military Activism in the post-Arab Spring era*, Master's Thesis, Koc University, p.17)



The behavioral approach shows except followership and middle powers can be leaders in some international policy areas. They can take leadership roles in secondary or low politics, as realist scholars define. Due to their activism, these lesser important subjects find a place in international politics (Yalçın, 2012, p. 197). Even though they conduct low politics niche diplomacy activities, it doesn't mean their efforts are meaningless or unimportant due to the increasing importance of low politics issues in international relations (Baba, 2018, p. 81).

While trying to find a place in the international system, middle-power states use multilateralism. They use international organizations to have an impact on the international system. In addition to international organizations, they are pioneers in coalition building with non-governmental organizations in such issues. Therefore, their activities widen the number of actors in the international system (Rutherford et al., 2003, p. 7).

Because of the middle powers' attention to humanitarian issues, there is a great tendency to define middle powers as states with strong normative foreign policy decisions. However, giving attention to humanitarian issues, as shown in Table 3, does not mean these states do not act in their self-interest (Huelsz, 2009, pp. 41–43).

Even though middle powers are seen as good international citizens and stabilizers in the international system, in his later works; the creator of the emerging middle power term, Jordaan (2017, p. 395) argues that the “counter-hegemonic component of the foreign policy of many emerging middle powers” alter the stability of the system. In this work, Jordaan posits that states who do not act as international stabilizers for liberal hegemonic order should not be seen as a middle power. However, in addition to growing discomfort in the literature for foreign policy decisions of middle powers, there is an ongoing debate in the literature for supporting the liberal hegemonic system led by the USA being a requirement of the middle power concept. Therefore, the other policy choices of the middle powers, apart from being international stabilizers, are studied in the literature on a case-by-case basis, as in this work which tries to show middle power behaviors in different international systems.

### **1.3.3. Constructivism-Oriented Middle Power Theories**

#### **1.3.3.1. Identity Approach**

The identity Approach to middle powers shows similarities to Robert Keohane's approach. As Keohane (1969) puts it "instead of focusing on perceptions of whether security can be maintained primarily with one's resources we should focus on the systemic role that states' leaders see their countries playing", constructivism-based identity approach as well believe that a states' perception of its identity as a middle power both shape of its foreign policy decisions and its role in the international system. Hurrell (2000) argues the middle power concept should be a "self-created identity or ideology."

Therefore, the identity-based approach leaves the decision to statesmen for their country's status. However, only the determination of the states' status does not put the state under a certain category of power, in addition to one's determination there is a necessity of acceptance from the other states (Carr, 2014, p. 76).

Constructivist identity approaches make it easier to determine middle powers and give predictive capacity to anticipate a state's foreign policies. As Finnemore and Sikkink (2001, p. 399) put it "knowing about a state's perception of its identity (both type and role) should help us understand how the state will act".

For example, Canada, Sweden, and Australia have a long history of claiming to be a middle power. South Korea was also added to this group after the country's economic rise. Although all these states can be classified as middle powers easily, solely relying on the self-identification of a state is problematic because some states, not carrying any of the attributes of the concept, can claim themselves as a part of it. As in North Korea's claim of being a democracy (Carr, 2014, pp. 76–77).

## **1.4. IDENTIFYING MIDDLE POWERS IN THE SOUTH CHINA SEA DISPUTE**

As mentioned previously, this work will use an amalgamated approach while defining the middle powers in the SCS. However, before evaluating the middlepowership of the SCS States, PRC should be examined due to the clear power difference between PRC from other claimant states. PRC has more population, GDP, land area, and military spending than the combination of the others (East Asia & Pacific | Data, n.d.); which makes it problematic to put it in the same category as the claimant states or Asia Pacific states. PRC has a GDP of 16.81 trillion dollars, a population of 1.4 billion, 9.6 million square kilometers of land area, and 252 billion dollars in military spending. In IR literature, PRC is seen as a great power. In his study “China’s Path to Great Power Status in the Globalization Era” Kim (2003) evaluates PRC’s great power status thoroughly using different variables such as material capabilities, behavior, and self-identity. Thereafter, he concludes that PRC is a great power in all given approaches. Even though the article is written in 1999, Rozman (1999) argues that PRC is a great power by behavior and material capabilities, but suffers difficulties shaping the great power identity. Likewise, Deborah Welch Larson (2015) evaluated Chinese great power status and reached the same result as discussed studies. It is noteworthy to point out that in addition to the aforementioned studies, a significant corpus of literature attests to the emergence of PRC as a great power, either through conclusive evidence or through its tacit assumption (Bijan, 2005; Deng & Moore, 2004, 2010; Kroenig, 2020; Liping, 2001; J. J. Mearsheimer, 2021; Michnik, 2021; Murphy, 2017; Rodrik & Walt, 2022; Vertin, n.d.; Yilmaz & Sun, 2022; Zeng, 2016).

When the Chinese status concluded in the dispute, the status of the others should be evaluated. Even though this thesis is concerned with the territorial disputes in the SCS, it is also limited to the conflict between great and middle powers. Therefore, among all claimant states, Indonesia cannot be added to this work due to its sole interest in the Sabah area, where none of the great powers has an interest in the region. Therefore, only the states with conflict with the great power – PRC- will be part of the discussions of this thesis, namely Brunei, Taiwan (Republic of China/ROC), Malaysia, Philippines, and Vietnam.

All these states will be evaluated under the different approaches of middle powers before examining the SCS dispute.

Under the systemic-structural approach, Jonah H. Ping (2017) evaluated 38 states in the Asia Pacific and concluded that “Hong Kong, South Korea, Mexico, Taiwan, Singapore, Malaysia, Australia, Thailand, Indonesia, India, the Philippines, Turkey, Iran, Chile, and New Zealand” are middle powers in the region. Therefore, only Brunei and Vietnam are small powers involved in the SCS. According to Ping, the rest of the states can be classified as middle powers.

On the other hand, a vast literature on middle powers classifies Vietnam as a middle power. When Le Dinh Tinh (2021, p. 331) evaluates Vietnam’s middlepowerhood, he argues that Vietnam is a middle power under all three approaches. Thuy T. Do (2022, pp. 335-337) also evaluated Vietnam from all of the middle power approaches and concluded that Vietnam should be classified as a middle power even though it has some shortcomings when looking through the Western perspective of middle power literature. In recent works, Le Dinh Tinh and Vu Thi Thu Ngan (2022, pp. 320–321) evaluate the Vietnamese position in the global system before and after the Covid-19 Pandemic through three main approaches to middle powers. They evaluated Vietnam as a middle power before and after the Covid-19 Pandemic. In another work, Le Dinh Tinh (2019) evaluates Vietnam once more and argues that it is an emerging middle power under all of the middle power approaches. Nguyen Hung Vuong and Pham Duc Tho (2023, p. 43) also evaluated Vietnam through a systemic-structural approach and concluded Vietnam as an emerging middle power in its material capabilities. In addition to all these works, there are more works in the literature on the middlepowerhood of Vietnam (Ban, 2011; A. F. Cooper, 2013; Do, 2022a; Gilley & O’Neil, 2014; Karim & Nabila, 2022).

There is also comprehensive literature about the middlepowerness of the other states. In addition to Ping’s book, Malaysia is classified as a middle power in other studies (Carr, 2014; A. F. Cooper, 1997; D. A. Cooper, 2011; Emmers & Teo, 2018; Gilley & O’Neil, 2014; Hellendorff, 2016; Jordaan, 2017; S. Lee,

2012; Thies & Sari, 2018). In all of these studies, Malaysia was evaluated from different approaches, making Malaysia the region's most undisputed middle power. Nearly in all of the literature, Malaysia is accepted as a middle power.

Even though its statehood can be disputed in the literature and international relations and have a problem finding recognition abroad, there are numerous studies to classify Taiwan in the international system. In many of those studies, Taiwan was classified as a middle power under different approaches (Bruce Jacobs, 2013; Cyr, 2003; Rockower, 2011; Taylor, 2022; Thies & Sari, 2018). However, due to Taiwan's controversial situation of statehood and lack of Taiwanese participation in multilateral forums, the number of studies that consider Taiwan a middle power is relatively few compared to other countries.

In addition to Ping's book, the Philippines was evaluated in the literature by different studies. In many of these studies, the Philippines is considered a middle power (Abbondanza, 2022; A. Baviera, 2020; De Castro, 2020; Higgott & Cooper, 1990; W. Kim, 2015; S. Lee, 2012; Medcalf & Mohan, 2014; J. Ping, 2022; Teo et al., 2016). Like Malaysia and Vietnam, the Philippines is also rather an uncontroversial part of the middle power concept.

Among all of the claimant states in the SCS, Brunei is the only small power. In the literature, there is no study regarding Brunei as a middle power, but in all of the studies concerning power and other attributes of states, Brunei is considered a small power (Anckar, 2020; Attwood & Bray, n.d.; Bray, 1990, 1990; Corbett & Veenendaal, 2018; Hassan et al., 2022; Jetin & Chaisse, 2018; Jittaruttha, 2018; M. Kim, 2012; Menon, 1989; Noeh et al., 2022; Northover, 2013; Purwantoro, 2020; Strating, 2020; Thambipillai, 1998). The reason for Brunei being a small power over the other claimant states originates from several issues. Brunei is rather weak in terms of capabilities from its neighbors, and this weakness is a result of the country's land mass, population, GDP, etc. Adding to its capabilities neither behaviorally nor as an identity, Brunei is never treated as a middle power in the literature of international relations.

Therefore, concerning the SCS dispute; Vietnam, the Philippines, Taiwan, and Malaysia can be considered a middle power. Still, Brunei and PRC cannot be added to this categorization due to PRC's vast capabilities and Brunei's smallness.

### **1.5. INTERNATIONAL SYSTEMS IN IR**

Before examining the SCS dispute and behaviors of middle powers in their conflict with a great power, international systems in the IR should be examined because this study is interested in understanding the changing behaviors of middle powers in different international systems. As Holbraad (1984, p. 5) puts it "the middle powers, closer to the top of international politics, tend to be particularly sensitive to the conditions that prevail there. For them each systemic situation presents its own set of difficulties and opportunities." In addition, Andrew Cooper (1997, p. 8) supports this view by stating middle powers should be "constantly subjected to adjustments to fit the evolutions of the international system". In another study, Cooper (2013, p. 963) repeats this view and claims that middle powers need to navigate their policies when the balance of power changes.

This study employs the definition of the International System made by the neorealist IR theoreticians. Neorealist scholars believe that the international system is anarchic and is characterized by the distribution of power among sovereign states (Mansfield, 1993, p. 107). Therefore, the number of global superpowers will be taken into account while defining the international system, and based on this; international systems are categorized into three unipolar, bipolar, and multipolar.

#### **1.5.1. Unipolar International System**

The unipolar international system is the rarest one among the international systems in world history. Since modern international relations and modern nation-states arose, it has periodically happened only once. In modern international relations, the USA was the only hegemon, which enjoyed unipolarity in the international system after the disintegration of the Soviet

Union. Before the Peace of Westphalia, there was only Rome that can shape the international system on its own (Waltz, 2000, p. 1).

A unipolar international system can be defined as an international system with a sole superpower. In this type of international system, a state is stronger than the others or the sum of others (Hansen, 2000, p. 112). Due to this rare nature of unipolar international systems, it is concluded that unipolarity is the most unstable system among others because of the excessive burden on the hegemon of the system, and lack of restraint on the hegemon (Waltz, 2000, pp. 1-2). Thus, a unipolar world is not desired, especially by secondary powers in international relations where, according to realist theory, the main aim of these states is primarily survival.

### **1.5.2. Bipolar International System**

Bipolarity is also rare in the history of international relations. After the Peace of Westphalia, as unipolarity, the world saw a minor period of bipolarity, which happened during the Cold War between the US and the Soviet Union. Kenneth Waltz believes that even though it is as rare as unipolarity, bipolarity is by far the most stable form of the international system. Due to the fact that less number of great powers create a more stable system (Waltz, 2000, p. 9).

Bipolarity can be defined as an international system with two superpowers. Two states are stronger than the rest of the system and they have their sphere of influence (McGlinchey et al., n.d., p. 1). It is a matter of controversy in the literature of international relations whether multipolarity is prevailing or whether we move once more to a bipolar world, in which the main actors will be PRC and the US.

According to Kenneth Waltz (2000, p. 9), bipolarity is more stable than multipolarity because "*In a multipolar world, the relations of states are more complex and less predictable*". Since a state only needs to estimate its relative power to another, the relations between the superpowers are easier to calculate than multipolarity. In addition, in a bipolar world, miscalculations are easy to avoid.

### **1.5.3. Multipolar International System**

As a last type of international system, multipolarity is the most common type of international system in the modern history of international relations. After the Peace of Westphalia, the international system was multipolar for at least three centuries. Where after a break of half a century it is generally believed that the world system today once again moves on to a multipolar international system (Waltz, 2000, p. 1).

Multipolarity can be defined as a world system with numerous great powers which have conflicting interests. However, multipolarity cannot be solely explained by the competing states, but as in today's world, the different ideas about global governance can lead to multipolar international systems (McGlinchey et al., n.d., p. 1).

As aforementioned, multipolarity is seen as a more unstable system than the bipolar international systems because when the number of great powers increases, the necessity of calculation is increased as well for the great powers which leads to more uncertainty between them (Waltz, 2000, p. 9). Therefore, even though controversy is continuing between the realist IR scholars, some of the authors see multipolarity as the most unstable international system.

### **1.6. MIDDLE POWER BEHAVIOR UNDER DIFFERENT INTERNATIONAL SYSTEMS**

As previously discussed all middle power theories expect middle powers to behave differently. Apart from the aforementioned expected behaviors, there are different ideas about the number of policy choices of middle powers under different international systems. To exemplify, Swielande (2018, p. 23) believes that unipolar, and multipolar international systems gave middle powers a wider range of policy choices than the bipolar international systems. Meanwhile, Posen (2009) although supporting this view, further contends that middle powers have more policy options in a multipolar world due to the ability to sweep across great powers. Lastly, in his article "The Role of Middle Powers" Carsten Holbraad (1984, p. 84) argues that in bipolar systems there is a wide



spectrum of policy choices for middle powers. They can bandwagon with one of the superpowers or they can be isolated as members of the non-aligned movement during the Cold War.

After these factors, the question regarding the main policy choices for a middle power arises. As aforementioned in the middle power theories chapter, there are different answers to this question. These theories give us four main policy tools for a middle power. These are bandwagoning, buck-passing, balancing, and hedging (B. F. Tossman, 2012, p. 193).

Bandwagoning is defined in two different ways. The first definition would be surrendering to the powerful side in a conflict. John Mearsheimer (2014, p. 163) is one of the scholars who define bandwagoning as such. He argues that “bandwagoning employed mainly by minor powers stand alone against hostile great powers”. He describes the term as “give in to the enemy”; for which he uses the Bulgarian and Romanian alliances with Nazi Germany during WWII as an example. Meanwhile, the term can be defined in a wider manner as well, “Bandwagoning” should not be seen solely as yielding. Furthermore, it can be described as pursuing its own interests under another banner and joining a stronger coalition (Schweller, 1994, pp. 95–98).

Existing in dichotomic fashion to bandwagoning, balancing is defined by Schweller (1998, p. 66) as “opposing the stronger or more threatening side in a conflict”. Alternatively, “trying to match, exceed or block the power of a stronger state” could be used to define balancing. According to Walt (1990, p. 265), it is the most common type of policy for states in the international system. Furthermore, balancing sprawls into three modes, which are external, internal, and soft balancing. External balancing is joining or forming a coalition for countering a state but other types of agreements between states cannot be classified as external balancing. On the other hand, internal balancing is the effort of enhancing a state’s power economically or militarily through internal dynamics (Mowle & Sacko, 2007, p. 66). Lastly, soft balancing which became a more effective foreign policy option for unipolar international systems is materialized in measures that do not directly challenge the hegemons’

dominance; due to the weakness of middle powers in hard balancing a hegemon. Soft balancing can be further explained as nonmilitary measures that undermine unilateral military policies. For example, “international institutions, economic statecraft, and diplomatic arrangements” can be used as agents of soft balancing (Mowle & Sacko, 2007, p. 34).

These two dichotomic strategic options can be seen in most of the studies conducted by realist scholars who believe that middle powers respond to a threat by following these notions. For example, Waltz (1979, p. 127) states that in times of change in the balance of power in the international system, middle powers “flock to the weaker side, for it is the stronger side that threatens them”. Similarly, Stephan Walt (1985, p. 15) suggests that “states facing an external threat overwhelmingly prefer to balance against the threat rather than bandwagon with it”. In the studies of these realist scholars, balancing strategy is generally given prominence.

However, the realist perspective about the behavior of the middle powers is heavily criticized by the recent scholarship which uses Asian states’ responses to a threatening PRC. This paradigm shows that many of the Asian states have diplomatic and military links with Asian states but they also maintain diplomatic ties with Beijing (Goh, 2016; Kang, 2003b; Koga, 2017; Kuik, 2016a; Liow, 2005). None of these states pursues a pure form of balancing or bandwagoning, rather they have taken the third popular strategy, hedging.

In the IR literature, hedging is defined in two ways. It is either seen as a middle policy between balancing and bandwagoning or it is described as an alternative opposite policy. Hiep (2017, p. 26) defines hedging as the “behaviour of a country pursuing the off-setting of risks by choosing multilateral policies with the intention of making mutually reactive effects”. Likewise, Medeiros (2005, p. 145) explains hedging as the “pursuing strategies that, on one hand, stress engagement and integration mechanisms and, on the other, emphasize realist-style balancing in the form of external security cooperation and national military modernization programs”. Supporting these ideas, Tessman (2012, p. 194) goes even further by stating that hedging is the most effective policy tool not

just only for middle powers but for small powers and great powers. However, in this study, Hiep's definition of hedging will be used as it is the most thoroughly defined among the three. According to Hiep, hedging is not a middle way between balancing and bandwagoning but it is a completely new strategy. Hedging strategy consists of four major components which are economic pragmatism, direct engagement, hard balancing, and soft balancing. The hedger will try to benefit from all these factors in its foreign relations when confronted by a threatening state. Hiep expands the definitions of these components respectively as follows: “

- 1) Economic pragmatism, i.e. deepening bilateral economic cooperation to facilitate domestic development;
- 2) Direct engagement, i.e. expanding and deepening various bilateral mechanisms to build mutual trust and nurture cooperation, thereby shaping China's behaviour;
- 3) Hard balancing, i.e. pursuing military modernization to China from aggressive actions; and
- 4) Soft balancing, i.e. promoting participation in multilateral institutions and deepening relations with major partner counter against undue pressure from China”

The last strategy that can be employed by middle powers is buck-passing. Buck-passing can be defined as the weak form of bandwagoning. It can be described as “allowing the unipolar power to bear the primary cost of actions that benefit everyone” (Mowle & Sacko, 2007, p. 70). Buck-passing is leaving the balancing behavior to others, which results in free ride the balancing behaviors of the other states (Richey, 2020, p. 2). For example, before WWII both France and Britain carried out buck-passing behavior against Germany by not interfering with the assertive policies of Germany (Posen, 1984, p. 111).

Meanwhile, Schweller (2014, p. 61) divides these policies into three and even defines them differently, in simpler terms; Schweller considers a middle power state to only have the choices of being “supporters”, “spoilers”, or “shirkers” in global affairs.

Being a supporter middle power is generally matched with traditional middle powers such as Canada, Sweden, and Australia. Supporters are states, which accept the current international system and support the great powers that sustain it. They choose to bandwagon with the hegemonic powers of the international system (Burton, 2021, p. 233). Pursuing multilateralism in international relations, being active in mediation, promoting human rights and development, and being a “good citizen” can be categorized as being a supporter. Such policy choices of traditional middle powers, strengthen the hands of these states in their foreign policies (Patience & Roy, 2018, p. 67). Tessman (2012, p. 194) believes that this is the most likely behavior of middle powers under a unipolar international system because of the chance to get as much as from the hegemony. However, he argues that a middle power will not bandwagon the hegemon if it were to lose its place. He claims that in a “deconcentrating unipolar system” the most optimal foreign policy is hedging<sup>3</sup>. Adding to this point of view, Mowle and Sacko (2007, p. 69) also suggest that bandwagoning with the hegemon is the most rewarding option for middle powers in unipolar international systems. Therefore, when a middle power bandwagons with the hegemon they can take the upper hand against other states. On the contrary, Stephen Walt (1990, p. 265) believes that balancing is far more common in the international system than bandwagoning which he suggests as “balancing pre dominates”.

Nonetheless, Tessman (2012, p. 195) also puts emphasis on geographic proximity while he theorizes middle power behaviors. He believes that if a middle power is proximate to a menacing middle power or a great power then they can choose different foreign policies. For example, he suggests that even though hedging is the most suitable policy in an international system with a declining hegemon, if a middle power is close to a dire state, it still can choose the bandwagoning strategy. According to Tessman (2012, p. 196), however, the proximity in question is not only a geographical factor but it can also be

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<sup>3</sup> While analyzing, Tessman (2012) divided international systems into two as unipolar and multipolar international systems. He puts bipolar international systems within multipolar international systems.

manifested in ideological proximity which may change the policies of middle powers. North Vietnamese support of the People's Republic of PRC's claims in the SCS in 1956 can be given as an example of the impact of this proximity presented in the ideological form. Lastly, he argues that economic interdependence is the last factor that changes the behavior of middle powers (B. F. Tessman, 2012, p. 195). Table 4 gives a summary of Tessman's core strategies for middle powers in the different international systems.

	Process of Power Concentration	Process of Power Deconcentration
<b>Unipolar System</b>	Bandwagoning	Hedging
<b>Multipolar System</b>	Balancing	Buck-Passing

Table 4: Most Optimal Strategies for Middle Powers in Various International Systems (taken by Brock F. Tessman (2012) System Structure and State Strategy: Adding Hedging to the Menu, Security Studies, 21:1, p.203)

Contrary to supporters, spoilers mainly desire to abolish the current international system and change it with a different one or at least increase the instability of the current system (Schweller, 2014, p. 62). While doing so a spoiler can increase its material capabilities or find other revisionary allies (Burton, 2021, p. 233; Chong, 2003). Therefore, spoilers could easily be considered as states which practice balancing policies. Spoilers that come from emerging middle powers seek out a privileged position in the international system and because of their unwillingness to support the US-led international system are differentiated from traditional middle powers that enjoy their well-accepted place in the international hierarchy (Jordaan, 2018, p. 115). Supporting this claim, Tessman (2012, p. 194) states that balancing along with buck-passing are core strategies for middle powers in a multipolar international system. On the contrary, Jordaan (2018, p. 116) believes there are policy differences between traditional and emerging middle powers for being a spoiler. He argues an emerging middle power is more likely to be a spoiler in a unipolar

international system because the emerging middle power will prefer a more unstable international systems.

Finally, shirkers are those who do not choose cooperation or confrontation. They feel neutral about the international system and stand apart (Burton, 2021, p. 233). They want the privileges of the current international system but they do not want the cost of contribution (Schweller, 2014, p. 62). In his analysis of the multipolar international system after the 2008 global economic crisis, Schweller (2014, p. 64) pointed to PRC as a shirker, citing its reluctance to assume greater responsibility in addressing global economic challenges. Therefore, shirkers use buck-passing as a foreign policy tool.

Stephen M. Walt (2009, pp. 115–116) in his study “Alliances in a Unipolar World” shows that even in a unipolar world bandwagoning is very rare but states generally balance each other in order to protect themselves from a threat. He concludes that if balancing becomes very costly bandwagoning is also a viable option for states and it protects them from the minatory state. To support this, he gives the example of Libya’s decision to abandon Weapons of Mass Destruction and reengage with the Western powers. In addition, he argues that hard balancing a hegemon is not a policy option under a unipolar international system. Instead, middle powers will use soft balancing, and regional balancing to protect themselves from the threat (Walt, 2009, pp. 114–116).

Adding to this viewpoint, Mearsheimer (2014, pp. 269–271) believes that polarity in the international system is essential for the policy choices of middle powers. Mearsheimer argues that buck-passing is the least common strategy in the bipolar international system especially for great powers. However, it is a more viable strategy for the middle powers in the multipolar international system. Additionally, Mearsheimer (2014, pp. 270–272) believes that for a buck-passing strategy to be a policy option for other states there needs to be a buck-catcher in the region that absorbs the security threats of other states from a potential aggressor. Kaplan (2013, pp. 213–216) believes that Taiwan is the most suitable state for the buck-catcher role due to the vast Chinese coastline

in the SCS and Taiwanese geostrategic position in the first island chain surrounding the Chinese maritime area. Therefore, as suggested by Mearsheimer, Taiwan's presence as a buck-catcher in the region enable buck-passing strategies for the other states in the region. Thus, the likelihood of a buck-passing strategy from the Southeast Asian states is increasing.

In addition to having claims regarding the international system, authors also give importance to geographical proximity and other defensive advantages for states. Waltz (2010, pp. 165–169), argues that states with an advantageous defensive geography tend to buck-pass the threats. He claims that the assumed advantage of offensive warfare led to balancing behavior before World War I (WWI), but the defensive mindset of the interwar period led to buck-passing behavior between the allied powers (Trier, 2022, p. 10) .

Taking a different viewpoint, Ciorciari (2010, p. 2) argues that developing countries (DCs) often try to find a middle ground between balancing, bandwagoning, and buck-passing when it comes to their relationships with great powers. They tend to align themselves with one or more powerful countries and work together to deal with the main security challenges they face. However, they try to avoid fully committing to military alliances and instead hedge their bets in various ways. This approach is not new, as powerful countries have always sought to ally themselves with others to address security issues. However, DCs play a different game, trying to get maximum support from great powers while minimizing the costs and risks involved. In short, the DCs want the biggest benefits for the smallest amount of risk regardless of the balance of power in the international system.

Meanwhile, Koga (2017, p. 639) takes the balance of power into account and argues that in a unipolar international system, the middle powers only have the option of bandwagoning and hedging. However, in a bipolar international system hedging become impossible and middle powers only have the policy option of balancing and hedging. Contrary to these international systems, in a multipolar international system, a middle power can use all these policy options because of the flexibility of the international system.

David C. Kang (2003a) has a contrasting view from Koga's perspective. He believes that East Asian states have not been using balancing strategy against PRC. In fact, they rely on variations of "mercantile realism," "soft balancing," and "reluctant realism". He believes that the reason for the different behaviors of Asian small and middle powers when compared to their European counterparts is because they have different historical traditions, different geographic and political realities, and different cultural traditions. Therefore, they are more likely to use other strategies than balancing, and he concludes that the Asian states will use bandwagoning strategies more often as long as PRC continues to rise.

In addition to these theoretical explanations there have been case studies conducted regarding the subject, Burton (2021, p. 233) presents an argument about the shifts in Malaysia and Indonesia's foreign policy choices for the Middle East under different historical international systems using Schweller's classification. He concludes that Malaysia was a supporter until the 1970s, then turned to shirker for a while, and lastly became a spoiler under Mahathir Mohamad's first premiership until the end of the Cold War. He shows that even though most of the authors believe that being a supporter or bandwagoning with the hegemon is the primary policy choice for middle powers and Malaysia continued to be a spoiler until Mahathir's resignation in 2003. At last, Malaysian foreign policy became less assertive and Malaysia turned to being a shirker.

Indonesia on the other hand took a different path. After its independence until the 1970s, Indonesia was a spoiler under Sukarno's rule. Then until the multipolarity that emerged with the housing crisis, Indonesia became a supporter of the Western-led international system and redirected its foreign policy towards the West. However, Burton (2021, p. 234) shows that under the multipolarity both of the countries pursued multiple modes of behavior, sometimes even at the same time.

He concludes that Indonesia and Malaysia began to pursue the policy of hedging during the multipolar international system rather than choosing among three modes of behavior. They use all of the modes of behavior at the same time during multipolarity to "minimize risk by cooperating with different parties



and avoiding direct confrontation with larger powers and aspiring hegemons” (Burton, 2021, p. 242).

With their study that concentrates on traditional middle powers, Håkan Edström and Jacob Westberg evaluate the defensive strategies of middle powers in the deconcentrating unipolar system. They evaluate traditional middle powers' defensive strategies and present their defensive strategies as shown in Table 5.

	<b>ALIGNMENT STRATEGY</b>	<b>ENDS</b>	<b>MILITARY STRATEGY MEANS</b>	<b>WAYS</b>
<b>AUSTRALIA</b>	Bandwagoning for Profit	Influence	Expeditionary Warfare	Multilateral
<b>BRAZIL</b>	Active Isolation	Influence/Status	Balanced	Unilateral
<b>CANADA</b>	Leash-Slipping	Influence	Expeditionary Warfare	Multilateral
<b>GERMANY</b>	Leash-Slipping	Status	Expeditionary Warfare	Multilateral
<b>INDIA</b>	Active Isolation	Influence/Status	National Defense	Unilateral
<b>ITALY</b>	Active Isolation	Influence/Status	Expeditionary Warfare	Multi and Unilateral
<b>JAPAN</b>	Regional Balancing	Survival	National Defense	Multilateral
<b>SOUTH KOREA</b>	Regional Balancing	Survival	National Defense	Multilateral

Table 5: Defense Strategies of Middle Powers (taken by Håkan Edström & Jacob Westberg (2020) *The Defense Strategies of Middle Powers: Competing for Security, Influence, and Status in an Era of Unipolar Demise, Comparative Strategy*, 39:2, p.182)

Baba and Önsoy (2016, pp. 11–13), in their article “Between Capability and Foreign Policy: Comparing Turkey’s Small Power and Middle Power Status” evaluate the Turkish status from the 1930s to the 2000s. The article concludes

that Turkey followed a balancing policy during the multipolarity of the 1930s and early 1940s. In this period, Turkey use multilateralism as a core foreign policy tool. Later on during the Cold War, Turkey kept on using multilateralism. After the Cold War, Turkish initiatives for creating multilateral schemes increased significantly. However, Baba and Önsöy conclude that if a middle power's foreign policy conflicts with great power, the effectiveness of the state decreases.

