



# Chinese Activities in the South China Sea

*Implications for the American Pivot to Asia*

**Kelsey Broderick**

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## About the Author

**Kelsey Broderick** is a Research Intern at the Project 2049 Institute. She is currently studying in the Master of Science in Foreign Service Program at the Georgetown University School of Foreign Service where she focuses on politics and security in East Asia. Prior to joining the Institute, Kelsey worked in the education and nonprofit sectors while living in China for three years. She has studied Mandarin Chinese at Sichuan University and was an undergraduate exchange student at Peking University. She obtained her BA in anthropology from Stanford University.

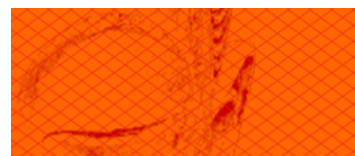
## Acknowledgements

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### About the Project 2049 Institute

The Project 2049 Institute seeks to guide decision makers toward a more secure Asia by the century's mid-point. Located in Arlington, Virginia, the organization fills a gap in the public policy realm through forward-looking, region-specific research on alternative security and policy solutions. Its interdisciplinary approach draws on rigorous analysis of socioeconomic, governance, military, environmental, technological and political trends, and input from key players in the region, with an eye toward educating the public and informing policy debate.

*Cover image source: United States Environmental Protection Agency (EPA)*



## Introduction

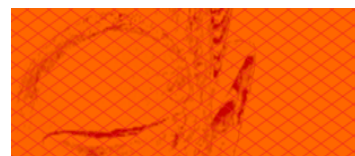
Conflicting territorial interests in the South China Sea have come to the forefront yet again with the recent publication of pictures showing the reclamation work being done on territory controlled by China. The South China Sea territorial disputes do not directly involve the United States, but the disputes do directly involve many of the United States' allies and partners. The Sea is an important conduit for trade and for the general security of a region that is growing in economic and strategic importance. With numerous stakes at hand, Washington thus far has not developed a strong enough strategy for dealing with rising tension in the region. Instead of simply waiting and watching China slowly claim more territory and build its military, the United States needs to develop a proactive plan for its role in the South China Sea. A rebalance without firm commitments is not enough to prevent the South China Sea dispute from spiraling out of control.

