

Military Power in the South China Sea: Opportunities and Risks

by

Mr. David Kissling
Department of Defense



United States Army War College
Class of 2014

DISTRIBUTION STATEMENT: A

Approved for Public Release
Distribution is Unlimited

This manuscript is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

REPORT DOCUMENTATION PAGE

Form Approved--OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

1. REPORT DATE (DD-MM-YYYY) 15-04-2014		2. REPORT TYPE STRATEGY RESEARCH PROJECT		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE Military Power in the South China Sea: Opportunities and Risks				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Mr. David Kissling Department of Defense				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Professor Albert F. Lord, Jr. Department of Military Strategy, Planning, and Operations				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) U.S. Army War College, 122 Forbes Avenue, Carlisle, PA 17013				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution A: Approved for Public Release. Distribution is Unlimited.					
13. SUPPLEMENTARY NOTES Word Count: 5,656					
14. ABSTRACT As the U.S. rebalances to the Asia-Pacific, the South China Sea (SCS) will become increasingly important to U.S. national interests. How the U.S. employs its vast national power in the SCS will have longstanding consequences for the U.S. and the rest of the world. In particular, employment of U.S. military power in the region serves numerous necessary functions. It ensures freedom of navigation, reinforces U.S. treaty commitments, demonstrates U.S. resolve, and builds familiarity with China in order to prevent miscalculation and improve safety at sea. This employment of U.S. military power carries with it significant risks as well as opportunities. While military power is an important component of U.S. strategy in the SCS, it should not be the U.S.'s primary mechanism for advancing U.S. policy at the expense of other available instruments. It is crucial for U.S. military influence to be employed in synchronization with other elements of power in order to best achieve U.S. strategic objectives.					
15. SUBJECT TERMS Territorial Disputes, Spratly Islands, Paracel Islands, Law of the Sea, Freedom of Navigation, Asia, Pacific					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 34	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UU	b. ABSTRACT UU	c. THIS PAGE UU			19b. TELEPHONE NUMBER (w/ area code)

USAWC STRATEGY RESEARCH PROJECT

Military Power in the South China Sea: Opportunities and Risks

by

Mr. David Kissling
Department of Defense

Professor Albert F. Lord, Jr.
Department of Military Strategy, Planning, and Operations
Project Adviser

This manuscript is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the United States Government.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

Abstract

Title: Military Power in the South China Sea: Opportunities and Risks

Report Date: 15 April 2014

Page Count: 34

Word Count: 5,656

Key Terms: Territorial Disputes, Spratly Islands, Paracel Islands, Law of the Sea, Freedom of Navigation, Asia, Pacific

Classification: Unclassified

As the U.S. rebalances to the Asia-Pacific, the South China Sea (SCS) will become increasingly important to U.S. national interests. How the U.S. employs its vast national power in the SCS will have longstanding consequences for the U.S. and the rest of the world. In particular, employment of U.S. military power in the region serves numerous necessary functions. It ensures freedom of navigation, reinforces U.S. treaty commitments, demonstrates U.S. resolve, and builds familiarity with China in order to prevent miscalculation and improve safety at sea. This employment of U.S. military power carries with it significant risks as well as opportunities. While military power is an important component of U.S. strategy in the SCS, it should not be the U.S.'s primary mechanism for advancing U.S. policy at the expense of other available instruments. It is crucial for U.S. military influence to be employed in synchronization with other elements of power in order to best achieve U.S. strategic objectives.

Military Power in the South China Sea: Opportunities and Risks

At the beginning of its self proclaimed “Pacific Century” the United States is increasingly linking its national welfare to its interactions in the Asia-Pacific.¹ A central component effecting U.S. interests in Asia is the region’s vast maritime domain. This high seas domain is vital to the furtherance of the U.S. national interests of security, economic prosperity, respect of U.S. values, and a stable international order.² This is especially true in the strategically important region of the South China Sea (SCS). How the U.S. employs its vast national power in the SCS will have longstanding consequences for the U.S. and the rest of the world. In particular, employment of U.S. military power in the region carries with it significant risks as well as opportunities. It is crucial for U.S. military influence to be employed in synchronization with other elements of power—diplomatic, economic, and informational--in order to best achieve U.S. strategic objectives. While U.S. military power is an important component of U.S. strategy in the SCS, it should not be the U.S.’s primary mechanism for advancing U.S. policy at the expense of other available instruments.

The South China Sea in Strategic Context

The SCS comprises approximately 1.4 million square miles, bounded by the Singapore and Malacca Straits to the south, the Philippines and Taiwan to the east, Vietnam and the Malaya Peninsula to the west, and China to the north.³ The sea is strategically important to regional countries as well the rest of the world due to its location astride major sea lines of communication, vast natural resources, and numerous disputed geographical features.