Mares (1988, pp. 469–470) on the other hand focuses on Caribbean middle powers' relations with the US. He argues that middle powers when faced with a regional hegemon have the two-policy options to whether challenge or acquiesce to the regional hegemon. He argues that in the Caribbean and Latin American region, due to the vast resources of the US and the lack of interest of other great powers, the middle powers generally acquiesced with the hegemonic power. However, he also mentions some cases like Cuba, and Nicaragua to challenge the hegemon with the help of the other great power.

In conclusion, realist middle power scholars generally claim that middle and small powers have a two-policy option in their relations with great power. They can either balance the great power or bandwagon with it. According to them, balancing is the most chosen and the most rational option for a middle power because the primary aim of a state in an anarchical international system is survival, and bandwagoning with a threatening power can result in the loss of sovereignty and independence in foreign politics. Therefore, the bandwagoning act is the rarer option among the middle powers (J. Mearsheimer, 2014; Walt, 1985, p. 15, 1990, p. 265; Waltz, 1979, p. 127). According to these scholars, bandwagoning is only viable in a unipolar international system. Because in the presence of a single hegemon balancing the hegemon is not possible (Brooks & Wohlforth, 2016; Mowle & Sacko, 2007, p. 69; Walt, 2009, pp. 115–116). As a result, in unipolar systems bandwagoning should be expected from the middle powers that are party to the SCS dispute as well. In bipolar international systems due to the inefficiency of bandwagoning and strict alignment of the secondary powers, middle powers can only pursue a balancing strategy.

Because of the strict concentration of the power between the two superpowers, middle powers cannot have bilateral relations with both of the superpowers and they cannot adopt a hedging strategy (Goh, 2005; Koga, 2017, p. 639). The international system in which middle powers have the most options in their approach is multipolar international systems. In these systems, since the alliances are more flexible and there is no possibility for a single power to dominate the international system, the middle powers can implement all the foreign policy strategies (Koga, 2017, p. 639). However, it is a common belief that bandwagoning also will not be seen in this international system (J. Mearsheimer, 2014; Walt, 1985, p. 15; Waltz, 1979, p. 127). Between balancing and hedging, IR scholars believe that hedging is more viable than pure balancing because of the lesser relative capabilities of the middle powers. In order to gain more from the great powers, middle power hedge more often than pure balancing and pure bandwagoning (De Castro, 2016b; Goh, 2016; Koga, 2017; Kuik, 2016a). Buck-passing is generally believed to be the rarest foreign policy strategy among middle and great powers, it can only be adapted in a multipolar international system (J. Mearsheimer, 2014, pp. 269–271).

Therefore, in general, IR scholars expect that in the unipolar international system, middle powers can use bandwagoning and hedging strategies but bandwagoning is more possible than hedging. In the bipolar international system, middle powers can choose between balancing and bandwagoning strategies. However, as balancing is seen as a security threat by the secondary powers, middle powers have more tendency to adopt a balancing strategy. Thus, in a multipolar international system, balancing and hedging are the key strategies that can be employed by the middle powers.

These findings are supported by previous studies on different regions. For example, Mares (1988, pp. 469–470) found out that Caribbean states, under unipolar international systems, generally used the strategy of bandwagoning with the US. However, he suggests that other states who have ideological distances from the US tried to balance the hegemon. Baba and Önsöy (2016, pp. 11–13), demonstrate that Turkey followed a balancing strategy until the 21<sup>st</sup>

Century which is in line with the realist scholars' views about the behaviors of middle powers. Edström and Westberg (2020, p. 182) indicate that most of the traditional middle powers implement balancing and hedging strategies against the US. They show that in the deconcentrating unipolar system, the policies of the middle powers change during global power shifts which are also in line with Tessman's arguments (B. F. Tessman, 2012, pp. 194–195).

Furthermore, scholars argue that there are some other determinants, which can potentially make a shift in the policy of a middle power, in addition to the international system. Burton believes that traditional middle powers are more likely to bandwagon than to balance against a hegemon. Alternatively, emerging middle powers have more inclination to pursue a balancing strategy (Burton, 2021, p. 233). Jordaan (2018, p. 115) also agrees with this explanation and states that emerging middle powers are more prone to balancing. Moreover, Tessman (2012, p. 195) believes that geographic and ideological proximity is another factor that resulted in a shift in the policy of a middle power. These factors can be used to explain the foreign policy deviations of the middle powers.

To sum up, the policy strategies of middle powers are varied for all the aforementioned authors. They all believe that middle powers have a different range of policy choices under different international systems. In this study, behaviors of middle powers that are party to the SCS dispute in their conflict with the great power, PRC will be evaluated historically. Consequently, the historical development of the conflict will be examined in the next chapter, and then in Chapter 3, the middle powers' policy choices in SCS Dispute will be evaluated.

## CHAPTER 2: THE SOUTH CHINA SEA DISPUTE

### 2.1. HISTORY OF THE SOUTH CHINA SEA DISPUTE AND EMERGENCE OF THE DISPUTE

#### 2.1.1. Pre-modern Era

It is critical to examine the region and the SCS Dispute historically without considering the policies of emerging middle-power states and assessing the dispute under international law. The primary reason is that the region's countries frequently use historical references to justify their foreign policies and their claims under international law. PRC, Taiwan, and Vietnam are among the countries that use these historical justifications.

The SCS has recently gained increasing geopolitical importance. However, the importance of the region is not a new phenomenon. Throughout history, the region gained prominence from political, economic, and military developments in different periods. Even in ancient times, these waters were natural barriers to the states and to the people who settled in the region and a medium for communication. According to Chinese sources and archeological evidence, the first expeditions to the SCS can be traced back to 2000–6000 BC, where there is evidence of shipbuilding and sailing to the open seas (Schottenhammer, 2012, p. 64).

The SCS kept its position as a fishing zone for Chinese, Vietnamese, and Malay anglers for a long time. However, besides being a fishing zone, the SCS also ensured cultural, religious, and trade interaction between the coastal states and India. The Chinese and Taiwanese claim that the Chinese Han Dynasty discovered Paracelsus and Spratly around the second century A.D. (Sammuels, 1982, p. 10). However, neither the islands nor the atolls were referenced by official documents for several centuries (Dyke & Bennett, 1993, p. 62). After the expedition of the islands and islets, and the strengthening of the Han Dynasty, the "*Maritime Silkroad*" began to form in the Southwest coastal areas of China (H. J. Lee, 2012). China and Funan compete to control the sea route until the 9th or 10th century. During these times, in addition to these states, coastal

states also developed commercial relationships with areas such as India, the Mediterranean, the Middle East, Mesopotamia, and Africa. Malay merchants dominated the region after the 9th century, deepening commercial ties with the Arabs. Due to their deepened relations, the region met with Islam, and Islam spread among the Malays. Until the 12th century, the Sri Vijaya Empire controlled the region. During their reign, the Kingdom of Champa, which established itself on the territory of present-day Vietnam, was the main competitor for the Sri Vijaya Empire (Lee, 2012). During this period, the first known indirect reference to SCS islands and atolls was made in 1178 (Sammuels, 1982, p. 15). Chau Ju-kua continued this reference in the *Chu Fan Chin* (foreign peoples) between 1225 and 1242. In this work, routes in the SCS are outlined in great detail, and the sandy shores of Paracels and the Macclesfield Bank, along with other islands and reefs in the region, are described (Sammuels, 1982, p. 15). However, China did not assert sovereignty over the islands until the nineteenth century, neither in one of those documents nor in practice (Dyke & Bennett, 1993, p. 62).

After the 12th and 15th centuries, Chinese naval and commercial shipping gained dominance in the region, peaking with the famous expedition of Admiral Zheng He (Levathes, 1997, p. 1405). However, following this period of dominance, the Emperor ordered the end of the construction of ocean-going ships, opening up vast opportunities for other coastal states in the region, such as Japan, Korea, and the Ryukyus. In the 15th century, Arabs also became commercially evident in the region. Due to their special relationship with Arabs, Malay became the *lingua franca* for the region until the arrival of the European powers in the 16th century (Tønnesson, 2008, p. 340). After the 16th century, Dutch, Spanish, Portuguese, British, French, and other European merchant companies came from the far west through Africa to the region to tap the region's trade with their capitalized maritime skills (Tønnesson, 2008, p. 341). They took on the role of the Arabs and asserted control over trade by occupying several cities and ports.

European occupation of coastal cities occurred in a brief time. The Portuguese took control of Malacca in 1511 and established a permanent base in Macao in 1557. Spanish took control of Manila in 1571. Later on, the Dutch took over Malacca from the Portuguese in 1612 and even occupied Taiwan for a short period of time (Bassett, 1963, pp. 174–178). Dutch hegemony in the East Asian waters was displaced by the British at the beginning of the 18<sup>th</sup> Century (Blussé, 1996, p. 53). Sole European dominance in the region continued until the 17<sup>th</sup> or mid-18<sup>th</sup> century; however, after the temporary resurgence of Chinese shipping, this dominance was interrupted until the 19<sup>th</sup> century (Blussé, 1999, p. 112). However, after that, when the British and French arrived with their cannon boats, they altered the balance of power in favor of Europeans and established the colonial system in the region while introducing the concept of sovereignty (Tønnesson, 2008, p. 341). With the introduction of colonialism to the Asia-Pacific region, the coastal states and China became subject to those endeavors. This period, during which colonialism was not fully developed in the region, is known among academics as the “premodern” or “before the national sovereignty era.”

Even though both China and Vietnam settled their claims in the classic/premodern era, those premodern states had no intention of establishing sovereignty over the islands or maintaining continuous control over the islands or adjacent coastal areas (Tønnesson, 2002, p. 575). Dominance over the disputed territories changed throughout the history of the Middle Kingdom, including Funan, Angkor, Sri Vijaya, Ayutthaya, Champa, and the Melaka Sultanate (Tønnesson, 2008, p. 340). Furthermore, despite the claims made by the states as mentioned above, archeological evidence found in the region is ambiguous due to the inability to determine to which civilization that evidence belongs. Official historical documents also refute the idea of any sovereignty over the Islands during the classical period because, in none of the documents, the Islands, islets, and atolls were mentioned as a territory of the Middle Kingdom or other states. Still, they were always seen as a place of danger and something to be avoided. Even though the islands were somewhat exploited (Tønnesson, 2008, p. 342). However, the Vietnamese Nguyen regime made an

exceptional case regarding sovereignty over the Islands. In 1816, the Nguyen regime made expeditions towards the Paracels, and in 1835, they set up official markers under Emperor Minh Mang. Nevertheless, this interest in the Nguyen regime faded after discovering the proper size of the Paracel island group (Meinheit, 2016, pp. 28–30). Therefore, historical developments in the modern era of the region should be examined.

### **2.1.2. Colonial Condominium (1842 – 1941)**

Colonialism change significantly in the region when the British and French arrived in the Asia Pacific. Prior Portuguese, Spanish, and Dutch colonizers were a continuation of the pre-modern pattern. Their interest was heavily based on the seizure of the trade in the region. However, with the new colonizers, the idea of territorial sovereignty thrived in the region with other Western ideas as well (Tønnesson, 2002, p. 575).

After their arrival, the British first constructed Singapore as a port city and took Malacca from the Dutch in 1824. However, they consolidated their power after the Opium Wars with China. After the prohibition of the opium trade by China due to heavy opium addiction, the Opium Wars began in 1839 between Great Britain and China and continued until 1842. In the aftermath of the war, the Nanking Agreement was signed between the parties. As a result of the agreement, China was obliged to free the opium trade with British traders, and the “Century of Humiliation” began. According to some, the Nanking agreement effectively turned China into a British Empire quasi-colony (Özmen & Buluş, 2017, p. 10). Besides opening China to foreign traders, the British acquired Hong Kong as a colony and established protectorates in Malaya and Northern Borneo. This British occupation prompted the former colonizers to consolidate their power. The Dutch merged their possessions in “the Netherlands Indies,” or “Indonesia,” and the Spanish in “the Philippines” (Tønnesson, 2002, p. 575). Due to these developments, the French colonized Indochina between 1863 and 1884, and Vietnam became a French protectorate in 1884 (Dyke & Bennett, 1993, p. 63).



The Second Opium War began in 1856 between France, Great Britain, and China. China faced another defeat and signed the Beijing and Tianjin agreements after the war. The Opium Wars enabled China to participate in international trade and integrate into the global economic system. In addition, due to the wars, the British and French acquired immense capitulations from China (Tamur, 2006, pp. 9–10). Following these events, the first regional claim over the islands came from China in 1876 over the Paracels. The first Chinese ambassador to England claimed the Paracels due to the increasing activities of England, France, and the Japanese. Furthermore, when the Chinese government protested the German expedition to the Spratly Islands in 1883, the Chinese ambassador implied another claim over the islands. However, on none of the occasions, China asserts an unquestionable claim of sovereignty (Dyke & Bennett, 1993, p. 63).

Before the end of the 19th century, the region met with two new colonizers, both through victory in war, and one of them was not as far from the region as the others. The two colonizers were the US and Japan. Japan won the Sino-Japanese War in 1895 and took over Taiwan as a colony in the region (Jansen et al., 1979, pp. 191–192). The USA, on the other hand, won a war against another European power, Spain, and acquired a colony in the Philippines in the Spanish American War in 1898 (Offner, 2004, p. 50). With these new colonizers, the states that could claim sovereignty over the SCS were France, England, Japan, the Netherlands, and the USA. Among these states, Japan was the fastest-strengthening state in the region. In 1902, Japan's power was enhanced by the alliance with Britain, and its victory against Russia, in the 1905 Russo-Japanese War. Additionally, it should be noted that, despite Japan's growing strength, the state was influenced poorly after it participated in World War 1, even though Japan was on the winning side in the Great War.

This resulted because, despite its victory in WWI, Japan came out as a diplomatic loser and had to give up its newly acquired possessions and face restrictions over its naval power. This was followed by the emergence of Asianist ideology in Japan which made Japan take the lead in a struggle for

Western dominion (Tønnesson, 2002, p. 575). Although Japan initially attempted to keep up with the Western powers through commerce and production, the Great Depression of 1929 forced Japan to prioritize military expansion over commercial expansion. In 1932, Japan invaded Manchuria and started a war with China in 1937; this began a crisis in the SCS, and the major Western powers felt obliged to respond to Japanese expansionism (Granados, 2008, p. 121). Thereafter, Japan also began to exploit guano in the islands of Paracels and the Spratlys (Birbudak, 2018, p. 204).

Even though Japan and Britain exploited the guano over the disputed islands, none of the colonial powers during this era tried to achieve sovereignty over the islands and the islets. The Paracelsus and the Spratlys were seen as dangerous grounds and places to avoid by the British, just as in the classical era (Hancox & Prescott, 1997). They drew accurate maps of the islands and made expeditions towards the islands to survey them but none of the colonial powers made legal claims over the Islands. Only China sent a mission to claim the Paracels in 1909. However, two years after the fall of the Qing Dynasty and the establishment of the Republic of China, they did not pursue this claim initiated by the Qing Dynasty (Tønnesson, 2008, pp. 345-346).

Japanese irredentism further increased the interest in the Islands. Even though some Frenchman had demanded to claim the Islands in the name of France or 'Annam'<sup>4</sup> at the end of the 19<sup>th</sup> Century, the government did not give importance to the Islands. However, Japanese fear of France led them to claim the islands to preempt Japanese advances in Southeast Asia. From 1930 to 1933, France claimed the Spratlys on its behalf and the Paracels in Annam's name. France also took control over some of the islands alongside the Japanese. Britain did neither oppose nor abandon its claim over the Spratly Islands, but Japan protested the decision. In response, alongside the protest against the French decision, Japan, after occupying Hainan, established military bases all over the Spratly Islands and placed them under the governorship of the Governor

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<sup>4</sup> French protectorate and colony in Central Vietnam.

General of Taiwan (Tønnesson, 2002, p. 577). Therefore, it could be stated that Japanese irredentism in the region led to the beginning of the conflict over the Islands.

### **2.1.2. WWII and Decolonization Process (1942 – 1968)**

The Asian theater of WWII is believed to have begun with the Japanese invasion of China in 1937; the Asia-Pacific War lasted until 1945 (West, 2002, pp. 5–6). During the war, the disputed islands and nearly all of the coastal areas of the SCS fell under Japanese control one by one. Until 1945, the SCS became a “Japanese Lake” due to the inability of the Allied forces at the beginning of the war and with the help of the Vichy government in the second half of the war (Raymond & Welch, 2022, p. 217).

However, with the Japanese defeat in the Asia-Pacific War, Japan had to withdraw from the newly acquired territories. The fate of the Japanese territories was decided in the Potsdam and San Francisco Peace Conferences. In 1951, Japan abandoned all of the islands in the SCS, namely Taiwan, Hainan, Spratlys, and the Paracels. The solution for the first two islands in the conference was rather easy than the Paracels, and Spratlys, as the two islands were given to China without any objection. However, the solution regarding Paracels, and Spratlys was far more complex. These islands were claimed by China on the one hand, and France and Vietnam on the other. The US and Britain preferred to leave the issue unsettled due to the complex nature of the conflict and their lack of interest in the islands. For these reasons, the possession of the islands remained unresolved despite the chance of preventing conflict in the region (Severino, 2010, p. 37).

Therefore, after the conference, the islands remain derelict. However, the ROC (the government of Chiang Kai-shek) became the most active claimant about the islands after the Potsdam conference (Tønnesson, 2008, p. 345). ROC immediately began to make expeditions over the Islands in Paracels and Spratlys in 1946, and 1947. ROC marked the islands with stone markers to demonstrate the sovereignty of ROC over the islands. In addition, they have

also formed a permanent presence on Itu Aba and Woody Island, the largest islands of each island group (Hurng-yu, 1993, p. 34). In 1948, the government of ROC, declared the famous “nine-dash line map”<sup>5</sup> to indicate the geographical scope of its authority over the SCS, which later became the fundamental legal basis for the claims of both PRC and Taiwan. Even though the map was published as early as 1947, the legal status of the map was never declared clearly by the officials and it remains unclear to this day whether the U-shaped line only meant to claim the islands or to also claim the sea and the seabed within the dots (Keyuan, 1999, p. 30).

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<sup>5</sup> It is also known as “eleven-dash line map” and “U-shaped line”.

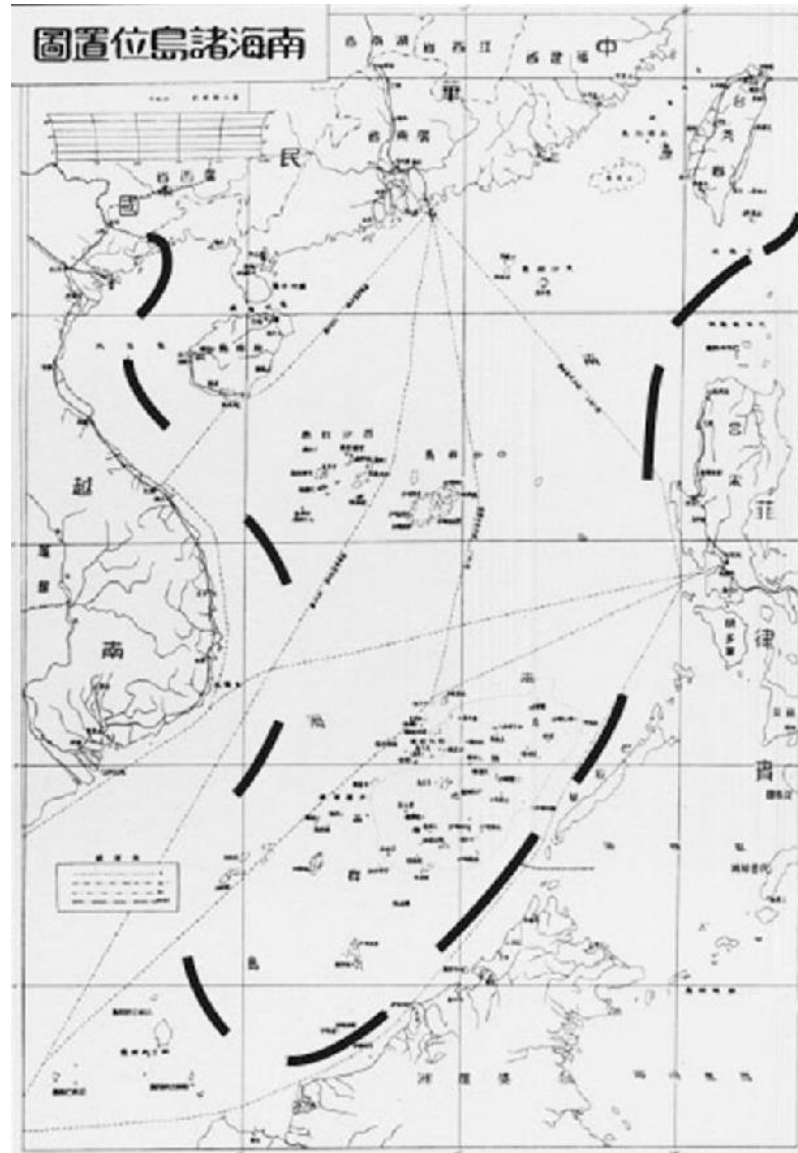


Figure 1: Traditional Maritime Boundary Line in the South China Sea

Furthermore, in February 1948, the ROC published an atlas of administrative districts that mirrored the 1947 atlas distributed internally. In May 1949, the four island groups in the SCS and other attached islands were placed under the authority of the Hainan District of Guang Dong Province (Z. Gao & Jia, 2013, p. 103).

During these events, the French also sent expeditions over disputed islands to reiterate their former claims, and they even unsuccessfully tried to expel the Chinese garrison from Woody Island. Following a failed attempt, the French

established a permanent presence on Pattle Island in the Paracels for the name of Vietnam (Tønnesson, 2002, p. 581).

In the wake of the Chinese Civil War, Chiang Kai-shek's government had to flee Taiwan from the mainland because of its defeat in the Chinese Civil War in 1949. In 1950, they were expelled from Hainan as well. They also abandoned their accusations in the Paracels and the Spratlys. Despite being capable of capturing the islands, the French refrained from doing so and instead adopted a defensive approach on Pattle Island. The French's hesitance towards claiming sovereignty over the islands, namely Itu Aba and Woody Island, resulted in their status as *res nullius*<sup>6</sup> for a duration of six years (Tønnesson, 2008, p. 349).

The Japanese occupation of Southeast Asia had significant repercussions beyond the territories it occupied. One of the most significant consequences was the destruction of colonialism in the region due to Japanese promises of independence, which paved the way for a system of independent states. In the aftermath of the WWII, several newly independent states emerged in Southeast Asia. In 1946, The Philippines became independent from the USA. Although nationalist governments were established in Indonesia, and Vietnam in the aftermath of the Japanese surrender, they were dispersed by Britain, the Netherlands, and France. However, because of the US pressures, Indonesian Republic gained independence in 1949 from the Netherlands, and Malaya in 1957 from Britain. Laos, Cambodia, Northern, and Southern Vietnam achieved independence between 1950 and 1954 from France.

In addition to decolonized states, PRC was established by the victory of Mao Zedong-led communists, which introduced a new dynamic in Southeast Asia. This situation introduced Chinese duality that resulted in a large increase in the number of states making territorial claims, after WWII. Despite the US' having naval supremacy over the other claimant states until the end of the Vietnam War, it remained uninterested to impose any resolution about the sovereignty

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<sup>6</sup> Unowned territories

disputes. As a result, a protracted period of uncertainty and conflict plagued Southeast Asia.

The Spratly Islands have been a point of contention among several Southeast Asian nations. Among them is the Philippines, which asserted its legal claim over the Spratlys shortly after gaining independence in 1946. However, the US, which had colonized the Philippines, discouraged the country from pursuing its claim due to concerns that it could lead to conflict with its allies. The Spanish-American Treaty of 1898 defined the Philippines' western border, and the Paracels and Spratlys stayed beyond that border. This led the US to discourage the Philippines from asserting its claim, as doing so would conflict with the terms of the treaty (H. Zhao, 2012, p. 59).

Similarly, another decolonized claimant, the State of Vietnam<sup>7</sup> acted swiftly compared to the others. In 1950, they legally claimed the islands in San Francisco. However, due to the triad of the Vietnamese government<sup>8</sup>, they could not pursue their claims further. The State of Vietnam claimed both the Paracels and Spratlys as their territory, but even though France agreed on the Paracels, they refused their claims on the Spratlys (Tønnesson, 2002, p. 582). Meanwhile, all the islands North Vietnam claimed in the region were Chinese territory, and it supported PRC's declaration in 1956 that states the Paracels and the Spratlys as Chinese territories. This assertion was made despite the fact that the Spratlys are located far from China's coast and much closer to the Philippines and Vietnam (Austin, 1998).

In San Francisco, without both of the Chinese governments, Vietnam and France maintained their rival claims to the Paracels and Spratlys. However, the conference did not result in a resolution to the sovereignty dispute. In order to indemnify the loss of being absent from the conference, the ROC made its own peace treaty with Japan in 1952, and added another phrase different than San

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<sup>7</sup> South Vietnam

<sup>8</sup> Chinese backed The Democratic Republic of Vietnam (North Vietnam), France backed South Vietnam, and Anglo-American backed The State of Vietnam.

Francisco, stating that it “renounced all right, title and claim to Taiwan (Formosa) and Penghu (Pescadores) as well as the Spratly and the Paracel Islands.” The fact that Paracel and Spratly Islands were mentioned in the same sentence as Taiwan and Penghu Islands gave the impression that all of the islands were left to the ROC. In response, France exchanged letters with Japan, stating that Japan’s treaty with ROC did not change the terms of the San Francisco Treaty (Tønnesson, 2008, p. 350).

The Philippines' saturnity about the islands broke in 1956 by a group of activists led by Thomas and Filemon Cloma. They claimed that disputed islands are *res nullius* so they were open to occupation. Therefore, they occupied a number of islands and declared the establishment of *Kalaya'an* (Freedomland) (Sammuels, 1982, pp. 81–83). The occupation of the islands has rekindled the sovereignty dispute in the SCS. France, Vietnam, Taiwan, and PRC all quickly protested the actions of Cloma. Furthermore, Taiwan sent a naval force to expel Cloma from the islands, but when they arrived, Cloma already vacated the islands. Then this led to the Taiwanese reoccupation of Itu Aba, which remains under its control to this day. The PRC also made a naval conquest after Cloma and established a permanent presence on Woody Island to renew their claim over the islands (Austin, 1998, p. 149).

Even though the Philippines declared that Cloma occupied the islands by himself, in 1971, they officially claimed part of the Spratlys based on Cloma’s Freedomland. However, later on, they changed their claims based on the United Nations Convention on the Law of the Sea (UNCLOS) (Marlay, 1997, p. 203). Even though Clomas actions rekindled the conflict, Vietnam War also changed the situation in the SCS. After the French abandonment of Vietnam, one of the claimants over the islands decreased; and just like Britain the French also, neither claimed any of the islands nor officially abandon its claims (Tønnesson, 2008, p. 351).

### **2.1.3. Sino-American Rapprochement and Cooperation**



Established in 1950, the Sino-Soviet alliance quickly went through a major crisis during the 1960s. At last, the rivalry about national liberation struggles, and the true interpretation of Marxism-Leninism led to border clashes, and a nuclear war scare in Beijing (Kuisong, 2000, p. 21). However, the crisis unintentionally led to a rapprochement between the PRC and the US in 1972, when Mao Zedong received Richard Nixon (Lüthi, 2012, p. 378). This opened a new web of relations among the superpowers and regional states in the region. A De Facto alliance was established between the US and PRC, which pushed Northern Vietnam to USSR (Tønnesson, 2002, p. 584).

The end of the Vietnam War brought about significant changes in the region, with the establishment of both Democratic Kampuchea and the Socialist Republic of Vietnam between 1975 and 1976. The reliance of these two neighboring nations on different communist regional powers led to Vietnam invading Cambodia, which was then responded to by PRC's invasion of northern parts of Vietnam. As a result, the SCS became another Cold War playground, with the Soviets on one side and PRC and the US on the other (Garver, 1992, p. 1022).

Following these events, the great power rivalry and the quasi-alliance between PRC and the US during the 1980s allowed PRC to increase its naval power in the region. The rise of PRC's naval power went largely unnoticed until the Soviet navy was scaled down under Gorbachev, and the US lost its ground in the Philippines due to popular public protests. This situation allowed PRC to become a significant naval power in the region and solidify its position as a key player in Southeast Asia's geopolitical landscape (Garver, 1992, p. 1022).