## Claims to the South China Sea

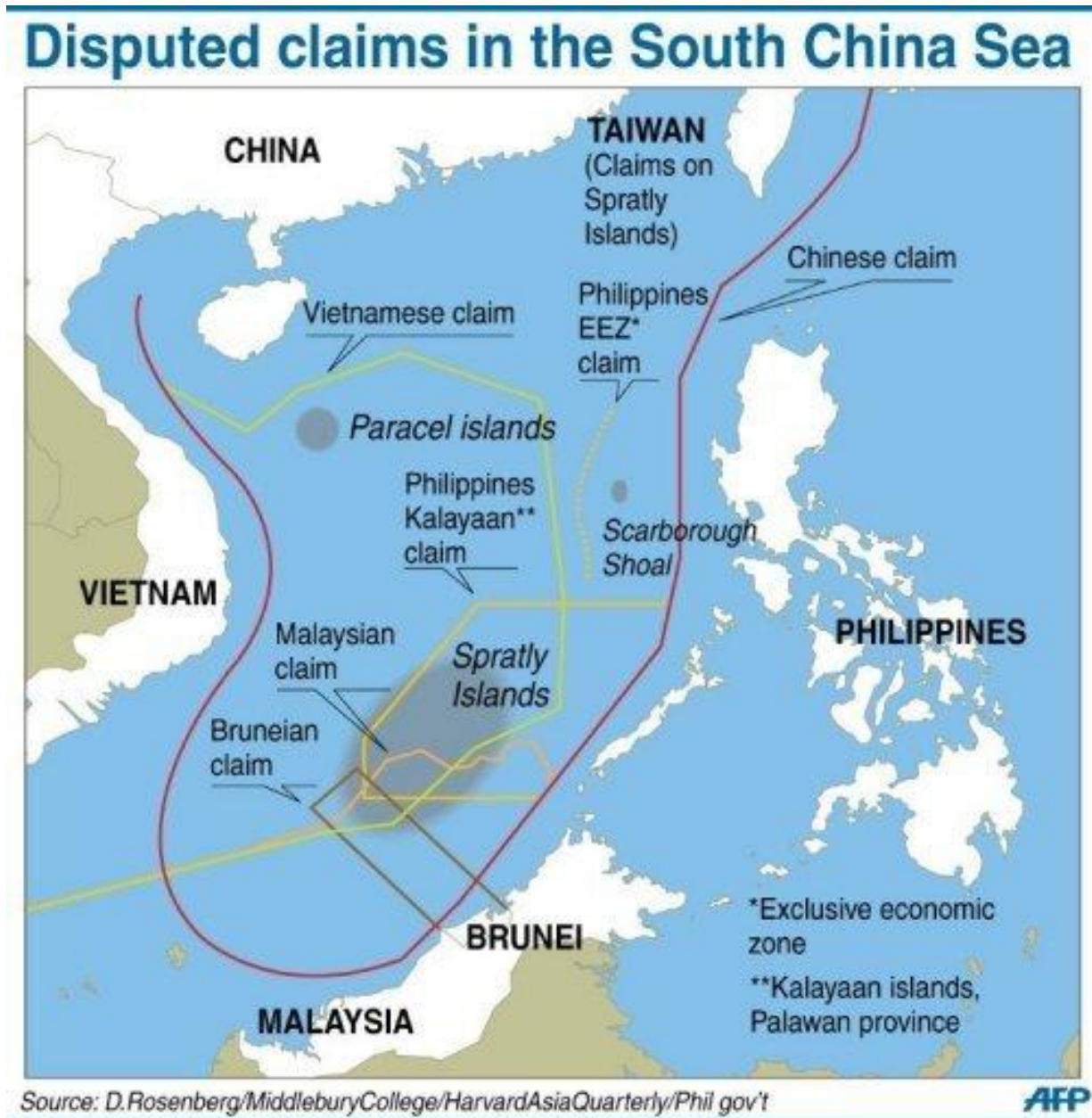
The South China Sea extends from the southern tip of China and encompasses an area through which 40 percent of the world's trade passes. This area includes the Strait of Malacca, which is an important conduit for oil imports into the region. In addition to trade, the Sea is also home to rich fishing areas and potentially great undersea oil deposits.<sup>1</sup> Five countries, Brunei, Malaysia, the Philippines, Vietnam and Taiwan, claim ownership over part of the sea—including portions that contain rocks or other small islands. China, meanwhile, claims almost the whole Sea and demonstrates its claim by referencing a nine-dashed line around the sea on its official maps of Chinese territory.

What is the historical basis for China's claims in the South China Sea? China's current borders largely came about during the Manchu dynasty in the 18<sup>th</sup> century and were solidified after the signing of the Treaty of Westphalia in 1648, which introduced the phenomenon of defined sovereign borders. China argues that the territory and islands to which it lays claim in the South China Sea were incorporated into China during the Manchu dynasty and that the territory was labeled as Chinese on historical documents and maps, giving China a historical claim to these regions.<sup>2</sup> The nine-dashed line first appeared on Chinese maps in 1947 when the Kuomintang government ruled by Chiang Kai-shek drew an eleven dashed line around the sea and around the islands that Beijing claims are under its sovereignty. When the Chinese Communist Party gained control of China, they kept the line but changed it into nine dashes instead of eleven dashes.<sup>3</sup>

China currently has two domestic laws that build upon this historical justification. The 1992 Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone claims sovereignty over all of the island groups in the South China Sea. This law

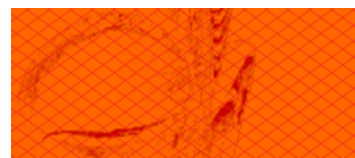


suggests that because the islands are sovereign, the area around them also falls under Chinese sovereignty, creating a de facto territorial sea. The second law, the 1998 Law of the People's Republic of China on the Exclusive Economic Zone and Continental Shelf, states that legal developments shall not affect the historical rights of the People's Republic of China.<sup>4</sup>



Source: [www.southchinasea.org](http://www.southchinasea.org)





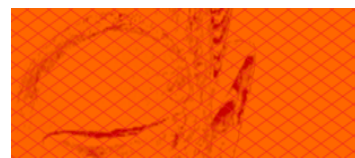
## The Role of International Law

The problem is that much of the territory claimed by China overlaps with the Exclusive Economic Zones (EEZs) of other countries. EEZs were established by the United Nations Convention on the Law of the Sea (UNCLOS), a treaty ratified by all the countries in the territorial dispute (but not ratified by the United States). According to the Convention, EEZs were created for the purpose of giving coastal states greater control over the resources within 200 nautical miles of their coast lines. Article 56 of UNCLOS gives states sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources of the zone. The state also has limited jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment. Article 56 does not, however, allow for sovereign “survey” activities within the EEZs; in other words, a state does not have exclusive rights to survey or conduct military or reconnaissance missions within its EEZ. By signing UNCLOS, China and the other claimants to the South China Sea were effectively giving up their respective economic rights to areas contained in another country's EEZ, but not their rights to enter the area. The main purpose of UNCLOS was, after all, to preserve free navigation of the seas. It is also important to note that UNCLOS does not offer any legitimacy for historically based claims to territory in the sea.<sup>5</sup>

