

Strategy Research Project

Protecting United States Interests in the South China Sea

by

Colonel David G. Ray
United States Army



United States Army War College
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USAWC STRATEGY RESEARCH PROJECT

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Colonel David G. Ray
United States Army

Professor Nathan P. Freier
Strategic Studies Institute
Project Adviser

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

Abstract

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The multi-state maritime dispute in the South China Sea is a complex geopolitical problem and if left unchecked, a potential instigator of change in the international order. The United States does not take an official position on territorial disputes, but has four interests in the region; peace and stability, respect for international law, freedom of navigation, and unimpeded movement of commerce. The competing interests, claims, and strategies of China and the Philippines are resulting in tensions that could lead to a broader loss of confidence in the United Nations Convention on the Law of the Sea (UNCLOS), an inadvertent escalation to hostilities on the high seas, and/or incidents of deliberate military action to secure disputed territory. These all have the potential to threaten U.S. interests. By ratifying the UNCLOS, creating a Pacific maritime forum, and leading a regional maritime protection network, the United States can reduce the factors pulling the region toward the highest-risk scenarios. These strategic actions will not resolve the ongoing territorial disputes, but will help decrease tensions and actively protect U.S. interests in the South China Sea.

Protecting United States Interests in the South China Sea

The United States has a national interest in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the South China Sea.

— Secretary of State Hillary Clinton¹

The multi-state territorial dispute in the South China Sea (SCS) is a dangerous global flashpoint and has been flagged as one of the likeliest locations of future interstate conflict. It has the potential to involve the People's Republic of China (PRC), an emerging rival, three treaty allies of the United States (U.S.), and several nations with whom the United States is cultivating new relationships.² The SCS competition over territory and access to resources between the PRC, the Philippines, Vietnam, Taiwan, Malaysia, and Brunei threatens several national interests of the United States. These include, "maintenance of peace and stability, respect for international law, freedom of navigation, and unimpeded lawful commerce in the South China Sea."³

As the competition between the nations involved escalates, the potential for hostilities to emerge that threaten these interests increase significantly. High risk scenarios that could emerge are an international loss of confidence in customary maritime law and the United Nations Convention on the Law of the Sea (UNCLOS), an inadvertent escalation to hostilities on the high seas, or deliberate military action to secure contested territory by one of the parties to the dispute.

All of the nations in the region have competing interests, claims, and strategies, but those of China and the Philippines demonstrate the greatest potential to lead to conflict involving the United States. Unfortunately, the complexity of the issues and relationships in the region prevents employment of a single strategic approach to mediate or resolve the disputes. Acknowledging that achieving agreement between the

nations to fully resolve their differences is not currently a reasonable objective; the United States should take three distinct strategic actions to counter the tensions that currently pull the regional actors toward the highest risk scenarios. These actions include: ratifying the UNCLOS, sponsoring creation of a Pacific maritime forum, and leading the development of a network focused on securing the global commons. These three strategic actions may lead to a reduction of tensions in the SCS and in other regions where maritime competition between nations threatens stability and U.S. interests.

This paper explores this strategic problem in detail. It provides background on the region and reviews the interests, claims, and strategies of the two nations most likely to impact the security of core U.S. interests in the SCS. It then outlines the official U.S. policy and interests in the region along with three possible scenarios that would put those interests directly at risk. Finally, it describes three actions the United States might employ to help stabilize the region, reduce the prospects for interstate conflict, and secure at-risk national interests.

South China Sea Background

The South China Sea covers over 1.6 million square miles of area adjacent to South East Asia. Its importance springs from its strategic location and natural resource wealth. The sea lanes in the SCS are the most active of all the global commons. Nearly half of the world's merchant fleet tonnage and one-third of its crude oil pass through the SCS region each year.⁴ According to Council on Foreign Relations, this traffic accounts for nearly \$5.3 trillion in global trade, with \$1.2 trillion of that trade touching US shores.⁵

The value of the natural resources in the SCS continues to grow. The region hosts a multi-billion dollar fishing industry, accounting for one-tenth of the world's global catch each year.⁶ Each of the nation's in the region count on unrestricted access to the fisheries to help feed their growing populations. The development of a fishing lobby in the region, advocating for state assistance in preventing foreign fishermen from encroaching into territorial waters, demonstrates how the desire to control and exploit this resource has become an international security issue.⁷

The full economic potential of the region's hydrocarbon assets remain largely undetermined. The US Energy Information Administration (EIA) estimates the SCS may contain just over 11 billion barrels of oil and 190 trillion cubic feet of natural gas.⁸ According to one Filipino foreign policy expert, "This huge hydrocarbon potential has become another source of tension between the littoral states of the region and, to a certain extent, a number of outside actors."⁹ Ensuring the global commons remains open and secure, while the nations of the region compete for the marine and hydrocarbon resources, has become an important national interest of the United States.