Two changes altered the sovereignty dispute in the region significantly in these exact times. The first change took place due to a geological survey published in 1969. According to the survey, the region held a vast amount of natural resources, including the possibility of finding oil, which motivated coastal states to pursue their sovereignty claims further (Buszynski, 2013, p. 4). The second change originated from a decision of the International Court of Justice in The Hague, which rekindled a running dispute about the extension of continental

shelves. The Court, in its North Sea Continental Shelf case decision, accepted the natural prolongation principle<sup>9</sup>, which led to the opening of UNCLOS III, and the acceptance of the principle in the negotiations (Tønnesson, 2002, p. 585). The agreement introduced the Exclusive Economic Zones (EEZ), which gave coastal states the right to exploit maritime resources within 200 nautical miles (nm) (Bozkurt, 2006, p. 51). Additionally, after the agreement the coastal states could claim continental shelf out to the same limit as the EEZ, up to 350 nm if the shelf was naturally prolonged that far, regardless of the depth of the sea. Consequently, possessing islands to strengthen continental shelf, and EEZ claims became more important than ever (Shaw, 2008, p. 418).

In the wake of these recent developments, the Philippines was the first to take action. In 1971, the Philippines officially declared *Kalaya'an* as an integral part of its territory. Subsequently, in 1974, the Philippines occupied five islets in the Reef Bank area and gave concessions to companies to explore oil in the area. In 1978, the Philippines strengthened its claim over *Kalaya'an* by occupying two additional islands. (Storey, 1999, pp. 96–97). Shortly after, South Vietnam traced the Philippines and gave the exploration rights of the West Spratlys to the US companies (Park, 1978, p. 42). The first country to extract oil overseas from claimants was Brunei, followed by Malaysia.

After Malaysian independence, Malaysia turned to make claims, passed a continental shelf act in 1966, and expanded its claim in 1979. It also claimed several islands and islets alongside the continental shelf claims and occupied Swallow Reef in 1983, and Mariveles Reef in 1986 (Roach, 2014, pp. 28–30). Therefore, by the mid-1980s nearly all of the islands in the Spratlys were occupied by the claimant states. The Philippines occupied the west of the islands, Malaysia, and Brunei to the South, and Taiwan continued to rule Itu Aba. However, none of the claimants tried to drive other countries' troops off the islands that were already occupied. Taiwan's rule, over the Itu Aba became problematic after the recognition of the PRC as the sole representative of all

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<sup>9</sup> That national jurisdiction of the continental shelf can go beyond the territorial waters limit

China. At least in the paper after the recognition of the PRC, Taiwan began to occupy Itu Aba on behalf of China (Hurng-yu, 1993, p. 22).

PRC was the last country to enter the sovereignty race in the Spratlys. Although PRC was in a similar situation in the Paracels, after the Paris Peace Accords, it changed the situation in its favor. In 1974 PRC, without consulting Hanoi, drove the South Vietnamese troops out of the Paracels and ended the equivocal situation with the Chinese control of the eastern Paracels, and Vietnamese on the western part (Sammuels, 1982, pp. 98–117). Therefore, although PRC lost North Vietnam's support to its claims with Hanoi's SCS policy alignment with Saigon, after the derogation of relations between the two Asian communist powers, PRC benefited from the founding of the Socialist Republic of Vietnam in 1976 with occupying all of the islands (Tønnesson, 2008, p. 354). After the loss of Paracels, Vietnam rushed to occupy the uninhabited parts of the Spratlys, and as a result, Vietnam became the state with the most islands, and reefs in the Spratly region (Tønnesson, 2002, p. 587).

Communist rivalry in the SCS continued after UNCLOS III. Following the signing of the Convention in 1982, the PRC and Vietnam drew straight baselines with no legal basis (Thao, 2001). Both states intended to use these baselines to claim further EEZs and continental shelves. However, control of the Spratlys became a key factor in order to claim vast areas under UNCLOS III. Therefore, PRC, which had no islands under its control in the Spratlys with Brunei, conducted a scientific expedition that led to the occupation of several reefs near Vietnamese islands. Although the situation led to clashes between the communist powers, PRC refrained from occupying the islands, though it is clear that it later regretted the decision (Lijun, 1995, p. 26).

Prior to the Sino-American rapprochement, PRC was the most empty-handed state in the region. However, through improved relations with the US and decreased Soviet interest in the area, the PRC was able to expand its territorial claims in the SCS. This resulted in the PRC occupying all of the Paracel Islands and establishing a permanent presence in the Spratlys.

#### **2.1.4. The 'China Threat' and the ASEAN, 1989–2009**

The Taiwan Straits Crisis of 1996 marked a significant turning point in the 1990s, dividing it into two distinct parts. Prior to the crisis, there was a sense of possible US withdrawal from the region, particularly with the Soviet Union's decreased naval presence. This raised the possibility of a power vacuum in the region, which in turn led to the fear of an arms race among regional states. During this period, discussions of a perceived Chinese threat became common (Storey, 1999, p. 105). The fear of the Red Dragon reached its peak after building one of the first Chinese artificial islands for use as a naval base in Mischief Reef. Building the island caused the Mischief Crisis between the PRC and the Philippines (Hurng-yu, 2000, pp. 106–108). In 1996, the period of possible US retreatment from the region ended with PRCs missile tests just during the first free presidential elections in Taiwan (Scobell, 2000, p. 232). Although the US responded to the crisis by sending a carrier into the Taiwan Straits, Sino-American relations actually improved after the crisis, rather than deteriorating. However, the US remained neutral regarding the sovereignty disputes in the Spratly and Paracel Islands (Tønnesson, 2008, p. 357).

In the 1990s, the SCS dispute primarily revolved around the competing claims of the ASEAN and PRC. Taiwan, due to its unique position in the dispute, was unable to effectively participate in negotiations or make its voice heard in formal meetings, as it lacked international recognition. Despite abandoning Chiang Kai-shek's policy of reclaiming the mainland from the communists, Taiwan was unable to gain recognition from other countries. The PRC's insistence on the "One China" principle also left Taiwan in a difficult position. As a result, the issue of Taiwan's status remains unresolved to this day. Although the PRC expressed a desire to work with Taiwan on various issues, Taiwan was reluctant to engage without more confidence in their relationship (Tønnesson, 2002, p. 591).

In 1992, ASEAN members signed the Manila Declaration, which aimed to resolve conflicts in the SCS through peaceful means and to prevent the use of force in the region. Despite their differences, ASEAN members were able to

maintain unity during the Mischief Reef Crisis and fully supported the Philippines. However, this unity was undermined in 1997-98 by the Asian financial crisis (Severino, 2010, pp. 42–44). Throughout the dispute, PRC initially refused to discuss the dispute unilaterally with ASEAN. Afterward, PRC softened its stance and agreed to discuss the matter at the ASEAN Regional Forum (ARF). After the Philippines proposed a code of conduct aimed at preventing the use of force in the region, PRC agreed to negotiate a code of conduct that would prohibit the use of force and halt further occupation of reefs (Thao, 2001).

In 2002, following the Chinese admission to the World Trade Organization (WTO), the ASEAN and PRC agreed on the “2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea” (China-ASEAN DOC). In the declaration, freedom of navigation and overflight is ensured, as well as peaceful settlement of disputes and self-restraint in the conduct of activities is agreed upon. The parties agreed on another conduct in 2017, but in this document, the agreed terms in the 2002 conduct were reiterated<sup>10</sup> (Storey, 2017, p. 2).

During the 1990s, there were sporadic clashes in the region, with the main issue being oil exploration in the first half of the decade. In 1992, PRC awarded a US company permission to explore oil in the Spratlys, which Vietnam claimed as its own territory. In response, Vietnam awarded another US company permission to oil exploration in the same area in 1996. However, drilling operations did not commence at either of these sites (Schofield, 2000, pp. 36–40).

The most serious clashes during this time period were related to fishing activities. The Philippines frequently intercepted Chinese fishing boats to prevent illegal fishing, and in 2000, they even opened fire on a captain.

In 1999, after lengthy negotiations, PRC and Vietnam signed a land border treaty, which was preceded by a treaty on the delimitation of maritime zones in

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<sup>10</sup> Declaration on the Conduct of Parties in the South China Sea

the Gulf Tonkin. In spite of all the clashes during this period, PRC was able to gain significant goodwill in Southeast Asia (Buszynski & Hai, 2019, p. 10).

#### **2.1.5. Period of Clashes, 2009-**

Following the adoption of a China-ASEAN DOC in 2002, the SCS remained calm for six years. No novel important initiatives were taken in either the direction of conflict or conflict resolution. Even though the parties agreed to negotiate a Code of Conduct, there was not any progress made, and they only could draft a guideline for implementation (Buszynski & Hai, 2019, p. 10). However, the stalemate of the dispute ended in 2009. Tønnesson (2019) attributed the rekindling of the dispute to PRC's increased self-confidence following the successful conduct of the 2008 Olympics, the 2008 financial crisis, which mainly affected the West, and the UN's deadline of May 13, 2009, for the submission of applications for continental shelves beyond 200 nm.

Although the deadline for UN applications was a key factor in the new crisis that emerged in the region after 2009, Vietnam and Malaysia were the first claimant states to submit their applications. For the southern parts of the SCS, they made a joint submission, and for the northern part, Vietnam made a submission separately. In response, PRC and the Philippines protested the submission of Vietnam and Malaysia. Moreover, PRC presented its nine-dash line map to the UN for the first time. The Philippines and Brunei followed the lead of Vietnam and Malaysia and made their separate submissions (Thuy, 2011).

In the 2010s, all the claimant states in the SCS began to assert their sovereignty more aggressively. In 2010, PRC included the SCS in its basic policy document called "core interest", which covers important issues such as Tibet and Taiwan, and it was declared that it would not back down from its claims in the region (Thuy, 2011). In 2012, the Philippines renamed the territory under its control as the West Philippine Sea. Tensions escalated in 2012 when the Philippines sent troops to the Scarborough Shoal region after detecting Chinese fishing boats and military ships in the area. The crisis was eventually resolved with the intervention of the USA.

In 2013, this resulted in the Philippines seeking compulsory international arbitration under Chapter VII of UNCLOS (Tønnesson, 2020, p. 12). The Arbitration was decided in favor of the Philippines in 2016<sup>11</sup> (Storey, 1999, p. 3). In 2012, Vietnam passed a maritime law asserting its jurisdiction over the Paracels and the Spratlys. In 2014, PRC imposed a fishing ban for most of the SCS even though there were criticisms of the US and other coastal states (Branigan, 2014). In addition, in the same year, PRC started an oil drill expedition in the Vietnamese-claimed EEZ. Following the 2020 pandemic, PRC has become more aggressive in asserting its claims in the SCS (*Timeline*, n.d.).

## **2.2. SOUTH CHINA SEA DISPUTE UNDER INTERNATIONAL LAW**

The SCS dispute is widely recognized as a complex issue due to the numerous parties involved and the multiple elements in dispute. As stated in the UN's Law of the Sea Bulletin No. 91 and the Permanent Court of Arbitration (PCA) decision in the Philippines v. China; In the SCS dispute, as in most maritime disputes, the delimitation of maritime zones is not the only problem. The delimitation of maritime zones is just one aspect of the conflict, as territorial sovereignty and maritime entitlements are also contentious issues. However, it is essential to determine the territorial sovereignty of the disputed islands, as this aspect impacts the resolution of the other two issues. Therefore, this study will focus on the examination of territorial sovereignty in the dispute.

To evaluate the dispute in the region, it is necessary to follow the same process as other courts and arbitrations. Firstly, the arguments of the parties involved in the conflict should be analyzed. Then, the relevant legal rules should be determined, and the claims of the parties should be examined in accordance with these rules. This process is crucial to achieving a comprehensive understanding of the dispute and its potential resolution under international law.

### **2.2.1. Legal Standards for Maritime Territorial Dispute**

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<sup>11</sup> The decision of the arbitration will be examined in the next chapter.

### 2.2.1.1. UNCLOS

The 1982 UNCLOS adopted by the UN in order to establish a legal framework for the seas and oceans of the world. The Convention entered into force in 1994, after being ratified by 60 states. UNCLOS provides a comprehensive set of rules for resolving maritime disputes, covering issues such as territorial sovereignty, territorial sea limits, and the legal status of resources on the seabed beyond the limits of national jurisdiction. Additionally, UNCLOS provides a binding procedure for the settlement of disputes between States (*UNCLOS and Agreement on Part XI - Preamble and Frame Index*, n.d.). All of the states involved in the SCS dispute, including the claimant states, had signed and ratified UNCLOS. Therefore, UNCLOS is binding upon all of the claimant states in the region, and provides a clear legal framework for resolving the complex disputes in the SCS.

Even though UNCLOS is binding upon all of the claimant states, according to Article 298, 1 (a) (i) of UNCLOS sovereignty or other rights over continental or insular land territory shall be excluded from the dispute settlement procedures (*UNCLOS and Agreement on Part XI - Preamble and Frame Index*, n.d.). Therefore, provisions of UNCLOS cannot be used in the settlement of the sovereignty dispute over the islands. However, UNCLOS remains relevant for evaluating the claims of the claimant states over their respective EEZs.

UNCLOS provides a framework for the delimitation of maritime zones, including the territorial sea, contiguous zone, EEZ, and continental shelf. The territorial sea extends up to 12 nm from a state's baseline, while the contiguous zone may extend an additional 12 nm beyond the territorial sea. The EEZ extends up to 200 nm from a state's baseline and gives the state exclusive rights to explore, exploit, and manage the natural resources within the zone. The continental shelf can extend beyond the EEZ up to 350 nm and provides states with the right to explore and exploit the natural resources of the seabed and subsoil (Shaw, 2008).

UNCLOS does not support claims that go beyond EEZs or declared continental shelves. However, some of the claims in the SCS go well beyond the EEZs of



the claimant states and overlap with the legal claims of the ASEAN states. As such, the maritime zones under UNCLOS are important for understanding the extent of the claims made by the claimant states in the SCS.

As a result, if PRC's claims on the nine-dashed line mean that PRC has sovereignty over these historic waters, then its claims beyond 200 nm from its baseline are not in line with international law. PRC's "historic waters" claim also has no basis under UNCLOS either because UNCLOS has only given importance to history for the bays in Article 298, 1 (a) (i).

#### 2.2.1.2. General Customs and Principles

Even though with the development of societies and a comprehensive legal system, customary law has lost its importance in the national legal system, it remains an effective source of law due to the lack of a central legislative body in international law and the nature of international law (Shaw, 2008, pp. 51–52). In a general sense, “customary international law” can be defined as state practices accepted as law. PICJ 38(2) and ICJ 38(1) define customary law as “international custom, as evidence of a general practice accepted as law.”

There are two customary law principles applicable to the sovereignty of the disputed islands in the SCS. The first one is territorial sovereignty, according to international custom; there are four different types of territory; they are - sovereign territory, trust territory, *terra nullius*, and *res communis* (Slomanson, 2003, p. 246). Due to the fact that only *terra nullius* and sovereign territory are relevant to the scope of the dispute, these concepts will be examined.

Sovereign territory and *terra nullius* sit on opposite sides of the spectrum. Sovereign territory means territory that belongs to any state. On the contrary, “*terra nullius*” means a territory over which no sovereign exists. Therefore, due to the prohibition on using force, the sovereign territory cannot be occupied by another state. However, *terra nullius* may be legally acquired under certain conditions (Shaw, 2008, p. 364).

In international law, occupation of *terra nullius*, prescription, cession, accretion, and subjugation (or conquest) are the ways to acquire new territories. Boundary

treaties resulted in changes in the territories of states gaining or losing territory. Boundary treaties are not only binding upon the parties to the treaty but also create an *erga omnes*<sup>12</sup> upon other states as well. Accretion is the formation of new land that is joined to existing land. Cession involves the peaceful transfer of territory from one sovereign entity to another. Conquest is the act of defeating an opponent and acquiring territory from that sovereign. However, the use of force is forbidden in international law since the Briand-Kellogg Pact and UN Charter 2(4), conquest is not a legitimate method of acquiring territory. Lastly, occupation means the acquisition of *terra nullius territories*. States can occupy territory, but individuals cannot. In addition, the occupation must be effective and intended as a claim of sovereignty (Shaw, 2008, pp. 367–372).

The last principle important for the dispute is the principle of effective occupation, which was established by the PCA in the Island of Palmas case in April 1928. The principle entails an ability and intention to exercise continuous and uninterrupted jurisdiction (Buszynski, 2012, p. 140). Prescription also has many linkages with effective occupation. As a result, the prescription had to be explained before looking at related cases to the dispute (Shaw, 2008, p. 372). Prescription is a mode of establishing title to territory, which is not *terra nullius*, either in accordance with international law or not. As in the effective occupation, in this concept, showing the evidence of sovereign acts over a long period is necessary. The other requirement for both concepts is a reasonable period of possession, which does not specify any defined length of time (Slomanson, 2003, p. 248).

### 2.2.1.3. Judicial Decisions

Judicial decisions, which consist of decisions of international courts, international arbitration awards, and national court decisions, are subsidiary sources of international law and cannot constitute a general rule of international law. Article 59 of the ICJ statute states that judicial decisions will only bind the subject parties to that case (*Statute of the Court Of Justice | International Court*

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<sup>12</sup> A rule that is binding for all the states

*of Justice*, n.d.). In other words, a decision from a lawsuit does not have to be used in cases that may arise in the future with the same or similar subject matter. However, while evaluating the cases at hand, the ICJ considers whether there have been similar cases in the past years and uses these past case decisions when determining its decision. At this point, even if judicial decisions are not binding, they generally guide the case at hand.

The decisiveness of the effective occupation can be seen in the decisions in the sovereignty dispute cases. In the Eritrea/Yemen decision, PCA granted the sovereignty of the Hanish Islands to Yemen and noted that to acquire territory in international law requires “an intentional display of power and authority over the territory, by the exercise of jurisdiction and state functions on a continuous and peaceful basis” (*Cases | PCA-CPA*, n.d.-a). In the Minquiers and Ecrehos case, the ICJ awarded the UK sovereignty over the disputed islands due to the UK’s possession of islands, even though France’s claims of historical sovereignty date to the 11th and 12th centuries (*Minquiers and Ecrehos (France/United Kingdom)*, n.d.). In the Island of Palmas case, PCA awarded the Netherlands sovereignty over the island of Palmas based on the continuous display of authority. The PCA rejected the US’ argument that it had obtained sovereignty over the island through the Spanish transfer of its title and claim to the island to the US in the Treaty of Paris, which discovered and occupied the island. According to the PCA, titles of discovery are inchoate titles that require ongoing, concrete displays of sovereignty and cannot prevail over titles based on a continuous and peaceful display of sovereignty. The PCA also determined that the claim of territorial sovereignty based on contiguity is unsupported by international law (*Island of Palmas Case (Netherlands, USA)*, n.d.). In the Land, Island, and Maritime Frontier Dispute, the ICJ awarded the Meanguera, Meanguerita, and El Tigre islands in the Gulf of Fonseca based on a longstanding occupation and control without protest by another (*Cases | PCA-CPA*, n.d.-a). The Clipperton Island arbitration declared that the “actual, and not the nominal, taking of possession” is necessary for sovereignty, and “the acts, or series of acts, by which the occupying state reduces to its possession the territory in question and takes steps to exercise exclusive authority there”

should follow (Dickinson, 1933, p. 133). In the first Southeast Asian territorial dispute resolved in the ICJ, the Court iterated disregarding historical claims and requiring the effective exercise of authority for sovereignty claims over Palau Ligitan and Palau Sipadan. The Court awarded the islands' sovereignty to Malaysia based on a showing of actual and continued exercise of authority over the islands (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, n.d.).

In general, international courts' judicial decisions and arbitrations indicate that in situations of uncertainty, continuous and de facto demonstrations of authority, proof of possession, and the consent of other states to exercise sovereignty have a decisive importance in evaluating sovereignty disputes.

## **2.2.2. Arguments of the State Parties**

### **2.2.2.1. People's Republic of China**

As the most expansionist country and the one with the harshest policy in the SCS, the PRC is the state that claims sovereignty over the largest part of the region. Due to this large claim, the PRC conflicts with all the parties in the region. However, the other parties do not experience conflicts with each other that would disrupt the peace and tranquility in the region. For this reason, it will be of great importance to examine the claims of the PRC before the dispute is evaluated in terms of international law.

In summary, based on the official statements made by the PRC, the claims of the PRC on the SCS;

- has sovereignty over the SCS, including the Spratly and Paracel Islands,
- has inland waters, territorial waters, continental shelf, EEZ area in SCS,
- own historical rights on SCS,
- freedom of navigation in sea and airspace is to be respected.

The nine-dash line serves as the foundation for these claims.

#### 2.2.2.1.1. “Nine-Dash Line” and “Historical Rights” Claims

Historical rights constitute the basis of the claims of the PRC on the islands. This claim began with the publishing of the Nine-Dash Line. As aforementioned, the Nine-Dash Line was published in 1948. Nevertheless, the Chinese officials never explained the map, which includes all disputed formations and shows 80% of the sea under the sovereignty of the PRC. Therefore, the real claim made by the PRC regarding the map’s publication remains unknown (Dupuy & Dupuy, 2013, p. 132).

Figure 1 shows the “nine-line map” declared by the PRC and the regions it claims sovereignty in the SCS. With the nine-dashed line, it is seen that the PRC claims sovereignty over 90% of the SCS, ignoring the maritime areas of the other coastal states (Shukla, 2020). After the declaration of the map, PRC kept invading the islands and building artificial islands constantly which resulted in constant clashes between the other claimant states and PRC.

In 1992 before the signature of UNCLOS, PRC enacted the “Territorial Waters and Contiguous Territory Law”. In the law, Chinese territories are identified as; The mainland and coastal islands of the PRC; All islands, including Taiwan and the Diaoyu Islands; Penghu Islands; Dongsha (Pratas) Islands; Xisha (Paracel) Islands; Zhongsha Islands and Nansha (Spratly) Islands as well as all other islands belonging to PRC<sup>13</sup>. In addition, it is stated that Chinese territorial waters will be calculated as 12 nm, and a 12-nm “contiguous zone” arrangement has occurred. Although PRC signed the UNCLOS in 1996, it also continued its claims in the 21st century.

After the PRC’s occupation of Scarborough Rock in 2012, the Philippines applied for arbitration within the scope of UNCLOS Annex VII to find a solution under international law norms. PRC did not participate in the arbitration. The arbitral tribunal decided in favor of the Philippines on most of its arguments on July 12, 2016. It was made clear that PRC’s historical rights claims over

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<sup>13</sup> For further information see: Law Of The People's Republic Of China On The Territorial Sea And The Contiguous Zone, Article 2-3, <http://www.asianlii.org/cn/legis/cen/laws/lotprocottsatz739/>

maritime areas within the “nine-dash line” have no legal effect unless authorized by UNCLOS, despite the statement that it would not rule on any question of sovereignty and would not delimit any maritime boundary (*Cases / PCA-CPA*, n.d.-b). The decision of the court resulted in the proclamation of the “Four Sha Doctrine”.

The Chinese stance on the nine-dash line can clearly be seen in the statement of President Xi Jinping. In an interview, he states; *“The islands and reefs in the South China Sea are Chinese territory since ancient times. They are left to us by our ancestors. The Chinese people will not allow anyone to infringe on China's sovereignty and related rights and interests in the South China Sea. The South China Sea provides important waterways for China's international commercial exchanges. China needs peace, security, and stability in the South China Sea more than any other country. China would not want any turbulence there, still, less would it be the party to stir up chaos.”* (*President Xi's Remarks on South China Sea Issue*, n.d.). To achieve the resolution of the dispute, the PRC advocates for the amicable settlement of the disagreement through bilateral negotiations.

#### 2.2.2.1.2. Four Sha Doctrine

The Four Sha Doctrine was declared by Ma Xinmin, Deputy Director-General of the Agreement and Legal Division of the Chinese Ministry of Foreign Affairs, due to the international reactions to the nine-dashed line map (D. Doğan & Gürkaynak, 2019, p. 936). The doctrine is interpreted as the legalized version of the nine-dash line (Gertz, 2017). With the doctrine, PRC renewed its claim of sovereignty over the Zhongsha Islands (Macclesfield Bank), Dongsha (Pratas) Islands, Xisha (Paracel) Islands, and Nansha (Spratly) Islands, along with their internal waters, territorial seas, contiguous zones, EEZs, and continental shelves (S. Zhao, 2020, p. 494). According to some experts, with the Four Sha Doctrine, PRC was prepared to claim to be an archipelagic state (Ku & Mirasola, 2017). However, even if PRC does not claim to be an archipelago state, with the Four Sha Doctrine, PRC did not withdraw its claims in the nine-dash line map but enlarged it, as shown in Figure 2.

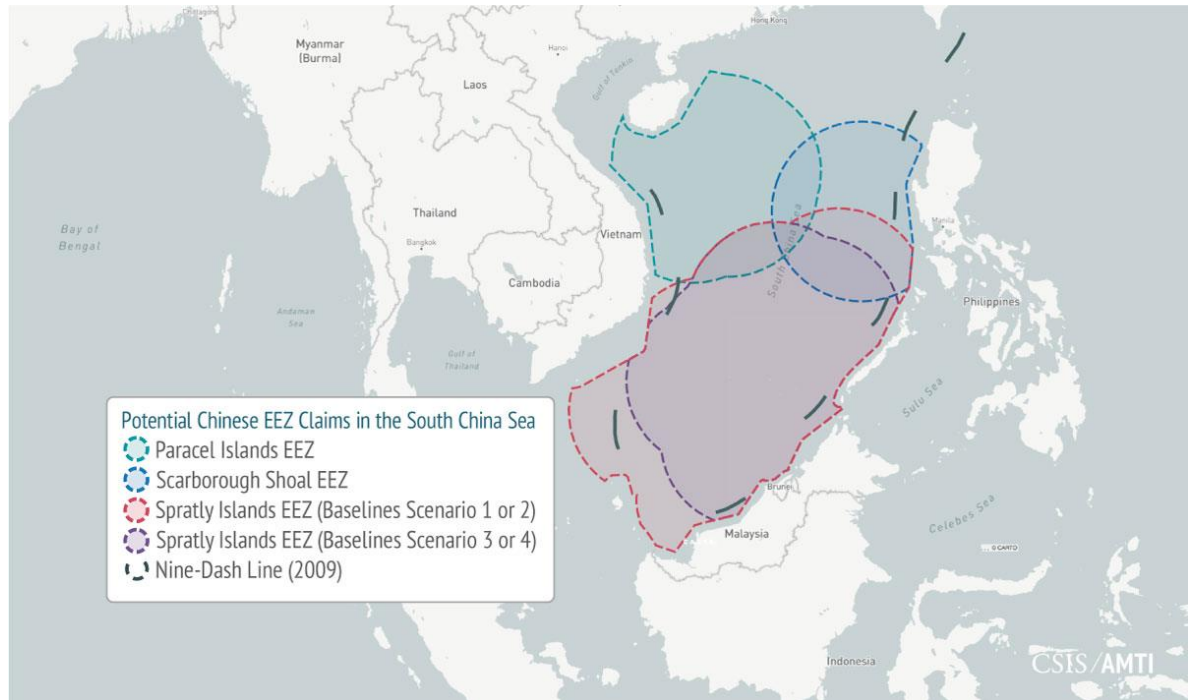


Figure 2: Potential Chinese EEZ Claims in the South China Sea (Source: *Reading Between the Lines*, n.d.)

#### 2.2.2.2. Republic of China (Taiwan)

Republic of China's claims align with the PRC due to their inseparable past. As aforementioned, the nine-dash line originated not from the PRC but from ROC. Therefore, having the same allegations and claims as the PRC deteriorates Taiwanese relations with the regional states. However, they keep pursuing the same claims as PRC through the dispute. In 1992 and 2016, ROC renewed the allegations made by the nine-dash line (Position Paper on ROC South China Sea Policy, n.d.). Figure 3 shows the Taiwanese maritime zones, and claims in the SCS.

