



ESSAY



The Ninth Wave, Ivan Aivazovsky (1850). According to lore, a succession of waves grows ever larger until the ninth and final wave, before the cycle starts again. Here, survivors of a shipwreck cling to wreckage as the ninth wave approaches.
Credit: Wikimedia Commons





TAKING ON WATER: INTERNATIONAL ORDER IN THE SOUTH CHINA SEA

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One of the many areas of the globe in which the current international order is being challenged is in the Asia-Pacific, where a quickly rising, aggressive, and revisionist China is attempting to remake the regional order and to replace American leadership with its own (while working to chip away at American dominance over the global order, as well). The success China has had in coercively altering the status quo in the South China Sea, and the difficulty China's neighbors have experienced in halting such Chinese activity, highlight the fact that the United States needs to make more effective use of its superior national power—its superior soft power, economic and political influence, military strength, and perhaps most importantly its vast network of allies and friends throughout the region (in contradistinction to China, which is essentially ally-less in the Pacific)—to blunt the Chinese drive in the Pacific and to strengthen a status quo under serious threat. An Asia in which the United States cedes leadership to China will, in the absence of major changes within China, gradually become less encouraging of liberal democratic values, less protective of citizenship rights, and less conducive to human freedom and flourishing.





American leadership of the regional order since the ending of the war against Imperial Japan just over seventy years ago has by all measures been extraordinarily successful and has transformed the region in very positive ways. After militarily defeating a fanatical enemy which had been bent on fighting to the last man, woman, and child, the United States successfully turned that enemy into our closest ally in the region and made the resulting bilateral relationship into the lynchpin of a regional order that allowed for the exponential growth of intra-regional trade and swiftly rising economies, which in turn has resulted in an historic shift of global political power away from the West and towards Asia.

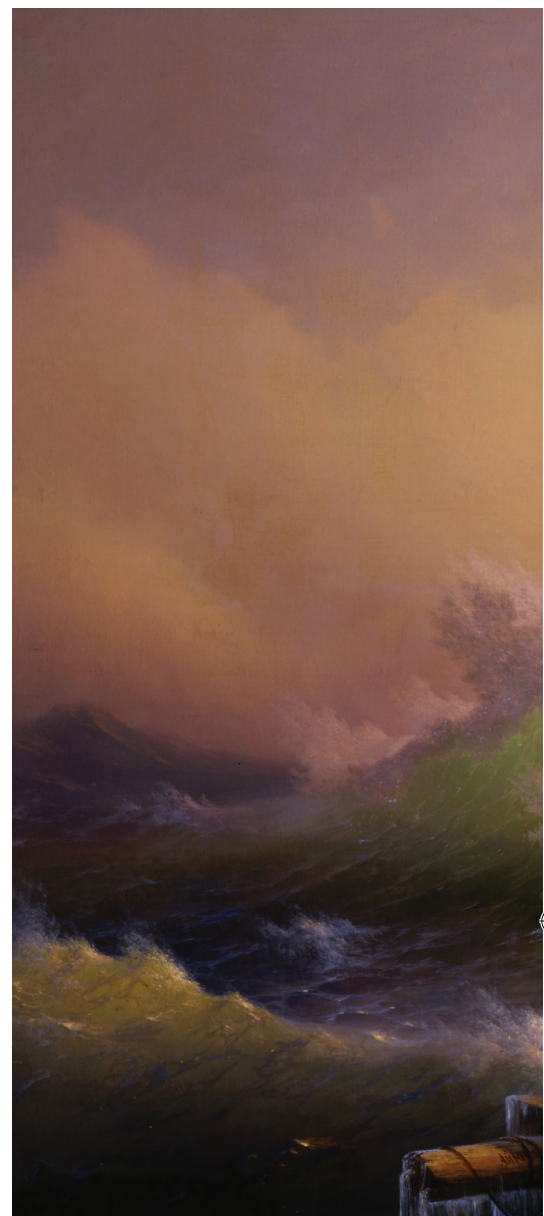
The consistent, long-term American championing of such values as representative government, separation of powers, freedom of conscience, and the rule of law has resulted in the gradual democratization of formerly authoritarian Asian powers so that all major Asian powers, with the exception of China, are now democratic (a fact which causes the Chinese Communist Party, or the CCP, to see these American-inspired values as a threat to its continued monopoly on power and provides the CCP with a further incentive to seek to supplant American regional leadership). The combination of remarkable economic growth and the liberal democratic values championed by the United States has resulted in a dramatic growth of human freedom and increase in human flourishing.