The SCS joins the Pacific and Indian Oceans, ultimately linking East and West.⁴ The region connects export-focused East Asian countries with their markets worldwide

and with the sources of oil they require for their economic survival. Over fifty percent of global maritime merchant and oil traffic pass through the SCS and the majority of the world's top ten container ports are in the area.⁵

In terms of natural resources, the SCS is estimated to hold significant amounts of oil and natural gas, both of which are in increasing demand by industrializing Asian nations. Estimates of the amount of oil and gas available in the region vary greatly. For example, the U.S. Energy Information Administration estimates the SCS contains 11 billion barrels of oil and 190 trillion cubic feet of natural gas, whereas the Chinese National Offshore Oil Company estimates the area has 10 times that amount of oil and almost three times as much natural gas.⁶ Despite these widely disparate estimates, numerous claimant countries view the potential amount of resources in the area to be significant enough to drive intense competition over exploitation rights. While much of the competition over oil and gas claims involves the potential for future exploration and exploitation of fossil fuels, regional countries are already exploiting another important natural resource in disputed areas of the SCS. Fish from the SCS are a significant source of protein for the growing regional population. Approximately 10 percent of the global fisheries catch occurs in the SCS.⁷ As the coastal populations of adjacent countries increase, growing pressure on fish stocks has led to overfishing in coastal waters and driven local fishermen to increasingly venture into disputed areas of the sea.⁸ This in turn has led various claimant countries to periodically detain foreign fishermen in their claimed territorial waters, contributing to regional tensions.

The centrality of the SCS to sea lines of communication and natural resources provides an impetus for regional countries to assert their often-competing claims over

different parts of the sea. Besides competition for sovereignty, territory, and natural resources, these claims are rooted in historical, political, and nationalistic motivations. Competing claims create additional issues of strategic importance: they have significant impacts of international relations, military development, and regional stability.

Overlapping Claims in the South China Sea

Six countries claim portions of the SCS that overlap with at least one other, and in some cases, all other, claimants. The most intensely disputed areas involve the Paracel Islands in the north, claimed by China, Taiwan, and Vietnam and the Spratly Islands further south. The Spratlys are claimed in totality by China, Taiwan, and Vietnam while the Republic of the Philippines, Malaysia, and Brunei each claim part of the Spratly Island chain.⁹ Other disputed land features worth noting include Scarborough Shoal, claimed by China, Taiwan and the Philippines and Reed Bank, claimed by China and the Philippines.¹⁰ Both Scarborough Shoal and Reed Bank have been the object of recent tensions between China and the Philippines. The conflicting territorial claims are rooted in nationalism, resource competition, varying interpretations of history, and different interpretations of international law and conventions.¹¹



Figure 1. Overlapping Territorial Claims in the South China Sea

China's claims are by far the most expansive, encompassing most of the SCS with a boundary drawn in the form of a nine-dash line that overlaps with all other claimants' stakes. China bases its claim to the region on its assertion that it first discovered, economically developed, and politically administered landmasses in the

SCS dating back to the 13th century.¹² Like all of the Spratly claimants besides Brunei, China occupies geographic features in the region. It occupies land features throughout the Paracels as well as a number in the Spratlys.¹³ More so than other claimants, China has aggressively asserted its claims in the SCS over the decades, particularly in recent years. It uses a combination of political, military, informational, and legal levers to strengthen its position in the region. For example, in 2012 China upgraded the administrative level of a city on one of its Paracel claims and established a military garrison there. The same year, Chinese officials publically described the SCS as “maritime national territory”. In 2009, China submitted a map of its nine-dash line to the United Nations Commission on the Limits of the Continental Shelf claiming “indisputable sovereignty over the islands in the South China Sea and the adjacent waters.”¹⁴ China also imposes unilateral annual fishing bans in the SCS and uses maritime law enforcement vessels to detain foreign fishermen.¹⁵

Taiwan lays claim to four island groups in the SCS and occupies a number of geographic features in the region. Notably, Taiwan has occupied Itu Aba—the largest island in the Spratly chain—since 1956. Consistent with the “One China” policy, Taiwan and China lay claim to the same large swath of the SCS and agree on Chinese sovereignty of the SCS.¹⁶ However, Taiwan has not been as assertive as the People’s Republic in enforcing its claims, generally refraining from interdicting non-Taiwanese ships in its claimed waters.¹⁷

Four Southeast Asian nations have competing claims in the SCS, as succinctly described in a 2013 Congressional Research Services report:

With the exception of Indonesia, whose maritime claims in the South China Sea lie to the southwest of (though close to) China's 9-dash line, each of the Southeast Asian claimants has claims that overlap with those made by the PRC and Taiwan. Southeast Asian claims also overlap with each other. Malaysia, the Philippines and Vietnam each have claims to part or all of the Spratly Island chain... Each of those three claimants either has occupied or built structures on islets in the Spratlys. Vietnam controls the greatest number of islands, reefs, and banks in the Spratlys, followed by, in order, the Philippines, China, Malaysia, and Taiwan.¹⁸

Vietnam claims the greatest portion of the SCS among Southeast Asian nations, laying stake to the all of the Paracels and Spratlys. It roots its claims in the historical presence of Vietnamese ships in the region dating back to the 17th century as well as more recent claims to the Paracels made in the 1930s by Vietnam's French administrators.¹⁹ Vietnam has been aggressive in maintaining its claims in both the Paracels and the Spratlys through diplomatic and military means. It has been particularly active in exercising diplomacy to further its interests in the disputes. It engages with other claimants bilaterally and has called for a more vocal U.S. and Association of Southeast Asian Nations (ASEAN) role in the disputes. In 2009 it submitted a joint claim with Malaysia to the United Nation's Commission on the Limits of the Continental Shelf. In 2012 it passed a national law laying out its claims in the region.²⁰ The Vietnamese navy routinely patrols its maritime claims and has on occasion detained foreign fishing vessels.²¹