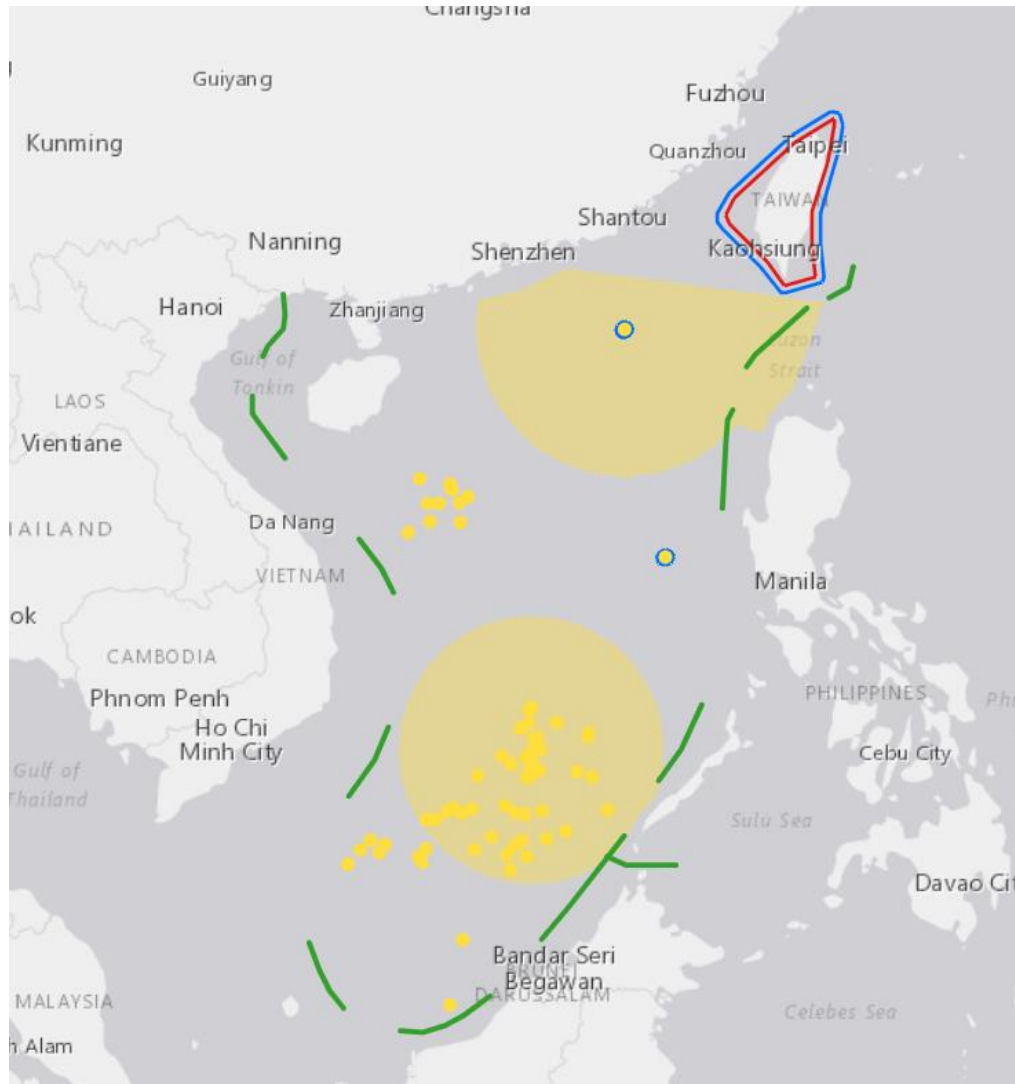


Figure 3: Taiwanese Claims in the South China Sea (Source: *The South China Sea Maritime Issue Tracker: Taiwan*, n.d.)

Being on the same side in a dispute with the PRC but relying on the US and ASEAN for security issues makes the debate more complex for Taiwan than any other country. The US's engagement in the SCS dispute deepened the Taiwanese dilemma. In addition, due to being an unrecognized state by all regional states and PRC's hard stance on the issue Taiwan cannot participate in any official meetings about the dispute (Chen, 2011, pp. 6–7).

### 2.2.2.3. Vietnam



Vietnam also claims all of the Paracels and the Spratlys as the PRC and the ROC. Therefore, Vietnam faces its main dispute with both parties. Like the others, Vietnam also lays its claims on a historical basis.

Vietnam claims that it has effectively occupied the disputed islands since the 17th century while the islands were *terra nullius*. In addition, Vietnam uses other historical evidence too. Route Maps from the Capital to the Four Directions (Toan tap Thien Nam tu chi lo do thu), the first of them was published in 1686. Another illustration is the 1838 map “The Complete Map of the Unified Dai Nam,” which depicts the two archipelagos as a single unit surrounded by dotted lines that belong to Vietnam (Žvábek, n.d.). The proximity of Spratlys (known as Truong Sa in Vietnamese) and Paracels (known as Hoang Sa in Vietnamese) are also used as a legal basis for Vietnamese claims.

As aforementioned, the first Vietnamese claims for the islands started in the 1951 San Francisco Conference. However, until the unification of Vietnam, the North and South had different policies about the islands. Only after the unification of Vietnam, the country could have a single policy (Tønnesson, 2002, p. 272). Just shortly after the unification, Vietnam 1977 declared 12 miles of territorial waters and 200 miles of EEZ, including the Spratly and Paracel Islands, which it claims sovereignty (*Statement on the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf of 12 May 1977, 1977*, n.d.). With the Philippines, Vietnam experienced immense conflicts. To strengthen its position in 1992, Vietnam signed the UNCLOS, and in 1995, it joined ASEAN (Dung, 2022, p. 158). To enhance its claims, Vietnam applied to extend its continental shelf beyond 200 nm in 2009. Nonetheless, Vietnam is the only country that has solved one of its disputes with the PRC. In 2000, both countries agreed upon the Agreement on Fishery Cooperation in the Gulf of Tonkin and the Agreement on Maritime Boundary Delimitation in the Gulf of Tonkin.

#### 2.2.2.4. The Philippines

As an archipelagic state, which lies in the center of the disputed area, the Philippines has had a maritime dispute with several states, even including the

US. They have disputes with other claimants on Scarborough Shoal; Second Thomas Shoal (the site of a beached former U.S. Navy LST); Reed Bank (or Reed Tablemount); and in the Spratly island chain, in which the contestants also include Vietnam and Taiwan (Rosen, 2014, pp. 1–2).

The first official claim of the Philippines lay on the Clomas' exploration of the Spratly Islands. The Philippines claimed that the islands were *res nullius* before Thomas Cloma, and therefore the Philippines have sovereignty over the islands. The Philippines has eight islands claimed. The most oversized island is Pag-asa, which has an airport for the military on both sides of the island. The eight islands' official name in the Philippines, Palawan, was designated as a province on April 1. It will be run as a single municipality with a mayor in charge of its thirty million residents. In addition, the Philippines asserts that the *Kalayaan* Group is a separate and independent entity from the Spratlys (Marlay, 1997, p. 203). In 1978, Thomas Cloma transferred all his rights on the *Kalayaan* Islands (Freedomland) to the Philippines State by; State of the Philippines by Presidential Decree No. 1596 dated June 11, 1978, which decided that "... including the sea-bed, sub-soil, continental margin, and air space shall belong and be subject to the sovereignty of the Philippines. Therefore, such area is hereby constituted as a distinct and separate municipality of the Province of Palawan and shall be known as "Kalayaan." (*Presidential Decree No. 1596, 1978*). In the same year, in another Presidential Decree numbered 1599, the Philippines established EEZ for 200 nm and declared that Kalayaan is inside the Philippines EEZ (*Presidential Decree No. 1599, 1978*).

The Philippines ratified UNCLOS in 1984 and became a party to the Convention. In 2009, for the need to present allegations based on international law, the Philippines enacted Republic Act No. 9522. According to acts article 2, consistent with Article 121 of the UNCLOS: the Philippines will exercise sovereignty and jurisdiction over the Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal (*Republic Act No. 9522, 2009*). Kalayaan Islands and Scarborough Shoal within the scope of the "Regime of

the Islands” declared that it claims sovereignty in those islands following UNCLOS article 121. In response to the Chinese occupation of Scarborough Shoal, the Philippines applied to the PCA.

#### 2.2.2.4.1. The Philippine v. China South China Sea Arbitration Case

The tension that eventually resulted in the case started with the Republic Law of the Philippines in 2009, then further escalated until 2013. In 2013, PRC wanted to resolve the disputes through bilateral meetings. However, the Philippines insisted on the resolution by multilateral means. The last drop of this accumulated tension has been with the e-passports issued by PRC. In 2013, PRC issued new e-passports, which included the nine-dash line. The Philippines and Vietnam protested the decision (Keyvan, 2017, p. 257). On January 22, 2013, the Philippines handed a note verbale together with a Notification and Statement of Claim, claiming to initiate arbitral proceedings under Article 287 and Annex VII, “concerning the dispute with China over the maritime jurisdiction of the Philippines in the West Philippine Sea” (Yee, 2014, p. 666). As a result of the application, an arbitration committee was formed in accordance with Articles 2 and 3 of Annex VII of UNCLOS. The established arbitration committee appointed the PCA as the Registry of the Arbitral Tribunal (S. Doğan, 2016, p. 25). The PRC objected to the application of the Philippines and verbally informed the PCA that it would not recognize its decisions, claiming that the PCA has no jurisdiction over the case. PRC’s position paper claimed that;

*“- The basis of the dispute subject to arbitration is the territorial sovereignty over many places in the South China Sea, which is beyond the scope of the Convention and is not related to the application or interpretation of the Convention;*

*- China and the Philippines agreed to resolve the relevant disputes through negotiations, bilateral instruments, and the Statement on the Parties’ Positions in the South China Sea. The Philippines violated its obligation under international law by unilaterally initiating the existing arbitration;*

*- In argument (arguendo), even assuming that the subject of the arbitration dispute relates to the interpretation and application of the Convention, it forms an integral part of the maritime borders between the two countries, thus remaining within the scope of China's declaration made in accordance with the Convention in 2006. This, inter alia, exempts maritime demarcation disputes from compulsory arbitration and other compulsory dispute resolution methods.*" (S. Doğan, 2016, p. 29)

However, PCA noted that both the Philippines and PRC are parties to the Convention and that a State cannot generally exclude itself from the dispute resolution mechanisms set out in the Convention. The Panel held that the non-attendance of PRC did not exempt the Mission from jurisdiction and that the Mission was constituted correctly following Annex VII to the Convention, which includes the procedure for forming a delegation even in the absence of a party (PCA Case No 2013-19 - Award, 2016, s. 63).

The Philippines requested the Tribunal to adjudge and declare these fifteen subjects;

*"(1) China's maritime entitlements in the South China Sea, like those of the Philippines, may not extend beyond those expressly permitted by the United Nations Convention on the Law of the Sea ("UNCLOS" or the "Convention");*

*(2) China's claims to sovereign rights jurisdiction, and to "historic rights", with respect to the maritime areas of the South China Sea encompassed by the so-called "nine-dash line" are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements expressly permitted by UNCLOS;*

*(3) Scarborough Shoal generates no entitlement to an exclusive economic zone or continental shelf;*

*(4) Mischief Reef, Second Thomas Shoal and Subi Reef are low-tide elevations*

*hat do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, and are not features that are capable of appropriation by occupation or otherwise;*

*(5) Mischief Reef and Second Thomas Shoal are part of the exclusive economic zone and continental shelf of the Philippines;*

*(6) Gaven Reef and McKennan Reef (including Hughes Reef) are low-tide elevations that do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, but their low-water line may be used to determine the baseline from which the breadth of the territorial sea of Namuyit and Sin Cowe, respectively, is measured;*

*(7) Johnson Reef, Cuarteron Reef and Fiery Cross Reef generate no entitlement to an exclusive economic zone or continental shelf;*

*(8) China has unlawfully interfered with the enjoyment and exercise of the sovereign rights of the Philippines with respect to the living and non-living resources of its exclusive economic zone and continental shelf;*

*(9) China has unlawfully failed to prevent its nationals and vessels from exploiting the living resources in the exclusive economic zone of the Philippines;*

*(10) China has unlawfully prevented Philippine fishermen from pursuing their livelihoods by interfering with traditional fishing activities at Scarborough Shoal;*

*(11) China has violated its obligations under the Convention to protect and preserve the marine environment at Scarborough Shoal, Second Thomas Shoal, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef;*

*(12) China's occupation of and construction activities on Mischief Reef*

*(a) violate the provisions of the Convention concerning artificial islands, installations and structures;*

*(b) violate China's duties to protect and preserve the marine environment under the Convention; and*

*(c) constitute unlawful acts of attempted appropriation in violation of the Convention;*

*(13) China has breached its obligations under the Convention by operating its law enforcement vessels in a dangerous manner causing serious risk of collision to Philippine vessels navigating in the vicinity of Scarborough Shoal;*

*(14) Since the commencement of this arbitration in January 2013, China has unlawfully aggravated and extended the dispute by, among other things:*

*(a) interfering with the Philippines' rights of navigation in the waters at, and adjacent to, Second Thomas Shoal;*

*(b) preventing the rotation and resupply of Philippine personnel stationed at Second Thomas Shoal;*

*(c) endangering the health and well-being of Philippine personnel stationed at Second Thomas Shoal; and*

*(d) conducting dredging, artificial island-building and construction activities at Mischief Reef, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef; and*

*(15) China shall respect the rights and freedoms of the Philippines under the Convention, shall comply with its duties under the Convention, including those relevant to the protection and preservation of the marine environment in the South China Sea, and shall exercise its rights and freedoms in the South China Sea with due regard to those of the Philippines under the Convention" (PCA Case No 2013-19 - Award, 2016, s. 42-43).*

After the necessary technical and legal examinations in SCS, PCA announced its award on July 12, 2016, which found the PRCs' acts unlawful. The Tribunal announced its award under four main titles (S. Doğan, 2016, p. 27). Firstly, the Tribunal concluded PRC's claims of the 'nine-dash line' and whether it has

historical rights on resources in the SCS and beyond its maritime zones or not. The tribunal concluded that the historical foundations that form the basis of the “nine-dashed map” of the PRC are against the determination and delimitation of the sea areas regulated in UNCLOS and that these claims based on historical foundations are not compatible with the UNCLOS’s delimitation of maritime zones (PCA Case No 2013-19 - Award, 2016, s. 116-119). In addition, the expression of “historical right” in paragraph 298/1-a of UNCLOS may be related to sovereignty claims in bays and nearby coasts (PCA Case No 2013-19 - Award, 2016, s. 120). The Tribunal also reviewed the historical evidence in the region and concluded that PRC has never enjoyed full sovereignty over the islands. Therefore, the Tribunal has evaluated that the “historical right” claims of the PRC regarding the maritime zones of other states are incompatible with the Convention (PCA Case No 2013-19 - Award, 2016, s. 98). Secondly, the Tribunal established judgment on whether the formations claimed by the PRC and the Philippines are islands, rocks, etc., and whether these formations have territorial waters, continental shelves, and EEZs. Regarding these formations, the Tribunal made a decision on whether the disputed islands are high-tide or low-tide; and in the award, the Tribunal Agreed with the Philippines’ stance on Scarborough Bank, Johnson Cliff, Cuarteron Cliff, and Fiery Cross Cliff to be above high tide, and Subi Cliff, Hughes Cliff, Mischief Cliff, and Thomas Second Cliff to be low tide in their natural state. However, the Tribunal disagreed with the Philippines on the legal status of Gaven Cliff and McKennan Cliff and concluded that both were above the tide level. After that, the Tribunal examined whether these high-tide islands could have continental shelves and EEZs under UNCLOS article 121 and ruled that all high-tide elevations in the Spratly Islands (including the biggest island - Itu Aba) are legally rocks and none of them can have exclusive economic zones nor continental shelves. Furthermore, the Tribunal concluded that the Convention did not foresee that island groups such as the Spratlys would collectively give rise to maritime zones (PCA Case No 2013-19 - Award, 2016, s. 256). The third main title was for the PRC’s activities in the SCS. The Tribunal found that the activities of the PRC in the SCS caused irreversible damage to the marine ecosystem, coral reefs, and endangered

creatures; thus, it determined that PRC has violated the UNCLOS Articles 192 and 194 (PCA Case No 2013-19 - Award, 2016, s. 361-362). The fourth main title was for the aggravation or extension of the dispute between parties. The Tribunal concluded that after the arbitration process started by constructing seven artificial islands in the Spratly Islands group, the PRC disrupted the natural conditions of the formations in the SCS and continuously destroyed the evidence by this deterioration. It also determined that the PRC had been responsible for not escalating the current dispute, which was violated (PCA Case No 2013-19 - Award, 2016, s. 464).

Even though PRC breached its obligations of the Convention and pursuant to general international law as stated in the award of the arbitration, PRC stated that it did not accept the decision of the PCA (Haibin, 2020). Nevertheless, even in the absence of PRC's acknowledgment, the significance of the PCA ruling cannot be undermined within the region. Notably, it marks a significant milestone as the first decision rendered by an international court and the initial instance where PRC has been found guilty of breaching international law.

#### 2.2.2.5. Malaysia

Throughout the dispute, unlike Vietnam and the Philippines, Malaysia has practiced quiet diplomacy over the SCS by preferring to communicate the dispute with PRC privately (Parameswaran, 2016, p. 376). However, Malaysia's primary focus in the SCS revolves around effectively managing its maritime boundary disputes with various nations, including Brunei, PRC, Indonesia, the Philippines, Thailand, and Vietnam. Malaysia is among the claimant states in the contested Spratly group of islets in the SCS and has asserted its ownership over the associated continental shelf as early as 1978 (Hamzah, 2021, p. 184). As Brunei, some authors named Malaysia as the "minor player" in the SCS due to both's less assertive policies (Roach, 2014, p. iii).

Malaysian SCS claims do not have historical grounds as other claimant states because the sovereignty claims of Malaysia are quite new. Their legal claims lay on occupation and the islands' proximity (Storey, 2020, pp. 2–3). Malaysia claims several features above water at low tide in the southern Spratly Islands



within its claimed EEZ from Sabah, North Borneo, all of which lie within PRC's nine-dash line. The features claimed by Malaysia are Swallow Reef, Commodore Reef, Ardasier Reef, Dallas Reef, Mariveles Reef, Investigator Shoal, Erica Reef, Amboyna Cay, Barque Canada Reef, James Shoal, North Luconia Shoals, and South Luconia Shoals (Roach, 2014, pp. 10–13).

To strengthen its claims as mentioned above, Malaysia officially published the “Malaysia’s Waters and Continental Shelf Borders” map. The published map is seen as a milestone for Malaysian claims. Furthermore, Malaysia signed and ratified UNCLOS in 1996, and submitted an application to extend its continental shelf beyond 200 nm in 2009. In 2019, Malaysia made another application to UNCSC requesting an expanded continental shelf for areas excluded from its 2009 application (Parameswaran, 2016, p. 376).

#### 2.2.2.6. Brunei

The last claimant for the SCS is Brunei, as Malaysia Brunei uses quiet diplomacy in the dispute (Roach, 2014, p. iii). The reason for Brunei’s quiet diplomacy is Brunei’s position as a small power with its population and area as well as its military and financial structures. Due to its policies and minor claims as opposed to other claimants, Brunei is generally named as a “silent claimant” (Tomacruz, 2020).

Brunei's territorial claim is limited to the Louisa Reef, with the proximity of Malaysia and the Philippines to the reef serving as the foundation for Brunei's assertion of ownership. The official claim about the island was made by Brunei in 1988 after the ratification of UNCLOS in 1984 by a published map, which shows Louisa Reef in the EEZ of Brunei. In 2009, Brunei and Malaysia an exchange of letters signed has “established the final delimitation of the territorial sea, continental shelf, and exclusive economic zone” between the two countries. The agreement unequivocally states that Brunei has sovereignty over Louisa Reef (Vuving, 2016).

#### **2.2.3. Islands Sovereignty under International Law**

The SCS is a semi-enclosed sea defined by UNCLOS article 122<sup>14</sup>, with an area of 648,000 sq nm. There are hundreds of uninhabited islands, islets, shoals, reefs, banks, banks, sands, cays, and rocks in addition to small islands (Chiu, 1977, p. 756). They are distributed into four different island groups, namely, Pratas Islands (Dongsha Qundao), the Paracel Islands (Xisha Qundao), the Macclesfield Band (Zhongsha Qundao), and the Spratly Islands (Nansha Qundao). Eight states claim title to these islands. Singapore and Malaysia claim the Pisang Island and the Pulau Batu Puteh, which lay in the Malacca Strait (Johnston & Valencia, 1991, p. 128). The Paracels are claimed by the three littoral states; PRC, Taiwan, and Vietnam who contest each other claims for all of the Paracels. Spratlys is claimed by six states: PRC, Taiwan, and Vietnam which claim the entire archipelago, and the Philippines, Malaysia, and Brunei which claim small portions of the Spratlys. Besides Brunei, all parties established a military presence for parts of the island group (Buszynski, 2012, p. 140). The islands can be seen in Figure 4.

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<sup>14</sup> UNCLOS, article 122



Figure 4: Islands in the SCS (Source: The South China Sea Virtual Library)

All parties' claims have weaknesses under evaluation of the international law rules. PRC bases its claims on the historical usage of the islands by the Middle Kingdom. However, as aforementioned Chinese exercise of authority over the islands was occasional and sporadic until the French occupation of the islands. Therefore, historical usage of the islands cannot be seen as a legitimate international law claim for the claims of title in the SCS Islands. Taiwanese claim shares the same weaknesses with PRC; furthermore, Taiwan's lack of international recognition as a state and Chinese policy of One China make Taiwanese claims relatively weak than the PRC. Vietnamese claims are based on the historical usage of islands by the former Vietnamese Kingdom. In

addition to historical rights, Vietnam claims the islands by principles of proximity and preoccupation. However, PRC's historical evidence does not support the Vietnams' historical usage claims. Moreover, North Vietnam's statement made by Second Foreign Minister Ung Van Khiew in 1956 and again by Prime Minister Van Dong in 1958, which acknowledged the Chinese sovereignty in the disputed islands, discredited the Vietnamese assertion. The Philippines based its claims on multiple international law principles. The first one is the islands being *res nullius* and abandoned after World War 2, and the Philippines' occupation of islands should be treated as discovery or prescriptive acquisition. Furthermore, the islands the Philippines laid claim are adjacent or contiguous to the central Philippine archipelago. The proximity of the islands is also another claim made by the Philippines. The Philippines' claims are weak for the Chinese and Vietnamese who challenge of Islands being *res nullius* after World War 2. In addition, the Continental Shelf claim of the Philippines is also invalid under international law. Malaysia's' claim is relatively new to the other claimant states. In 1966, Malaysia asserted its title to the islands by enacting the Continental Shelf Act, thus claiming the islands situated on the Malaysian continental shelf. Consequently, Malaysia maintains sovereignty over these islands. However, neither UNCLOS nor any other international law rules acknowledging continental shelf pertain to land or rocks that rise above sea level. Even though Malaysia later supported its claim through the effective occupation of islands, Malaysia's occupation is more recent than the other claimants and contested strenuously by the others. Brunei based its legal claims for the islands being based on the prolongation of its continental shelf, but as Malaysia's claim, the claim of Brunei is also contradictory to UNCLOS. Likewise, Brunei's claim of having a 350 nm continental shelf is not valid under the UNCLOS.

All of the claims made by the claimant states have weaknesses under the legal rules laid by UNCLOS and customary international law. Therefore, the judicial decisions of the international courts and arbitrations can lead the decision. When examined, it can be concluded that international courts and arbitrations gave decisive importance to continuous and *de facto* demonstrations of authority, proof of possession, and consent of other states to the exercise of

sovereignty in situations of uncertainty. Therefore, even though the consent of other states is absent in the SCS dispute, as in the awards of the decisions mentioned above, the most probable decision about the sovereignty claims of title in the SCS will be given by the principle of effective control. This will result in the preservation of the status quo in the region, which would result in the Chinese control of all over the Paracels. However, in the Spratly Islands PRC will only control seven islands Yongshu Red, Meiji Red, Zhubi Red, Huayang Red, Nanxun Red, Chigua Red, and Dongmen. Taiwan would own two of the islands; Taiping and Zhongzhou. Malaysia has seven islands; Swallow Reef, Commodore Reef, Ardasier Reef, Dallas Reef, Mariveles Reef, Investigator Shoal, and Erica Reef. The Philippines would have eleven of the archipelago, namely Flat Island, Lankiam Cay, Loaita Cay, Loaita Island, Nanshan Island, Northeast Cay, Thitu Island, West York Island, Commodore Reef, Irving Reef, Second Thomas Shoal; and the rest of the islands would be under the Vietnamese control as shown in Figure 5.

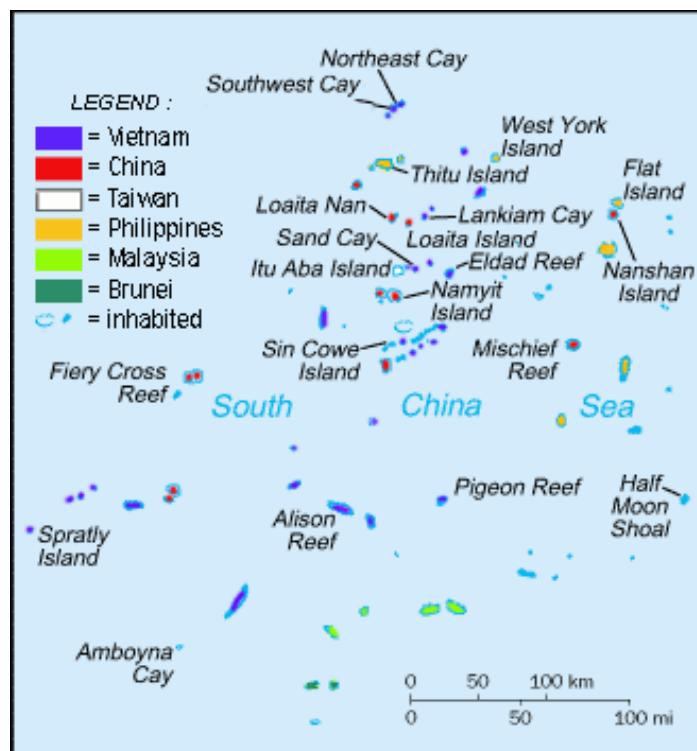


Figure 5: Sovereignty of Islands in the South China Sea

Even though the island's sovereignty is evaluated under the principle of effective occupation in this work, the regional states can solve the dispute by other means. Roach (2014, s.vii) listed the different possible solutions to dispute as follows;

- *“All parties agree to undertake judicial arbitration.*
- *All parties agree to freeze in place, tabling the issue of ultimate sovereignty in favor of a cooperative regime for resource exploitation and management.*
- *Individual claimants reach an understanding with China, renouncing their sovereignty claims in return for economic preference.*
- *The most powerful party uses force to expel rival claimants.”*

## **CHAPTER 3: BEHAVIORS OF THE EMERGING MIDDLE POWERS OF THE SCS DISPUTE UNDER DIFFERENT INTERNATIONAL SYSTEMS**

In the upcoming chapter, the behavior of middle powers within the context of various historical international systems will be examined. This will involve analyzing how middle powers have historically responded to changes in the global balance of power, as well as how they have interacted with other great powers and regional actors. Additionally, we will focus specifically on the behavior of middle powers that are party to the SCS dispute, a region that has been shaped by a dynamic geopolitical landscape and the presence of multiple middle powers. Through our analysis, the study hopes to identify patterns and trends in the behavior of middle powers that can shed light on their role and influence in shaping global and regional politics in different international systems.

### **3.1. COLD WAR PERIOD / BIPOLAR INTERNATIONAL SYSTEM (1945-1969)**

The middle powers that are party to the SCS dispute in the bipolar system first choose bandwagoning as their core strategy after their independence. Even though it was viewed as an unsuitable policy by Mearsheimer in bipolarity (J. Mearsheimer, 2014, pp. 269–271). This choice can also be seen in the foreign policy decisions of all of the newly independent states among which we will examine Vietnam, the Philippines, and Malaysia. Only Taiwanese behavior during the beginning of the conflict can be separated from the rest which decided to adopt balancing strategies.

As aforementioned, ROC was the first to take action in the dispute. After the Potsdam Conference, they immediately tried to establish bases in the disputed Islands. In 1946 and 1947, the ROC began to make expeditions to the islands. Then, the ROC marked the islands with stone markers to show its sovereignty over them. In addition, they established a permanent presence on Itu Aba and Woody Islands, which are the largest islands of the Paracel & Spratly island

groups (Hurng-yu, 1993, p. 34). The policy of asserting sovereignty over the islands can be interpreted as balancing and to be more precise it can be seen as internal balancing against the PRC. However, the Taiwanese relations with the Western powers during the civil war is a clear example of external balancing. Both during and after the civil war Taiwan had a strong alliance with the US against communist China. Therefore, it could easily be stated that at the beginning of the Cold War, Taiwan relied on both the internal and external balancing policy (Clark, 2010, p. 7).

Taiwan's assertive strategies in the disputed SCS territory persisted beyond its initial expedition to the region. Subsequently, ROC was the first actor to issue the "nine-dash line map" declaration, asserting its sovereignty over the disputed islands. As such, Taiwan became the first middle power to stake a claim to the territory (Keyuan, 1999, p. 30). This assertive strategy of Taiwan is again another example of its balancing strategies. Taiwan was able to balance out communist China's threat in the region due to its firm alliance with the US, and with the help of this alliance, Taiwan pursued more assertive strategies than the other states after the beginning of the dispute.

Taiwan kept its assertive balancing acts after the declaration of the nine-dash line map. In 1948, and 1949 Taiwan tried to strengthen its claims on the dispute by publishing an atlas of administrative districts and adding the islands under the authority of the Hainan District (Z. Gao & Jia, 2013, p. 103).

Taiwanese assertiveness was interrupted in 1949 following their defeat in the Civil War. After, fleeing to Taipei, they were forced to abandon all of the disputed islands and postpone their assertive claims over the islands (Tønnesson, 2008, p. 349). However, this did not mean that Taiwan abandoned its essential claims for the islands, after a short period of time they retook the islands and even during the recovery period never accepted other states' claims over the islands.

In 1952, Taiwan's agreement with Japan could be considered as another example of the continuation of their claims. While making the agreement



Taiwan added another phrase different from San Francisco, stating that it “renounced all rights, titles, and claims to Taiwan (Formosa) and Penghu (Pescadores), as well as the Spratly and Paracel Islands.” With this article, Taiwan established its claims for the Spratlys and Paracels and gave the impression that all of the islands belong to Taiwan (Tønnesson, 2008, p. 350).

Following ROC which established self-governance in 1912, other middle powers that are party to the SCS dispute also gained independence after WWII. Respectively, North Vietnam gained independence in 1945, the Philippines gained independence in 1946 from the US, and three years after its northern neighbor South Vietnam gained independence in 1948 from France. Lastly, Malesia gained independence in 1957 from the Netherlands.