The areas within the South China Sea under dispute include a number of islands and other rock formations. The South China Sea consists of four groups of islands:

- The Pratas Islands, located 200 miles south of Hong Kong, are claimed by China and Taiwan.
- The Paracel Islands are also located in the northern part of the Sea and are claimed by Vietnam, China, and Taiwan. China took the Paracel Islands from Vietnam by force in 1974.<sup>6</sup>
- Scarborough Reef is located 130 miles from the Philippine island of Luzon and is claimed by China, Taiwan and the Philippines.
- The Spratly Islands are located in the center of the Sea. They are claimed in their entirety by China, Taiwan, and Vietnam and claimed in part by Malaysia, Brunei, and the Philippines.<sup>7</sup>

While UNCLOS does not contain any provisions for determining sovereignty over the disputed islands, UNCLOS does have a number of rules pertaining to islands and archipelagos. Islands are entitled to the same maritime zones as land territories, meaning island owners can claim EEZs around the island. Rocks are only entitled to a 12 nautical mile territorial sea and low-tide elevations are not entitled to any territorial sea provisions. Artificial islands are not entitled to any maritime zones except a 500 meter



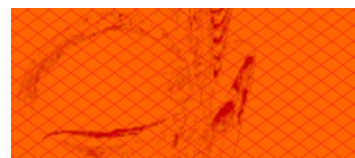
safety zone.<sup>8</sup> Many of the formations in the Spratly and other island chains have not been officially labeled as islands, rocks or low-tide elevations.

## Chinese Land Reclamation

Recent photos of China's territory in the South China Sea have thrown into sharper focus the distinction between land formations and their associated sovereign territory.<sup>9</sup> Images were released that show Chinese vessels pumping white sand into Mischief Reef, an area highly contested by the Philippines. Images released on March 23, 2015 show the construction of a new runway on the Fiery Cross Reef in the Spratly archipelago, an area already made into an island by reclamation efforts last year. Images from earlier in March revealed the creation of landmasses in the Subu Reef, another contested area in the Spratlys. Even more images reveal construction on another airstrip in the Paracel Island chain. According to analysis of the images, the airstrips look wide enough to accommodate heavy military transport planes and fighters. Previous work turned Johnson Reef, formerly a low-tide elevation area, into a 25 acre landmass while nearby Gavin Reef has a helipad and an air defense site.<sup>10</sup>

Recent Chinese land reclamations are causing the other claimants and the United States to express a number of concerns. First is the possibility that China is attempting to elevate whatever territory it has to “island” status in order gain the 200 nautical mile EEZ.<sup>11</sup> The second is that China may attempt to establish greater sovereignty over these disputed territories. In particular, there is concern that China might try to establish an Air Defense Zone in the South China Sea, much like it did in 2013 in the East China Sea.<sup>12</sup> And third, that by refusing to negotiate on these issues of territorial dispute multilaterally, China is signaling it will do whatever it takes to maintain the territory it claims is its own. This last claim is bolstered by the fact that China has refused to participate in a legal suit the Philippines has brought against China in the United Nations International Tribunal on the Law of the Sea over the legitimacy of China's nine-dashed line.<sup>13</sup>

In response to outcry over the reclamation, Wang Yi, China's Foreign Minister said, “This construction does not target or affect anyone... We are not like some countries who engage in illegal construction in another person's house, and we do not accept criticism from others when we are merely building facilities in our own yard. We have every right to do things that are lawful and justified.”<sup>14</sup> Yi was referring to the fact that other disputant countries have also done reclamation work on the parts of the sea under their control. Malaysia, Vietnam and Taiwan have all done construction work on the islands they control, but on a much smaller scale than the work being done by China. China has also claimed that the goal behind its construction is only to help protect



troops and support civilian activity in the area, including search and rescue operations, scientific research and commercial fishing.<sup>15</sup>