The Philippines is another active Southeast Asian player in the territorial disputes. The geographic extent of its claims are more conservative than those of China, Taiwan, or Vietnam, though it does claim and occupy geographic features outside of its 200 nautical mile Exclusive Economic Zone (EEZ) as based on the boundaries of its home islands.²² While Manila maintains a military presence on several Spratly Islands and employs its navy and coast guard to assert its claims in the region, it

has emphasized legal and diplomatic mechanisms to bolster its position. Its national legislature designated numerous geographic features in the Spratlys as part of Palawan province. Further, it maintains a civilian population and accompanying civic infrastructure on Thitu Island, the largest of its occupied claims.²³ Tensions between China and the Philippines have increased in recent years in the Spratlys as well as at Scarborough Reef. Besides employing military and coast guard assets to the areas, the Philippine government has taken several measures to resolve disputes diplomatically, including requesting United Nations (UN) arbitration and proposing multilateral development projects in less contentiously disputed areas of the SCS.²⁴

Malaysia claims only a portion of the Spratly Islands, though its claims do overlap with China, Taiwan, Vietnam, the Philippines, and Brunei. There has been less confrontation involving Malaysian claims and activities in the region, though Malaysia has occasionally detained Vietnamese fishing vessels within its claimed waters.²⁵ Malaysia has been relatively successful in negotiating diplomatic solutions to disputes with its Southeast Asian neighbors. As noted earlier, it submitted a joint claim with Vietnam to the UN's Commission on the Limits of the Continental Shelf in 2009. The same year, it resolved a territorial dispute with Brunei and the two countries agreed to joint offshore development the following year.²⁶

Brunei has the narrowest claim in the SCS and is the only party not to occupy a landform in the Spratlys. Its claim overlaps with China's and Taiwan's, and slightly with the Philippines'.²⁷ It has been less embroiled in the SCS conflict than the other claimants, but as a SCS claimant and ASEAN member, it has influence over the course of the disputes.

U.S. Interests in the South China Sea and their Relationship to U.S. Regional Strategy

The United States' 2010 National Security Strategy (NSS) identifies four fundamental U.S. national interests: security, economic prosperity, respect of U.S. values, and a stable international order.²⁸ In recent years U.S. officials have tied these primary national interests more specifically to the South China Sea. In 2011, then-Secretary of State Clinton articulated the following U.S. interests in the region: the maintenance of regional peace and stability, freedom of navigation, open access to the maritime domain, and respect for international law in the SCS.²⁹ In pursuing these interests the U.S. can contribute to a broader U.S. objective: bolstering U.S. leadership in the Asia Pacific.

In her 2011 *Foreign Policy* article expounding upon the U.S. rebalance to the Pacific, Secretary Clinton identified six broad components of U.S. national strategy in Asia:

- Strengthening bilateral security alliances
- Deepening our working relationships with emerging powers, including with China
- Engaging with regional multilateral institutions
- Expanding trade and investment
- Forging a broad-based military presence
- Advancing democracy and human rights³⁰

Within this broad regional strategic construct, there are several U.S. policy objectives in the SCS that directly contribute to U.S. regional strategy. These policy objectives, derived from the NSS and senior leaders' statements, include:

- Encourage a peaceful, multilateral solution to territorial disputes in the SCS
- Maintain neutrality in territorial disputes in the South China Sea³¹
- Strengthen bilateral security ties with allies and partners among SCS claimants
- Assure allies and partners of U.S. commitment to their security
- Promote freedom of navigation
- Strengthen the mandate of international law
- Avoid miscalculation and escalation of hostilities in the SCS

Each of these policy objectives contributes to some degree to U.S. regional strategy and broader U.S. national interests. However, the complexity of the SCS dispute raises the possibility that U.S. actions in pursuit of some of these policy objectives be detrimental to other policy objectives. For example, military engagement with U.S. partners among SCS claimants can have the unintended effect of conveying U.S. partisanship in the territorial disputes, in turn leading to miscalculation and escalation of hostilities.

The Use of U.S. Military Power in the South China Sea: High Payoff, High Risk

Compared to other elements of U.S. national power, the U.S. military is more directly controllable by national authorities, is more highly visible, and represents a larger portion of federal government spending. For these reasons, military activity will continue to be a powerful component of U.S. strategy in the Asia-Pacific. Indeed, the

U.S. military has assured stability in the region since World War II, in large part allowing the region to achieve the economic prosperity many nations there now enjoy.³² U.S. military activity can be expected to increase in the Asia-Pacific as part of the U.S. intention to lock in “a substantially increased investment” in the region, strengthen security alliances, and establish a broad military presence.³³ This military activity will involve increased military engagement with partners and allies in the form of training and exercises, efforts to increase operational access, and “enhancing” access in Southeast Asia.³⁴ It will seek to assure allies of continued U.S. security commitments, expand the network of U.S. security partners, maintain peace, stability, free flow of commerce, and U.S. influence in the Asia-Pacific.³⁵

This increased U.S. military activity in the Asia-Pacific will influence freedom of navigation issues and regional disputes in the SCS. How this U.S. military power is employed presents opportunities to advance U.S., regional, and global interests in the SCS. It can also potentially harm U.S. and local interests, particularly if military power is not sufficiently fused with a whole of U.S. government approach to the region. There are three broad opportunities U.S. military engagement in the region presents regarding the SCS.

