

Preventing War in the South China Sea

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Aggressive Chinese endeavors in the South China Sea (SCS) will develop into hostilities between the United States, China, and the Association of Southeast Asian Nations (ASEAN) countries if Washington, Beijing, and ASEAN do not take steps to quell rising tensions. Sea routes through the SCS carried more than five trillion dollars' worth of trade last year,¹ including Middle East energy, which is vital for the growing Chinese economy. The United States and various countries throughout South and Southeast Asia are alarmed at China's assertive naval actions throughout the SCS and China's extensive SCS land reclaiming efforts. A brief understanding of SCS maritime disputes is key for comprehending current regional anxieties and will help explain why the area is important to all relevant players, including the United States. Washington will need to employ its diplomatic and military instruments of power to blunt China's offensive posture and reassure its Indo-Pacific allies of the US commitment to the region. Washington can pursue numerous policy efforts to deescalate the increasingly unstable situation and maintain US preeminence in the region. These courses of action will demonstrate that the United States can achieve its regional goals by employing a mixture of multilateral and unilateral measures.

Maritime disputes in the SCS have been ongoing for the past 60 years. Six countries claim different parts of three island chains and their associated maritime zones.² The Spratly Islands, which consist of more than 200 small islands, coral reefs, and shoals, lie at the center of heated diplomatic exchanges among the Philippines, Vietnam, Malaysia, China, and Taiwan. Each of these countries hold some level of control over the island chain.³ China, Vietnam, and Taiwan claim the Paracel Islands. Beijing has controlled a portion of the islands since the 1950s and briefly clashed with Vietnamese forces in 1974, enabling China to consolidate its rule over the entire archipelago. Additionally, China, the Philippines, and Taiwan contest sovereignty over the Scarborough Shoal.⁴ Manila occupied these outcroppings, located 100 miles from the Philippines, until 2012, when China forcibly removed the Philippines from the main shoal. In retaliation, the Philippines sued China at the International Court of Justice, which sided with Manila and stated that China must predicate its claims on international law and not on a historic basis. China protested the court's ruling and still occupies the shoal.⁵ Concurrent with Beijing's indifference to its neighbors' grievances, China continues the world's largest island-building campaign, in complete disregard of international law.

Beijing built several islands in the SCS, amplifying its military's capacity to intimidate its neighbors. China has dredged and reclaimed thousands of square feet in the SCS over the past eight years.⁶ These artificial islands house sophisticated infrastructure including runways, support buildings, loading piers, and satellite communication antennas. Beijing's ability to deploy aircraft, missiles, and missile defense systems to any of these islands expands its power projection by 620 miles, enabling China to strike any of the other claimants.⁷ The regional countries' reliance on SCS resources to feed and provide income to their people is the primary reason why Chinese military expansion is causing angst among the United States and its Indo-Pacific allies.

Beijing's SCS actions improved China's ability to influence the world economy. Washington and US allies are concerned with China's growing capability to affect the strategically important SCS shipping lanes, which carries \$5.3 trillion worth of goods to countries throughout the world each year. This total equated to nearly one-quarter of global merchandise export trade and \$1.2 trillion worth of goods traveled to or from the United States.⁸ Additionally, roughly one-third of global seaborne oil and more than one-half of global trade in liquefied natural gas traveled on the SCS sea lines of communication.⁹ In 2012, the International Energy Agency published the *World Energy Outlook*, which assessed that 90 percent of Middle Eastern fuel exports would be destined for Asia by 2035 and travel through the SCS.¹⁰

Further compounding the Washington's and US allies' anxieties over Chinese SCS expansion is the increased ability these islands enable Beijing to control the region's fossil fuels and fisheries. The US Energy Information Administration estimates that the SCS encompasses proven reserves of more than 11 billion barrels of oil and 190 trillion cubic feet of natural gas. A different report conducted by the US Geographical Survey concluded that another 12 billion barrels of oil and 160 trillion cubic feet of natural gas might exist in the SCS.¹¹ In the water above these oil and natural gas deposits lies one of the five largest fishing zones in the world. The SCS fishing industry employs more than three million people and contributes to 12 percent of the world's harvested fish.^{12,13} The fisheries are the main source of protein for millions of people in the region and contribute nearly \$300 billion annually to the Chinese population.¹⁴ Beijing's zero-sum game to strengthen China's control over SCS resources falls squarely into the realist paradigm.