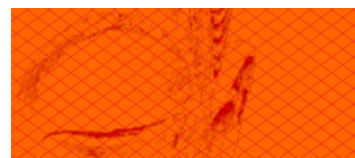
The act of land reclamation is not illegal and has indeed been performed by other claimants. However, a large concern for the United States is that these actions on the part of China are a continuation of China's policy of coercing weak states to get what it wants. After the Philippines brought the aforementioned legal case against China to the UN, China blocked fruit exports from the Philippines and imposed a ban on Chinese tourism to the Philippines due to “safety” concerns. President Xi Jinping also skipped the Philippines on his 2013 Southeast Asian tour. Xi did, however, visit and sign agreements with all other Association of Southeast Asian Nations (ASEAN) member countries, including those that have been silent on the issue of the South China Sea: Singapore, Indonesia, Thailand, Myanmar, Laos and Cambodia.<sup>16</sup>

The fact that China refuses to stop its activities on disputed territory and is not being pressured to do so by other ASEAN countries flies in the face of the Declaration on the Conduct of Parties in the South China Sea (DOC), a document signed by China and all ASEAN countries.<sup>17</sup> The DOC states that all members should “exercise self-constraint in the conduct of activities that would complicate or escalate disputes” and that every member “has the duty to fulfill in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.”<sup>18</sup> China’s recent actions on and around the disputed islands undermine the stipulations of agreements to which China committed and threatens to destabilize a region with enormous strategic importance for the United States and regional stakeholders.

## **Chinese Coast Guard and Military Development**

Perhaps of greatest concern for the United States and its allies is that China’s land reclamation allows China to project military power farther away from its mainland territory. Basing military assets on these territories will give China a better position to aggressively pursue its territorial claims. This last concern is compounded by the recent changes being made to the Chinese military.

In 2013, the Chinese government announced a reorganization of its maritime law agencies under one governing body. According to the plan, the State Oceanic Administration (SOA), which currently oversees the China Marine Surveillance Branch, will have control over the Maritime Police and Border Control, the Fisheries Law Enforcement Command, and the Marine Anti-Smuggling Police. The SOA will in turn be under the jurisdiction of a new body called the State Oceanic Commission (SOC). The SOC will presumably coordinate maritime operations, and in addition to potentially

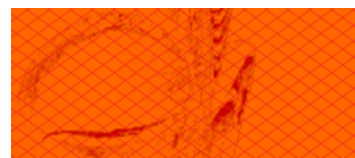


being headed by a vice premier, it will most likely be closely linked to the Ministry of Defense and the PLA Navy.<sup>19</sup> This restructuring means that the Chinese Coast Guard, the governmental body responsible for patrolling and monitoring the South China Sea, will now be under more direct control by the central government. Consolidating all the different groups together under one governing body implies that the government is placing increasing importance on South China Sea activity. If this new body does have greater contact with the military, the new restructuring demonstrates the government's intention to increase military control and presence on and near disputed territory. The size of the Chinese Coast Guard has also been growing, as more than 30 large patrol ships and 20 patrol combatants have been added in the past three years.<sup>20</sup>

In addition to reorganizing its coast guard, China has steadily increased the size and capabilities of its navy. The United States Office of Naval Intelligence recently released its first unclassified assessment of the Chinese Navy in six years.<sup>21</sup> The report reveals that China is building a navy that will be capable of global power projection—not to mention one that will be increasingly formidable in its own backyard. For the past two years, China has produced more new naval ships than any other country, and is expected to launch more than any other country both this year and next. More specifically, the report details the creation of new YJ-18 supersonic anti-ship cruise missiles to be deployed on a new class of destroyers and submarines as well as the creation of DF-21D long-range anti-ship ballistic missiles that allow the PLA to reach “further into the Philippine and South China Seas.”<sup>22</sup> The report claims that China's Spratly land reclamation efforts seem to be geared toward “building much larger facilities that could eventually support both maritime law enforcement and naval operations.”<sup>23</sup>

As they stand now, Chinese installations in the South China Sea are not fully capable of launching large-scale military operations. While the outposts will allow China to conduct regular and sustained sea patrols, they are still too vulnerable to be used during wartime.<sup>24</sup> This is in large part due to the climate of the region that creates strong winds and typhoons, as well as the limited size of the islands.<sup>25</sup> They are, however, large and equipped enough to exert strong pressure on the other claimants. Specifically, the ability to dock warships and land military planes in the Spratlys will allow China to continue and improve its “cabbage strategy,” a military policy of surrounding an area with “leaves” until it is completely encircled and neutralized.<sup>26</sup> The first leaf might be a fishing vessel, while subsequent leaves could be a coast guard vessel deployed by the government. This strategy was demonstrated in 2012 when Chinese coast guard vessels surrounded Philippine coast guard vessels on Scarborough Shoal. The Philippine forces eventually ran out of supplies and were forced to abandon the Shoal, which is now under Chinese control.<sup>27</sup> By expanding its territory and presence through reclamation, China will now be able to conduct similar operations on a much larger scale, and potentially gain control of even more disputed territory.