First, expanded U.S. military engagement among SCS claimant countries increases multilateral cooperation and interoperability in the region. This directly supports both U.S. national strategy in the Asia-Pacific and the most recent U.S. National Military Strategy.³⁶ As the U.S. faces increasingly tighter resource constraints, multilateral defense cooperation can help spread the cost of regional security in Asia by empowering regional nations and multilateral institutions to take a greater role in

ensuring their security. The U.S. can do this by helping allied and partner nations modernize their military capabilities with an emphasis on interoperability with other regional partners. These actions can help reassure allies while expanding defense capabilities from bilateral interaction to a more robust multilateral capacity. Southeast Asian militaries have been increasing their capabilities and modernizing their equipment in recent years. U.S. leadership in regional defense cooperation can help promote interoperability with regional militaries as a goal of modernization efforts. This interoperability can enable cooperation on shared security interests. For example, ASEAN nations can consider interoperable maritime communications systems to enable sharing counter proliferation and counter piracy information.

Further, U.S. involvement in building partner capacity also provides an opportunity for the U.S. to exhibit greater leadership in the region by influencing regional security cooperation, a role it has not effectively played in the past. Historically, the U.S. has approached its security cooperation in Asia through a series of bilateral arrangements rather than the multilateralism seen in Europe.³⁷ This largely bilateral U.S. approach, along with competing interests and historic mistrust among regional nations, has hindered a multilateral approach to shared security concerns in the Asia Pacific. The U.S. can make strides in strengthening such an approach by supporting multilateral training events and exercises among SCS claimants. These activities have the additional positive effects of increasing communication and familiarity among the militaries of SCS claimants. This familiarity and communication can in turn help prevent misinterpretation of claimants' future military actions in the SCS and avoid escalation of

hostilities. Military cooperation can also serve as a confidence building measure among claimants and pave the way for progress in negotiated settlement of territorial disputes.

The second opportunity is U.S. engagement with regional partners and allies provides partner nations and regional institutions such as ASEAN to negotiate disputes from a position of strength. Increased Chinese military investment in recent years is increasingly shifting the balance of military power from Southeast Asian claimants to China. China's annual defense spending is now several times larger than all ASEAN member nations combined.³⁸ This disadvantages some other countries with an interest in the SCS and reduces China's motivation to reach negotiated settlements with them. Increasing interested parties' military capabilities advances the U.S. objectives of assuring regional allies, supporting regional peace and stability, and promoting access to the maritime commons in the SCS. Increasing claimants' ability to provide a credible maritime deterrence allows those countries to challenge aggressive behavior and enforce freedom of navigation. The more balanced the military capabilities of the various parties, the more important other means of conflict resolution—such as international arbitration and diplomatic negotiations—become, thus promoting peace, stability, and respect for international law.

Besides providing claimants an ability to challenge territorial encroachments militarily, the U.S. can support peaceful resolution of disputes by helping partner nations with a more fundamental requirement of conflict resolution: maritime domain awareness. In order to challenge maritime activity that violates international norms, claimants need to be able to detect incursions of foreign vessels in their territorial waters. Some SCS claimants have limited capacity to detect activity in their waters and

are therefore unable to challenge perceived illegal activity through conflict resolution bodies. In turn, this lack of response emboldens violators to become more aggressive in their activity, giving rise to the potential for conflict. By improving SCS claimants' military and civilian maritime domain awareness capability, claimants can increase their visibility of maritime activity in their claims, deter aggressive behavior, and challenge perceived incursions with evidence-based submissions to international arbitration forums. As an example, the U.S. has engaged with the Philippines in recent years to improve Manila's maritime domain awareness through the creation of a National Coast Watch Center.³⁹

Thirdly, increased U.S. military activity in the region paves the way for and augments U.S. engagement on non-military issues. In terms of economic activity and military presence, the U.S. has been more heavily engaged in Northeast Asia, particularly the Korean Peninsula and Japan, than it has in Southeast Asia. As the U.S. seeks to expand its engagement in Southeast Asia as part of the rebalance to the Pacific, U.S. military activity with SCS claimants can build trust, relationships, and lines of communication with countries in the region that further diplomatic, economic, and commercial cooperation.⁴⁰ Decades-old agreements with countries bordering the SCS, including a formal treaty alliance with the Philippines, coupled with persistent, rotational presence of U.S. military personnel and ships in the region provide the relationships, legal framework, trust, and presence to enable engagement across the spectrum of U.S. national power. For example, the authors of a January 2013 *Foreign Affairs* article defending U.S. international engagement cite a scenario in which U.S. diplomats use meetings on military cooperation to discuss economic cooperation.⁴¹

Along with the aforementioned opportunities, the employment of U.S. military power in the SCS carries with it significant risks. The same characteristics of U.S. military power that make it such a potentially beneficial component of U.S. regional strategy--its vast strength and visibility—make it the element of national power with the greatest potential to inadvertently detract from U.S. policy objectives. There are three notable risks associated with the use of military power in the region.