After their struggle for independence, the newly independent states opted towards bandwagoning with the great powers in Southeast Asia due to their weak situation. North Vietnam was the only middle power in the region to bandwagon with PRC. Until the War of Resistance in 1965 Vietnam was bandwagoning with PRC both in the SCS Dispute and other international issues during the era (Path, 2018, p. 510). The North Vietnamese choice to bandwagon with PRC can be understood with Tessman’s evaluation of the importance of ideological proximity in foreign policy choices of middle powers. As described in Chapter 1, if a middle power has ideological proximity with a great power it tends to bandwagon more with that state. Therefore, communist Vietnam’s choice to bandwagon PRC can be understood by their ideological proximity and the US enmity towards the communist states following WWII.

Chinese and Vietnamese relations after the independence of Vietnam were explained at best by the words of the Druiker. Druiker puts the relations between the two Southeast Asian communist powers as “Chinese attitudes toward Vietnam combine paternalism and benevolence with a healthy dose of arrogance and cultural condescension stemming from the conviction that it was China that had lifted the Vietnamese from their previous state of barbarism. As for the Vietnamese, their attitude toward China was a unique blend of respect and truculence, combining a pragmatic acceptance of Chinese power and

influence with a dogged defense of Vietnamese independence and distinctiveness.” (Druiker, 1986, p. 5). On the other hand, the other claimant states in the region chose to bandwagon with their former colonizers. The southern counterpart of North Vietnam was bandwagoning with France until the War of Resistance. The Philippines chose to bandwagon with the US.

North Vietnamese bandwagoning with PRC in the SCS dispute first appeared in their acceptance of Chinese claims in 1956 (Austin, 1998, p. 47). Even though they had interests in the SCS they accepted the PRC’s claims. In 1956, North Vietnam supported the Chinese claim in the Spratlys and the Paracels which is a clear sign of the Vietnamese bandwagoning with PRC. The support for Chinese claims was not a one-time event for North Vietnam. North Vietnam’s supportive statement was first made by Second Foreign Minister Ung Van Khiew in 1956 followed by Prime Minister Van Dong in 1958, which acknowledged the Chinese sovereignty in the disputed islands (Austin, 1998, p. 126). Lee Hong Hiep (2013, p. 338) also believes that even though North Vietnam and PRC claimed that they were allies and they were closer than “lips and the teeth”, the asymmetrical relation between the two Asian states is a clear example of bandwagoning. Northern Vietnam not only avoided threats thanks to this relationship but it also benefited from it as economic and military aid. North Vietnam’s bandwagoning with the PRC continued until the Sino-American rapprochement period.

On the other hand, its neighbor South Vietnam aligned itself with France during the conflict. At the beginning of the conflict at the San Francisco Conference, South Vietnam tried to possess a firm stance against France by claiming all of the islands. However, after France's refusal of the sovereignty of Vietnam in the Spratlys, Saigon did not keep its claim over the islands and accepted France's sovereignty in the disputed region (Tønnesson, 2002, p. 582).

Another state that intended to put forward a claim about the islands was the Philippines, which then withdrew due to a great power, the USA. The Philippines shortly after its independence made its legal claim over the Spratly Islands. However, due to the American opposition, the Philippines did not

pursue this claim further and remained silent until 1956. The American reluctance on the disputed islands originated from the Spanish-American Treaty of 1898 which clearly defines the Philippines' western border and the US's disinterest in the Islands. Therefore, because of the US opposition, the Philippines withdraw its claims from the Spratlys for a quarter of a century (H. Zhao, 2012, p. 59).

Even the expedition of Thomas and Filemon Cloma could not break the Philippines' silence about the islands. Even though Cloma was a citizen of the Philippines and he claimed that the islands are *res nullius* and open to occupation, the Philippines did not claim the islands even after the occupation of Cloma (Sammuels, 1982, pp. 81–83). These events clearly show the Philippines bandwagoning with the US.

The Philippines' silence about the islands continued after the occupation of Cloma which was presented as a self-motivated act. However, the dispute was rekindled by the actions of Cloma. The ROC was the first to take action after the events. With the aim of balancing other claimants, the ROC sent an expedition to Itu Aba and took control of the Island. However, this balancing act impelled the PRC to do the same for Woody Island and the ROC lost control of one of its former possessions (Austin, 1998, p. 149).

The Philippines being the only Southeast Asian country that is a member of the Southeast Asian Treaty Organization (SEATO), along with Thailand clearly shows its bandwagoning policies with the US even further. However, after the US evacuated Saigon, SEATO lost its importance significantly and eventually left its place for ASEAN in 1977, of which the Philippines was also a founding member (Ciorciari, 2010, p. 77).

Meanwhile, after its independence, Malaysia buck-passed the dispute to the UK and other regional powers. Until the late 1960s, Malaysia did not take any action against the Chinese or any other states' irredentism and their sovereignty claims. Similar to its alignment in the Middle East, Malaysia was a supporter until the 1970s as clearly shown in Burton's study (Burton, 2021, p. 233). The

Malaysian acquisition of the continental shelf and their claims about the Islands and atolls began in 1969. Until then Malaysia did not interfere heavily in the dispute (Hamzah, 2021, p. 184).

In general, it can be concluded that until the Sino-American Rapprochement period, the middle powers that are party to the SCS dispute showed some different behavior patterns from each other. Bandwagoning was not seen as a viable policy choice by the authors under bipolar international systems. Stephen Walt (2009, pp. 114–116) who argues that bandwagoning is not a policy option for middle power for bipolar international systems also goes even further to state that in unipolar international systems, bandwagoning with another state is rare. Furthermore, Mearsheimer (2014, pp. 269–271) believes that bandwagoning is only a viable foreign policy choice in unipolar international systems. Tessman (2012, p. 194) agrees with these views and claims that bandwagoning is only an effective policy in concentrating unipolar international systems. However, in opposition to these arguments by the prominent authors, the newly independent middle powers that are party to the SCS dispute bandwagon with the different great powers in the SCS Dispute. North Vietnam chose to bandwagon with the PRC, South Vietnam chose to bandwagon with France, and the Philippines was bandwagoning with the US. These newly independent states as opposed to middle power theories chose to bandwagon with a great power even though the most viable option for them was balancing or hedging. Malaysia on the other hand was the only middle power who chose to buck-pass the dispute. Buck-passing is only viewed as a viable policy choice for deconcentrating multipolar international systems (B. F. Tessman, 2012, p. 203). However, as a newly independent state Malaysia chose to buck-pass the dispute to another great power even though it had an interest in the region. Malaysian buck-passing strategy can be explained by the Mearsheimer hypothesis about the buck-passers and buck-catchers in a region. From the very beginning of the conflict, as Kaplan (2013, pp. 213–216) suggested, Taiwan became a buck-catcher in the region for the others. In addition, Malaysia's less ambitious claims compared to the other claimants enabled the buck-passing strategy as a viable option. However, the fact that the general

policy preferences of the newly independent middle powers are different from those expected in the bipolar international system is open to discussion for further studies.

Only Taiwan among the others tried to balance the PRC both internally and externally. It used both its internal capabilities such as its military capability to seize the islands and external alliances to balance the PRC. Yet, this strategy of Taiwan is unsurprising due to the geographic proximity of Taiwan to the PRC and its potential role in the conflict as a buck-catcher. Despite all their efforts at the end of this period, they were not successful to balance the PRC and lost some of their former islands to the PRC.

In conclusion, during this period most of the newly independent middle powers that are party to the SCS dispute used bandwagoning as their primary foreign policy tool. Only Taiwan and Malaysia adopted different policies than the other middle powers of the region. It can be concluded that Taiwan's unique relationship with PRC and its claims about being the only representative of a unified PRC were the primary reasons for the Taiwanese balancing against PRC. On the contrary, due to its remote location in the SCS, and its relatively minor interest in the region; lead to choosing of a buck-passing strategy for Malaysia. All of the middle power's primary policies can be summarized in Table 6 for the early periods of the Cold War.

COUNTRY	GREAT POWER	FOREIGN POLICY
North Vietnam	PRC	Bandwagoning
South Vietnam	France > USA	Bandwagoning
The Philippines	USA	Bandwagoning
Taiwan	PRC	Balancing
Malaysia	UK	Buck-passing

Table 6: Summary of Middle Power's Primary Foreign Policy Choices (1945-1962) (Author's compilation)

### **3.2. DÉTENTE PERIOD AND SINO – AMERICAN RAPPROCHEMENT / BIPOLAR INTERNATIONAL SYSTEM (1962-1992)**

During the détente period, the balance of power in the international system was still bipolar in nature. However, for Southeast Asia, the Soviet and American affiliation and later Sino-American rapprochement changed the course of the dispute dramatically. Until the Sino-American rapprochement and the détente period, the US was the most powerful state in the region and the Soviets did not interfere directly to the regional disputes. Détente increased distrust for the great powers, especially for the middle and small powers in the Asia Pacific due to the recent memory of the Soviet agreement for the division of Indochina with the West (Ciorciari, 2010, p. 73). This caused a division among Communists and an increase in suspicion among Western-oriented states. After these events, the Soviets rose as another great power in the region and PRC have more freedom in its policies in the SCS which in the end made middle powers that are party to the SCS dispute stop bandwagoning strategies (Ciorciari, 2010, p. 72).

The rapprochement period began in Southeast Asia, with Mao Zedong's reception of Richard Nixon in 1972 (Lüthi, 2012, p. 378). This new quasi-alliance in the Asia Pacific created a completely new web of relations among superpowers and regional states. For example, after losing PRC as an ally in the region, North Vietnam pushed toward the USSR. In addition to North Vietnam, all of the other regional states also changed their foreign policy choices against PRC (Tønnesson, 2002, p. 584).

After the improvement of PRC's relations with the US, the first middle power to change its behavior regarding the SCS dispute was North Vietnam. Among the middle powers, the most drastic change in foreign policy also happened in North Vietnam's foreign policy. After the war, Vietnam intended to pursue a more neutral policy (Amer, 1994, p. 362). Therefore, for a short period of time, Vietnam tended to pursue a hedging strategy in its relations with PRC due to the Vietnamese desire to preserve its sovereignty and independence. In addition, Vietnam saw the US and the PRC as important trading partners and

desired to benefit from both of those great powers with the aim of normalization. For this reason, at the beginning of this period, Vietnam did not join Council for Mutual Economic Assistance (COMECON) and in 1976, Vietnam refused the Soviet proposal of using Cam Ranh Bay (Ciorciari, 2010, p. 74). Conversely, this did not last long enough. Because Vietnam's relations with both great powers other than the Soviets did not improve. Tensions between Vietnam and the great powers continued to escalate because America still viewed Vietnam as a hostile state, and tensions with PRC escalated as a result of many related issues, such as Cambodia, the SCS, and Vietnamese relations with the Soviets (Storey & Thayer, 2001, p. 454). Therefore, after a relatively short period of hedging North Vietnam's bandwagoning strategy became irrelevant after the rapprochement and later turned to hard balancing against PRC (Hiep, 2013, p. 339; Storey & Thayer, 2001, p. 454).

North Vietnam blamed PRC for being a traitor to the Marxism-Leninism. Before, even though both had some of those disagreements, the mutual enemy kept the two communist states as allies (Quyet & Anh-Nguyet, 2021). However, following the rapprochement, the disagreements arose and the former teeth became the new foe. North Vietnam then turned to a balancing strategy both internally and externally towards a new threat, PRC. After unification, this balancing strategy and the Vietnamese invasion of Cambodia turned into a border conflict between the two states in 1979. Clashes resulted in irrevocable changes in the relationship between the two communist Asia Pacific powers (Garver, 1992, p. 1022).

During this period, for internal balancing Vietnam retained its military spending after the War of Resistance and deployed troops to the border. For external balancing, Vietnam invaded Cambodia, another communist state which bandwagoned with PRC during the period and formed an alliance with the USSR. The Soviet-Vietnamese alliance was underpinned by the 1978 "Treaty of Alliance with the Soviet Union". In this relationship, Moscow provided Hanoi with economic, military aid, and security assurance to maintain the invasion of Cambodia and established a secure Vietnam-Chinese border. In 1975, Vietnam

took \$500 million from the Soviets to rebuild the war-torn country (Simon, 1976, p. 403). Until 1991, Vietnam had balanced against PRC using the Soviets as its main ally (Hiep, 2013, p. 339).

In addition to material capabilities, North Vietnam used multilateralism and international institutions to balance the Chinese threat. Although they had previously accepted Chinese sovereignty, after reuniting with South Vietnam, they claimed sovereignty over the islands and sea areas. On 12 May 1977, Vietnam declared 200 nm EEZ and included Paracels and Spratlys in its territorial waters (Hong, 2013, p. 30). Vietnam's joining COMECON could be considered as another aspect of using multilateralism to balance the Chinese threat (Guan, 1998, p. 1122).

On the other hand, in the Southern part of the peninsula South Vietnam stopped interfering with the territorial dispute and buck-passed the situation to the US. Even so, due to US's disinterest in the islands and the US's evolving relationship with PRC in the region left the South Vietnamese Islands idle. For this reason, South Vietnam first granted the exploitation rights of resources in the SCS to the US (Park, 1978, p. 42). Then due to this idle situation of the islands, the PRC was able to drive South Vietnamese troops out of the Paracels and gained control of the whole of the Paracel Islands (Sammuels, 1982, p. 98).

This situation led to more hostility between the two communist states of Southeast Asia. To balance the Chinese acts in the SCS and its occupation of the Paracel Islands, Vietnam immediately began to occupy the remaining islands of South Vietnam in the Spratlys (Amer, 1994, p. 358).

The Philippines on the other hand did not change its behavior after the shift in power in the international system at the beginning of this period. The Philippines kept bandwagoning with the US and used its alliance with the US to balance PRC until the end of the Cold War. For this reason, The Philippines was a member of SEATO until the end of the Vietnam War, and later on, it became a founding member of ASEAN in 1967 which is another US and Western-backed multilateral international organization (Ciorciari, 2010, p. 78).



Especially at the beginning of this period, the Philippines continued to bandwagon the US in order to balance the Chinese threat. Still, due to the revealed inability of Taiwan to control all of the islands and the US desire to withdraw from the region in the final stages of the Vietnam War, the Philippines were able to pursue more assertive policies. However, viewing these events as a change of axis should be avoided.

The first sign that signaled the continued alignment of the Philippines with the US was the different interpretations of the Zone of Peace, Freedom, and Neutrality (ZOPFAN) document, which resulted from the British withdrawal from the east of Suez and the US' Nixon Doctrine by the ASEAN member states (Solidum, 1982, p. 539). The main aim of ZOPFAN was to avoid the great powers' interference in the region and reduce the dependence of member states on great powers. However, the Philippines interpreted the ZOPFAN as a non-interference agreement of hostile external powers which did not include the US, but other middle powers<sup>15</sup> in the organization aimed at an overall reduction of great power politics in Southeast Asia (Ciorciari, 2010, p. 80). Having said that, after the withdrawal of the US from Indochina, the Philippines wanted to diminish the US presence in the country to avoid being a buck-catcher for Vietnam and the USSR. For this reason, Philippine President Ferdinand Marcos expressed that they need "a just balance among the great powers" (Buszynski, 1982, p. 1043). Later with the revision to the 1947 military bases and assistance agreements, the American bases in the country decreased by 90% in land area. Despite all this, the Philippines' alignment with the US did not change by this agreement (Ciorciari, 2010, p. 83), oddly, The Philippines had more room to pursue assertive policies during this period in the SCS.

Later on, in 1971, The Philippines officially declared Kalayaan to be part of the Philippines. Subsequently, before the US withdrew from Vietnam, the Philippines went into the offensive and occupied five islets in the Reef Bank Area. In addition, in the same year, the Philippines gave exclusive rights to US

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<sup>15</sup> Indonesia, Malaysia

companies for the exploration of oil. These assertive policies continued in the 1970s. In 1978, the official claim to Kalayaan was reinvigorated with the occupation of two islands in the same region (Storey, 1999, pp. 96–97).

In order to balance the Chinese threat, the Philippines focused on increasing its military spending during this era. From 1969 to 1989, the Philippines increased its military spending from \$0.19 billion to \$0.95 billion and when this is viewed in terms of GDP percentage, it also increased from 2.09% in 1969 to 3.93% in 1975. However, especially in the 1980s, it decreased to 2.24% (*Philippines Military Spending/Defense Budget 1960-2023*, n.d.).

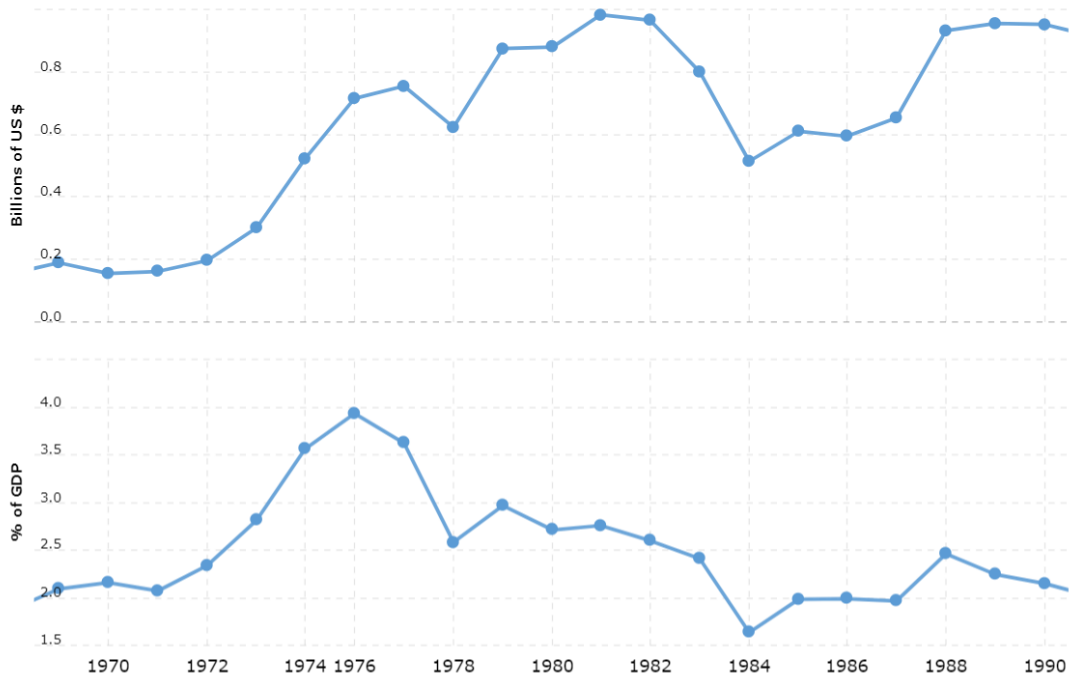


Figure 6: Philippines Military Spending (Source: *Philippines Military Spending/Defense Budget 1960-2023*, n.d.)

Malaysia is another state that changed its foreign policy regarding the dispute. Following the withdrawal of the British from Malaysia in 1971, “The Anglo-Malayan Defence Agreement (AMDA)” was replaced with “Five Power Defence Arrangements (FPDA)” that was signed amongst Britain, Australia, New Zealand, Malaysia, and Singapore. According to the agreement the signatory states would have to consult each other in the event of an external aggression

towards Malaysia and the Philippines. In addition to the British withdrawal, Nixon Doctrine also pushed Malaysia to seek other policies (Mishra & Wang, 2021, p. 257). In the midst of these events, Malaysia became the first state to use hedging as a core policy strategy in the SCS dispute to achieve “regional neutralization” (Suryanarayan, 1975, p. 47).

For its hedging strategy, Malaysia has made agreements with both PRC and the US. The first policy action taken by Malaysia was to begin rapprochement with PRC. Deputy Prime Minister put it as “We cannot ask Communist China to guarantee the neutrality of Southeast Asia and at the same time say we do not approve of her” (Morrison & Suhrke, 1979, p. 160). The first policy of Malaysia was to send out a mission to PRC in order to create direct trading relations in 1971. In the same year, Malaysia voted in favor of the PRC’s admission to the UN. Then began to carry out contacts for normalization. These contacts lead to Prime Minister Razak’s visit to PRC in 1974 (Kuik, 2010, p. 36).

In this period, Malaysia and the other ASEAN member state began to use multilateralism more often. In 1971, they signed the ZOPFAN document and this was followed by the Declaration of ASEAN Concord, a Treaty of Amity and Cooperation in Southeast Asia (TAC) in 1976 after the North Vietnamese victory. With these documents, the member states aimed to neutralize the region from great power rivalry and they showed their intent to peacefully coexist with their Communist neighbors (Weatherbee, 2008, pp. 76–77).

To hedge PRC, Malaysia was eager to increase the US involvement in the region to some extent. In 1977, it voted in favor of the US becoming a dialogue partner of the ASEAN organization (*United States*, n.d.). Vietnamese invasion of Cambodia increased the ties between Malaysia and the US even further. In addition to the US, Malaysia also advanced its relations with the USSR at the beginning of the period in 1967. The Malaysian hedging strategy continued until the end of the period under Mahathir’s administration (Kuik, 2010, p. 48).

In addition to these different alignment strategies with different powers, Malaysia began to pursue more assertive policies in the SCS, avoiding any

direct confrontation with PRC. Firstly, Malaysia enacted Continental Shelf Act in 1966 as a legal basis for its future claims over the islands. Following the Continental Shelf Act, Malaysia further expanded its claims in 1979 and took control of the Swallow Reef and Mariveles Reef towards the end of this period (Roach, 2014, pp. 38–40).

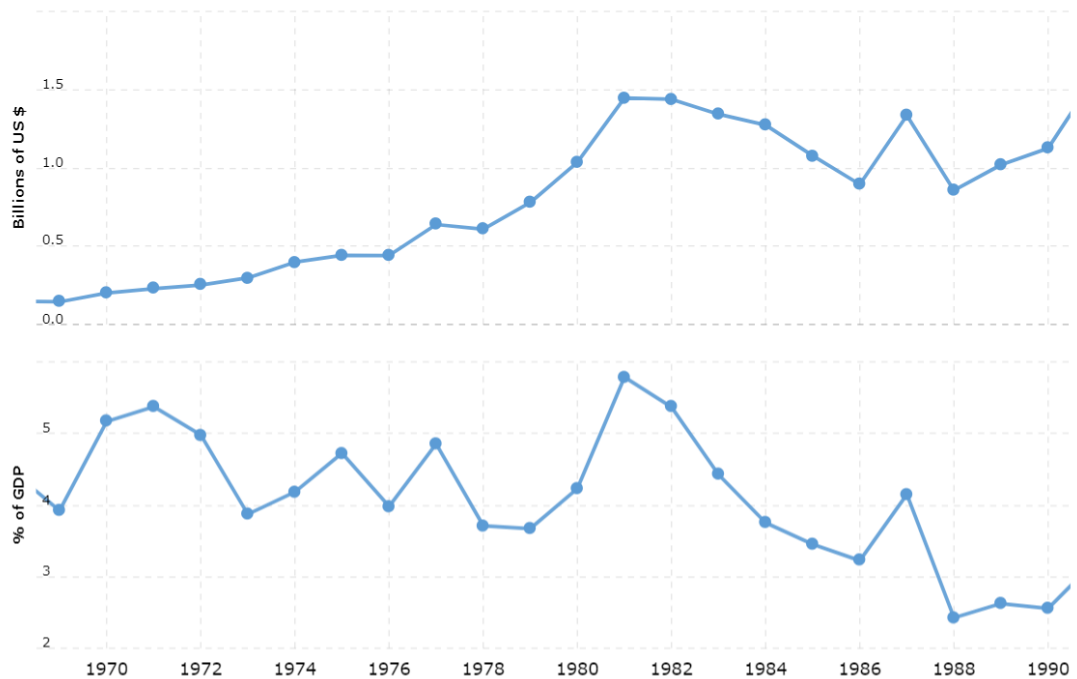


Figure 7: Malaysia Military Spending (Source: *Malaysia Military Spending/Defense Budget 1960-2023*, n.d.)

In line with its hedging strategy, Malaysia did not increase its military spending significantly either in terms of budget or in terms of its percentages of GDP.

Even though all of the middle powers that are party to the SCS dispute were affected by the systemic changes in this era and changed their foreign policy strategies, Taiwan was the most affected state in the region among all. Before the beginning of this period, Taiwan had a permanent seat in the UN Security Council and was recognized by the Western hemisphere as the sole representative of the whole of China. While the détente between the US and USSR did not affect Taiwan, the Sino-American rapprochement changed the whole status-quo for Taiwan. In 1971, Taiwan lost its seat in the UN before the

Sino-American rapprochement, then after eight years Taiwan lost its recognition from the US. In the aftermath of the recognition, the last diplomatic loss of Taiwan became the termination of the 1954 Mutual Defense Treaty (MDT). After Beijing's decisive diplomatic victories, the power balance between the two powers became similar to the power balance between the characters of the mythological tale of "David and Goliath". Thereafter, Chiang Kai-shek's dream of freeing the mainland from the communists vanished (T. Y. Wang, 2022, p. 182).

Therefore, during this era, the most significant foreign policy shift was expected from Taiwan. Surprisingly, this shift was nowhere to be seen in Taiwanese foreign policy. Taiwan just as in the first half of the Cold War kept its alignment with the US and kept on not protesting the PRC's claims over the islands because they relied on the same claims in the SCS dispute (Tseng, 2015, p. 129). When PRC offered "one country, two systems" to Taiwan in 1979, the then President Chiang Ching-kuo responded with three noes policy which means "no contact, no negotiation, and no compromise." (T. Y. Wang, 2022, p. 182) which could be interpreted as the continuation of the Taiwanese alignment with the US.

During this period, Taiwan showed no effort to normalize relations with PRC because of the conduct of the Taiwan Relations Act (TRA) of 1979. With these documents and a number of bilateral agreements, Taiwan-US relations continued even after the Sino-American normalization without diplomatic ties, and the US supplied Taiwan with guaranteed security. Additionally, the US kept its military support to Taiwan (Hsiung, 2000, p. 118).

For the continuation of the US support, Taiwan pursued two main policies. The first one was the "One China" policy, which demonstrated the Taiwanese apathy for seceding from China and establishing an independent state that was used to block Chinese aggression. The latter policy of Taiwan, "dedication to democratic principles" was used to obtain American support (Hsiung, 2000, p. 120). However, before the US recognized PRC because the Americans intended to withdraw from Southeast Asia Taiwan held several meetings with the Soviet

representatives in order to fill the power vacuum in the Strait after a potential American withdrawal and to balance PRC in the ongoing dispute (Bellows, 1976, p. 597).

After its loss of recognition in the international system, Taiwan began to use foreign trade, foreign investment, and technical, cultural, and educational interactions to get recognition abroad and balance the Chinese threat<sup>16</sup>. For example, Taiwan sent three times more technological assistance missions to other states to gain influence over PRC a strategy which can be interpreted as niche diplomacy or soft balancing policy (Bellows, 1976, p. 598).

Although Taiwan used all these foreign policy tools to balance PRC it could be seen that especially after Chiang Kai-shek's death, Taiwan pursued a soft balancing strategy against PRC. The reason for this pursuit of soft-balancing diplomacy can be linked to the American rapprochement with PRC and the American intention to withdraw from Southeast Asia.

In conclusion, in the second part of the Cold War, there were shifts in the policy strategies of the middle powers that are party to the SCS dispute. After their independence, all of the middle powers behaved differently than expected by the authors. However, after the détente period and especially after the Sino-American rapprochement, their policies generally were in-line with the aforementioned authors' claims. Among all, only South Vietnam behaved differently than expected throughout the whole period. However, due to the ongoing civil war in Indochina, South Vietnamese apathy toward SCS shouldn't be a surprise. On the other hand, North Vietnam changed its bandwagoning strategy toward PRC to hard balancing using its alliance with the Soviet Union. Likewise, the Philippines also altered its main policy in the SCS to adopt a balancing strategy. It could also be argued that the behavior of the middle power did not change in the two periods provided. In both of these periods, the

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<sup>16</sup> The number of states which recognizes the ROC decreased from 66 to 26 from 1965 to 1975

Philippines aligned with the US against PRC. On the contrary, there was a crucial difference in Filipino foreign policy, which was its claims over the islands.

The policy choices of the Philippines during the first half of the Cold War were categorized as bandwagoning because, during that period, the Philippines relinquished its claims over the islands as per the request of the US, despite it not being in the best interest of the Philippines. Despite this, they pursued their interests in the SCS in the second half of the Cold War.

Lastly, Malaysia also began to behave as expected by the authors in the second period of the Cold War. The main policy strategy of Malaysia became hedging in the SCS dispute after the détente period. Conversely, Taiwan was the only state in the dispute, which did not change its foreign policy. Taiwan kept its foreign policy of balancing with PRC. However, after PRC's recognition from the US, Taiwan's balancing policy began to evolve towards soft balancing by adopting such strategies and Taiwan began to use flexible diplomacy (Hsiung, 2000, pp. 121–122). The summary of the policy strategies of the middle powers can be seen in Table 7.

