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# Rethinking South China Sea Disputes The Untold Di

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The South China Sea Arbitration  
Power Politics in Asia's Contested Waters

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The Politics of South China Sea Disputes Routledge Security in Asia Pacific Series

This volume offers a comprehensive and empirically rich analysis of regional maritime disputes in the South China Sea (SCS). By discussing important aspects of the rise of China's maritime power, such as territorial disputes, altered perceptions of geo-politics and challenges to the US-led regional order, the authors demonstrate that a regional power shift is taking place in Asia-Pacific. The volume also provides in-depth discussions of the responses to Chinese actions by SCS claimants as well as by important non-claimant actors.

The Spratly Islands and International Law Lexington Books

Rethinking South China Sea Disputes Routledge

**The South China Sea Maritime Dispute** Routledge

Examines the issues involved in the Spratly Islands disputes in the light of confidence-building measures that satellite imagery can offer.

Sex and the IWorld South China Sea Think Tank

After World War II, many regional conflicts emerged in the Asia-Pacific, such as the divided Korean peninsula, the Cross-Taiwan Strait, the 'Northern Territories', (Southern Kuriles) Takeshima (Dokdo), Senkaku (Diaoyu) and the Spratly (Nansha) islands problems. These and other disputes, such as the Okinawa problem in relation to the US military presence in the region, all share an important common foundation in the post-war disposition of Japan, particularly the 1951 Peace Treaty. Signed by forty-nine countries in San Francisco, this multilateral treaty significantly shaped the post-war international order in the region, and with its associated security arrangements, laid the foundation for the regional Cold War structure, the "San Francisco System." This book examines the history and contemporary implications of the "San Francisco System," with particular focus on its frontier problems. Drawing on extensive archival research and in-depth analysis, Kimie Hara uncovers key links between the regional problems in the Asia-Pacific and their underlying association with Japan, and explores the clues for their future resolution within the multilateral context in which they originated. Cold War Frontiers in the Asia-Pacific will appeal to students and scholars interested in international relations of the Asia-Pacific region, diplomatic history and Japanese diplomacy.

South China Sea Lawfare Routledge

This book examines important social movements in Hong Kong from the perspectives of historical and cultural studies. Conventionally regarded as one of the most politically stable cities in Asia, Hong Kong has yet witnessed many demonstrations and struggles against the colonial and post-colonial governments during the past one hundred years. Many of these movements were brought about in the name of justice and unfolded against the context of global unrest. Focusing on the local developments yet mindful of the international backdrop, this volume explores the imaginaries of law and order that these movements engendered, revealing a complex interplay among evolving

notions of justice, governance, law and order and cultural creations throughout the under-explored history of instability in Hong Kong. Underscoring the apparently contrasting discourses on the relationship among the rule of law, law and order and social movements in Hong Kong, the contributors emphasise the need to re-examine the conventional juxtaposition of the law and civil unrest. Readers who have an interest in Asian studies, socio-political studies, legal studies, cultural studies and history would welcome this volume of unique interdisciplinarity.

Sino-Japanese Relations After the Cold War Rethinking South China Sea Disputes

Many jurisdictions in Asia have vested their courts with the power of constitutional review.

Traditionally, these courts would invalidate an impugned law to the extent of its inconsistency with the constitution. In common law systems, such an invalidation operates immediately and retrospectively; and courts in both common law and civil law systems would leave it to the legislature to introduce corrective legislation. In practice, however, both common law and civil law courts in Asia have devised novel constitutional remedies, often in the absence of explicit constitutional or statutory authorisation. Examining cases from Hong Kong, Bangladesh, Indonesia, India, and the Philippines, this collection of essays examines four novel constitutional remedies which have been judicially adopted - Prospective Invalidation, Suspension Order, Remedial Interpretation, and Judicial Directive - that blurs the distinction between adjudication and legislation.