First, conspicuous employment of U.S. military power within the boundaries of the SCS raises the potential for miscalculation of U.S. intentions and the escalation of hostilities. A useful example from antiquity can be found in the case of Athenian assistance to Corcyra prior to the Peloponnesian War. In the fifth century BCE tensions rose between Corcyra and Corinth. Corcyra appealed to Athens to enter into an alliance with them to bolster Corcyran defenses against Corinthian naval power.⁴² The Athenians were cautious in their approach to their partnership with the Corcyrans, entered only into a defensive alliance. The Athenians believed this alliance to be accordance with an existing regional peace treaty.⁴³ To prevent breach of the peace, Athens enacted restrictive rules of engagement for its naval forces supporting Corcyra.⁴⁴

Shortly after Athens entered the alliance, Corinth and Corcyra engaged in a naval battle near the Sybota Islands.⁴⁵ A small contingent of Athenian ships was present at the battle, though its involvement initially was limited to a show of force. When the tide of the battle turned heavily against the Corcyrans the Athenian ships became more decisively engaged in their defense. Shortly afterword, Corinthian vessels sighted additional Athenian ships approaching the scene. The Corinthians assumed these ships

were part of a much larger Athenian fleet sent to the area and accused the Athenians of breaking the peace treaty.

The Athenian sailors at the scene of the battle took a number of measures to prevent escalation of hostilities between Athens and Corinth. They took a restrained approach to the sea battle by engaging only to the extent necessary to defend their Corcyrans allies. Also, they exhibited admirable strategic communications by countering the Corinthian accusation of breaking the peace treaty with their insistence that they were not making war and were honoring Corinthian freedom of navigation. So, Athens' cautious policy of adherence to the peace treaty was followed by an equally restrained execution of that policy by its naval forces: a commendable example of policy and strategy cohesion. Despite this, the Athenian role in the naval battle between Corinth and Corcyra is one of the main factors that led to the Peloponnesian War—a war that costs Athens its primacy in the region.⁴⁶

The lesson for U.S. policy makers is that military presence in a disputed area presents a high potential for misinterpretation, even with the use of strategic communications. Despite limited Athenian presence and activity at the Battle of Sybota, the Corinthians misinterpreted the appearance of a small number of Athenian ships as a heavy-handed Athenian military commitment and violation of the peace.⁴⁷ Any U.S. military action or presence in the SCS, even that which is clearly within the strictest interpretations of international law, is likely to be seen by some claimants as a threat. Although this may not lead to direct U.S. military involvement in an incident at sea, it can send the message that the U.S. is an aggressor in the region by virtue of its military strength.

The second risk associated with employment of military power in the South China Sea is the potential to embolden claimants to act provocatively. The United States' rebalance to the Asia-Pacific and more vocal interest in the SCS dispute comes at a time when Southeast Asian claimants are assessing their ability to counter China's increasingly aggressive stance in the SCS. It is understandable for claimants to view changing U.S. posture in the region as an indication of U.S. support in countering Chinese aggression. This is particularly true in the case of the Philippines, the only U.S. treaty ally among the SCS claimants.⁴⁸ Given its modest ability to monitor and defend its SCS claims militarily, the Philippines places a premium on its strong defense ties with the U.S.⁴⁹ Since tensions between China and the Philippines over territorial disputes have heated up since 2010, the Philippines has sought to increase defense cooperation with the U.S., a move the U.S. is amenable to as it supports its strategy of strengthening bilateral security relationships in the region.⁵⁰ However, there is some doubt as to what those strengthened defense ties mean in terms of U.S. support to the Philippines in a SCS conflict. The Philippine government asserts the 1951 United States-Philippine Mutual Defense Treaty (MDT) applies to Philippine interests in the SCS.⁵¹ However, the language of the MDT is not clear on this point and U.S. officials have not explicitly delineated under what circumstances the U.S. military would intervene on behalf of the Philippines. Given the Philippine interpretation of U.S. commitments under the MDT and broader U.S. support to Philippine military modernization and maritime domain awareness, an argument could be made that this U.S. military support could embolden the Philippines to take provocative actions in the SCS that lead to an escalation of hostilities.

Besides the Philippines, other Southeast Asian claimants could likewise be emboldened by the U.S. shift to the Pacific and vocal role in the SCS dispute. For example, there has been an incremental increase in U.S.-Vietnam military to military engagement in recent years, including increased U.S. naval activity in and near Vietnam.⁵² Despite the U.S.'s consistent articulation of its neutrality in the territorial disputes and support of a peaceful solution, increased U.S. military engagement with Southeast Asian allies and partners can lead to assumptions of U.S. unrestricted military support in conflicts arising from their adventurism in territorial disputes.

Thirdly, an overemphasis on U.S. military power can come at the expense of other available U.S. foreign policy levers that could better advance U.S. strategic objectives in the region. Both President Obama and Secretary of Defense Hagel have noted that the military should play a supporting, not leading, role in U.S. foreign policy.⁵³ Secretary Hagel emphasized the point when he noted in November 2013 remarks at the Center for Strategic and International Studies that the military is not the lead for the U.S. rebalance to the Pacific.⁵⁴ Despite this recognition from national leadership, military power represents a powerfully attractive tool. Because of the military's extensive resources, responsiveness to national authorities and established relationships in the region, there is a potential for policymakers to focus on military engagement in the region and pay insufficient attention to diplomatic, economic, and informational tools that can be better suited to advance U.S. interests. For example, the military has greater resources, access, and opportunities to conduct activities to shape the strategic environment in the SCS than other departments of the U.S. government. This can lead to the use of the Department of Defense to carry out shaping activities best left to the

Department of State. Despite these risks, it is vital to U.S. national interests for the military to operate in the SCS.