COUNTRY	GREAT POWERS)	FOREIGN POLICY
North Vietnam	PRC	Balancing
South Vietnam	USA	Buck-passing
The Philippines	PRC	Balancing
Taiwan	PRC	Balancing > Soft Balancing
Malaysia	PRC – USA – USSR	Hedging

Table 7: Summary of Middle Power's Primary Foreign Policy Choices (1969-1992) (Author's compilation)

### **3.3. POST-COLD WAR PERIOD / UNIPOLAR INTERNATIONAL SYSTEM (1992-2008)**

During the final stages of the Cold War, the principal concerns in regional politics centered on the shifting levels of great power interest and their

involvement in Southeast Asia. The US seemed to exhibit less willingness to exert its influence in the region, parallel to the rapid decline of the Soviet Union's military and political presence. Although Japan was economically dominant, it remained a dormant force in the security sphere, and many officials in Southeast Asia preferred to keep it that way. In contrast, PRC displayed a notable eagerness to increase its involvement, seeing that the diminished roles of the US and the Soviet Union had created a power vacuum in the region (Ciorciari, 2010, p. 117).

After the dissolution of the Soviet Union, the international system became Unipolar, the rarest form of balance of power in the international system. This shift in the balance of power in the international system changed the policy strategies of middle powers drastically in an unforeseen manner. Although, much of scholars expected middle powers to pursue a bandwagoning strategy with the hegemon, after the Cold War period, all of the middle powers that are party to the SCS dispute began to pursue hedging strategies in their relations with the rising PRC, taking Taiwan aside naturally (Kang, 2003a; Mowle & Sacko, 2007; B. F. Tessman, 2012, p. 194).

As discussed in the introduction chapter of this study. The number of studies dealing with the behavior of middle powers that are party to the SCS dispute before the cold war is limited. However, there is a vast literature on the behavioral patterns of the post-Cold War era. In most of these studies, there is an agreement that these states pursued hedging strategy during a unipolar international system (Gerstl, 2020; Han et al., 2023; Kuik, n.d., 2010, 2013, 2016a; J. yun Lee, 2017).

According to these studies, Vietnam began to pursue a hedging strategy when it normalized its relations with PRC (Hiep, 2013, p. 333). During the Cold War, Sino-Vietnamese relations were marked by a high degree of tension. This tension led to the border conflict between the two Southeast Asian communist states both in the mainland Asia and the islands region from 1979 to 1991 (Amer, 1997, pp. 6–9). Yet, diminishing Soviet power in the region and an increasing Chinese assertiveness along with cultural and historical ties between



the two states, pushed Vietnam to normalize its relations with PRC and pursue a hedging strategy in its relations in their Asymmetrical relations (Hiep, 2013, p. 333). For all these reasons in November 1991, PRC and Vietnam officially normalized their relations.

To hedge PRC, Vietnam used four main components in its foreign policy. The first one is its direct engagement with PRC. Between 1991 and the end of the unipolar international system, there were twenty-eight visits by top state officials between the two states (Hiep, 2013, pp. 344–345). However, despite the Cold War period, Vietnam tried to improve its relations with the US at the same time after the normalization of relations between the US and Vietnam in 1995. Negotiations between the two parties were not solely focused on normalizing the relations but they also aimed to step up defense and diplomatic talks. In this period Vietnam increased the number of states it had diplomatic relations with from 29 to a remarkable 163 at the end of the Cold War (C. A. Thayer, 2017, p. 185). All of these diplomatic measures adopted by Vietnam align with the hedging strategies described by various scholars. For instance, as Jackson (2014, p. 333) notes during this period, Vietnam aimed to improve its relations with major powers without necessarily bandwagoning or balancing any one of them. Equally, Tessman's (2012) definition of hedging matches Vietnam's diplomatic measures. The acceptance of joint oil research in SCS with PRC and the Philippines is also an example of this direct engagement.

The second component of the Vietnamese hedging policy was economic pragmatism. The economic pragmatist approach used by Vietnam aimed to deepen its economic cooperation with PRC and use the resulting economic return to further develop the country (Hiep, 2013, p. 344). During this period, Vietnam and Chinese trade expanded 1,100 times more and reached a staggering \$35.7 billion in 2011 which made PRC the biggest trading partner of Vietnam (*Vietnam Trade Summary 2011 | WITS Data*, n.d.). In addition to PRC, Vietnam also kept increasing its trade relations with other states. The US became the first import partner of Vietnam in this period and other Asian states' share in the Vietnamese trade increased extensively (*Vietnam Trade Summary*

2011 | *WITS Data*, n.d.). The policy of economic pragmatism that was used by Vietnam to maximize its economic interests is in correspondence with Kuik's (2016a, p. 502) hedging definition.

Soon after, the Vietnamese hedging strategy continued with hard balancing PRC. Even though the relations between the asymmetrical neighbors were improving, Vietnam pursued to gain modern military hardware both from foreign countries and the domestic defense industry. Hiep (2013, p. 351) believes that Vietnam modernized its military to deter PRC's assertive policies in the SCS and as a result, Vietnam made significant progress in its naval power. Although this hard balancing behavior was defined as hedging by Hiep, Jackson (2014, p. 333) believes that in a hedging strategy military modernization should not be against a particular state which is also supported by Kuik's (2016a, p. 502) indirect-balancing component of hedging. This policy-related behavior of Vietnam falls into Tessman's Type A hedging strategy. According to Tessman (2012, p. 204) "Type A strategic hedging will explicitly and observably increase the leverage of the hedging state should it someday enter into a militarized dispute with the system leader"<sup>17</sup>. In addition to modernizing its military, Vietnam also hedged PRC using the other great powers. Vietnam's hedging strategy, specifically its hard balancing component, prominently manifested through the reinforcement of its security affiliations with the US, as noted by Cheng (2011, p. 387). It is noteworthy to observe that this reinforcement did not align with the conventional notions of balancing or bandwagoning. Instead, it aligns with Ciorciari's (2010, p. 9) concept of limited alignment, which excludes the establishment of formal treaties and the development of deeply institutionalized defense alliances.

The last component of Vietnam's hedging strategy was soft balancing which describes the two channels used to hedge PRC. The first strategy of Vietnam was deepening its relations with great powers by participating in multilateral

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<sup>17</sup> For changing behavior of Vietnam in arms trade, See Klare, M. T. (1996). *The Arms Trade in the 1990s: Changing Patterns, Rising Dangers*. *Third World Quarterly*, 17(5), 857–874.

organizations (Hiep, 2013, p. 356). During this period for the first strategy, Vietnam concluded eight strategic partnership agreements with various states including PRC (T. U. Tran, 2018, p. 10). According to Hiep (2013, p. 357), these states were chosen by Vietnam in terms of their material capabilities to strengthen Vietnam's hand in the SCS dispute. For the second channel in this strategy, Vietnam used ASEAN as the main multilateral forum. To hedge PRC, Vietnam became a member of ASEAN in 1995 and used other regional organizations such as ASEAN Plus Three (APT) and ARF (C. A. Thayer, 2008). Likewise, in 2002 Vietnam gave huge support for the conduct of the China-ASEAN DOC (Storey, 2017, p. 2).

While Hiep claims that, these four components of hedging have the same weight throughout the unipolar world system, Tran and Sato (2018, p. 93) in their article "Vietnam's Post-Cold War Hedging Strategy: A Changing Mix of Realist and Liberal Ingredients: Vietnam's Post-Cold War Hedging Strategy" argue that the importance of those components changed over time. They observe that at the beginning of the period, direct engagement and economic pragmatism were the most important components until the Vietnamese membership in the ASEAN. Until the new millennia, direct engagement kept its seat as the most important factor. In the last part of this period, hard balancing and soft balancing gained importance and shaped the Vietnamese hedging strategy towards PRC.

Despite the heightened tension in the given period, which characterized the bilateral relations of the Philippines and the PRC; the Philippines also pursued a hedging strategy towards PRC. The 1995 Mischief Reef incident marked the pinnacle of tensions in the bilateral relations between the two states (Ciorciari, 2010, p. 128). However, the Philippines' foreign policy strategy did not change after the incident. Even while pursuing the strategy of hedging toward PRC, the Philippines had the most cooperative behavior during this period, especially under President Arroyo (Han et al., 2023, p. 10).

This period began with a profound change in the Philippines' foreign policy. In 1991, the Philippine Senate voted in favor of closing American bases in Subic

Bay and Clark Air Field when the US refused to pay higher rent for these bases. This shift took place after the Cold War period, as the tight alignment with the US was deemed unnecessary by some state officials (Ciorciari, 2010, p. 118). In addition, the Philippines seceded from the old Status of Forces Agreement (SOFA) in 1996 (Ciorciari, 2010, p. 138). This Philippine diplomatic approach may seem awkward when evaluated from the viewpoint of the authors priorly discussed. Because most of these authors believe that in a unipolar system, states will become more aligned with the hegemon because of their inability to balance it. Still, the Philippines changed its foreign policy in the opposite direction, and this shift became the change for the most stable alignment policy in Southeast Asia.

Even though there is no study for the given period, which evaluates components of the Philippines hedging strategy. Just as in the case of Vietnam, the Philippines' policies will be divided into the same four components.

Like Vietnam, the Philippines' policies toward PRC can also be divided into 4 main factors. At the beginning of this period, The Philippines began to implement a similar initial strategy in the form of direct engagement. In 1993 after the closure of the military bases, President Fidel V. Ramos made his only visit abroad to PRC. Moreover, during this visit, President Ramos declared the Philippines' dedication towards the PRC's "One China" policy (Robles, 2022). Even though the Mischief Reef Incident pushed the Philippines further toward the US, the Philippines did not change its foreign policy strategy (A. S. P. Baviera, 2021, p. 24). Pursuing the incident, the Philippines agreed on a bilateral code of conduct over the disputes in SCS with PRC. In the code of conduct, the two states settled on a peaceful resolution of the dispute and the agreement stated that the SCS dispute will not affect the normal relations of the Philippines and PRC. This code of conduct further developed with the agreement intended on solving the dispute in accordance to UNCLOS and establish consultative mechanisms (A. S. P. Baviera, 2021, p. 25). This policy of engagement with PRC continued with the successors of Ramos, and President Gloria Macapagal Arroyo (2001–2010) was criticized for aligning too close with

PRC after the agreement on joint exploration of oil project (Gerstl, 2022b, p. 70).

For economic pragmatism, the Philippines began to increase its trade volume with PRC after the end of the Cold War. The trade between PRC and the Philippines increased from US\$295.13 million to an overwhelming US\$25.3 billion in 2008; this increase in bilateral trade relations between the two states in the given period amounts to eighty-five times (Cruz, 1995, p. 85; *Overview of China-Philippines Bilateral Relations*, n.d.). The Philippines also used its relationship with the US in its policy of economic pragmatism. After the US war on terror, the Philippines sent troops to Iraq and secured US\$125 million in military aid, 62.5 times more than the Philippines received in 2001 (Ciorciari, 2010, p. 151).

The third component of the Philippines' hedging strategy was the hard balancing strategy. The hard balancing component adopted by the Philippines was not as important as the other issues during this era. To hard balance PRC, the Philippines ratified a new visiting forces agreement (VFA) that would replace the SOFA agreement. President Joseph Estrada announced that the agreement was against Chinese aggression in the SCS (Novicio, 2003, pp. 48–49). The Philippines also increased its military spending at the beginning of this period, however, weighing this increase in terms of GDP percentage makes it less impressive. Furthermore, after the incident with the direct engagement policy with PRC, the Philippines began to decrease its military spending keenly. As in the case of Vietnam, these hard balancing policies were made against PRC, and as aforementioned, some authors do not interpret this behavior as a hedging strategy.

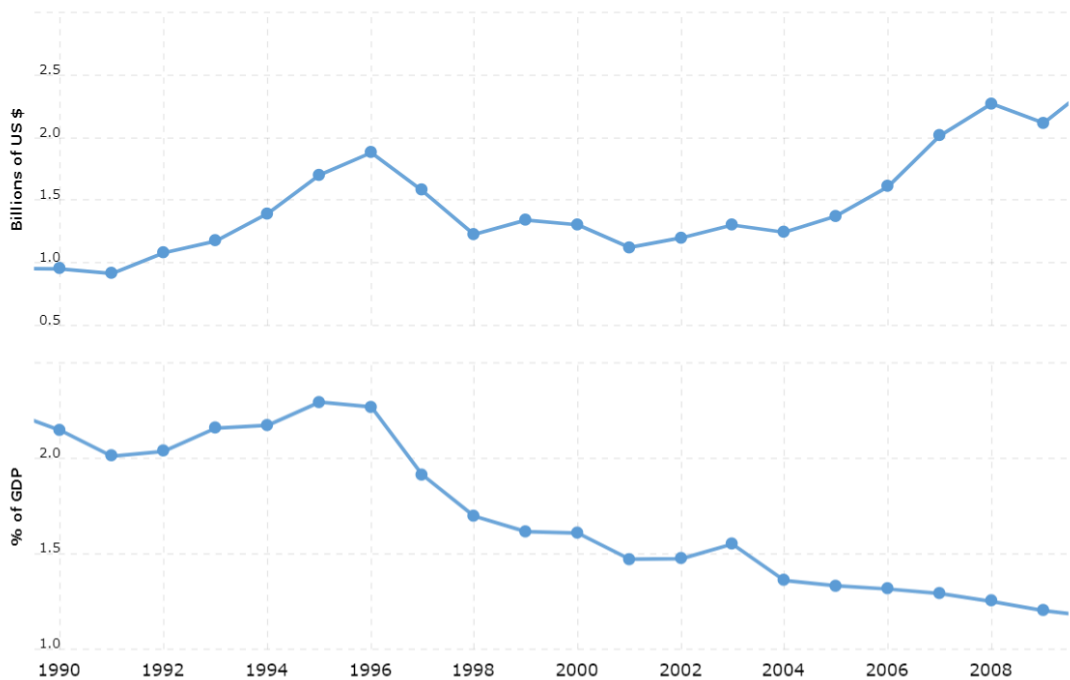


Figure 8: Philippines Military Spending 1990-2008 (Source: *Philippines Military Spending/Defense Budget 1960-2023*, n.d.)

The last factor of the Philippines' hedging strategy was mainly based on its relations with the US and the utilization of multilateralism vis-à-vis PRC. The Philippines used its special relationship with the US against PRC extensively. Especially after the Philippines' support war on terror, Filipino-American relations entered a new era. While the nature of their interdependence had waned in comparison to its zenith, during the Cold War period, their rapport had culminated in the post-Cold War era (Ciorciari, 2010, p. 151). Simultaneously, the Philippines pursued a multilateral approach similar to how Vietnam engaged with ASEAN during this period. The Philippines tried to use ASEAN to draw PRC into regional norms of behavior. At the beginning of the millennia, the Philippines extensively attempted to draft a code of conduct with PRC. In addition, after signing the Declaration of Code of Conduct between PRC and ASEAN states, it continued to sign additional protocols and agreements (Han et al., 2023, pp. 9–10).

In their article "The Philippines' hedging strategy against China in the South China Sea Dispute: Based on the human-ocean regional system" Zenglin Han,

Kaiping Jiang, Fei Peng, and Shuqin Li (2023) evaluated the Philippines' hedging behavior under six components as “binding engagement, economic pragmatism, cooperative bondage, adversarial bondage, prevention, and limited balancing”. Among these, binding engagement can be rephrased as direct engagement. Cooperative bondage and limited balancing can be associated with soft balancing and adversarial bondage, and prevention can be associated with hard balancing argued in Hiep’s study. In their study, they showed the intensity of these components in this period in the following graphs.

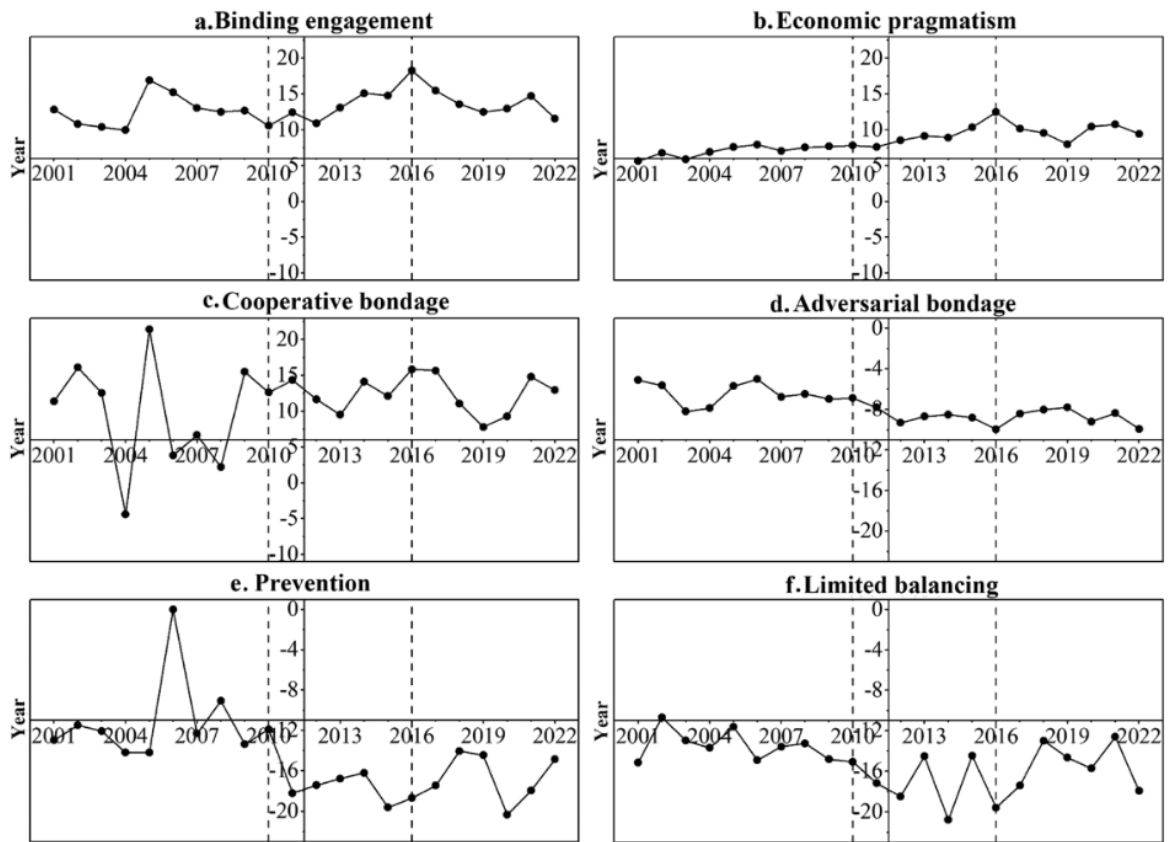


Figure 9: Components of Philippines Hedging Strategy (Source: Han et al., 2023, p. 9)

Malaysia on the other hand similar to its strategies in the second period of the Cold War kept on pursuing a hedging strategy in its foreign policy with PRC. With the end of the Cold War, the hedging strategy of Malaysia became even more apparent. Considering that, even though Malaysia began to hedge PRC in the second half of the Cold War with the diplomatic visit of Abdul Razak

Hussein, PRC kept being seen as a threat by the Malays. However, after the Cold War, the Malays quit their perception of the Chinese threat. This can be supported by Mahathir's following quote, "China threat" is nothing more than a self-fulfilling prophecy... Why should we fear China? If you identify a country as your future enemy, it becomes your present enemy—because then they will identify you as an enemy and there will be tension" (Kuik, 2016b, p. 160). Mahathir viewed PRC as an opportunity for Malaysia rather than a threat.

The first factor of Malaysia's hedging strategy was direct engagement. To engage PRC, President Mahathir made an official visit to PRC in 1993. After his visit, Mahathir led a 290-strong delegation to the PRC and guaranteed a signing of an \$8 billion agreement. This high-level visit was followed by Deputy Prime Minister Anwar Ibrahim's visit and high-level negotiations were preserved between the two Southeast Asian states throughout this period (Liow, 2005, p. 288). Mahathir alone made four visits to PRC in the given period, to which Chinese leaders responded with even more visits to Kuala Lumpur (Liow, 2005, p. 290). Although Malaysia was vocally critical of the US during its diplomatic engagement with PRC, its relationships with the US and Japan improved considerably during that period, which could be an example of the crucial aspect of the hedging strategy. Moreover, at the end of this period, Barack Obama made the first visit made by an American President to Malaysia after Johnson in 1966 (Suzuki & Lee, 2017, p. 115).

The second component of Malaysia's hedging in the SCS dispute was economic pragmatism. After President Mahathir came to power, with his "Look East" policy, the number of trade partners in the country increased greatly. Mahathir developed commercial relations first with Japan and then with PRC for the economic development of Malaysia, and the share of the country's former colonists in trade was reduced (J. Y. Lee, 2017, p. 34). In order to enhance economic relations with the great powers Mahathir suggested the establishment of the East Asia Economic Group (EAEG) which consisted of regional countries as well as PRC, and Japan (Ba, 2023). The economic pragmatism factor of Malaysia's hedging strategy continued in subsequent administrations following



the Mahathir administration. During this period, in addition to establishing trade relations with PRC, the trade volume with the US also doubled after the war on terror and reached \$39 billion in 2008 (*Najib Following in Dad's Footsteps*, n.d.). For Mahathir, and his successor in the Malaysian administration the integration of the Southeast Asian economies was of primary importance, and their initiatives lead to the establishment of the ASEAN Economic Community in 2015 (AEC) (J. Y. Lee, 2017, p. 34). These initiatives made Malaysia PRC's biggest trading partner in ASEAN (Suzuki & Lee, 2017, p. 119). Analyzing this period, Kuik (2013, p. 445) states that economic pragmatism was the most important factor in Malaysia's hedging policy.

The third component of the Malaysian hedging strategy was the hard balancing towards PRC. Malaysia began to hard balance PRC at the beginning of this period. After the Cold War, Malaysian President Mahathir stated that what made China more powerful, can lead to Chinese irredentism in the region. This view from the Malaysian President led to an increase in Malaysian military spending throughout the 1990s and the modernization of the Malaysian navy (Suzuki & Lee, 2017). In addition to the modernization of its Navy, Malaysia kept its security ties with the USA to deal with the assertive policies of PRC in the SCS (J. Y. Lee, 2017, pp. 33–34). In their relations, Malaysia offered the US “forces port calls, ship repair facilities, jungle warfare facilities, and low-visibility naval and air exercises.” In addition, Malaysia started to annually join the largest US-led military exercise “Cobra Gold” in 1995 (Goh, 2016). The change in Malaysian military spending can be seen in Figure 10. In the graph, Malaysian military spending increased more than four times, but due to the GDP growth of the country, in terms of percentage the military spending decreased.

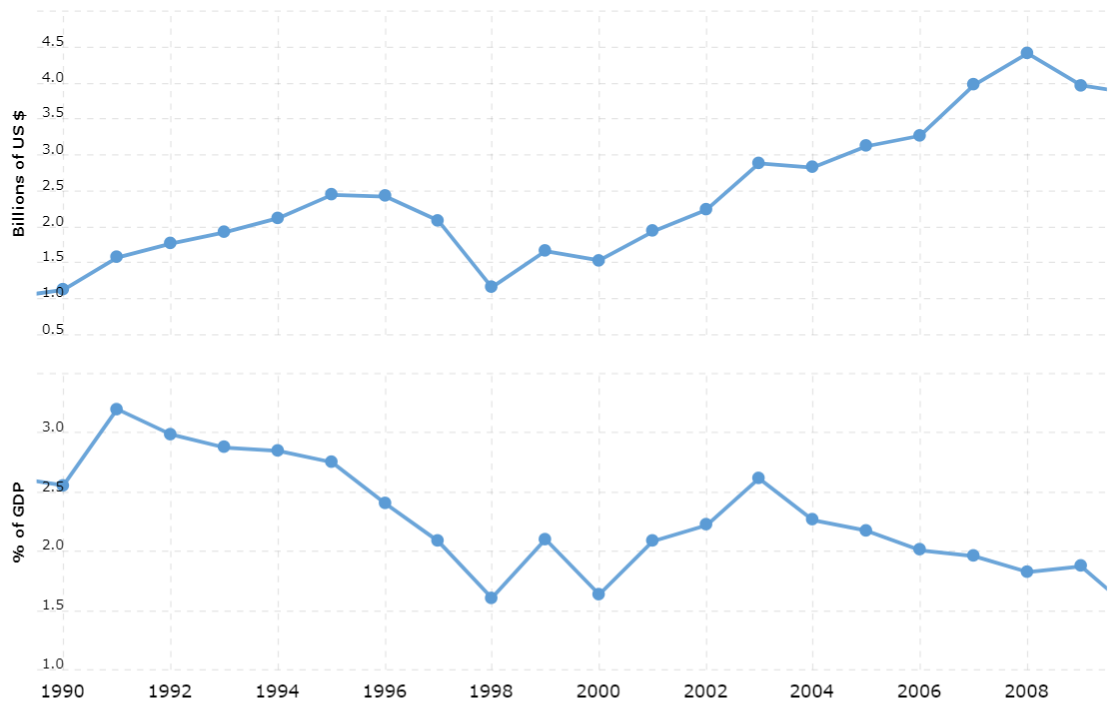


Figure 10: Malaysia Military Spending 1990-2008 (Source: *Malaysia Military Spending/Defense Budget 1960-2023*, n.d.)

Malaysia likewise adopted an effective policy characterized by the utilization of the last component of soft balancing throughout the specified period. The first pillars of this strategy were established through the enhancement of relations with the US and Japan. As a member of ASEAN, Malaysia followed the lead of other middle power members within the organization, thereby exemplifying the second pillar of its approach. Malaysia sought to shape its policies towards PRC by employing multilateralism as a means of soft balancing. Nearly all of the components of the Malaysian hedging strategy ASEAN were used as a means. Therefore, ASEAN was also the most important factor in Malaysian soft balancing. As an outcome of Malaysian efforts, PRC was involved in regional organizations such as APT, the East Asia Summit (EAS), and the ARF. In addition to engaging PRC in these regional organizations, Malaysia also chose to put the SCS dispute aside in these fora and ensure the continuation of multilateral rapprochement with PRC (Suzuki & Lee, 2017, pp. 119–120). Malaysia had a large share in all the other successes such as the establishment of the Code of Conduct previously discussed in the article, just like other

medium-sized powers. Kuik (2008, p. 168) in his study praises Malaysia for being the most eager advocate and practitioner for the establishment of these regional forums and for facilitating the negotiation of agreements.

Standing out, Taiwan was the only state in the region that behaved differently than the others. While the other middle powers pursued a hedging strategy, Taiwan pursued a hard balancing strategy against PRC during the unipolar international system. The balancing strategy of Taiwan had been ongoing since the Chinese Civil War and it continued until the end of this period.

The period began with the 1992 Consensus between Taiwan and PRC. According to the consensus, both parties agreed on there is only one China, but the parties defined China differently (Resar, 2022). This can be evidence of the continuation of the Taiwanese pragmatic diplomacy and soft balancing. President Lee Teng-hui kept pursuing the strategy of his predecessor due to the increasing isolation of Taiwan in the international scene (M. A. Rubinstein, 2006a, p. 462). During his tenure, Teng-hui never behaved as a pro-independence president to distract Chinese aggression.

In order to pursue this soft balancing strategy, in addition to its ongoing alignment with the US, Taiwan began to commence relations with the South American continent. The foreign policy of Taiwan has evinced a particular focus on the region of Central America, as evidenced by a range of diplomatic, economic, and cultural initiatives. This has included the establishment of formal diplomatic ties with several Central American nations, as well as the cultivation of economic and trade relations and the promotion of cultural exchange programs. Especially, Costa Rica, Panama, and El Salvador were the most important states for Taiwan in the Central American region (M. A. Rubinstein, 2006a, p. 462).

Japan became the other pillar of this foreign policy strategy. Taipei tried to establish a quasi-alliance with Japan for obtaining diplomatic recognition, and increase security. The desire for an establishment of a quasi-alliance increased rapidly under the pro-independence president Chen Shui-bian (Bridges & Chan,

2008, p. 595). Chen even called for a Japanese version of the TFA. In response to such requests, Japan was muted (Leng & Chang Liao, 2016, p. 365). However, their relations reached their peak during this period since Taiwan and Japan broke their official relations (Bridges & Chan, 2008, p. 595).

Taiwan also used intergovernmental organizations to soft-balance PRC at the beginning of this period. With the help of Japan and Latin American states, Taipei held its observer status in World Health Organization (WHO) and became a member of the WTO (Leng & Chang Liao, 2016, p. 365).

However, the somewhat quiet relations between the two sides of the Strait were not long-lasting. After the Taiwanese president visited the US in order to attend his alma mater, Cornell University, the relations with Taipei and Beijing became much more intense which resulted in the Chinese aggression in the Strait in 1995-96 just before Taiwan's first elections (Clark, 2010, pp. 9–10). Subsequently, Lee Teng-hui's use of the phrase "Taiwan and the PRC should engage in special state-to-state relations" in an interview in 1999; marked another year of crisis in bilateral relations (Heginbotham & Menon, 2019, p. 24).

After the crisis, Taiwan was forced to shift towards more hard balancing strategies, which become more evident during the Chen Shui-bian administration. Even though President Chen Shui-bian dropped his predecessors' claim about state-to-state relations, there was no improvement in bilateral relations but the crisis subsided. However, after July 2002, two years after taking office, his statements rekindled the Cross-Strait tensions. Firstly, he stated that if Beijing won't accept Taiwanese overtures, "Taiwan would have to walk its road" (Rigger, n.d.). Then two months later, he stated, "There is one state on each side of the Taiwan Strait" (M. A. Rubinstein, 2006b, p. 515). Lastly, he encouraged the Taiwanese people to consider legal mechanisms for a referendum which could be for Taiwan's status as a state (Rigger, n.d.). All these balancing efforts lead to harsh Chinese assertiveness over Taiwan and the enacting of the Anti-Secession Law that authorized the PLA to employ non-peaceful means when Taiwan decided to secede in 2005 (Clark, 2010, p. 10).