Oxford Handbook of the International Relations of Asia BRILL

The South China Sea is a major strategic waterway for trade and oil shipments to Japan, Korea as well as southern China. It has been the focus of a maritime dispute which has continued now for over six decades, with competing claims from China, Vietnam, the Philippines, Indonesia and Brunei. Recently China has become more assertive in pressing its claims - harassing Vietnamese fishing vessels and seizing reefs in the Philippine claim zone. China has insisted that it has "indisputable sovereignty" over the area and has threatened to enforce its claim. All of this is unsettling and draws in the United States which is concerned about freedom of navigation in the area. The US has been supporting the Philippines and has been developing security ties with Vietnam as a check upon China. This book examines the conflict potential of the current dispute, it discusses how the main claimants and the United States view the issue, and assesses the prospects for a resolution of the problem.

*China's Foreign Investment Legal Regime* Bloomsbury Publishing

The proposed book draws on the on-going South China Sea dispute, and the multifaceted challenges wrought by the South China Sea issue that requires an inter-disciplinary perspective. It employs legal-analytical methods, to emphasize the nuances of the role and interpretation of international law and treaties by China in different periods, while taking into account policy and strategic concerns, which generally cast great sways in decision-making. The re-introduction of interdisciplinary concerns straddling law and history illustrates that the historical dimension, which has long been neglected, is an emerging concern that poses looming dangers that may unexpectedly radicalize the friction. Contributing to debunking the mystique wrought by

confrontations between a historical and a law-dominated perspective, these perspectives are supported by a more nuanced analytical framework, featuring theoretical concerns with a tinge of practicality. The South China Sea Dispute aims to unveil a nuanced evolution of the issue with a confluence of inter-temporal law, policy and maritime practices in the South China Sea.

Maritime and Territorial Disputes in the South China Sea Routledge

"The chapters of this volume were presented at the twenty-seventh and twenty-eighth Sokol Colloquia on Private International Law, held at the University of Virginia School of Law in September 2014 and September 2015." -- Acknowledgments, p. [xi].

**The South China Sea Disputes** Taylor & Francis

Piratical attacks have become more frequent, violent, costly and increasingly threaten to undermine order in the international system. Much attention has focused on Somalia, but piracy is a problem worldwide. Recent coordination efforts among states in South East Asia appear to have helped in the area, but elsewhere piracy has expanded. Interestingly, international law has long recognized piracy as a crime and provided tools for universal suppression, yet piracy persists. In this book, a handpicked group of leading experts in the field of International Relations use maritime piracy as a means to expose the incongruities in our understanding of global governance. Using broadly constructivist approaches to understand international actors' responses to the challenges created by maritime piracy, the contributors question a number of myths and misconceptions around piracy and analyze the various ways that international law and organizations channel actors' understandings of maritime piracy and their efforts to respond to it. In doing so, they expose some shaky foundations for IR theorists: how do we conceive of governance and legitimacy when they are delinked from the territorial aspect of the modern nation-state? What happens to prospects for cooperation when we get to the nitty-gritty questions of practice related to paying for trials, imprisoning and maintaining captured pirates, bearing the burden of policing sea-lanes, or even determining what constitutes a pirate? Does anyone have a monopoly on the legitimate use of force at sea, and how is that legitimacy constructed? *Maritime Piracy and the Construction of Global Governance* offers an improved theoretical understanding of the response of the international community to maritime piracy and broadens our understanding of the complex and sometimes countervailing motivations of all the actors involved, from international organizations and states down to the pirates themselves.

The South China Sea Arbitration Bloomsbury Publishing

In *Unresolved Border, Land and Maritime Disputes in Southeast Asia* the authors shed light on unresolved and lingering territorial disputes in Southeast Asia and their reflection in current inter-state relations in the region, applying a wider regional and comparative perspective.