Partially, the increasing frictions with China are a result of Beijing's quite natural desire to have greater control over the sea lanes of supply on which its continued rise and well-being

depend so heavily. As China's economy has developed and its needs have grown, its dependence upon these sea lanes for the import of energy and raw materials and the shipping of its goods to markets around the world has also grown commensurately. The growth of Chinese military power in the Pacific is closely tied to its goal of increasing its comprehensive national power. Chinese strategic planners are great admirers of the late 19th century American proponent of naval power, Admiral Alfred Mahan, whose 1890 book *The Influence of Sea Power Upon History* has influenced generations of strategic planners around the world. The Chinese believe, as per Mahan, that China's future as a great power depends to a large degree on its ability to exert naval power and to protect the sea lanes upon which it depends, rather than to depend upon the goodwill of United States and its allies to do so.

It is similarly understandable that a rising China would also want to have a greater say in the shaping of the norms that form the international context within which China is rising.

However, China's expansive territorial claims, the aggressive, unilateral manner in which China is pursuing the development of its naval and air power and its muscular attempts to wrest control of sea lanes from the United States and oceanic territory from so many of its neighbors threatens to undermine the international norms and unravel the regional order that has done so much to facilitate the economic and political rise of the whole region, China included, and has resulted in a backlash against Beijing on the part of many of its neighbors.



These actions also indicate the very different type of regional leadership China would exercise, should Washington cede leadership to Beijing.

The consensual nature of the regional order and America's consensual style of leadership have been some of the keys to the success of that order—and a factor China is having difficulty competing with. The current system is marked by reciprocity, mutual benefit, and the fact that the system stakeholders have had a say in both the genesis and maintenance of the system.





While the current system admittedly advances American interests, Washington's leadership style has succeeded so well largely because it has been consensual and has not threatened the sovereignty or the security of America's regional partners—the United States has been a security provider, not a source of regional insecurity.

In stark contrast, China's approach in the East and South China Seas has made clear that Beijing is not interested in a consensual style of leadership. China's attitude in this

regard is evident by its refusal to negotiate multilaterally on its expansive territorial claims which conflict with so many of its neighbors, by its refusal to submit to international legal arbitration on those overlapping claims, by using its growing military power and reach to bully its neighbors and to seize effective control over disputed ocean territory, and by coercively altering the status quo in its favor. Particularly revealing was China's then-Foreign Minister Yang Jiechi's speech at an ASEAN (the Association of Southeast Asian Nations)

Regional Forum in July 2010. He angered participants by informing them that since their countries were "small countries" and China was a "large country" on whose goodwill all of their economies depended, they should thus not expect their relations to be based upon equality and should think twice before attempting to "internationalize" their territorial disputes with China.

China's bullying behavior and evident desire to rule by *dictat* rather than to exercise its growing influence consensually





are the biggest reasons why it is engendering such mistrust among its neighbors and why so many of them have sought greater security cooperation with the United States. It says much in this regard that Vietnam's communist leadership has been spending significant time and effort seeking a closer geopolitical alignment with the United States and its democratic, Asian allies and partners such as Japan, India, and the Philippines.

To this point, the American response to China's drive to alter the status quo has been ineffectual, and when the Obama Administration has attempted to push back against China's aggressive behavior and extra-legal claims, it has done so in a manner that has, in the most recent case, inadvertently lent tacit support to China's expansive claims. In what was supposed to have been a challenge to Chinese sovereignty claims in late October 2015, the USS *Lassen* transited within the 12-mile zone which the Chinese claim to be their sovereign waters surrounding an artificial land feature it recently created near Philippine territory. Instead of providing a firm challenge to Chinese claims, the transit was soft-pedaled by Washington, which characterized the transit merely as one of "innocent passage", which is the legal phraseology used when one nation temporarily transits another nation's territorial waters with no hostile intent. In international law this amounts to a tacit acceptance of China's attempt to manufacture sovereignty and alter the regional status quo.