Although the Chen administration pursued assertive policies that some interpreted as indicating the desire for independence from China, it also sought to balance its relations with PRC using other great powers such as Japan, and the US. Despite this, it is worth noting that Taiwan's military expenditure did not increase during this time, as seen in Figure 11 (Duchâtel, 2006, pp. 6–7).

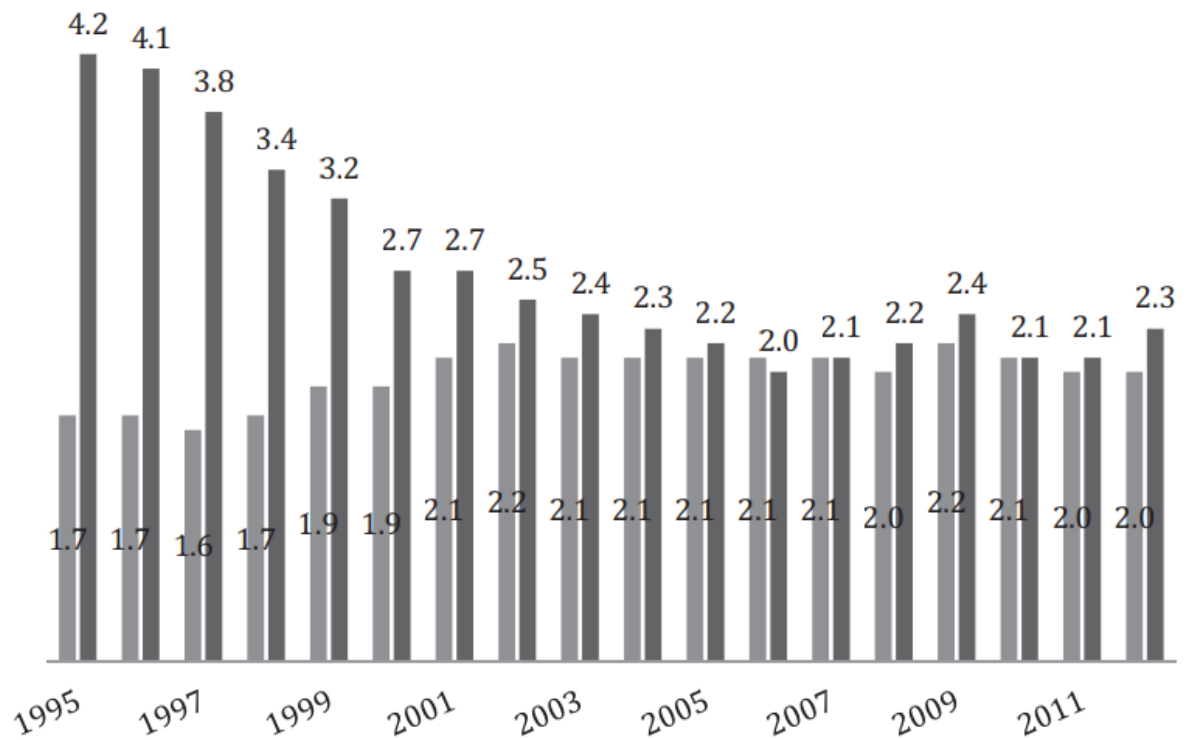


Figure 11: Taiwanese Military Expenditure 1995-2013 (Source: Wu, 2016, p. 477)

In conclusion, in the unipolar international system, three out of four middle powers in the SCS dispute used hedging as their primary foreign policy strategy. Only Taiwan among all used balancing as its main strategy. Taiwan chose the soft balancing strategy until President Chen Shui-bian but after Chen took office, the strategy of Taiwan turned into hard balancing against PRC. The reason for this shift in Taiwan's foreign policy was that fifty-one years after the country's establishment, a non-KMT party official came to power for the first time, and DPP was more pro-independence and its members were more Taiwanese nationalist from the KMT (M. A. Rubinstein, 2006b, p. 510).

The hedging strategies pursued by the four aforementioned states exhibit variances in their emphasis on different components of hedging. Vietnam laid more emphasis on economic pragmatism at the beginning of the period, but especially after its membership in the ASEAN direct engagement became its most important component. After the new millennia, hard balancing gained prominence in the Vietnamese hedging strategy (T. B. Tran & Sato, 2018, p. 93). On the other hand, Malaysia began to see PRC as an opportunity rather than a threat after the unipolar international system. Therefore, economic pragmatism was the most important component of the Malaysian hedging strategy, which can easily be supported by the fact that Malaysia became the first trading partner of PRC among the ASEAN states (Kuik, 2013, p. 445). Meanwhile, the Philippines' most important component of their hedging strategy was direct engagement, which led to criticisms toward the President of the period for being too closely aligned with PRC (Kuik, 2013, p. 445). The reason for not emphasizing the hard balancing component of the hedging strategy among the middle powers can be the ability to solve sources of conflict through conflict management methods where there was only one superpower. This reason increased the Chinese geopolitical influence in the region, which can be seen in the Han et al. study that shows the change in the geopolitical influence of PRC and the US from 2001 to 2010.

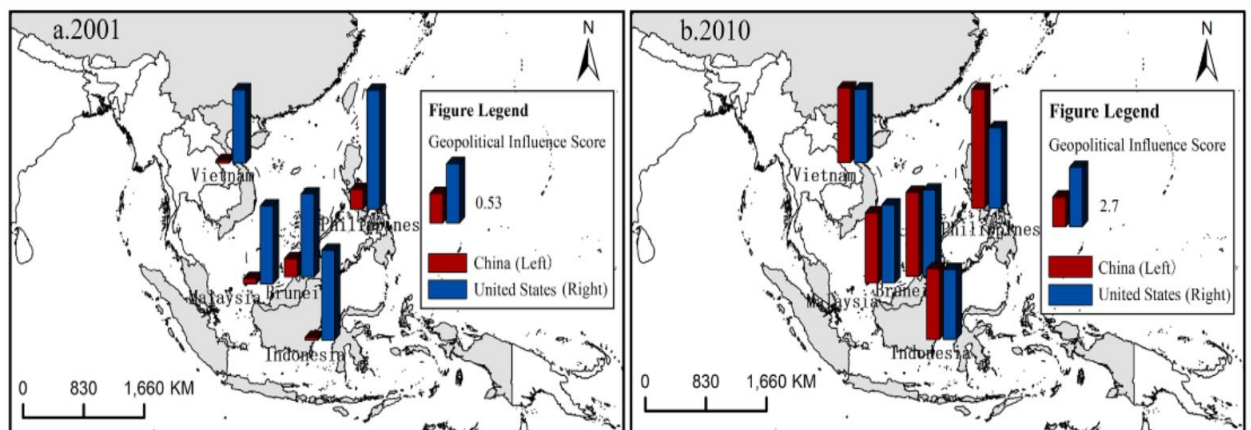


Figure 12: Geopolitical Influence of China and the US 2001 - 2010 (Source: Han et al., 2023, p. 8)

COUNTRY	GREAT POWERS)	FOREIGN POLICY
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<b>Vietnam</b>	PRC – USA – Russia	Hedging
<b>The Philippines</b>	PRC – USA	Hedging
<b>Taiwan</b>	PRC	Balancing
<b>Malaysia</b>	PRC – USA – Russia	Hedging

Table 8: Summary of Middle Power's Primary Foreign Policy Choices (1992-2008) (Author's compilation)

### **3.4. AFTER THE 2008 FINANCIAL CRISIS / MULTIPOLAR INTERNATIONAL SYSTEM**

With the rapid decrease in the relative power of the USA and the emergence of new power centers all over the world as a result of the 2008 financial crisis, the international system became multipolar. Perhaps the most important of these emerging power centers was, of course, PRC; followed by the EU, Brazil, India, and Russia who were the other emerging power centers that emerged in this period. In the aftermath of the financial crisis, the multipolarity of the international system and the importance of the rising powers began to be discussed in the literature.

During the unipolar international system, even though there were various conflicts and root causes between the regional states and PRC, these incidents were overcome thanks to both sides' conflict management methods (Amer, 2014, p. 20). According to Tønnesson (2020), there are various other reasons for the beginning of the period of conflict among the regional states. He believes that in addition to PRC's increasing its power, PRC's gaining self-confidence with the 2008 Beijing Olympics, and the end of applications to the UN on the Continental Shelf started this period of conflicts. At the start of this period, PRC, the newly established sphere of power within the multipolar international system adopted even more assertive policies in the SCS, which has resulted in clashes with nearly all of the claimant states. The Chinese increased assertiveness pursued through land reclamation and territorial claims alerting all of the region (T. U. Tran, 2018, p. 13). Throughout this period, the international system

continued to be increasingly multipolar as the US power concentration continued to disintegrate.

In 2014, there was a major escalation of tensions between Vietnam and PRC due to the latter's oil exploration activities in Vietnam's EEZ (Taylor, 2021). As a result, Vietnam's hedging strategy, specifically the hard balancing component, became more significant in the SCS region (Tran & Sato, 2018, p. 87). Even officials in the Vietnamese administration who were pro-Chinese were uncertain about PRC's intentions in the SCS, which led to an increase in the hard balancing factor without opposition (Vuving, 2013, p. 337). There was an agreement in the literature that Vietnam was still hedging against PRC, authors such as Tran & Sato (2018, pp. 87-89), Hiep (2016), and Thayer (2017) believe that Vietnam continued hedging against PRC but the emphasis on the hard balancing component increased significantly.

Hiep (2015) in his previous study argued that Vietnam adopted a pure hard balancing strategy after the 2014 incident. However, in his following study, he suggested that even though Vietnam continued its hedging strategy it put greater emphasis on hard balancing, which he attributes to several factors. Firstly, the 2014 incident was the most aggressive action taken by PRC since the Cold War. Secondly, the incident highlighted PRC's military superiority over Vietnam. Thirdly, the crisis demonstrated that PRC would not hesitate to use force in the SCS if necessary. Lastly, the incident showed that Vietnam could obtain international support from major powers such as Japan and the US (Le, 2015, pp. 7–9). Tran & Sato (2018, pp. 87-89), Hiep (2016), and Thayer (2017) agree with these reasons for the increased emphasis on the hard balancing component, but they claim that Vietnam is still hedging against PRC since 2014.

In an identical way to its strategy in the unipolar world system, Vietnam kept on directly engaging PRC as a means of its hedging strategy. For example, Vietnam and PRC continued their high-level visits during this period, and from the beginning of this period up to the incident in May 2014, four high-level visits took place between the two states (Hiep, 2013, p. 348). In 2013, the two countries issued a joint statement and vowed to maintain the relations between



them and further deepen their cooperation (T. B. Tran & Sato, 2018, p. 88). Even though the direct engagement factor of Vietnam's hedging strategy was expected to be disrupted after the crisis in 2014, Hanoi showed its willingness to open discussions and manage the issues through diplomatic communications which in turn led to public protests in Vietnam (C. A. Thayer, 2017, p. 12). However, Beijing rejected to discuss the issue until 2017. Yet, in 2017, General Secretary Nguyen Phu Trong made an official visit to PRC and Chinese President Xi Jinping agreed on the "Vietnam-China Joint Communiqué" which aimed to increase mutual trust, friendship, and strategic cooperation between the two states (T. B. Tran & Sato, 2018, p. 90).

The economic pragmatism of Hanoi towards Beijing continued during this period. Which resulted in the trade volume between the two states growing significantly. The figure, which was previously US\$20.01 billion in 2008, increased nine-fold to \$186.6 billion in 2021 (*Vietnam (VNM) and China (CHN) Trade | OEC*, n.d.). This increase made PRC the second export destination in the Vietnamese economy after the US. During the same period, PRC became Vietnam's primary import partner, with a staggering annual trade deficit of \$71.2 billion between the two countries in 2021, which became a source of concern for dependency (*Vietnam (VNM) Exports, Imports, and Trade Partners | OEC*, n.d.). Moreover, Hanoi distanced itself from Chinese Foreign Direct Investment (FDI) due to the same reason. For instance, Vietnam has proactively limited its involvement in the Belt and Road Initiative (BRI), which has only implemented one project in Vietnam, the Cat Linh-Ha Dong tramline. The reason for Vietnam's distancing itself from the BRI resulted from their fear of economic dependence on Beijing and avoiding the Chinese "debt trap" which showed that Vietnam is also economically hedging the PRC (Trinh, 2023).

The third component of the Vietnam hard balancing strategy had the most emphasis during the multipolar international system. Throughout the period of conflict, Vietnam has kept enhancing its military capabilities and modernizing its military warfare. Modernizing its naval power had the most priority in its internal balancing efforts (T. B. Tran & Sato, 2018, p. 89). The modernization of the

military began with Hanoi's ordering two Gepard-class frigates from Russia, which were Vietnam's first surface combatants (C. A. Thayer, 2018, p. 433). In 2009, Vietnam signed a US\$2 billion contract with Russia to buy the quietest submarines in the globe, Kilo-class submarines (T. B. Tran & Sato, 2018, p. 89). Hanoi acquired these submarines from 2013 to 2017 and its crews were trained in Russia and India. During this period due to these agreements and several other naval force purchases, Vietnam transformed into a naval power from a land power (C. A. Thayer, 2018, pp. 433–434). For external balancing, even though Vietnam reiterated a number of times it would not abandon its “three noes principle”<sup>18</sup>, as a result, it could be seen that Vietnam began to have closer ties with the Western powers in the region, namely the US, Japan, and the Philippines (Hiep, 2016b, p. 285). The US was the most important partner of Vietnam among these states. During this period, Vietnam supported the Obama administration's policy of rebalancing in Southeast Asia. Additionally, Vietnam made a number of naval military exercises with the US Navy (C. A. Thayer, 2017, p. 13).

The weight of soft balancing in Vietnam's hedging strategy varied greatly over the period. Until the crisis in 2014, soft balancing had a greater significance when compared to after the crisis. Until the crisis, in order to soft balance PRC, Vietnam conducted strategic partnership agreements with thirteen states including four of the five permanent members of the UN Security Council. In addition to strategic partnerships, Vietnam signed comprehensive partnership agreements with the US, Australia, and four other states (‘Vietnam Among the Powers’, 2014). In the crisis with PRC, Vietnam gained support from many of its strategic and comprehensive partners. However, as in the last period, deepening its relations with the regional great powers was only one aspect of its soft balancing strategy, the other factor, similar to the unipolar international system conducted through ASEAN, was multilateralism. At the ARF's 17<sup>th</sup> meeting in Hanoi, Vietnam was encouraged when half of the organization

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<sup>18</sup> No military alliance, no foreign base on Vietnam's soil, and no relationship with one country to be used against a third country.

addressed the SCS dispute in their speeches (Hiep, 2016a, pp. 177–178). The establishment of the ASEAN Community further increased the solidarity among the member states. Through these organizations, Vietnam repeatedly expressed that Hanoi expects to multilaterally engage PRC in their dispute through ASEAN and resolve the dispute as a group (Thuy, 2014, p. 92). In addition, Vietnam used international law as a means to soft balance PRC; to exemplify, in the *Philippine v. China* arbitration case Vietnam tried to be a party in the case.

Although the middle powers in the SCS dispute generally followed a consistent foreign policy strategy during systemic periods, the Philippines demonstrated significant differences in its foreign policy strategy between the two presidents that served in this period, particularly in the multipolar international system. During this period, President Benigno Aquino (2010-2016) III and Rodrigo Duterte (2016-2022) pursued antipodal foreign policies. During the Aquino tenure, the Philippines followed a balancing strategy against the PRC but under the Duterte administration, it returned back to a hedging strategy (Zha, 2022, p. 311)<sup>19</sup>.

After Aquino took office in 2010, he began to balance PRC instead of using a hedging strategy as his predecessors. This foreign policy shift in Aquino's term provoked Chinese aggression and there were two major military standoffs between the two states. Just one year after Aquino became the president, two Chinese patrol vessels made a Philippine survey ship withdraw which later was responded to by Philippines who sent an attack aircraft and coast guard vessels to escort the Filipino ship (Storey, 2011). In 2012, a more serious crisis took place between the two states after the Philippines renamed the SCS as the "West Philippine Sea" to show the Philippine sovereignty over surrounding waters and islands (Agence France-Presse in Manila, 2012). This move of the Philippines further increased the tensions and lead to a more serious standoff in

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<sup>19</sup> For the potential explanation of the policy shift of the Aquino III, See Winston, Rachel Anne. 2020. *Philippine Hedging Strategy in the South China Sea: an Analysis of Approaches by President Benigno Aquino III and President Rodrigo Duterte*. Master's thesis, Harvard Extension School.

the Scarborough Shoal in 2012 (Green et al., 2017). In the conflict, the Filipino Navy tried to arrest illegal Chinese anglers who hunted in the Philippines' EEZ. This action of Aquino provoked a Chinese military response as well as the travel and tariff ban on Filipino goods (*Philippines Hedging Strategy in South China Sea between the Two Administrations - Khmer Times*, 2022).

After these incidents that aimed to balance PRC, Aquino III promoted an internalization strategy for solving the territorial dispute in the SCS region (Gerstl, 2022b, p. 81). Legal warfare against PRC was one pillar of this balancing strategy. Despite the strong Chinese protests, he submitted a case against PRC in the PCA in 2013 (Zha, 2022, p. 312). However, during his term, Aquino III rejected the use of diplomatic and political means to resolve the dispute between the two states (Han et al., 2023, p. 10). The award of the arbitration was declared two weeks after the inauguration of Aquino, therefore he couldn't use the award against PRC in the SCS dispute (Heydarian, 2017, p. 211).

The second pillar of this balancing strategy was the previously sidelined US alliance during the unipolar international system. The Aquino administration welcomed America back to Asia during the Obama Period and actively sought commitments to Washington's security in the event of a conflict with PRC in 2013. One year after taking office, Aquino held bilateral meetings with Washington in Manila and established "2 plus 2" meetings in 2012 (Zha, 2022, p. 312). In addition to bilateral meetings, expecting to increase American commitment to SCS, Manila signed "The Agreement on Enhanced Defense Cooperation" (AEDC) with the US which raised the scope of the 1951 MDT treaty (C. Thayer, 2014).

However, this balancing policy which began at the beginning of the multipolar international system was not continued by Aquino's successor Rodrigo Duterte. The balancing act pursued under the Aquino period was an exceptional deviation from the Philippines' foreign policy following the end of the Cold War (Heydarian, 2017, p. 222). As discussed in previous chapters, under all of the presidents who took office after the Cold War, the Philippines pursued hedging

strategy against PRC (De Castro, 2020; De Castro, 2016a). These assertive policies carried out by Aquino resulted in the exclusion of the Philippines from the BRI and the Philippines would not be included in the project until 2018. Even after returning to the hedging strategy (Gerstl, 2022b, p. 68).

The Philippines returned to hedging strategy with Duterte who took office after the inauguration of Aquino III, just as in the unipolar international system (Zha, 2022, p. 311). The first indication of a return to hedging strategy was Duterte's refusal to use the award of the case against PRC as a foreign policy mean, even though the PRC declared to be not acting in accordance with the international law by the arbitration (De Castro, 2016a, p. 147). In an interview after winning the elections, Duterte stated that he "wanted to be friendly with everyone" and would pursue a "pragmatic" foreign policy. He also declared that he would not use an assertive policy against PRC in the SCS, because, according to him "if it costs a third world war, what might be the point of insisting on the ownership of the waters? It does not bring prosperity." (Steger & Huang, 2016).

Showing that he pursued a hedging strategy, President Duterte began direct engagement right after he won the presidential elections. In October 2016, Duterte made an official visit to PRC after which he guaranteed a \$24 billion trade and investment agreement as well as a decision to restore the relations between the two states (Heydarian, 2017, p. 232). In the same year, both states agreed to open bilateral talks for the SCS dispute (Perlez, 2016). In 2017, the Philippines invited PRC to conduct joint cruises and even intended to conduct annual joint military exercises with PRC (Han et al., 2023, p. 10). In addition to these visits, in order to increase the bilateral relations with PRC, Duterte remained silent about the legal victory of the PCA award (De Castro, 2016a, p. 147). In 2018, the two countries agreed to pursue comprehensive strategic cooperation, and during his tenure, Duterte made 5 visits to Beijing and joined a number of BRI meetings until the Covid-19 pandemic (Gerstl, 2022b, p. 76).

Economic pragmatism was the most important factor in President Duterte's hedging strategy. The importance of the economic aspect can be understood in

his quote “If Beijing will “build [Philippines] a train around Mindanao, build me train from Manila to Bicol ... Build [for us] a train [going to] Batangas, for the six years that I’ll be president, I’ll shut up [on the South China Sea disputes].” (Heydarian, 2017, p. 232). Therefore, Duterte’s hedging strategy could easily be interpreted as economic pragmatism oriented which can be seen in the trade volume of both countries. Until 2014, Japan was the biggest trade partner of the Philippines but after 2014 and especially after Duterte their trade relations grew 17 percent annually (Gerstl, 2022b, p. 78). In 2021 the bilateral trade between the two states reached US\$78.86 billion together with Hong Kong (*Philippines (PHL) Exports, Imports, and Trade Partners | OEC*, n.d.). However, the increased trade relations did not reflect the FDI. The Chinese FDI remained low during Duterte’s term even though it was one of the most important aspects of his foreign policy, which can be seen in Figure 13.

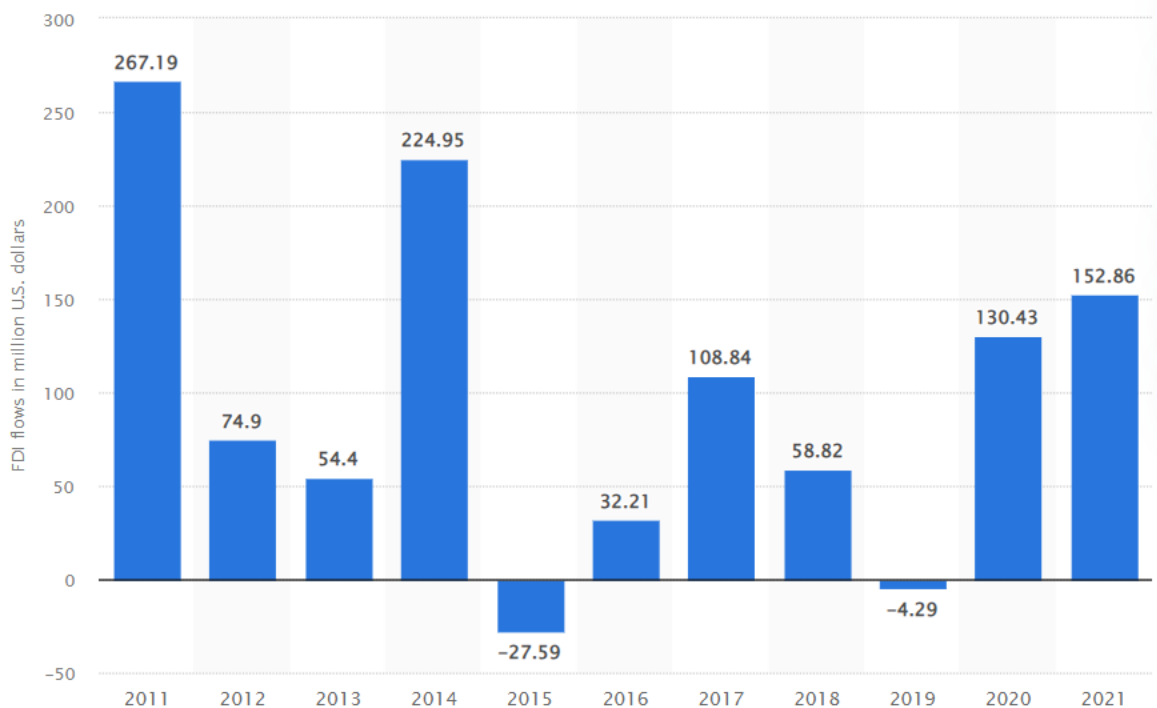


Figure 13: Chinese FDI in the Philippines 2011-2021

In 2018, in addition to all these investments and trade with PRC, Duterte signed a deal under a memorandum of understanding which officially announced the country's cooperation with BRI (Fernando, 2020).

Even though Duterte hedged PRC and increased the bilateral relations to its peak after Aquino III. The hard balancing component of the hedging strategy still had an important aspect on Duterte's foreign policy. Despite a decrease from the preceding period, the Philippines continued to maintain elevated levels of both internal and external balancing (Han et al., 2023, p. 10). Until this period the Philippines was one of the weakest states in Southeast Asia and had a deficit of arms in both air and naval forces. During his tenure, Duterte made arms deals with Japan, the US, and European powers. For this reason, Manila bought hardwires and military equipment from Japan, the US, and European Union (De Castro, 2016a, pp. 151–154). For external balancing, one of Duterte's most significant ambitions was to establish a security partnership with Japan (De Castro, 2016a, p. 153). In addition to Japan, at the end of his term, The Philippines exercised the biggest joint military exercise with the US (Han et al., 2023, p. 10). Even though Duterte was very vocal with the US, he did not question any of the defensive pacts made with the US neither during Aquino's term nor before. The MDT, VFA, and Enhanced Defense Cooperation Agreement (EDCA) were all in effect against a potential Chinese threat (Gerstl, 2022b, p. 81).

The last component of the hedging strategy, soft balancing also had an important place in Duterte's policies. Similar to the hard balancing aspect, the US and Japan held a significant place in this component. After his election, he made his second visit to Japan just after his Chinese visit. He believed that Japan was a more reliable partner against PRC than the US (Gerstl, 2022, p. 77). However, especially after the election of Trump, bilateral relations with the US also improved (Gerstl, 2021, p. 50). The Philippines also used ASEAN and multilateralism as the main feature of its hedging strategy. During the chairmanship of Manila in 2017, Manila promoted building joint resource

exploration and creating a rule-based international order in accordance with international law in SCS (Laude, 2017).

Unlike the Philippines which got off track during the Aquino administration, Malaysia pursued the hedging strategy under all four presidents in the multipolar international system. The first Prime Minister of the period Najib Razak pursued the institutionalized hedging strategy from the beginning of his term just as his father Tun Abdul Razak who established diplomatic ties with PRC in the first place did (Kuik, 2016b, p. 164). The subsequent president, Mahathir Mohammed, kept pursuing this strategy during his term as well.

In the multipolar international system, direct engagement between Kuala Lumpur and Beijing is one of the most important factors. The first Prime Minister of the period Najib Razak, choose Beijing as his first place to visit just two months after he took office. During this visit, in an interview he gave Razak stated that “he would not only follow the follow the footsteps of his father but would also take the bilateral relations to greater heights.” Amidst this visit, Malaysia and PRC signed the bilateral treaty on the “Joint Action Plan on Strategic Cooperation” (Kuik, 2012, p. 16). Razak improved the relations so much that during his tenure, for the first time in the country’s history, Malaysia purchased Chinese-made military equipment (Chin, 2016). This demonstrated the extension of continued diplomatic and economic engagement between the two powers to their defense relations which was the weakest aspect of their bilateral relations. In 2014, bilateral relations between PRC and Malaysia raised to the “Comprehensive Strategic Partnership” level on the 40<sup>th</sup> anniversary of the establishment of diplomatic relations (Bing, 2015, p. 270). In September 2015, Malaysia and PRC organized a significant military exercise in the Malacca Straits and nearby waters, which included joint activities such as escort, search and rescue, and humanitarian aid and disaster relief. This exercise marked the most extensive bilateral military drill between PRC and an ASEAN nation so far (Goh, 2016). Furthermore, the high-level diplomatic visits continued in all forms of economic, political, and security issues. The Prime Ministers of the period joined BRI Forums and they repeatedly had mutual visits



with PRC in the multipolar international system (Gerstl, 2020, p. 118). Throughout this period and previous periods, Malaysia had the most accommodative and friendly relationship with PRC among the middle powers in the region (Bing, 2015, p. 270).

The most important outcome of the direct engagement efforts of Malaysia was the success of planned BRI projects (Gerstl, 2020, p. 118). Therefore, the economic pragmatism factor remained the key pillar of the balancing strategy also in the multipolar international system. At the beginning of this period, PRC became the largest trading partner of Kuala Lumpur in 2009. Correspondingly, in 2009 Malaysia rose to be the sixth biggest trading partner of PRC in the same year and became the largest trading partner of Beijing among the ASEAN states. The bilateral relations kept going mostly thanks to the efforts of the Malaysian government's pursuit of economic pragmatism. At the beginning of the period, bilateral trade volume was US\$37.5 billion, and in 2021 this volume increased more than threefold and grew into a significant US\$118.6 billion (*Malaysia (MYS) and China (CHN) Trade | OEC*, n.d.). The improvement of trade relations showed itself also in the FDI. Chinese FDI in Malaysia rose to US\$1,829 billion in 2016 to an all-time high from 95 million at the beginning of the period. The FDI then dropped to US\$ 1,336 billion in 2021 which was 7,18 percent of the total FDI of Malaysia (*China*, n.d.). This demonstrated that while Malaysia improved its economic relations with PRC in all aspects it did not become too dependent on Beijing for its economy.