Of all the resource and territorial disputes in the SCS, perhaps that between China and the Philippines threatens U.S. interests the most. Their competing claims to territory in and around the Spratly Islands are based on factors ranging from historic evidence to modern legal precedent. Focusing on the dispute between the two provides insights and perspective on the complexity of the issues. Understanding this complexity provides context for the strategic approaches that may reduce the potential for escalation to hostilities between the nations in the region and, as a result, help secure U.S. interests.



Figure 1¹⁰

China: Interests, Claims, Strategy

Conflict involving China anywhere in the world has the potential to adversely impact U.S. economic prosperity. China is the United States' largest trading partner, with over \$560 billion in trade between the nations in 2013.¹¹ China is also the single largest foreign holder of U.S. Treasury Securities. China owns over \$1.3 trillion in U.S. securities or nearly one-quarter of the U.S. national debt.¹² These two facts point to the potential catastrophic impact China's involvement in hostilities may have on U.S. economic security. For these reasons it is important to understand China's interests,

claims, and strategy in the SCS before developing a strategic approach to protect U.S. interests in the region.

Chinese Interests

The PRC has a mix of national interests in play in the SCS. Energy exploration, fishing rights, nationalism, and security concerns appear to be four underlying factors.¹³ Controlling the region's potential energy wealth is likely dominant among the four. In 2012, the U.S. Energy Information Administration reported, "the Chinese National Offshore Oil Company estimates the region contains as much as 125 billion barrels of oil and 500 trillion cubic feet of natural gas in undiscovered resources."¹⁴ If this estimate proves to be true, it would make the SCS one of the seven largest oil reserves in the world.¹⁵ China has a unique interest in seeing that these resources are available to support their continued economic growth and prosperity.

The PRC also views the SCS as an essential source of food for China's nearly 1.6 billion citizens. The depletion of China's near-shore fishing areas are forcing their regional fishing fleets to shift to new locations.¹⁶ Establishing control over the region's valuable fisheries ensures unlimited access for the Chinese fishing industry.

PRC leaders also see pursuit of sovereignty over SCS islands as a way to boost Chinese nationalism. Assuming control over the SCS is one of China's first steps in achieving a position of political and military advantage in the Asia-Pacific region. It would be a tangible display of sovereign authority over a strategically important region of the world. China also feels it will increase its global influence by controlling the economically important sea lanes passing through the region.¹⁷ Through control of the world's busiest maritime throughway, China possesses the potential to indirectly

influence every nation that relies on free passage of economic trade transiting the region. When combined, these all contribute to increasing China's global influence.

Controlling the SCS also helps protect the power of the Chinese Communist Party (CCP). By focusing Chinese citizen's attention on the central government's efforts to defend their claims in the SCS, they shift the focus of the people away from internal issues such as security, quality of life and declining economic growth that might undermine CCP credibility and authority.

Finally, controlling the SCS contributes toward China establishing a secure buffer against foreign intervention. According to Ronald O'Rourke, a specialist in naval affairs at the Congressional Research Service, "China sees these islands as a means to protect the Chinese mainland from foreign naval forces, especially the U.S. Navy responding to a crisis or conflict involving Taiwan."¹⁸ The islands also provide bases of operation to monitor foreign naval forces operating in the area and exercise influence over commercial shipping passing through the region.¹⁹

Some observers also propose that China desires the islands to serve as a base of operations for their ballistic missile submarine fleet.²⁰ Basing submarines in this location provides better access to the open waters of the Pacific than does basing closer to the Chinese mainland. China sees this as a way to increase the deterrent value of their submarine-based nuclear weapons.²¹

Chinese Claims

The PRC claims ownership of nearly all of the SCS. They justify these claims by on historical precedent for Chinese occupation and exploitation of the region. The evidence they use to support these claims are the presence of archaeological artifacts found on the islands that resemble items from China's Han Dynasty. China proposes

these items provide proof that ethnic Chinese discovered the islands in the region and have maintained intermittent presence since as early as the 2nd Century AD.²²