Realism is key to understanding why China is asserting its claims throughout the SCS. A centralized authority does not rule the SCS; therefore, the region lies in an anarchical system.¹⁵ The United Nations Convention on the Laws of the Sea (UNCLOS) prescribes a rule of law on the sea, but it does not have any mechanisms to enforce its various decrees.¹⁶ With no legal repercussions, China is em-

ploying the state's military, economic, and diplomatic power to coerce Beijing's neighbors and the international community into accepting its SCS status quo. China sees its SCS claims as vital to growing its economy, which is the linchpin for the Chinese Communist Party's (CCP) survival.¹⁷ In turn, China's neighbors are increasing their military spending and reaching out to the United States to balance Beijing's growing regional military capabilities.¹⁸ Southeast Asian countries are more dependent on the SCS's resources for their peoples' well-being than China, which makes their access to the waterways critical to maintain internal stability and ensure the survival of their political structures.

SCS countries acting in a rational way further illustrate realism, even as tensions continue to escalate.¹⁹ The Philippines exemplified the realism when Manila took Beijing to court over its shoals. Regardless of some states' efforts to work within the international legal framework, endemic distrust and burgeoning military budgets among the regional countries make for a dangerous environment that could blossom into open conflict and trigger a global economic calamity. The possibility of hostilities is why the United States should work with its SCS regional allies and China to build multilateral agreements and cooperation mechanisms to stave off war.

Washington could slowly interject itself into resolving SCS disputes by reinforcing its current SCS policy and then introducing nonthreatening diplomatic overtures. US policy toward the SCS is comprehensive, sensible, diplomatic, and legalistic in tone.²⁰ Washington has centered US policies on the premise that all SCS parties must abide by international law and UNCLOS. However, the lack of political will to enforce international law and UNCLOS has enabled the various Indo-Pacific countries to exploit the legal void in the SCS. To begin remedying this situation, the US Department of State should publish a series of white papers, signed by the Secretary of State, which address a range of legal aspects pertaining to the SCS. The United States should write objective papers, through the solicitation of academic and industry inputs, and identify specific examples where a country's behavior or claims violate international law. The Department of State could highlight China's claims over the Paracel Islands, which are illegal under UNCLOS. The law states that only archipelagic countries can claim island chains, and China is not an archipelagic country.²¹ These papers would be a subtle first step to indicate that the United States will take a greater role in the SCS disputes.

After the Department of State publishes and advertises these white papers, Washington could diplomatically engage with the various SCS states to develop shared mechanisms to collaboratively share regional resources. Since the fishing industry employs and feeds a vast majority of the Indo-Pacific population, Washington should assist the region in building a framework to apportion SCS fisheries.

The United States may start by encouraging the claimant states to negotiate agreements, which establish fishing grounds that enable fishermen to continue to fish in their traditional waters without harassment. Furthermore, Washington could create a forum to regionally dictate fishing harvesting quotas to maintain current fish stocks and prevent the extinction of endangered species.²² These agreements would mitigate some of the issues related to the multiple sovereignty claims over the contested maritime zones and enable marine management officials to enter the region, measure the health of fisheries, and manage licensed fishermen's catches.²³ In taking these measures, the United States has the opportunity to present a softer side of its foreign policy and assist SCS countries in creating provisional measures to prevent the region's fishing stocks from being decimated.

In tandem with diplomatic overtures, Washington should maintain US responsiveness to any SCS littoral states that request assistance to enhance their maritime policing and security capabilities. The smaller Southeast Asian countries already engage with the United States to elicit support in building their defensive capabilities to offset growing fears of Chinese hegemony in the SCS. In 2015, Washington agreed to help Indonesia, Malaysia, the Philippines, and Vietnam by providing them with equipment and training for maritime security totaling \$425 million.²⁴ During the same year, the United States Navy conducted freedom of navigation operations by sending guided missile destroyers within 12 nautical miles of Chinese-occupied Subi Reef and Mischief Reef.²⁵

Washington should complement its assistance by expanding the duration of the US Navy exercise program with ASEAN states. The series of exercises should take place over a longer period, increase the number of US ships involved, and include the newest and most capable vessels in the fleet.²⁶ Washington should include other Indo-Pacific states with a vested interest in the SCS—such as Japan, Australia, South Korea, and India—into these exercises to increase the interoperability among these countries and signal to China that its neighbors desire a peaceful outcome to SCS disputes. US Navy port calls to the countries involved in maritime disagreements could be a peaceful signal to China of Washington's desire to amicably settle the region's maritime differences.²⁷ A combination of the aforementioned US policy prescriptions would create a successful environment to ensure regional US preeminence and halt Chinese expansion.

The abovementioned US SCS policies could result in cooperation among all SCS participants who have competing claims. A first step would be to convene a regional summit, where ASEAN, the United States, China, Australia, and India establish measures needed to ease SCS tensions and build trust. An essential summit outcome would be the group's agreement that the UNCLOS treaty and its associated dispute resolution mechanism govern country interaction in the SCS.