*Rethinking South China Sea Disputes* Taylor & Francis

Sustaining security : rethinking American national security strategy / Jeremi Suri and Benjamin Valentino -- Dollar diminution and new macroeconomic constraints on American power / Jonathan Kirshner -- Does American military power attract foreign investment? / Daniel Drezner and Nancy Hite-Rubin -- Preserving national strength in a period of fiscal restraint / Cindy Williams -- State finance and national power : Great Britain, China, and the United States in historical perspective / Jeremi Suri -- Reforming American power : civilian national security institutions in the early cold war

and beyond / William Inboden -- To starve an army : how great power armies respond to austerity / John W. Hall -- Climate change and US national security : sustaining security amidst unsustainability / Joshua William Busby -- At home abroad : public attitudes towards America's overseas commitments / Benjamin Valentino -- The right choice for NATO / William Wohlforth -- The United States and the Middle East : interests, risks, and costs / Daniel Byman and Sara Bjerg Moller -- Keep, toss, or fix? : assessing US alliances in East Asia / Jennifer Lind -- Terminating the interminable? / Sumit Ganguly -- Neutralization as a sustainable approach to Afghanistan / Audrey Kurth Cronin -- Conclusion / Jeremi Suri and Benjamin Valentino

**South China Sea Disputes, The: Flashpoints, Turning Points And Trajectories** World Scientific

Not only is the South China Sea of strategic importance; it is also rich in oil and other natural resources. As such, it is the subject of overlapping territorial disputes between several East and Southeast Asian countries as well as the scene of military tensions and potentially dangerous conflicts. But disputes over the South China Sea are much more complex than simply issues of military security. Environmental values, economic security and political developments are also involved. Spanning the full complexity of the situation, this volume: \* covers its historical and legal background \* analyses its environmental, economic, military and political dimensions \* assesses the potential for containing and resolving disputes as well as transforming the structures of conflict in the region.

*Sustainable Security* Oxford Handbooks

On 22 January 2013, the Republic of the Philippines instituted arbitral proceedings against the People's Republic of China (PRC) under the United Nations Convention on the Law of the Sea (UNCLOS) with regard to disputes between the two countries in the South China Sea. The South China Sea Arbitration is a landmark case in international law because of the parties involved, the legal questions to be decided and the absence of one of the parties. As revealed in its official statements, the PRC will neither accept nor participate in this arbitration nor present written and oral arguments in the tribunal room. Such default of appearance makes applicable certain procedural rules. According to Article 9 of Annex VII, the Tribunal, before making its Award, is obligated to satisfy itself not only that it has jurisdiction over the dispute, but also that the claims brought by the Philippines are well-founded in fact and law. Therefore, it is necessary for the Tribunal to look into all the claims brought forward by the Philippines and all the disputes constituted by the claims in the procedural phase. The possible arguments the PRC could make should be explored during this process. This book brings together chapters selected from well-established scholars in Asia, Europe and North America addressing the issues arising from the South China Sea Arbitration. It contains five easy to read parts: origin and development of the South China Sea dispute; the jurisdiction and admissibility of the case; international adjudication and dispute settlement; legal issues arising from the case such as the legal status of the U-shaped line and islands, rocks and low-tide elevations; and the Arbitration case and its impact on regional maritime security.

**Maritime Piracy and the Construction of Global Governance** Routledge

"This edited volume rethinks the relationship between power and law in the age of China's rise by

examining recent developments in the South China Sea (SCS). The contributors explore different interpretations of international law on the legal status of the contested islands and rocks and provide detailed analyses of the contested concepts and provisions, the 2016 ruling by the SCS arbitration tribunal, as well as the environmental, economic, political impacts of the ruling. This book facilitates a more meaningful and productive dialogue over the intersection, interaction and interdependence between power and law in the context of the SCS. Assessing the interactions between political, legal, and normative forces, it provides insights into the specific dynamics of the dispute and the shifting security landscape in the region, but also offers a basis for thinking more deeply about the broader rise of China"--

*Power Transition in Asia* Taylor & Francis

The rise of authoritarian movements presents an increasing illiberal trend in international affairs. A rapidly modernizing China is at the vanguard of this phenomenon. Does this signal the demise of Western democracy and the dawn of an authoritarian era in world politics? In this book, Chris Ogden argues that the world is on the verge of a capitulation to China's preferred authoritarian order. As other world powers adopt such values, they are facilitating the normalization of this authoritarianism into a dominant global phenomenon. This shift, he says, will transform global institutions, human rights and political systems, and herald an authoritarian century.