China also claims as their “territorial sea” everything contained within the “nine-dashed” line, an arbitrary boundary first found published on a Chinese map in 1947 (see Figure 1).²³ The extent of the “nine-dashed line” claim was clarified by the PRC in 1992 when they enacted their “Law on the Territorial Sea and Contiguous Zone”.²⁴ This Chinese law declared sovereignty over all the island groups inside the U-shaped line in the SCS.²⁵

By claiming a contiguous zone as part of this law, China explicitly authorizes free passage of non-military foreign vessels through its waters. However, it requires foreign military vessels to gain approval from the Chinese government before passing through their territorial waters.²⁶ This requirement for prior approval for passage of military vessels through an Exclusive Economic Zone (EEZ) is inconsistent with the 1982 UNCLOS and the primary point of disagreement between the United States and China over use of the global commons in the SCS.²⁷ The PRC formally presented these claims to the world when they published a map in 1993 showing the extent of their territorial waters (see Figure 1).²⁸

Chinese Strategy

Understanding of China’s strategy in the SCS relies on understanding its’ long-term objectives. Some strategic analysts propose China's long term strategy is to gain control of the inhabitable islands and then press claims to be able to regulate foreign military activity in the EEZ of those islands.²⁹

The PRC had negligible involvement in the SCS from the conclusion of the Second World War until 1974 when they seized control of the Paracel Islands by force

from South Vietnam and began offshore oil exploration in the region.³⁰ From that time forward, the PRC started sending naval patrols across the region.

In 1987, China formalized its claim of governance over all of the islands in the SCS by including them in the new province of Hainan.³¹ In 1988, they again relied on military force to further their claims in the region. While constructing a military base at Fiery Cross Reef in the Spratly Islands, China engaged Vietnamese military forces in a short sea and land battle that resulted in the loss of three Vietnamese naval vessels and over seventy Vietnamese personnel.³² This once again demonstrated China's willingness to use lethal force to gain or secure land features in the SCS.

Throughout the 1990's and early 2000's, China demonstrated a receptiveness to work with the Association of Southeast Asian Nations (ASEAN) to minimize the possibility of disputes escalating to armed conflict. In 1992, they agreed in principle to the *ASEAN Declaration on the South China Sea*, but never signed the document.³³ In 2002, China agreed to the terms outlined in the *ASEAN Declaration on the Conduct of Parties in the SCS*. The declaration required all signatories to,

Reaffirm their respect for and commitment to the freedom of navigation in and over flight above the SCS as provided for by the universally recognized principles of international law, and to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force.³⁴

Even though China signed the declaration, it maintained its sovereign claims over all land and maritime areas in the SCS. And, toward that end, it consistently engaged only in bilateral negotiations while strictly avoiding multilateral agreements.

Observers of China's actions in the region since their brief naval battle with Vietnam at Fiery Cross Reef, describe their actions as the incremental approach or 'Salami-slice' strategy.³⁵ This strategy involves taking small, seemingly inconsequential,

aggressive actions in the region intended to change the facts on the ground over a long period. The severity or consequence of each incident is such that no one would consider each independently as a *casus belli*.³⁶

Since the 2012 Scarborough Shoal incident involving the Philippines, China's self described approach to securing territory in the region is labeled the "Cabbage Strategy". A PLA General provided the following description of the strategy during a 2013 interview.

We have begun to take measures to seal and control the areas around the Huangyan Island (Scarborough Shoal). In and around the area, fishing administration ships and marine surveillance ships conduct patrols while, in the outer ring, there are navy warships. The island is thus wrapped layer by layer like a cabbage, which is referred to as China's cabbage strategy.³⁷

The General's comments demonstrate how China is increasingly incorporating its' paramilitary maritime law enforcement agencies into this strategy.³⁸ Some strategists assess that China believes employment of civilian maritime law enforcement forces will reduce the potential for military response to their actions by the other nations.³⁹ These actions also demonstrate a comprehensive effort on the part of China's government to employ its economic influence and growing military power to limit access to the commons, reshape the maritime legal regime, and establish control over the natural resources in the region.