The Need for U.S. Military Presence in the South China Sea

U.S. military presence in the SCS is necessary for the following reasons: it ensures freedom of navigation, reinforces U.S. treaty commitments, demonstrates U.S. resolve, and can help build familiarity with China—which in turn helps avoid miscalculation and improves safety at sea.

Freedom of navigation is a crucial condition for the realization of U.S. national interests. It promotes commerce, strengthens the world economy, and facilitates U.S. security.⁵⁵ U.S. military presence in the global commons is an important component of the country's efforts to promote maritime security and freedom of navigation. This presence is especially important in the SCS due to both the territorial disputes in the area as well as recurring Chinese challenges to U.S. naval activity in its EEZ. As Chinese military capabilities improve and the U.S. increasingly endeavors to maintain operational access in an anti-access environment, the U.S. Navy's freedom of navigation assertions will take on greater importance.

The U.S. has invested heavily in its alliances and partnerships in the Asia-Pacific since the end of World War II. U.S. relations with its partners in the region are now at an important juncture. Our partners are faced with growing security concerns stemming largely from China's military modernization and assertiveness. At the same time, the U.S. has announced its rebalance to the Pacific and intent to strengthen its security alliances in the region.⁵⁶ Regional partners are assessing America's resolve and commitment to treaty commitments by evaluating whether or not U.S. actions align with its stated intentions. A necessary component of reassuring allies and partners in the

region of U.S. commitment is the physical presence of the U.S. military in the region, particularly in the global commons of the SCS.

A third reason U.S. military presence is required in the area is to increase familiarity with Chinese counterparts. This serves two functions that are important goals in their own right: it decreases the potential for miscalculation and escalation of hostilities and it promotes safety at sea. U.S. military presence--particularly naval presence--in the SCS provides opportunities for professional interaction between U.S. and Chinese counterparts. Such interaction enhances communications and mutual understanding and serves as a confidence building measure. Such familiarity and communication decreases the potential for the actions of either party to be misinterpreted and lead to escalation of hostilities. Closely related is the potential to improve safety at sea. U.S./Chinese maritime interactions in the SCS illustrate a track record of unsafe actions by Chinese vessels in the vicinity of U.S. military ships. Examples include the 2009 *USNS Impeccable* and *USNS Victorious* incidents, both of which involved Chinese civilian vessels conducting dangerously close passes to the USNS ships.⁵⁷ More recently, a Chinese Navy ship maneuvered close enough to the *USS Cowpens* in December 2013 to force it to take evasive action to avoid a collision.⁵⁸ While these incidents represent Chinese attempts to define standards of conduct in the maritime domain, the manner in which they are carried out indicates an inability or unwillingness operate safely at sea. This behavior increases the potential for collisions, fatalities, and other incidents that can escalate hostilities, degrade relations between China and other nations operating in the SCS, and generally destabilize the region. Several international frameworks exist to mitigate this potential. China is a party to both

the Convention on the International Regulations for Preventing Collisions at Sea—better known as the COLREGS or rules of the road--and the UN Convention on the Law of the Sea (UNCLOS). Both of these conventions lay out procedures and responsibilities for safety at sea and collision avoidance.⁵⁹ U.S. diplomatic and military efforts are underway to reinforce China's need to act safely at sea in accordance with international norms. Effective communication between U.S. and Chinese vessels in the SCS can reinforce these efforts. Additionally, joint exercises in the SCS could improve this initiative and would be a natural evolution of the U.S./Chinese naval exercise that took place in the context of counter piracy operations in the Gulf of Aden in 2012 and China's planned participation in Rim of the Pacific 2014.⁶⁰

Policy Options to Minimize the Risks, Maximizing the Opportunities

The following recommendations, utilizing a balanced mix of elements of national power, serve to avoid and mitigate the risks of applying military power in the SCS while maximizing the United States' opportunities to achieve its strategic objectives in the Asia Pacific.

Diplomatic

Integral to U.S. strategy is the use of diplomacy to encourage a negotiated settlement of disputes among SCS claimants. The U.S. should take an increased role in (but not lead) diplomatic negotiations among all SCS claimants. This would empower regional institutions such as the ASEAN and encourage a peaceful solution to the dispute. Additionally, U.S. accession to the UNCLOS would strengthen its ability to persuade claimants to use international norms to resolve conflicts.

Informational

The U.S. has maintained a position of not taking sides in international territorial disputes to which it is not a claimant. However, the U.S. has extensive military, economic, and diplomatic ties to all claimant countries. To avoid the perception of taking sides and escalating hostilities, the U.S. needs to carefully synchronize its communications across the whole of government to clearly articulate its interest in a peaceful settlement among claimants and its nonpartisanship in the dispute.

The U.S. should clarify the circumstances under which it would militarily support its partners among SCS claimants, particularly its treaty ally the Philippines. While the desire to maintain flexibility and avoid committing to theoretical scenarios is understandable, the U.S. can improve credibility among Asia-Pacific nations and reassure its allies in the region by clarifying what actions, taken by the Philippines or another claimant, would invoke the MDT. This would help prevent misguided provocative behavior, avoid escalation of hostilities, and preserve peace and stability in the region.

