AMERICA'S SECURITY ROLE IN THE SOUTH CHINA SEA

Author(s): ANDREW S. ERICKSON

Source: *Naval War College Review*, Vol. 69, No. 1 (Winter 2016), pp. 7-21

Published by: U.S. Naval War College Press

Stable URL: https://www.jstor.org/stable/10.2307/26397909

# AMERICA'S SECURITY ROLE IN THE SOUTH CHINA SEA

*Testimony by Andrew S. Erickson before a Hearing of the House Foreign Affairs Committee, Subcommittee on Asia and the Pacific, 23 July 2015.*

Allow me to share my assessment of the current situation in the South China Sea, followed by my recommendations concerning how the U.S. government should understand the situation and how it may best work to address it.

***Emerging Situation***

A major Chinese narrative regarding the South China Sea is one of unreciprocated restraint. But Chinese leaders have clearly had an ambitious long-term vision of some sort, backed by years of efforts, themselves based on long-standing claims encapsulated in an ambiguous "nine-dash line" enclosing virtually all of the South China Sea.

Beijing's stance regarding South China Sea sovereignty issues is categorical and steadfast. In a position paper rejecting outright the Philippines' recent initiation of international arbitration regarding their bilateral dispute, China's Ministry of Foreign Affairs states,

> China has indisputable sovereignty over the South China Sea Islands (the Dongsha [Pratas] Islands, Xisha [Paracel] Islands, the Zhongsha Islands [whose main features include Macclesfield Bank and Scarborough Shoal] and the Nansha [Spratly] Islands) and the adjacent waters.*

Despite all its rhetoric, actions, developmental efforts, and apparent preparations, however, China has repeatedly declined to disclose the precise basis for, the precise nature of, or even the precise geographical parameters of its South China Sea claims. As the U.S. Office of Naval Intelligence documents, China "has never published the coordinates of the "nine-dash line" that it draws around virtually the entire South China Sea—perilously close to the coasts of its neighbors, all of

* "Summary of the Position Paper of the Government of the People's Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines," Ministry of Foreign Affairs of the People's Republic of China, 7 December 2014, available at www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1217149.shtml.

whom it has disputes with. It has not "declared what rights it purports to enjoy in this area."* Beijing still has not specified whether or not it considers the South China Sea to constitute a "core interest." Given China's statements and actions to date, however, there is reason for concern that it is determined to maintain expansive claims based on unyielding invocation of the "nine-dash line."

***Island Seizure History.*** China's military and paramilitary forces have a half-century-plus history of capturing islands and other features, many in the South China Sea. It appears that Beijing long harbored ambitions to seize significant numbers of South China Sea islands, and indeed took several occupied by Vietnam in 1974 and 1988 even though severely limited in sea and air power at that time. Such operations have not received sufficient analytical attention. In some respects, they may have been more complex than previously appreciated outside China. For example, maritime militia forces appear to have been employed in the 1974 Paracels conflict, the 2009 *Impeccable* incident, the 2012 Scarborough Shoal standoff, and the 2014 *Haiyang Shiyou 981* oil rig standoff.† It is important to note that in none of these cases—nor in recent Chinese cutting of the cables of Vietnamese oil and gas survey vessels or Chinese intimidation of Philippine forces at Second Thomas Shoal—did the United States intervene to stop Chinese actions.

Regarding the above-mentioned cases that occurred since the end of the Cold War, this is, in part, because Washington does not take a position on the relative validity of South China Sea countries' sovereignty claims per se. Instead, what the United States opposes consistently is (1) the use of force, or the threat of force, to resolve such disputed claims; and (2) attempts to limit freedom of navigation or other vital international system-sustaining norms.‡

***Industrial-Scale Island Construction.*** That brings us to recent events, which I believe have precipitated today's hearing—and rightly so. In 2014, China greatly accelerated what had long been a very modest process of "island building," developing land features in the Spratlys and Paracels on a scale and [with a] sophistication

* Office of Naval Intelligence, *The PLA Navy: New Capabilities and Missions for the 21st Century* (Washington, D.C., 2015), p. 39, available at www.oni.navy.mil/.