The Philippines: Interests, Claims, Strategy

The involvement of the Philippines in an armed conflict over the disputed claims has the potential to impact the United States in two ways. It might trigger the direct involvement of the United States due to the Mutual Defense Treaty existing between the two nations. In the event of aggression against the Philippines, failure to provide the Philippines full support puts at risk relationships with all other U.S. allies and partners

and calls into question U.S. commitment and resolve. Involvement of the Philippines in a conflict in the SCS would also disrupt cooperative efforts to combat the spread of violent extremism. A conflict would shift the focus of the Philippine government away from combating extremism and toward protecting their claims in the SCS. For these reasons it is important to understand the Philippine's interests, claims, and strategy in the SCS before implementing a strategy to protect U.S. interests in the region.

Philippine Interests

The Philippines consider their claims in the SCS important to national security and economic growth. Since Japan used the region in World War II to stage for the invasion of the Philippines, they have considered controlling the Spratly Islands as important to the physical security of the archipelago.⁴⁰ The islands the Philippines claim also lie along major trading channels. The loss of these to an unfriendly nation puts the Philippines' economic security at risk.⁴¹ The Philippine government demonstrated how important it considers their claims in the SCS in 2012 when it issued Administrative Order 29, identifying the maritime areas within the nation's EEZ and continental shelf claim as the West Philippine Sea.⁴²

The Philippines also have several notable economic interests in the SCS. First, the region is home to 20% of the nation's fisheries catch.⁴³ The Philippines are also counting on the natural resources in the region to support its future economic growth. It is estimated that their claims in the region may have adequate oil and gas resources to meet the country's fuel demands for the next 20 years.⁴⁴

Philippine Claims

The Philippines demonstrated no interest in claiming territory in the SCS prior to their independence in 1946. They first expressed an interest in the small islands off

their west coast in 1950, after Chinese Nationalists stationed a small garrison on Itu Abu, the largest of the Spratly Islands.⁴⁵

Even with Chinese nationalist forces active in the islands, the Philippines did not make a claim to the Spratly Islands during the 1951 San Francisco Peace conference. They did however interpret Japan's renunciation of control over the area as making it open for acquisition.⁴⁶ In 1956 Thomas Cloma, a Filipino businessman, initiated the Philippine's first claim to territory in the SCS. He claimed ownership of the islands and fishing grounds covering nearly 65,000 square nautical miles in and around the Spratly Islands.⁴⁷ Cloma submitted a letter to the Philippine government requesting official support and referring to the area as *Kalayaan* (Freedomland) (Figure 1).⁴⁸

After several months, the Philippine government gave qualified support to his claim because it determined no country had established sovereign rights over the islands, making them open to exploitation by the Philippines.⁴⁹ It was at this time that the Philippine government also distinguished the islands in the *Kalayaan* claim from seven additional Spratly Islands they considered available for economic use and settlement by Philippine nationals.⁵⁰

The Philippines interest in the region varied over the next three decades. During the 1960s, they demonstrated minimal interest in the SCS until a 1969 United Nations-sponsored study suggested there may be offshore oil in the region.⁵¹ This led to aggressive efforts in the early-1970s to extend their influence in the Spratly Islands. When exploration for oil began near Palawan Island, the Philippines occupied additional islands in the *Kalayaan* claim.⁵²

In the mid-1970's, after oil was discovered near Palawan, the Philippine National Oil Company proposed that the Paracel Islands be divided between China and Vietnam and the Philippines would gain control of the Spratly Islands.⁵³ This foreshadowed the Philippines' primary method of employing multilateral engagement to further or protect their claims in the SCS.

By the end of the decade, the Philippine government designated its Exclusive Economic Zone (EEZ) in the SCS and declared sovereignty over a geographic area that corresponded closely with the original *Kalayaan* claim.⁵⁴ In 1988, after the Chinese-Vietnamese clash at Fiery Reef, the Philippine government warned both parties not to interfere in the *Kalayaan* area.⁵⁵ In response to this incident, the Philippines made a series of bilateral agreements with other nations in the region. However, tensions continued to increase throughout the remainder of the decade as all countries detained fishing vessels that entered their claims without approval.

During the early 1990's the Philippines continued to seek ways to internationalize the dispute and further their claims through multilateral engagement. They led ASEAN's efforts to mediate the disputes by developing a resolution to solve all SCS disputes peacefully. All ASEAN members signed the formal *ASEAN Declaration on the South China Sea* during the ministerial meeting in Manila in July of 1992.⁵⁶ This document established a framework for nations with competing interests to settle disputes in the region. The major limitation of the ASEAN declaration was China's absence in its development.