Repeated rhetorical calls on the part of the United States and its allies for China to respect international law and halt

its unilateral attempts to create Chinese sovereignty in the South China Sea—along with American declarations that "the United States will fly, sail and operate wherever international law allows"—have done little to deter Beijing from its course of action. Both China and Russia have shown that rhetoric (and even sanctions in the case of Russia) will not dissuade them.

Indications are that the United States and its allies will likely face a trying year in the South China Sea in 2016. The Chinese are opportunists—they have sensed an opportunity with an Obama Administration that is focused on such challenges as an irredentist Russia and a Middle East in flames. Moreover, Chinese officials have deemed the Administration unlikely to respond with any sort of effective strategy in any case. Chinese strategists have privately stated that they see a window of opportunity over the next year to further consolidate their gains before a new US President takes over, one who is likely to take a significantly tougher stand against China's aggressive (and cleverly executed) attempts to coercively alter the status quo. (It must be noted that modern Chinese leaders take inspiration from ancient Chinese strategists, who taught that clever strategy can allow materially weaker actors to defeat stronger foes.) Thus, Beijing has been busy building airstrips and port facilities on many of their artificial islands as quickly as possible, expanding China's ability to project naval and air power across a region through which close to half of global trade passes each year.

The United States needs to pursue a more proactive leadership role if it wants to halt the expansion of Chinese power in

the South China Sea and backstop the norms that have defined and benefited the region for so long, while attempting to minimize the chances of actual military conflict. To that end, Washington needs to fully utilize its not inconsiderable advantages and work with American allies and friends in the region to create conditions that constrain China's strategic choices, minimize its ability to disrupt the region, force it to abide by international law, and neutralize Beijing's strategic gains.

A more effective diplomatic strategy should be a key part of this effort. One specific starting point that has promise has been proposed by Dan Blumenthal of the American Enterprise Institute, who has suggested that the United States takes the lead in pursuing:

a new diplomatic process to secure an agreement on the peaceful use of resources in disputed waters and develop clear rules guiding the conduct of claimants in disputed waters, including regulations on land-reclamation construction activities, ultimately leading to a resolution of territorial disputes.

As Blumenthal has suggested, these talks should move forward whether China participates in them or not (and it is likely that Beijing would not participate) with the goal of coming to an agreement on territorial boundaries and on the shared use of the seas and their natural resources. If China refused to take part in this multilateral diplomatic process, this would highlight China's refusal to work cooperatively with its neighbors and would place





China in the position of having agreements reached without its participation.

This diplomatic initiative should be combined with a strengthening of the legal challenge to China's actions. Washington should strongly encourage the other parties involved in such disputes with China to follow the Philippine lead and to seek international legal arbitration of the conflicting claims in an attempt to compel China to respect international law. The recent interaction between Indonesia and China on the issue of their conflicting claims illustrates that the legal course of action can succeed (particularly when backed by credible military strength). This approach gains strength as the number of claimants who threaten China with it increases. China's "Nine Dashed Line", which it uses to delineate its claims to nearly 90% of the South China Sea, overlaps with the "Exclusive Economic Zone" (known as an EEZ) surrounding Indonesia's Natuna Islands, causing conflicting sovereignty claims. Indonesian-Chinese talks on this issue went nowhere for years until Jakarta, heartened by the success of Manila's legal actions before the Permanent Court of Arbitration in The Hague, threatened in November to follow Manila's lead and to also take their dispute to international arbitration. This threat was buttressed by a strong display of Indonesian military resolve. For several weeks prior to making this announcement, Indonesia's new President, Joko Widodo, had reinforced Indonesian military strength on the Natuna Islands by sending additional fighter jets and anti-submarine warfare (ASW) aircraft, as well as ground troops, to the islands to show his determination to defend Indonesia's

interests. This combination of a show of military resolve and the threat of joining the Philippine's course of internationalizing the dispute through legal arbitration had an immediate result. The day after the Indonesian statement of intent, the Chinese made a public statement conceding Indonesian sovereignty over the islands and the EEZ surrounding them.