China's decision to halt its manmade island campaign would be vital to allay the angst of the United States and its Indo-Pacific allies. Beijing could gain goodwill by converting the bases on its SCS islands into joint bases, where the consortium of nations could establish multinational coordination centers to deconflict SCS military movements. After China's initial steps, the United States could encourage its allies to return the gesture and allow small Chinese military contingents to use their bases for logistical reasons. In parallel with increased military cooperation, the countries could jointly monitor the area's fisheries, from the previously mentioned coordination centers, and enter co-development of hydrocarbon resources. These early steps would ensure the free flow of commerce through the SCS, which is a main tenet of US foreign policy, but also create an atmosphere of regional cooperation to allow Washington to focus on the multitude of other issues throughout the world. ✪

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Notes

1. China Power Team, "How Much Trade Transits the South China Sea?" *ChinaPower*, 2 Aug 2017, <https://chinapower.csis.org/>.
2. "China Maritime Disputes," Council on Foreign Relations, 10 Dec 2017, <http://www.cfr.org/>.
3. Leszek Busynski and Christopher B. Roberts, eds., *The South China Sea Maritime Dispute: Political, Legal and Regional Perspectives* (New York and London: Routledge, 2014).
4. M. Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia* 33 (2012).
5. Kun-Chin Lin and Andres Villar Gertner, "Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Seas," Chatham House, July 2015, 5–8.
6. Siddhartha Mahanta, "Dredging for Disaster," *Foreign Policy*, 25 May 2015, <https://foreignpolicy.com/>.
7. "China Maritime Disputes," Council on Foreign Relations, 10 Dec 2017, <http://www.cfr.org/>.
8. China Power Team, "How Much Trade Transits the South China Sea?," *ChinaPower*, 2 Aug 2017, <https://chinapower.csis.org/>.
9. United States Energy Information Administration, *The South China Sea is an Important World Energy Trade Route* (Washington, DC: US Government Printing Office, 2013).
10. "World Energy Outlook 2012," International Energy Agency, Nov 2012 <https://www.iea.org/>.
11. Alexander Metelitsa and Jeffrey Kupfer, "Oil and Gas Resources and Transit Issues in the South China Sea," Issue Brief of the *Asia Society Policy Institute*, 10 November 2014, <http://asiasociety.org/>.
12. Dan Southerland, "The Real South China Sea Crisis Everyone is Missing," *National Interest*, 27 March 2017, <https://nationalinterest.org/>.

13. Nyshka Chandra, "If a Crisis Shuts Down the South China Sea, Here Are the Losers-and a Few Winners," CNBC, 8 Aug 2017, <https://www.cnbc.com/>.
14. Adam Greer, "The South China Sea Is Really a Fishery Dispute," *The Diplomat*, 20 July 2016, <https://thediplomat.com/>.
15. Anne-Marie Slaughter and Thomas Hale, "International Relations, Principal Theories," in *Max Planck Encyclopedia of Public International Law*, eds. Anne Peters and Margret Solveigardotir (Oxford: Oxford University Press, 2011).
16. Michael McDevitt, "The South China Sea: Assessing U.S. Policy and Options for the Future," a *CNA Occasional Paper* (Washington: CNA, 2014), 79.
17. Marvin Ott, "China and the South China Sea," *Asia Dispatches*, 21 Jan 2020, <https://www.wilsoncenter.org/>.
18. Rajeswari Pillai Rajagopalan, "Asian Military Spending: A Sign of Worsening Security Environment," *The Diplomat*, 4 March 2021, <https://thediplomat.com/>.
19. Rajeswari Pillai Rajagopalan, "Asian Military Spending."
20. Michael McDevitt, "The South China Sea," 76.
21. U.S. Department of State, *Limits in the Seas No. 117: Straight Baseline Claim: China* (Washington, DC: US Government Printing Office, 1996).
22. Mark E. Rosen, "Philippine Claims in the South China Sea: A Legal Analysis," a *CNA Occasional Paper* (Washington: CNA, 2014), 42–43.
23. Michael McDevitt, "The South China Sea," 80–81.
24. Prashanth Parameswaran, "America's New Maritime Security Initiative for Southeast Asia," *The Diplomat*, 2 April 2016, <https://thediplomat.com/>.
25. Ralph Jennings, "Chinese Presence Softens Philippines' View of U.S. Navy," *Los Angeles Times*, 15 Nov 2015, www.latimes.com/.
26. Michael McDevitt, "The South China Sea," 88–89.
27. Michael McDevitt, "The South China Sea," 88–89.

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