This resulted in an agreement that had no influence on one primary party to all the SCS disputes.⁵⁷ For example, in 1995 it did not deter China from illegally occupying

Mischief Reef, located only 130 miles from the Philippines and well within its' EEZ. The Chinese occupation included construction of military barracks. The PRC initially claimed that the barracks were shelters for civilian fishermen. Fear of escalation prevented the Philippines from tearing down the facilities.⁵⁸

Over the last two decades, the Philippines have sought international recognition of the legitimacy of their SCS claims and cooperation in preventing continued Chinese encroachments. For these reasons, the dispute between the Philippines and China over ownership of territory and access to maritime resources contained in the Philippines' EEZ and *Kalayaan* claim has escalated.

Philippine Strategy

The Philippines' limited military and economic power forces them to rely almost exclusively on diplomatic efforts to protect their claims in the region. Facing China's increasing military and economic advantage, the Philippines are "exhausting every multilateral channel it can with the hopes of solving the dispute peacefully."⁵⁹ In 1994, the Philippines proposed demilitarizing the Spratly Islands, setting aside sovereignty issues and jointly developing the region.⁶⁰ That same year they also agreed to conduct joint marine research in the region with Vietnam.⁶¹

The Philippines have led multiple efforts over the years to create cooperation among nations to counter China's actions in the South China Sea.⁶² In January 2013, the Philippines filed a case with the International Tribunal on the Law of the Sea to arbitrate the conflict under rules set by the UNCLOS.⁶³ Though their multilateral approach has been successful in drawing worldwide attention to the disputes, it has had minimal effect on deterring China's coercive efforts to secure control of the region.

The Philippines currently lack the military capability to deter Chinese coercion or defend their claims in the SCS. They rely heavily on the United States for defense from external attacks and military coercion consistent with the 1951 Mutual Defense Treaty. Over the last 20 years, the Philippines have threatened to invoke the mutual defense treaty on multiple occasions to help protect its claims in the region. In December 1992, the Philippine Foreign Secretary stated that the United States should clarify the application of the Mutual Defense Treaty to the Spratly Islands.⁶⁴ Later in 1994, the Philippine Defense Secretary stated, “the Philippines may invoke the U.S. defense treaty if its forces were attacked by other claimants in the Spratly Islands.”⁶⁵

Currently, the Philippines employ their limited air and maritime capabilities to counter or deter Chinese encroachment on their SCS claims. They also maintain a small presence on several of the SCS features in order to protect their possessions and ensure an incident similar to Mischief Reef or Scarborough Shoal does not happen again.⁶⁶

By the end of 2013 the Philippines began to realize that diplomatic efforts were having minimal effect in deterring China’s aggressive actions in the region. The result was a shift in the Philippines’ national strategy away from a reliance on multilateral diplomatic agreements and more toward presenting a credible military deterrent. The Philippine government initiated multiple modernization projects that included the acquisition of new fighter jets, naval helicopters and patrol aircraft, and a variety of naval vessels including modern frigates.⁶⁷ These systems all enhance their ability to monitor and counter Chinese forces that encroach on Filipino claims.

U.S. Policy and Interests in the South China Sea

The United States does not take an official position on territorial disputes between nations in the South China Sea (SCS).⁶⁸ However, the United States does declare that the disputes should be resolved peacefully, without threats or coercion, and any claims should be consistent with international law.⁶⁹

Though the United States does not have a specific interest in the territorial disputes, it does have four national interests that are at risk in the SCS if the tensions between the nations continue to escalate.⁷⁰ These include:

- Maintaining peace and stability in the region.
- Respect for international law.
- Freedom of navigation.
- Unimpeded commerce.

First among them is maintaining peace and stability in the region. This interest is focused on preventing a military confrontation that involves the Philippines, requiring involvement of the United States as a mutual defense treaty ally. The interest is also concerned with the involvement of China in an armed conflict. A disruption in the flow of goods in and out of China would threaten the global economy and could directly threaten U.S. citizens, territory, and prosperity.⁷¹

The second key interest is promoting adherence to current international maritime law. In the SCS, this interest is at risk by China's direct challenge to the internationally accepted norms on maritime territorial claims as outlined in the UNCLOS. If China is successful in achieving control of maritime territories and resources outside of their EEZ

through coercive methods, it places at risk the rule of law across the global commons. Disputes like these are not unique to the SCS.