Military

U.S. assistance in improving the military capabilities of Southeast Asian claimants can improve parity among claimants and reduce the potential for military conflict. This becomes increasingly important as Chinese naval capabilities improve. Relatedly, visible U.S. military cooperation with claimants demonstrates U.S. commitment to our partners and allies in the region. Additionally, U.S. military presence—both flights and ships' passage--in international commons claimed by China demonstrate U.S. dedication to freedom of navigation.

Economic

The U.S. can use economic levers to encourage claimants to resolve the dispute among themselves. To this end, the U.S. should incentivize cooperation among regional claimants by tying increased U.S. investment to progress in multi-lateral diplomatic efforts to arbitrate disputes. Further, the U.S. should make it known to ASEAN that its greater leadership in resolving the SCS dispute peacefully will bring with it increased U.S. economic support to the forum. A second order effect of increased investment in Southeast Asian claimants will be a corresponding increase in national funds to improve claimants' military deterrence capabilities.

Conclusion

The United States is well positioned to elegantly rebalance its foreign policy toward the Asia Pacific and achieve strategic objectives in the region. In order to most effectively employ its vast military resources and reduce the significant risks associated with their use it is imperative that U.S. military influence is employed in balance with other elements of power. Such a U.S. policy approach can improve the positions of the U.S. and regional countries as they pursue interests in the SCS while simultaneously advancing broader U.S. strategic interests in greater Asia-Pacific region.

Endnotes

¹ Hillary Clinton, "America's Pacific Century," *Foreign Policy*, no. 189 (November 2011): http://www.foreignpolicy.com/articles/2011/10/11/americas_pacific_century (accessed December 21, 2013).

² Barack Obama, *National Security Strategy 2010* (Washington, DC: The White House, May 2010), 7.

³ International Hydrographic Organization, *Limits of Oceans and Seas*, 3rd ed., Special Publication No. 23 (S-23), (Monaco: International Hydrographic Organization, 1953), http://www.iho-ohi.net/iho_pubs/standard/S-23/S23_1953.pdf (accessed December 15, 2013).

⁴ David Rosenberg, "Governing the South China Sea: From Freedom Of The Seas to Ocean Enclosure Movements," *Harvard Asia Quarterly*, 7, http://www.southchinasea.org/files/2013/02/Governing_The_South_China_Sea.pdf (accessed December 15, 2013).

⁵ Ibid.

⁶ U.S. Energy Information Administration, "South China Sea," *Analysis Brief Online*, <http://www.eia.gov/countries/regions-topics.cfm?fips=scs> (accessed December 21, 2013).

⁷ International Crisis Group, *Stirring Up the South China Sea (I)*, Asia Report N°223 – 23 (Beijing/Brussels: International Crisis Group, April 23, 2012), 1, [http://www.crisisgroup.org/~media/Files/asia/north-east-asia/223-stirring-up-the-south-china-sea-i.pdf](http://www.crisisgroup.org/~/media/Files/asia/north-east-asia/223-stirring-up-the-south-china-sea-i.pdf) (accessed December 21, 2013).

⁸ Rosenberg, "Governing the South China Sea," 5.

⁹ Ben Dolven, Shirley A. Kan, and Mark E. Manyin, *Maritime Territorial Disputes in East Asia: Issues for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, January 30, 2012), 7, <http://www.fas.org/sqp/crs/row/R42930.pdf> (accessed December 21, 2013).

¹⁰ Ibid., 8.

¹¹ Ibid., 6.

¹² Ibid., 8.

¹³ Ibid., 7.

¹⁴ Ibid., 9.

¹⁵ Ibid.

¹⁶ Brendan O'Reilly, "Taiwan Jumps into South China Sea Fray," *Asia Times Online*, August 9, 2012, <http://www.atimes.com/atimes/China/NH09Ad01.html> (accessed December 22, 2013).

¹⁷ Dolven, Kan, and Manyin, *Maritime Territorial Disputes*, 10.

¹⁸ Ibid.

¹⁹ Ibid., 11.

²⁰ Ibid.

²¹ Ibid., 12.

²² Ibid., 8.

²³ John M. Glionna, "Squatters in Paradise Say It's Job from Hell," *Los Angeles Times Online*, July 26, 2009, <http://articles.latimes.com/2009/jul/26/world/fg-paradise-prison26> (accessed December 22, 2013).

²⁴ Dolven, Kan, and Manyin, *Martitime Territorial Disputes*, 11.

²⁵ *Ibid.*, 12.

²⁶ *Ibid.*

²⁷ *Ibid.*, 13.

²⁸ Obama, *National Security Strategy 2010*, 7.

²⁹ Hillary Clinton, *The South China Sea*, Press Statement (Washington, DC: U.S. Department of State, July 22, 2011), <http://www.state.gov/secretary/rm/2011/07/168989.htm> (accessed December 22, 2013).

³⁰ Clinton, "America's Pacific Century."

³¹ Hillary Clinton, "Remarks at Benjamin Franklin Room," Washington, DC, June 8, 2012, <http://www.state.gov/secretary/20092013clinton/rm/2012/06/192004.htm> (accessed February 2, 2014).

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.* Operational access is defined as "The ability to project military force into an operational area with sufficient freedom of action to accomplish the mission". It is the joint military component of the broader national goal of assured access. Assured access is the unhindered national use of the global commons and select sovereign territory, waters, airspace and cyberspace, achieved by projecting all the elements of national power. Most broadly, access involves the U.S. ability to use of markets, resources, and the global commons. The global commons are the areas of air, sea, space, and cyberspace that belong to no one state. These definitions and a broader examination of operational access and access can be found in the Joint Operational Access Concept: Dempsey, Martin E., *Joint Operational Access Concept* (Washington, DC: U.S. Department of Defense, 2012).