Beijing's goal is to try to ensure that the Philippines remains isolated in its attempts to internationalize its conflict with China and that the many actors with whom it has territorial disputes do not coordinate together. Washington should therefore exercise its influence to press for greater unity in the face of China's aggressive activities. In addition to initiating multilateral talks, as Blumenthal has suggested, Washington should also work to convince other claimants to join the Philippine legal action and to issue a joint statement with Manila affirming the importance of international law in resolving these disputes. The United States could also ask the regional players to sign a joint statement supporting freedom of navigation. This action would show a unified position in opposition to China's expansive claims without requiring them to participate in freedom of navigation patrols with the US Navy, which many would be reticent to do given their concern over the potential of military conflict with China.

All of this needs to be supported with the judicious use of military assets that challenges China's claims and reinforces American control of the South China Sea. The United States needs to undertake, on a regular and sustained basis, "freedom of navigation operations" (FONOPS), which unambiguously reject

Chinese sovereignty claims over the waters surrounding their artificially created land features, while continuing to encourage security cooperation both among US regional partners and between those partners and the United States. Washington has been slow to start such operations, which has given China much needed time to solidify its new positions, and has mishandled the messaging surrounding those missions.

Washington should also ask Vietnam to allow the US Navy expanded and more regular use of Cam Ranh Bay. Rising levels of Vietnamese concern about China and a trend line of warming Vietnamese-US security ties makes a positive response likely. The combination of the reintroduction of the US Navy to the Philippine's Subic Bay and several other Philippine naval facilities, which is occurring due to Philippine alarm at China's militarizing of its territorial conflict with Manila, and a growing American use of Cam Ranh Bay would effectively reinforce American control of the South China Sea and put a barrier on China's further military expansion in the region. It would also reduce the advantage of proximity the Chinese currently have over the US Navy in operations in the Western Pacific.

There is room for optimism should the United States follow steps such as these. For one thing, the United States and its allies can depend upon the fact that war is the last thing Beijing wants, despite its bellicose rhetoric and aggressive actions to date. China is well aware of the fact that, despite the strides it has made in eroding American military superiority in the Pacific, the United States still maintains decided advantages that would make any



such confrontation extremely risky for Beijing. And contrary to perceptions reinforced by recent Chinese actions, China's international behavior has historically been characterized far more by caution than by risk-taking.

Just as importantly, the Chinese Communist Party realizes that such a conflict, particularly should they lose it, would threaten the survival of the Party itself, leading, the CCP believes, to chaos and the break-up of China. The survival of the Party at the apex of power within China is Beijing's overriding goal. China is therefore highly unlikely to push things to the point of military conflict, but will attempt to dissuade by asserting Chinese "firm determination", highlighted by military maneuvers, by emphasizing their asymmetric capabilities that threaten US forces (such as the recent, pointed, shadowing of a US aircraft carrier by a Chinese submarine), and by attempting to turn the American

emphasis on norms against us through claims of territorial "sovereignty" based upon their creation of artificial islands.

Much is at stake in the South China Sea, not just for the Asia-Pacific, but for the norms that underpin the global order, as well. An effective defense of these norms in the Asia-Pacific region will strengthen them globally at a time when they are under aggressive challenge elsewhere. As a recent study by the Atlantic Council, aptly titled "Global System on the Brink", noted, the current global order is becoming increasingly fragile and "the world is at an increasingly dangerous inflection point." Over the past seventy years, the United States has spent much blood, sweat, and treasure building, nurturing, and sustaining an international order that has greatly expanded the boundaries of human liberty. Now more than ever, effective American leadership is needed to ensure that human liberty continues to thrive. The

effectiveness (or lack thereof) of the American defense of global norms, in cooperation with its friends and allies, will go far to determine whether the coming decades will see a continued expansion of human freedom and well-being, or whether authoritarian regimes such as China's will hold sway and define the values that shape the world going forward. **P**

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