A third interest is protecting the freedom of navigation through the global commons. A change in the global acceptance of the maritime rules that allows foreign navies to freely transit through the EEZ's of coastal nations would be disruptive, altering the U.S. Navy's ability to exert maritime influence around the world.

Finally, a fourth interest is protecting unimpeded commerce through the global commons. Due to the immense international reliance on free transit through the SCS, any disruption in the region would negatively impact the globalized world economy and U.S. prosperity.

High Risk Scenarios in the South China Sea

If tensions continue to rise, there are three potential scenarios that could present unacceptably high risks to U.S. national interests in the SCS.

- Loss of international adherence to the UNCLOS.
- Inadvertent escalation of a maritime incident.
- Deliberate military action to secure disputed territory.

The international loss of confidence and adherence to the UNCLOS by nations in the SCS jeopardizes an American interest in global respect for international law. A worldwide shift away from the current maritime legal regime outlined in the UNCLOS limits America's strategic options. This scenario harbors the potential to negatively influence the United States diplomatically, economically, and militarily by reducing access to the global commons and limiting the ability of U.S. naval forces to operate freely around the world.

Inadvertent escalation of a limited maritime incident to the level of open armed conflict between opposing military forces threatens security of the global commons. Circumstances that could lead to the development of this scenario include a lack of situational awareness and communication between nations enforcing their perceived territorial sovereignty, protecting claims to natural resources, or enforcing fishing laws in a specific region of the SCS. The inability to communicate between nations with forces at sea increases the chance of an accidental escalation of a civilian maritime incident.

This scenario could result from increased competition for maritime resources in a specific disputed region or rapid regional militarization. This type of incident has the potential to disrupt the economic traffic that transits through the SCS, negatively impacting economies around the world. This scenario puts at risk the United States' interest in maintaining peace and stability in the region, freedom of navigation, and unimpeded lawful commerce.

A deliberate military operation to remove another nation's military and commercial assets or citizens from disputed maritime territory or land features has the potential to threaten all U.S. interests in the region. This scenario could emerge from a nation's frustration with the current status quo. They may see military force as the only tangible way to protect their national sovereignty. A deliberate act of aggression against a U.S. treaty ally by China could also lead to a direct confrontation between it and the United States. This puts at risk all of the U.S. interests in the region.

Escalation of the conflict may transcend the SCS. This scenario could result in a large-scale disruption of the global economy and threatens the economic prosperity of the United States and many other nations.

Strategic Proposals

The United States has three strategic options to stabilize the SCS, reduce the probability of the high-risk scenarios emerging, or minimize their negative impacts if they do occur. These are:

- Ratifying the UNCLOS.
- Creating a Pacific maritime forum.
- Leading a network focused on securing the maritime commons.

First, and foremost, the United States must ratify and become a signatory to the UNCLOS. In 2012, the Secretary of State, Secretary of Defense, Chairman of the Joint Staff and multiple other senior military officials testified before the Senate promoting the value of ratifying the UNCLOS.⁷² They argued that by becoming a signatory, the United States demonstrates its full support of the current international maritime legal regime. Bonnie Glaser, a senior fellow with the Center for Strategic and International Studies, observes “that ratifying the UNCLOS would bolster the United States’ position in favor of rules-based behavior, give the United States a seat at the table when UNCLOS signatories discuss issues such as EEZ rights, and generally advance U.S. economic and strategic interests.”⁷³

Though the United States publicly states that it voluntarily adheres to all elements of the UNCLOS, its failure to ratify and sign the document provides a basis for revisionist nations to disagree with the rules outlined in the UNCLOS and operate outside the international norms. China is the most notable candidate in this regard. Though a signatory of the UNCLOS, it does not fully adhere to the specific letter and

spirit of the treaty, especially in the realm of limiting the activities of foreign militaries operating in its EEZ.

By becoming a signatory to the UNCLOS, the United States takes a positive step toward protecting its interest in maintaining and adhering to the international rule of law. This strategic action would also contribute to maintaining peace and stability in the region along with avoiding an international loss of confidence in the relevance of the UNCLOS.

Second, the United States should create a forum for multilateral dialogue on issues and disputes that affect the security of the maritime commons in the Pacific region. This forum would provide an international venue for nations to engage peacefully on issues related to national sovereignty, territorial control, and access to resources in areas considered under the UNCLOS to be global commons. Providing a forum for discussion of these issues enables countries to work together to develop bilateral or multilateral agreements that are acceptable and adhered to by all participating nations.