³⁵ Barack Obama, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (Washington, DC: U.S. Department of Defense, January 5, 2012), http://www.defense.gov/news/Defense_Strategic_Guidance.pdf (accessed December 29, 2013).

³⁶ Clinton, "America's Pacific Century"; Michael G. Mullen, *The National Military Strategy of the United States of America* (Washington, DC: February 2011), 13, <http://www.army.mil/info/references/docs/NMS%20FEB%202011.pdf> (accessed December 29, 2013).

³⁷ The U.S. approach to security cooperation in Asia is largely rooted in the so-called "San Francisco system" of bilateral security alliances forged in the 1951 Japan peace conference in

San Francisco, California. For further background on the San Francisco system and the U.S. approach to bilateral vice multilateral security agreements, see Kenneth Boutin, "Balancing Act: Competition and Cooperation in US Asia-Pacific Regionalism," *Japanese Journal of Political Science* 12, no. 2 (August 2011).

³⁸ International Institute of Strategic Studies, *Military Balance 2013, Chapter Six: Asia* (London: Routledge for the International Institute of Strategic Studies, 2013), 250, <http://www.tandfonline.com/doi/pdf/10.1080/04597222.2013.757002> (accessed December 29, 2013).

³⁹ Daniel Wasserbly, "US DoD to Assist Philippines with Maritime Awareness," *Janes Defense Weekly* 49, no. 27, June 14, 2012, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1510956> (accessed December 29, 2013).

⁴⁰ Clinton, "America's Pacific Century."

⁴¹ Stephen G. Brooks, G. John Ikenberry, and William C. Wohlforth, "Lean Forward: In Defense of American Engagement" *Foreign Policy*, November 30, 2012, <http://www.foreignaffairs.com/articles/138468/stephen-g-brooks-g-john-ikenberry-and-william-c-wohlforth/lean-forward> (accessed December 29, 2013).

⁴² Robert B. Strassler, ed., *The Landmark Thucydides : A Comprehensive Guide to the Peloponnesian War* (New York: Free Press, 2008), 16-21.

⁴³ Ibid., 28.

⁴⁴ Ibid.

⁴⁵ Ibid., 28, 30.

⁴⁶ Ibid., 32.

⁴⁷ Ibid., 38.

⁴⁸ U.S. Department of State, "Collective Defense," <http://www.state.gov/s/l/treaty/collectivedefense/> (accessed December 30, 2013).

⁴⁹ Franco Nemesio M. Gacal, *Territorial Disputes in Spratly: An Assessment of the Philippine Initiatives*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, March 3, 2013), 19-20.

⁵⁰ Leszek Buszynski, "The South China Sea: Oil, Maritime Claims, and U.S.—China Strategic Rivalry," *The Washington Quarterly*, Spring 2012, 149, <http://csis.org/files/publication/twq12springbuszynski.pdf> (accessed December 30, 2013).

⁵¹ "Philippine Foreign Affairs Chief Clarifies US Support Under Defense Treaty," *Philstar Online*, May 10, 2012, <http://search.proquest.com/docview/1019454287?accountid=4444> (accessed December 30, 2013).

⁵² Buszynski, "The South China Sea," 149.

⁵³ Jan Joel Andersson, *Broader Challenges, Smaller Budgets: The Future of the US Military* (European Union Institute for Security Studies, November 2013), http://www.iss.europa.eu/uploads/media/Alert_37_Hagel_and_US_defence.pdf (accessed December 30, 2013).

⁵⁴ Chuck Hagel, "Speech Delivered at CSIS Global Security Forum," November 5, 2013, <http://www.defense.gov/speeches/speech.aspx?speechid=1814> (accessed December 30, 2013).

⁵⁵ The need for free access to the global commons, to include the maritime commons, is highlighted in the most recent National Security Strategy, National Defense Strategy, and National Military Strategy. Freedom of Navigation is characterized as a "vital interest" in Hillary Clinton's "America's Pacific Century" article in *Foreign Policy*.

⁵⁶ Clinton, "America's Pacific Century."

⁵⁷ Pete Pedrozo, "The U.S.-China Incidents at Sea Agreement: A Recipe for Disaster," *Journal of National Security Law & Policy* 6, no. 1, http://jnslp.com/wp-content/uploads/2012/08/07_Pedrozo-Master.pdf (accessed February 1, 2014).

⁵⁸ Edward Luttwak, "China's Risky Flirtation with Military Adventurism," *Wall Street Journal*, January 2, 2014, <http://search.proquest.com/docview/1473518728?accountid=4444>

⁵⁹ Pedrozo, "The U.S.-China Incidents at Sea Agreement: A Recipe for Disaster."

⁶⁰ "US and China Team Up for Counter-Piracy Exercise," *Targeted News Service*, September 18, 2012, <http://search.proquest.com/docview/1040884339?accountid=4444>; *Forbes Amendments Seek Transparency on China's Military Modernization, Participation in RIMPAC 2014* (Lanham: Federal Information & News Dispatch, Inc, 2013), <http://search.proquest.com/docview/1365670661?accountid=4444>