**The Authoritarian Century** Princeton University Press

The legal institutions of the short-lived Qin dynasty (221–207 BCE) have been vilified by history as harsh and draconian. Yet ironically, many Qin institutional features, such as written statutory law, were readily adopted by subsequent dynasties as the primary means for maintaining administrative and social control. This book utilizes both traditional texts and archeologically excavated materials to explore how these influential Qin legal institutions developed. First, it investigates the socio-political conditions which led to the production of law in written form. It then goes on to consider how the intended function of written law influenced the linguistic composition of legal statutes, as well as their physical construction. Using a function and form approach, it specifically analyses the Shuihudi legal corpus. However, unlike many previous studies of Chinese legal manuscripts, which have focused on codicological issues of transcription and translation, this book considers the linguistic aspects of these manuscripts and thus their importance for understanding the development of early Chinese legal thought. *Writing Chinese Laws* will be useful to students and scholars of Chinese Studies, as well as Asian law and history more generally.

**Land Law and Disputes in Asia** Yale University Press

The South China Sea Disputes: Flashpoints, Turning Points and Trajectories focuses on the currently much-debated theme of the South China Sea disputes — one of the hottest international disputes of the 21st century which can easily turn from a brewing flashpoint into a regional conflict with global repercussions. Through a compilation of commentaries published by the S. Rajaratnam School of International Studies from 2012 to much of 2016, the book attempts to reflect the evolution of the disputes in recent years through what can be seen as turning points and trajectories in the diplomatic tensions. The book is divided into four sections, taking off from a key diplomatic or related incident/development which can be seen as a turning point for each, with the concluding section looking at what lies ahead for Southeast Asia and the larger Asia-Pacific region, amidst the uncertainties triggered by the South China Sea imbroglio. Among the contributors: Arif Havas Oegroseno, BA Hamzah, Barry Desker, Bill Hayton, David Rosenberg, Donald K. Emmerson, Ellen Frost, Hasjim Djalal, Ian Townsend-Gault, Joseph CY Liow, Kwa Chong Guan, Li Mingjiang, Li Jian Wei, Li Dexia, Marvin Ott, Mushahid Ali, Muthiah Alagappa, Nguyen Hung Son, Nguyen Thi Lan Anh, Phoak Kung, Ralf Emmers, Rene L. Pattiradjawane, Raul (Pete) Pedrozo, Richard Javad Heydarian, Robert C. Beckman, Shashi Jayakumar, Victor Savage, Yang Razali Kassim, Zha Daojiong.

*Arbitration Concerning the South China Sea* Springer

This book is a comprehensive political study of the South China Sea (SCS) disputes. With over US \$5 trillion worth of trade passing through it every year and a history of military flashpoints, the SCS is invariably a hotbed of great power rivalry. This book: Traces the history of the disputes from the 19th century until recent developments; Examines recent arbitrations including the ruling on the case filed by the Philippines at the Permanent Court of Arbitration (PCA) at the Hague, the Netherlands; Studies these disputes in a theoretical framework, utilising international relations theories, particularly realism, liberalism and constructivism; Explores how the ASEAN states approach the SCS disputes, and analyses dispute settlement under international law. Drawing on extensive fieldwork and interviews with experts and those directly involved with the disputes, this book is indispensable for students and researchers of maritime studies, security studies, politics and international relations, geopolitics and Asian studies.

*Civil Unrest and Governance in Hong Kong* Routledge

The Spratly Islands and International Law examines legal solutions to problems arising from the absence of maritime boundaries in the Spratly Islands. The book draws on extensive sources of international law and formulates novel, concrete proposals for the way forward.