The growth of the Chinese coast guard has also prompted something of a “coast guard arms race” among claimant countries in Southeast Asia.<sup>28</sup> Vietnam and the Philippines are both investing in new coast guard vessels with help from Japan and South Korea. Japan has also agreed to conduct joint training exercises with both Vietnam and the Philippines in addition to signing joint security pacts that provide high-level military-to-military exchanges. Vietnam has been purchasing arms from Russia to the tune of billions of dollars, including six Kilo-class submarines and 20 Su-30 fighter bombers, and India has offered a \$100 million line of credit to Vietnam to buy military equipment.<sup>29</sup> But both the Philippines and Vietnam still lag far behind China in terms of power and capability. Currently, China has more coast guard ships than Japan, Vietnam, Indonesia, Malaysia, and the Philippines combined.<sup>30</sup>

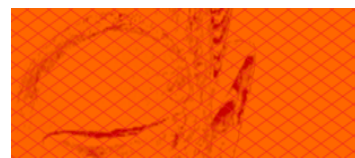
## **U.S. Response**

China has put itself in a clear position of power in the South China Sea. Not only is China growing its maritime forces at a rapid pace, but it is also steadily building facilities that will support an even greater and stronger force. Because UNCLOS and the DOC have no enforcement mechanism, China is able to claim and develop contested territory with impunity, including parts of the ocean itself that fall within the nine-dashed line.<sup>31</sup> And lastly, China has been able to take advantage of its economic power to ensure that ASEAN and the other Southeast Asian countries not involved in the dispute will not push back against China’s growing power and presence, and in particular, its tactic of encirclement.<sup>32</sup> If China’s land reclamation efforts continue unchallenged, China can slowly take control of disputed territory in the South China Sea until it controls the sea in its entirety (a tactic referred to as “salami slicing”).<sup>33</sup>

What can the U.S. do to ensure that a balance of power is maintained in the South China Sea? What can the U.S. do to promote international law and norms and the freedom of navigation in an area of immense economic importance? And what steps can the United States take to support its allies and partners in the region in face of China’s assertiveness?

## **The Pivot/Rebalance**

Before contemplating potential policy recommendations, it is important to look at what has been done, or rather, what has not been done, to address China’s assertiveness in the South China Sea and in Asia in general. During his first term, President Obama announced an oft-quoted “pivot” to Asia. Now referred to as the “rebalance,” this shift in U.S. resources and focus on the Asia-Pacific was intended to ramp up the American

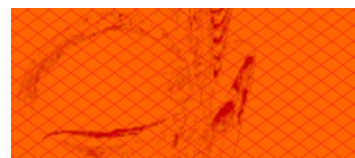


presence in a region with growing strategic importance. In addition to Asia's tremendous potential for economic growth, security concerns such as North Korea's nuclear program and China's growing investments in its military were also factors taken into consideration in formulating the rebalance.<sup>34</sup>

The announcement of the rebalance in October 2011 came at a time when the United States was beginning to develop a stronger presence in Asia. In 2010 the United States offered its full support to Seoul when North Korea performed a nuclear test—including conducting naval exercises in the South China Sea despite protests from Beijing. Then in 2011, after Japan detained a Chinese fishing boat in its territorial waters near the Senkaku/Diaoyu Islands, the State Department confirmed that under the U.S.-Japan security treaty, the United States would come to Japan's aid during any sort of military provocation in all territories under Japan's administration, including the Senkaku islands.<sup>35</sup> During a 2010 ASEAN summit, then-Secretary of State Hilary Clinton made it clear that the United States was invested in maintaining the freedom of navigation in the South China Sea and that the United States was in favor of a multilateral dispute resolution mechanism in the region.<sup>36</sup> During his first term, President Obama also reaffirmed his desire to the Trans-Pacific Partnership and attended the East Asia Summit.<sup>37</sup> The rebalance strategy seemed likely to continue these efforts and build upon them.