The third factor of Malaysia's hedging strategy, hard balancing, was generally done in the form of internal balancing during the period. Throughout the SCS dispute, Malaysia kept an extremely low profile on defense relations with the US. To exemplify, it did not fully participate in Cobra Gold exercises until 2011 and publicly denied that US aircrafts were allowed to fly from its territory, despite US sources proving the contrary (Goh, 2016). The main reason for Malaysia's apathy for externally balancing PRC was because of the acknowledgment of Malaysia's inability to balance PRC effectively. Thus, Kuala Lumpur preferred "some other less violent ways not to antagonize PRC too

much” (Gerstl, 2020, p. 117). Hence, Malaysia was the only state in the SCS dispute to have more remote relations with the US. Kuala Lumpur doesn’t have a defense pact like the Philippines, and it did not have the relationship level of Vietnam against PRC (Kuik, 2016a, p. 12). However, Malaysia kept its minor defense ties with the US throughout the period, for example, during this period they renewed Acquisition and Cross-Servicing Agreement (Kuik, 2008, p. 175). For internal balancing, Malaysia kept modernizing its military. However, as a state, which is a claimant in a maritime dispute, Malaysia does not have the necessary naval means and lacks an ambitious naval modernization program (Haacke, 2019, p. 400). Malaysia keeps having a low military budget and does not rush to modernize its naval force as the other middle powers in the dispute. Malaysia’s navy still consists of three-decade-old warships, and in addition, Kuala Lumpur only plans to acquire modern submarines, and littoral combat ships planned to be finished at the end of the decade (Chang, 2020).

Malaysia, unwilling to engage in hard balancing due to its smaller military capabilities resorted to using soft balancing to make up for this. Therefore, bilateral and multilateral agreements became of great importance in Malaysia's hedging strategy. ASEAN is used by Malaysia for both direct engagement with PRC and soft balancing it (Gerstl, 2020, p. 117). Between the member states, ASEAN became a regional actor for avoiding to choose sides in the great power conflict between PRC and the US (Tan, 2020, p. 147). In this regional fora, Malaysia began to be vocal about the SCS dispute and publicly discussed Chinese aggression in Malaysian waters. To exemplify, they declared the breach of Chinese ships into the Malaysian EEZ (Goh, 2016). Malaysia, as the ASEAN chair in 2015, helped to voice opposition towards land reclamation efforts in the SCS through a collaborative statement made during the Foreign Ministers Meeting. They also intentionally highlighted the conflicting views regarding SCS disputes, which led to the ASEAN Defense Ministers meeting to end without a unified statement (Torbaty & Leong, 2015). While Malaysia sought to draw international attention to the dispute, it also tried to support the implementation of the Code of Conduct for SCS between PRC and ASEAN thereby making the dispute more internationalized (Gerstl, 2022a, p. 61). These

hard balancing and soft balancing measures employed by Malaysia are in line with Tessman and Wolfe's (2011, p. 222) argument that hedging states will fall short of formal military coalitions (external balancing) or extensive military build-ups (internal balancing).

Even though all these middle powers employed hedging strategy from the beginning of the post-Cold War period, Taiwan was the only state that employed balancing strategy throughout the dispute. However, Taiwan, a small island nation located off the coast of China, faces a complex security environment while PRC continues to rise to great power status. The relative balance of power between the two states has shifted significantly in favor of PRC as the world system continues to become multipolar. In 2021, the Chinese trading volume exceeded Taiwan's more than tenfold and the GDP of PRC is more than twenty-two times bigger than that of Taiwan (*China | Data*, n.d.; *Chinese Taipei (XXB) Exports, Imports, and Trade Partners | OEC*, n.d.).

In response to this challenge, Taiwan has adopted a hedging strategy that involves all of the four components against PRC. Because traditional hard balancing tactics against PRC were no longer a valid option for Taiwan (Matsuda, 2012, p. 115). This approach sought to maintain the status quo in the Taiwan Strait, while also preserving Taiwan's sovereignty and national security interests. Through a mix of diplomatic, economic, and military measures, Taiwan's hedging strategy aims to enhance its security and deter potential aggression from PRC (Leng & Chang Liao, 2016, p. 374). Direct engagement was the most crucial and problematic factor for the Taiwanese hedging strategy, because of Taiwan being an unrecognized state and its inability to employ state-to-state relations even if it intended in the unipolar international system.

As a result of its inability, Taiwan in the multipolar international system began to directly engage PRC in economic issues at the beginning of the period. Even though the economic dependence on the mainland was seen as a security threat by the officials in Taiwan, in the multipolar international system, Taipei made twenty-one economic and functional agreements with Beijing until 2016 (Leng & Chang Liao, 2016, p. 362). In contrast to other issues, the sovereignty

issue remained overlooked in the diplomatic relations between the two states. The ROC returned to the 1992 consensus of “One China with different interpretations”. This policy inherited by Taiwan, broke the tension between the two states and established a necessary environment for the continuation of the status quo in the strait (Leng, 2011, p. 364). The direct engagement component of Taiwan’s hedging is best illustrated by President Ma’s Three No’s policy - no unification, no independence, and no use of force- (S. Lee & Schreer, 2013, p. 55). During this period Taiwan accepted to suspend its formal bid to join the UN and accepted to use of the name Chinese Taipei in international organizations to reduce Chinese suspicion about the Island. In return, Beijing gave significant leeway to Taipei in the international arena (Leng & Chang Liao, 2016, p. 362). The direct engagement, which began with economic issues, evolved into a former president’s visit to PRC, an event that happened for the first time in history. Former President Ma who was the first leader to endorse the country’s hedging strategy, visited Beijing and made a speech emphasizing the common ethnicity of the two people across the strait. He stated that “*People on both sides of the Taiwan strait are Chinese people, and are both descendants of the Yan and Yellow emperors... We sincerely hope the two sides will work together to pursue peace, avoid war, and strive to revitalise China ... This is an unavoidable responsibility of Chinese people on both sides of the strait, and we must work hard.*”. (Davidson, 2023).

Economic pragmatism was the most important aspect of Taiwan's hedging strategy during the multipolar international system. In the previous periods, Taiwan attempted to keep economic cooperation in the straits to a minimum, in line with its balancing strategy and due to the perceived threat to independence for the Chinese economy. However, this restriction was not effective in the bilateral economic relationships (Leng & Chang Liao, 2016, p. 362). This can be easily seen through PRC becoming the top trading partner of Taiwan in 2002 with a trading volume of US\$46.3 billion (*Mainland Becomes Top Trade Partner of Taiwan*, n.d.). In 2021, this trade volume between the two states increased to five-fold to US\$203.6 billion (*Chinese Taipei / China | OEC*, n.d.). The economic pragmatism in this period made way for a number of agreements such as

“scheduled direct flights, direct cargo shipping, tourism, Chinese investment in Taiwan, financial cooperation, intellectual property rights, and the safety of Chinese food products as well as a landmark Free Trade Agreement (FTA) like agreement the Economic Cooperation Framework Agreement (ECFA)” (T. Y. Wang & Tan, 2021, p. 4).

The hard-balancing component of the hedging strategy of Taipei continued during this period. The hard balancing component of the hedging strategy was used in order to engage PRC with more self-confidence (*US Defends Weapons Sale to Taiwan*, 2010). The external balancing component was fulfilled by the alliance of the US and further cooperation with Japan during the period. The internal balancing in Taiwan’s hedging strategy also kept its importance. Even under Ma’s administration, Taipei acquired US\$12.2 billion in arms sales from Washington. These generally included air forces to defend the island (Leng & Chang Liao, 2016, p. 363). The total military spending during this period can be seen in Figure 14.

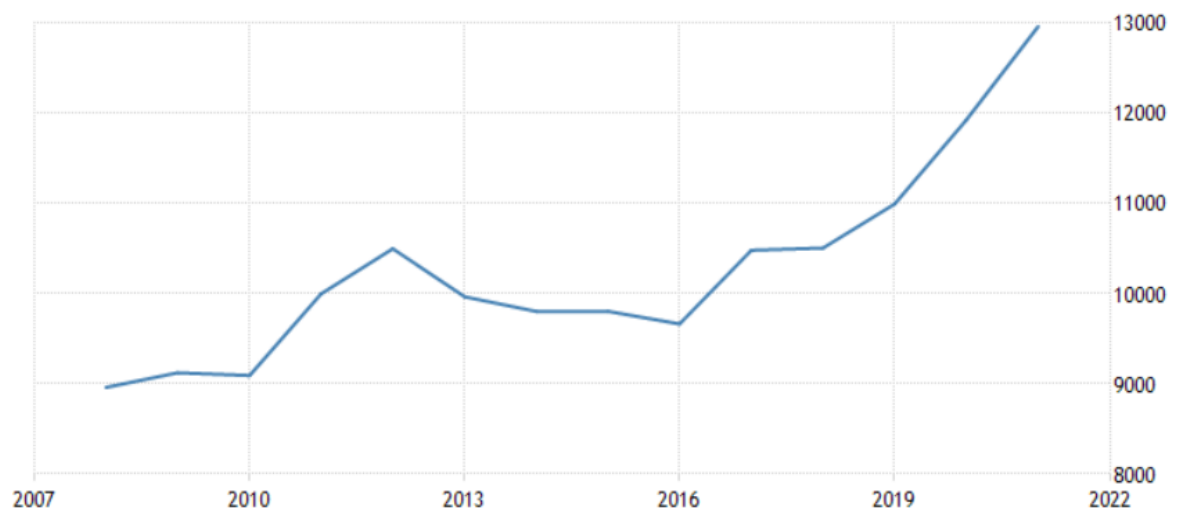


Figure 14: Taiwanese Military Expenditure 2008-2022 (Source: *Taiwan Military Expenditure - 2022 Data - 2023 Forecast - 1976-2021 Historical - Chart*, n.d.)

The soft balancing component of the hedging strategy was also problematic for Taiwan as it hindered direct engagement and the pursuit of multilateralism within international organizations. Due to the possible Chinese retaliation,

Taiwan could not utilize ASEAN as the other middle powers did in the dispute (Sang, 2022). To overcome the issue, in addition to Taiwan's ongoing relations with Washington, Taipei further improved its relations with Japan. Japan was viewed as an additional ally in order to balance both "Chinese aggression and possible US abandonment" (Goh, 2011, p. 895). In early 2007, the then-opposition party leader, President Ma expressed his desire to establish a free trade agreement with Japan (Leng & Chang Liao, 2016, p. 367). In addition, the parties conducted an "investment protection deal" which recognized Taiwanese investors as ROC nationals (Wilkins, 2012, p. 118). Then the bilateral relations between the two states increased to a "special partnership" level during the Ma administration (Leng & Chang Liao, 2016, p. 367).

However, the hedging strategy of Taipei did not last until the end of the period. After the end of the office of President Ma, his successor President Tsai Ing-wen who is a pro-independence DPP candidate in Taiwan drew away from the hedging strategy adopted by Ma (T. Y. Wang & Tan, 2021, p. 4). She considers President Ma's "Three No's" policy and 1992 Consensus unacceptable because it indirectly implies that Taiwan is a part of PRC. The election of Tsai gained severe criticisms from Beijing, and in a speech commemorating the 40th anniversary of the pro-unification Xi Jinping stated that the unification of Taiwan and PRC is unavoidable and Taiwan must and will be unified with the mainland (C. Gao, 2019). Moreover, from the beginning of her tenure, Beijing took significant measures to deter Taiwan from this policy shift. After the election of Tsai, Beijing suspended Tourism to Taiwan from the Mainland, made pressure to drop the recognition of Taiwan toward the Central American states, and excluded Taiwan from international organizations. Coupled with PRC increasing its military activities in the strait in order to deter a possible independence desire, it becomes clear that PRC resorts to every possible way to discourage Tsai (T. Y. Wang & Tan, 2021, p. 5). Thus, there was a significant shift in the foreign policy strategy of the islands between the two parties that came into power.

In general, during this period all of the states pursued hedging as their primary foreign policy strategy. However, for two of the middle powers, the Philippines and Taiwan, the hedging strategy in the multipolar international system were not consistent. The Philippines began this period with a hard balancing strategy toward PRC, and after the election of President Duterte, the Philippines shifted its policy toward hedging by taking economic pragmatism as the factor of Filipino hedging. Taiwan on the other hand, followed an antipodal shift in the same year with Manila. Taiwan, similarly, began to hedge PRC using economic pragmatism as the main component of its hedging strategy. However, after the election of President Tsai, Taipei returned to hard balancing PRC and dropped the other components of hedging.

This policy change of the two middle powers, the Philippines and Taiwan, can be attributed to domestic political factors rather than rational calculation. The leaders who assumed office in the context of a multipolar international system sought to reverse the disputed foreign policy strategies of their predecessors. Consequently, utilizing the adaptable nature of the multipolar international system, the Philippines and Taiwan, despite being the smallest military powers in Southeast Asia, attempted to balance the PRC during this period.

Both President Benigno Aquino III and President Tsai Ing-wen's predecessors were figures subject to controversy. Aquino, during his tenure, strongly criticized his predecessor President Arroyo for her adoption of a hedging strategy that placed greater emphasis on direct engagement. Building his election campaign on these criticisms while in opposition, Aquino subsequently altered the country's foreign policy to pursue a balancing approach during his tenure. The 2012 strategic guidance from the Obama administration also influenced Aquino's decision-making process (De Castro, 2014, pp. 25–27).

Similarly, President Tsai Ing-wen based her election campaign on criticisms of her predecessor President Ma, who was the first to employ a hedging strategy in Taiwan's complex relationship with the PRC. However, this approach did not garner significant public support. Consequently, upon assuming office with

public backing, President Tsai was able to adopt a policy of hard balancing vis-à-vis the PRC (DeLisle, 2018, pp. 16–17).

On the other hand, Malaysia and Vietnam were consistent with their hedging strategy throughout the post-Cold War. Both of the states used hedging throughout the multipolar international systems. Even though Vietnam faced the most significant Chinese aggression, the primary strategy of Hanoi remained the same. Among these middle powers, Vietnam was the only middle power, that gave prominence to the hard balancing factor of hedging. For Malaysia, the Philippines, and Taiwan economic pragmatism constituted the most important part of their hedging strategy. The summary of the behaviors of middle powers in the multipolar international system is shown in Table 9.

COUNTRY	GREAT POWERS)	FOREIGN POLICY
<b>Vietnam</b>	PRC – USA – Russia	Hedging
<b>The Philippines</b>	PRC – USA	Balancing > Hedging (2016)
<b>Taiwan</b>	PRC – USA	Hedging > Balancing (2016)
<b>Malaysia</b>	PRC – USA – Russia	Hedging

Table 9: Summary of Middle Power’s Primary Foreign Policy Choices (2008-2023) (Author’s compilation)

However, despite more states adopting a balancing strategy against an increasing Chinese threat in a multipolar international system as opposed to a unipolar one, the Chinese influence over the regional states continued to increase significantly.



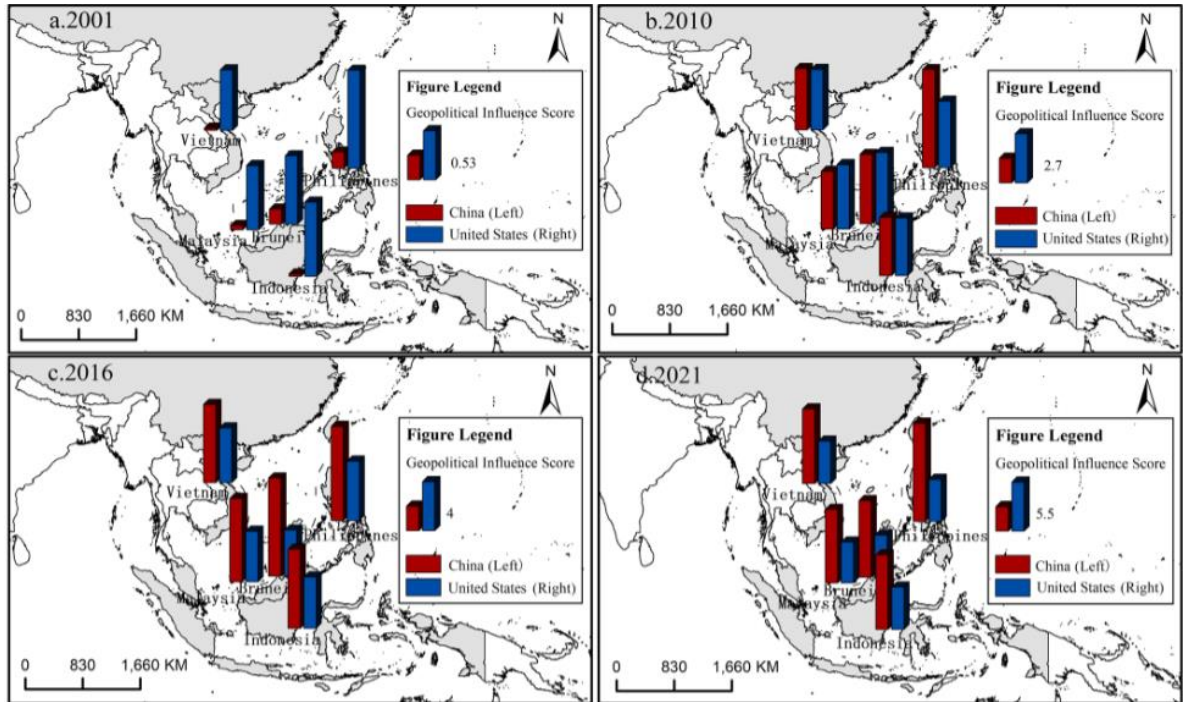


Figure 15: Geopolitical Influence of China and the US 2001- 2021 (Source: Han et al., 2023, p. 8)

Overall, the primary foreign policy strategies of the middle powers involved in the SCS dispute throughout the examined period can be summarized in Table 10.

COUNTRY	GREAT POWER	FOREIGN POLICY	
North Vietnam	PRC	Bandwagoning	Bipolarity (1945-1962)
South Vietnam	France > USA	Bandwagoning	
The Philippines	USA	Bandwagoning	
Taiwan	PRC	Balancing	
Malaysia	UK	Buck-passing	
North Vietnam	PRC	Balancing	Bipolarity (1962-1991)
South Vietnam	USA	Buck-passing	
The Philippines	PRC	Balancing	
Taiwan	PRC	Balancing > Soft Balancing (1979)	
Malaysia	PRC – USA – USSR	Hedging	
Vietnam	PRC – USA – Russia	Hedging	Unipolarity (1991-2008)
The Philippines	PRC – USA	Hedging	
Taiwan	PRC	Balancing	
Malaysia	PRC – USA – Russia	Hedging	
Vietnam	PRC – USA – Russia	Hedging	Multi

<b>The Philippines</b>	PRC – USA	Balancing > Hedging (2016)
<b>Taiwan</b>	PRC – USA	Hedging > Balancing (2016)
<b>Malaysia</b>	PRC – USA – Russia	Hedging

Table 10: Summary of Middle Power’s Primary Foreign Policy Choices Under International Systems (Author’s compilation)

As discussed in Chapter 1.6., international relations theories predict certain behaviors for middle powers. These predicted expectations of the scholars are summarized in Table 11.

<b>International System</b>	<b>Foreign Policy Options</b>	<b>Most Viable Strategy</b>
<b>Unipolarity</b>	Bandwagoning, Hedging	Bandwagoning
<b>Bipolarity</b>	Bandwagoning, Balancing	Balancing
<b>Multipolarity</b>	Bandwagoning, Balancing, Hedging, Buck-passing	Hedging

Table 11: The Potential Foreign Policies of Middle Powers (Author’s compilation)

Even though balancing is seen as the most viable strategy in the bipolar international system, at the beginning of the Cold War, only Taiwan used balancing strategy. The other states in the SCS dispute did not use balancing strategy in their relations with great powers. While Malaysia pursued a buck-passing strategy, North Vietnam, South Vietnam, and the Philippines opted for bandwagoning. Bandwagoning is another strategy that scholars predict to be used in the bipolar international system, therefore, only Malaysia behaved differently than what the IR scholars expected. The reason for Malaysia's difference from all other states can be explained by John Mearsheimer's (2014, pp. 270–272) study on buck-passing. Mearsheimer claims that in the presence of a buck-catcher which in the case of the SCS dispute is Taiwan, a remote state to a potential aggressor can use the buck-passing strategy. The fact that North Vietnam, South Vietnam, and the Philippines preferred bandwagoning strategy instead of balancing can be explained by the fact that they did not have the material capacity to carry out a balancing strategy against a state like PRC

considering that they were recently established. This is how Mearsheimer (2014, p. 163) explains the tendency of middle powers to follow the bandwagoning strategy. With that being said, the reason North Vietnam directly pursued its bandwagoning strategy with PRC, the source of the threat in the SCS conflict remains an intriguing question for future studies.

In the second half of the Cold War, the claimant middle powers generally shifted their foreign policies according to the SCS dispute. North Vietnam, Taiwan, and the Philippines pursued balancing strategy in line with the views of the discussed authors. South Vietnam, pursued buck-passing strategy in this period. South Vietnam's choice of pursuing buck-passing strategy cannot be explained in the same manner as Malaysia's behavior of buck-passing strategy. Because as a claimant state and a neighbor of PRC South Vietnam cannot rely on Taiwan to be a buck-catcher. However, due to the ongoing Civil War, South Vietnamese choice could be expected. Because the main interest of South Vietnam was not the islands in the SCS but survival against its Northern counterpart. Even though hedging strategy seem to be unviable in the bipolar international systems, Malaysia pursued hedging strategy in the second half of the Cold War. The Malaysian reliance on the hedging strategy in a bipolar international system requires even further research.

In the unipolar international system, all of the middle powers except for Taiwan, pursued a hedging strategy. Taiwan was the only state among the middle powers that adopted a balancing strategy. As a buck-catcher and the most threatened state from PRC, the Taiwanese perception of threat in engaging PRC should come as no surprise; because, as a buck-catcher Taiwan needs to balance PRC (J. Mearsheimer, 2014, p. 163). However, due to its increased asymmetrical status, Taiwan was only able to use soft balancing rather than hard balancing strategy (Kaplan, 2013, pp. 213–216). Even though, all of the sampled states approached the US more closely than in the previous periods, only the Philippines moved farther away from their alignment with the US.

In all these periods, the middle powers were consistent in their primary strategy against PRC. However, Taiwan and the Philippines have undergone significant

policy changes during the multipolar international system. Additionally, these changes in the foreign policy of the states occurred at exactly opposing times than each other. Even though the systemic factors affected both of the middle powers, Taiwan and the Philippines pursued directly contrasting foreign policies in SCS. Taiwan pursued hedging until 2016 and then changed its foreign policy strategy to balancing; the Philippines pursued balancing and then altered its primary strategy to hedging. A more in-depth investigation is necessary to reveal the underlying reasons for this policy shift. Vietnam and Malaysia kept pursuing hedging strategy, which is seen as the most viable policy strategy for middle powers.

In general, the foreign policy strategies of the middle powers are generally in line with the expected behaviors by IR scholars. Only in the first period between 1945 -1967, after their independence, did middle powers that are party to the SCS dispute pursue different foreign policies than expected.

## CONCLUSION

This thesis has explored the behavior of middle powers in the SCS dispute in relation to middle power theories. By addressing the sub-questions of defining middle power, identifying middle powers in the SCS dispute, examining the expected behavior of middle powers, and analyzing the strategies employed by these middle powers, a comprehensive understanding of the main research question “Does the middle powers in the SCS dispute is behaving accordingly with the middle power theories” has been attained.

The IR literature extensively covers the behavior of middle powers, offering a comprehensive understanding of their roles and actions. However, no study has attempted to identify behavioral patterns among different middle powers when engaged in conflicts with great powers. The existing literature primarily focuses on analyzing the foreign policy strategies employed by a single middle power.

In order to figure out this pattern among middle powers in the SCS dispute historical processes of the dispute and foreign policy choices of the middle powers were evaluated comprehensively using thematic analysis as the data analysis method. Then the literature is examined to determine a supra-theoretical explanation for the expected behaviors of the middle powers. Following, these behaviors of the given middle powers and the theoretical explanations were compared and the accordance of the behaviors of middle powers is evaluated.

In the introduction of the thesis, the research question and the goal of the study were given. With the acknowledgment of the theoretical explanations for the behaviors of middle powers, the main goal of comparing the behaviors of middle powers in the SCS dispute with the explanations of the scholars was set. Afterwards, a literature review was conducted in two categories: middle power theories, middle powers in the SCS dispute, and behaviors of these middle powers. In order to explain this research question further sub-questions were put forward.

The first sub-question focused on defining what constitutes a middle power. Through an analysis of various scholarly perspectives, it was established that middle powers are typically characterized by their moderate capabilities, regional influence, and their ability to navigate between great powers. This definition served as a foundation for evaluating the behavior of states in the SCS dispute.

The second sub-question delved into identifying the states in the SCS dispute that can be considered middle powers. By examining the geopolitical landscape, considering the economic, military, and diplomatic factors, and examining the behaviors conducted by those states several states emerged as prominent middle powers in the region. Following this evaluation and with the help of the literature Vietnam, Taiwan, the Philippines, and Malaysia is categorized as middle powers

Moving on to the expected behavior of middle powers, the third sub-question explored the theoretical frameworks and scholarly expectations. Middle powers are often expected to pursue among four foreign policy strategies, which are balancing, bandwagoning, hedging, and buck-passing. The literature indicated that middle powers prefer these strategies differently under different international systems. According to literature, in unipolar international systems middle powers use bandwagoning, and hedging as their primary foreign policy choice. In the bipolar international systems middle powers adopt balancing and bandwagoning and in the multipolar international systems middle powers pursue hedging and balancing in their foreign policies against great powers.

In analyzing the strategies employed by the middle powers in the SCS dispute, it was observed that their behavior aligned with the expectations outlined in the literature, particularly after the detente period. However, during the early years of the Cold War, when these middle powers had recently gained independence, they adopted different strategies influenced by their specific circumstances and historical contexts. In addition, in all of these international systems, middle powers were consistent with their primary foreign policy strategy under different periods. However, the Philippines and Taiwan have changed their alignment

during the multipolar international system. This change in the multipolar international system can be explained by the domestic politics of the given states.

The first chapter of the study provided an explanation of the conceptual framework regarding concept of power and the categorization of states based on their power. It also delved into the middle power concept and theories associated with middle powers. As a result of this discussion, a supra-theoretical perspective was developed for identifying middle powers and understanding their behaviors. Subsequently, the middle powers involved in the SCS dispute were determined. To gain a comprehensive understanding of the literature on middle power behaviors, the research also evaluated studies conducted in other cases and examined theoretical explanations.

In the second chapter of the study, a comprehensive examination of the historical background of the SCS dispute was conducted, given the significant reliance of the disputing states on historical evidence to support their respective claims. The historical account of the region was traced from the earliest available evidence up to the present day, providing a contextual understanding of the territorial disputes. Subsequently, the historical claims made by the state parties were examined in detail, shedding light on the complexities and divergent perspectives surrounding the issue.

Furthermore, the study delved into the possible solutions to the SCS dispute under international law. To evaluate the dispute within the framework of international law, it was divided into two key components: the maritime dispute and the dispute pertaining to the sovereignty of the islands. Each aspect was analyzed separately, considering the relevant international legal norms applicable to each dimension of the dispute. The discourse then focused on discussing these applicable international legal norms, providing a theoretical foundation for understanding the legal framework within which the dispute operates.

Finally, the case was evaluated through the lens of these international legal norms, offering an analytical assessment of the SCS dispute. The examination aimed to provide insights into the ways in which international law principles and norms are implicated in the resolution or management of the dispute, shedding light on the legal complexities and potential avenues for addressing the issues at hand.

In the final chapter of the study, an in-depth analysis was conducted to discern potential behavioral patterns among the middle powers involved in the SCS dispute. Historical examination of the foreign policies of these middle powers was carried out within the context of four distinct international systems. By establishing a behavioral pattern among the middle powers, a comparative analysis was then performed to assess their conformity with theoretical explanations. This comparative approach not only provides insights into the behaviors of middle powers in the SCS dispute but also offers a broader understanding of how middle powers may behave in different international contexts and on various global issues.

Based on this comparison, it can be observed that the middle powers involved in the SCS dispute generally align with the theoretical explanations. However, as mentioned earlier, there were notable variations in the behaviors of middle powers that are party to the SCS dispute following their independence, particularly during multipolar international systems. These deviations warrant further discussion and analysis, as they highlight potential factors that may influence the behaviors of middle powers in different geopolitical contexts.

The findings of this study contribute to our understanding of the behaviors exhibited by middle powers in the SCS dispute, shedding light on their alignment with theoretical expectations. However, the nuanced deviations observed during specific historical periods and under particular international systems call for continued exploration and debate. Further research is needed to delve into the underlying reasons for these deviations and to deepen our understanding of the complex dynamics that shape the behaviors of middle powers in various global contexts.



This study was undertaken with the aim of comprehending the behaviors exhibited by middle powers in the SCS dispute and subsequently comparing these behaviors with the theoretical explanations put forth by scholars in the field. By tracing the foreign policies pursued by the middle powers involved in the SCS dispute, the findings of this thesis indicate that, in general, these middle powers adhere to the expected behavior outlined in middle power theories. Although there may exist variations and divergent strategies influenced by historical factors, the majority of middle powers in the region have demonstrated behaviors that align with the theoretical expectations set forth for middle powers and with the other middle powers. These findings help to enhance our understanding of the role played by middle powers in the SCS dispute and provide valuable insights for policymakers and scholars alike.

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