The United States is uniquely qualified to facilitate this regionally focused forum. It has close security and economic relationships with all nations in the Pacific that rely on open and secure access to the maritime commons for their physical and economic security. This includes Japan and South Korea in the North Pacific, Taiwan and the Philippines in the Central Pacific, and Australia and New Zealand in the South Pacific. The United States is also developing new security and economic relationships with Singapore, Indonesia, Vietnam, and Malaysia. These new partners all have national interests in the availability of a secure maritime commons to support their economic

growth. These relationships, along with the United States' continuous engagement with China and other mainland Asia nations, enable it to serve as the connective tissue between many nations with competing interests in the maritime domain.

Third, the U.S. should establish and lead a multinational network focused on securing the maritime commons in the Pacific region. This network would be a multilateral entity linking nations willing and capable of cooperating to protect ocean-related commerce and resources in the Pacific's global commons. The network's strategic ends will resemble those outlined in the United States' National Strategy for Maritime Security published in 2005. It will focus on preventing illegal or hostile acts, minimizing damage and expediting recovery from natural disasters, and safeguarding the ocean and its resources across the region.⁷⁴

The network could achieve these strategic objectives by engaging in three activities. First, the network could constantly monitor the status of the maritime commons and the activities of the actors operating in those regions. This will provide situational awareness and early warning if conditions or events arise that require the network to react to a maritime crisis or provide maritime security. If required, it could react to a maritime crisis occurring in the commons that requires humanitarian assistance or disaster relief efforts. This will prevent large-scale loss of life or environmental damage to the region's marine resources. Under unique circumstances, the network could conduct maritime security operations to deter or respond to hostile or illegal actions in the region. These actions will protect lawful commercial activity within the commons and ensure international rule of law is enforced region wide.

The means required to implement the network's strategy will be provided by the participating nations. In order to continuously monitor the maritime commons and share information, the members of the network must contribute air, space, cyber and maritime capabilities. The sharing of information among the members of the network will establish a common level of situational awareness and expedite synchronized action. In order to effectively react to a crisis or provide maritime security in the commons, the participating nations must provide trained and interoperable air and maritime forces. These forces can be developed through the conduct of multinational training events similar to the Southeast Asia Cooperation and Training (SEACAT) 2013 exercise that involved the naval forces of ten nations.⁷⁵

The United States Pacific Command is best postured to lead this maritime security network. Through its security cooperation program, it has military to military connections with nearly every maritime nation in the region. It also has unique capabilities to marshal, coordinate, and support maritime assets of participating nations to monitor the commons and react to a maritime crisis or provide maritime security in an area threatened by regional conflict or natural disaster.

Establishing a maritime protection network and incorporating all SCS nations in it will indirectly decrease the probability of occurrence of the highest-risk scenarios. The increased cooperation between the nations will also contribute toward promoting U.S. interests in the region.

Individually, or in combination, these strategic actions will not resolve the long-standing maritime territory disputes that exist in the SCS. They will however, contribute to stabilizing the region and protecting U.S. national interests while SCS states continue

to search for long-term solutions. Additionally, these strategic proposals are applicable to maritime disputes outside of this region. One must expect future disputes to arise over sovereignty in the commons elsewhere. When this occurs, the full value of a functioning legal and security framework will be revealed.

Conclusion

Maritime disputes in the South China Sea (SCS) present complex geopolitical problems. If left unchecked, they could result in an adverse change in the international order. Sovereignty over maritime territories, control of marine and energy resources, and unimpeded access to the global commons are in the interests of nations worldwide.

The United States does not take an official position on territorial disputes. However, the ongoing competition in the SCS threatens four national interests; regional peace and stability, respect for international law, freedom of navigation, and unimpeded movement of commerce. By reviewing the competing interests, claims, and strategies of China and the Philippines, two nations the United States is intimately tied to, three high-risk scenarios appear that could threaten U.S. interests. These involve a worldwide loss of confidence in the UNCLOS, an inadvertent escalation to hostilities on the high seas, and/or incidents of deliberate military action to secure disputed territory. By ratifying the UNCLOS, creating a Pacific maritime forum, and leading the creation of a maritime protection network for the global commons, the United States can protect its interests and create conditions that reduce the tensions pulling the region toward the highest-risk scenarios.

Endnotes

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