During Obama's second term, however, the administration seemed to lose interest in Asia and turned its attention back to problem areas in the Middle East. Part of the reason for this shift may have been due to personnel changes within the administration. At the start of Obama's second term, the two main architects of the pivot, former Secretary of State Hilary Clinton and former Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell, left their posts. Clinton was replaced by John Kerry, who has placed a strong and continued emphasis on the Middle East.<sup>38</sup> After Secretary Kerry's confirmation, his first visits were to Europe and the Middle East. On his first trip to Asia he also included visits to Turkey, Israel (a country he had already visited five times), and Britain.<sup>39</sup> Campbell, meanwhile, was replaced by Daniel Russel, a Japan expert, but only after a long period of vacancy in the position.<sup>40</sup>

Obama's second term also saw deep cuts to American defense spending and a striking change of rhetoric. These cuts and the sequestration in general created a sense of alarm among America's allies in Southeast Asia, who began to question the U.S. commitment to maintain its security presence in the region.<sup>41</sup> This alarm was compounded after threats of a U.S. government shutdown prompted Obama to cancel his trips to APEC and East Asia Summits in October 2013. This period saw an increase in Middle East-focused security rhetoric from the Obama administration, including Obama's September 2013 speech on foreign policy to the United Nations that made almost no mention of China or the rising conflict in the South China Sea.<sup>42</sup> In addition, during a subsequent

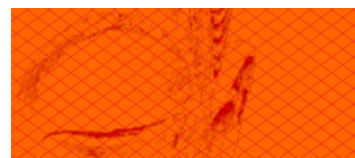


speech made by National Security Advisor Susan Rice, Rice referenced “a new model of major power relations” between the United States and China, a sentiment she has repeatedly reaffirmed when meeting with Chinese leaders. This choice of words seemed to imply a U.S. acceptance of China’s attempts to brand itself as the new major power and an acceptance of China’s perceived right to wield its power as a “great power.”<sup>43</sup>

## The Rebalance Today

The slow progress of the rebalance has continued into 2015. Currently, trade negotiations among TPP member countries continue and the TPP remains a hotly contested issue between Democrats and Republicans in Congress.<sup>44</sup> But while the completion of the TPP negotiations and a ratification of the TPP by the United States Congress have not occurred, the U.S. continues to have a sustained and robust military presence in the region. The U.S. possesses the most formidable naval force in the Western Pacific, due to the presence of the U.S. Seventh Fleet in Japan and the alliance network cultivated by the United States in Asia. The fleet in Japan includes 80 vessels, 140 aircrafts, and 40,000 sailors. In addition, Obama signed an agreement in November, 2011 that allows for the rotational deployment of 2,500 marines in Darwin, Australia and the U.S. Navy plans to have four littoral combat ships operating out of Singapore by 2018.<sup>45</sup> In addition, the U.S. and the Philippines (a U.S. treaty ally), signed a ten year mutual defense agreement in 2014. This agreement does not reestablish U.S. bases in the country but does commit the United States to carrying out bilateral training and preparedness exercises and allows the United States to move more troops in and out of the Philippines.<sup>46</sup>

Furthermore, in April 2015 the United States held joint drills in the South China Sea with the Philippines and Australia. These drills included more than 11,000 soldiers and took place near the contested islands. On a recent visit to East Asia, the new Secretary of Defense Ashton Carter asserted that the United States will continue to increase its presence in the region, including moving its newest most capable weapons systems into Asia and stationing 60 percent of the US naval fleet in the region by 2020.<sup>47</sup> The administration has been implementing a series of small steps that will gradually build alliances and partnerships and bolster the United States’ presence in the region and commitment to the area.<sup>48</sup> But the question remains: have these small overtures and protracted promises created deterrence against Chinese actions?



## China's Response to the Rebalance

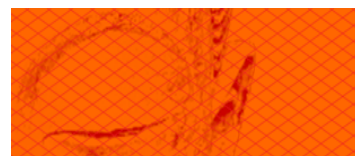
China's actions in the South China Sea since the announcement of the rebalance demonstrate that this U.S. policy has had almost no effect on Beijing's behavior. China has expanded its reclamation efforts, continued to claim ownership of territory in the EEZs of other countries, and has developed a consolidated policy toward the South China Sea. U.S. policy thus far has not inspired China to "freeze" its current behavior; it has instead prompted China to ramp up its own presence and actions in the sea.<sup>49</sup>

There are a number of reasons why Beijing is responding in this manner. First and foremost, the actions and words of U.S. foreign policy leaders have not reinforced the claim by U.S. policy makers that the United States is strengthening its position in Asia. National Security Advisor Susan Rice and Secretary of State John Kerry have focused almost all of their attention on the Middle East, signaling to China that the South China Sea is a matter of low priority. Secretary of Defense Carter's recent visit to Asia was a clear reaffirmation of the United States' rebalance policy, but it is so far unclear if this will have any effect on China's actions. If the United States continues to be preoccupied by issues like ISIS, Iran, and Syria, China will have greater room for "salami slicing" and land reclamation.

Second, U.S. promises of building economic ties and relocating naval assets to the region remain unrealized. Not only has the TPP not come into effect, but the contents of the TPP remain hidden.<sup>50</sup> Opposition against the trade deal has already begun to mount, including a public rally in April 2015 against the TPP complete with speeches from prominent Democratic congressmen; it is likely that if the TPP continues to drag on it will have a hard time getting pushed through Congress.<sup>51</sup> And even if there is Congressional ratification of the pact, a public showdown preceding its passage is likely to signal to other TPP partners that the U.S. may not be able to follow through on its economic commitments in the future. U.S. troops are also still bogged down in the Middle East, an area that continues to be tense and prone to instability.<sup>52</sup> The U.S. has promised to move 60 percent of its Navy and Air Force assets to Asia by 2020, but this timeline is rapidly approaching. The administration needs to make a strong effort to see this transition through.

Lastly, the U.S. rebalance lacks any defined position on disputed territory and sea claims. Even though the United States and the Philippines share a mutual defense treaty, this treaty does not state whether or not the United States is obligated to come to the aid of the Philippines if the territory the Philippines controls in the South China Sea is under attack.<sup>53</sup> The U.S. has not pushed China to account for its nine-dashed line in terms of its UNCLOS commitments, nor has the U.S. taken any steps to label the land formations that are under contention in the sea—a problem further compounded by the fact that the United States has continued to refrain from signing UNCLOS.<sup>54</sup>





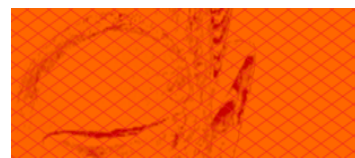
China's "salami slicing" tactics are likely to continue if left unchecked. The U.S. claims to be committed to its allies and partners as well as to the rule of law, but it has not done enough to dissuade China from continuing its aggressive maneuvering in the South China Sea. If China were to take a military stance in the region or, perhaps more likely, if a U.S. ally decides to retaliate against Chinese encroachment, the U.S. would have to decide just how willing it is to flex its muscle.<sup>55</sup> Without a pre-determined, clear stance on this issue, it is unlikely that the U.S. would be able to react quickly and decisively. And without strong U.S. action, China would clearly have won the hand by showing that, in terms of the South China Sea, the rebalance was mostly empty words.

## **Rebalance 2.0**

How then, can the United States truly provide a balance to China in the South China Sea and compel China to stop unilaterally changing the status quo? A good start would be for the U.S. to keep its promises. If the U.S. states that it will focus Asia, then it should actually move its attention to Asia. This means definitively moving 60 percent of its troops into the region and formulating an action plan on its actual commitments and ideas. A good way to start would be to ratify UNCLOS and then push China to abandon its nine dashed line claim. The administration should also make a strong push to convince Congress to pass the TPP. If U.S. foreign policy leaders commit to doing something, it's important that they actually see it to fruition.

The United States should make a greater commitment to its allies in Southeast Asia. Forming a security partnership with the Philippines and Australia should include more than training and joint naval drills. Commitments to these allies should include assistance in increasing the capacity of these countries' militaries and imply a firm stance on the U.S. commitment to its allies' maritime territory. Perhaps the best example of this commitment would be the U.S. affirmation that the Senkaku Islands fell under the purview of its security treaty with Japan. President Obama made it clear that the Senkakus are part of Japan's territory and thus the United States will defend them as promised in Article V of the treaty. This move promoted U.S. forces to fly through China's ADIZ and showed that the United States was willing to oppose China's attempts to alter the regional status quo.<sup>56</sup> Providing this kind of support to U.S. allies in Southeast Asia would send a clear message about U.S. security intentions in the region.

Another option is for stakeholders with overlapping interests in the South China Sea to work together to promote stronger ties among themselves, creating a web of support not linked solely to the U.S. but one with U.S. support and input. For example, Japan, Vietnam, and the Philippines all have a clear interest in freedom of navigation in the South China Sea and could work together to lean on ASEAN members that have not



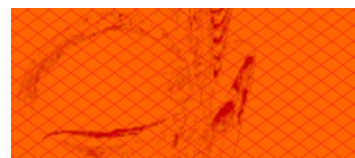
spoken out on this issue.<sup>57</sup> These countries could participate in joint naval drills and increase military-to-military contact in case of a full blown assault affecting their territory.

The U.S. should also work more closely with Taiwan. Taiwan is a claimant of disputed territory in both the South China Sea and the East China Sea. Regarding the East China Sea, Taiwan has been a strong proponent of a peaceful resolution of the dispute and has been willing to work with Japan on resource sharing agreements. In 2013, Taiwan and Japan signed a Taiwan-Japan Fisheries Agreement, which established fishing rights for both countries in the ocean around the Senkaku/Diaoyu Islands. The agreement does not attempt to determine the sovereignty of the islands, but it established a Taiwan-Japan Fisheries Committee that will meet once a year and address “concerns pertaining to other operational waters and issues.”<sup>58</sup> President Ma Ying-jeou also proposed the East China Sea Peace Initiative, which would set a code of conduct for conflict resolution in the East China Sea. This Initiative calls for the setting aside of territorial disputes in favor of joint development of resources.<sup>59</sup> The principles behind this proposal could easily be applied to the South China Sea and should be promoted by both Taiwan and the United States. Putting aside sovereignty issues in favor of shared development would help build ties between all the claimant countries in a way that might help with peaceful resolution of claims in the future.

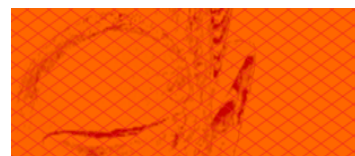
The United States’ rebalance strategy should be more tailored toward building up this type of coordination with Taiwan, both by encouraging a stronger Taiwan presence in the South China Sea dispute and strengthening security assistance for Taiwan. One way is for President Obama to end the freeze on meaningful arms sales to Taiwan, and provide Taiwan with submarine assistance in order to help Taiwan upgrade its navy, its most important deterrent in these types of maritime disputes. Other collaboration could be in the form of joint humanitarian assistance and disaster relief (HADR) exercises, an area where Taiwan is not only usually excluded, but also an area that could play an important role in any South China Sea flare-ups.<sup>60</sup> This kind of U.S. cooperation with Taiwan would clearly signal to China that aggressive actions have consequences. And a double-pronged policy like the one above would show that the United States is pushing for a peaceful solution to the problem but is also not afraid to strengthen its allies’ militaries in the region. There is no question that China would quickly register this show of U.S. strength in the region.

## Conclusion

Currently China is acting as though the U.S. rebalance is nothing more than a policy of rhetoric. Beijing may even be willing to militarily reinforce its claims in the South China



Sea if it believes that the U.S. rebalance is nothing more than empty discourse. But if the United States can make clear commitments to the region, China may think twice about its aggressive moves to change the status quo. And even if China continues to act aggressively even after these changes to the rebalance are made, the United States has an opportunity to show the power of the rebalance by coming to the aid of its allies and partners. By quickly and firmly instituting the rebalance before China grows its naval capabilities even more, the U.S. can establish itself as a dominant presence in Asia. Forcing China to resolve its South China Sea disputes now, when its military capabilities in the region remain relatively weak, will make it more likely that the disputes will be solved peacefully.

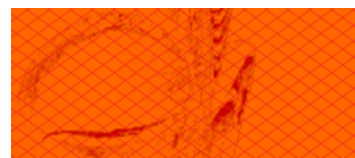


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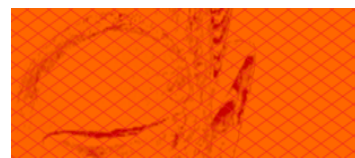
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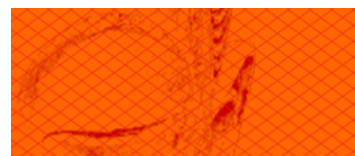




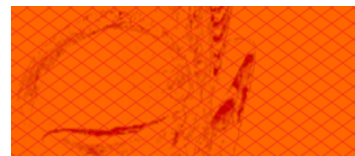
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