† For Paracels, 万启光 [Wan Qiguang], 南海水产公司志 [A Record of South China Sea Fisheries Company] (Beijing: 海洋出版社 [Ocean Press], 1991), pp. 115–33. For Scarborough Shoal, Andrew S. Erickson and Conor M. Kennedy, "Tanmen Militia: China's 'Maritime Rights Protection' Vanguard," *The National Interest,* 6 May 2015, available at nationalinterest.org/. For *Haiyang Shiyou 981,* Andrew S. Erickson and Conor M. Kennedy, "Meet the Chinese Maritime Militia Waging a 'People's War at Sea,'" China Real Time Report (中国实时报) (blog), *Wall Street Journal,* 31 March 2015, blogs.wsj.com/.

‡ Daniel R. Russel, Assistant Secretary, Bureau of East Asian and Pacific Affairs, "Remarks at the Fifth Annual South China Sea Conference" (The Center for Strategic and International Studies, Washington, D.C., 21 July 2015), available at www.state.gov/.

that its neighbors simply cannot match, even collectively over time.* "Features" is the key word here, because many were previously small rocks or reefs not legally considered "islands." Then China used some of the world's largest dredgers to build up some of the most pristine coral reefs above water with thousands of tons of sand, coral cuttings, and concrete. U.S. Pacific Fleet commander Admiral Harry Harris aptly terms China's creation a "Great Wall of Sand." It has created over two thousand acres of "land" where none remained above South China Sea waters before.† But it's what China is constructing atop this artificial edifice that most concerns its neighbors and the United States: militarily relevant facilities, including at least two runways capable of serving a wide range of military aircraft, that could allow Beijing to exert increasing influence over the South China Sea.

Beijing *itself* has stated officially that there will be military uses for the new "islands" it has raised from the sea. On 9 March 2015, China Foreign Ministry spokeswoman Hua Chunying stated that Spratly garrison "maintenance and construction work" was intended in part for *"better safeguarding territorial sovereignty and maritime rights and interests."*‡ Hua elaborated that construction was designed in part to *"satisfy the necessary military defense needs."* Chinese military sources employ similar wording.

The likely translation, in concrete terms:

- Better facilities for personnel stationed on the features
- Port facilities for logistics, maritime militia, coast guard, and navy ships
- A network of radars to enable monitoring of most of the South China Sea
- Air defense missiles
- Airstrips for civilian and military aircraft

Then-commander of the U.S. Pacific Command Admiral Samuel Locklear's 15 April 2015 testimony before the House Armed Services Committee supports this assessment: In addition to basing Chinese coast guard ships to expand influence over a contested area, "expanded land features down there also could eventually lead to the deployment of things, such as long-range radars, military and advanced missile systems." Locklear added: "It might be a platform for them, if

* For specific details, see "Island Tracker," *Asia Maritime Transparency Initiative, Center for Strategic and International Studies,* amti.csis.org/.

† Subsequent to this testimony, Chinese reclamation has exceeded 2,900 acres. Department of Defense, *Asia-Pacific Maritime Security Strategy* (Arlington, Va.: 20 August 2015), p. 16, available at www.defense.gov/.

‡ As elsewhere in this testimony, italics are inserted by author for emphasis.

they ever wanted to establish an ADIZ [air defense identification zone] for them to be able to enforce that from."

***Airstrips . . . and ADIZ?*** For airstrips, after structural integrity, it's length that matters most. There's no need for a three-thousand-meter runway (as China now has on Woody Island and Fiery Cross Reef) to support evacuation of personnel for medical or weather emergencies via turboprop and other civilian aircraft.* Such a runway is only needed to support a full range of military options. Building a separate taxiway alongside, as China has already done at Fiery Cross Reef, suggests plans for high-tempo, high-sortie-rate military operations. No other South China Sea claimant enjoys even one runway of this caliber on any of the features that it occupies.

One logical application for China's current activities: to support a South China Sea ADIZ. Beijing announced an ADIZ in the East China Sea in November 2013. Many nations—including the United States—have established such zones to track aircraft approaching their territorial airspace (out to twelve nautical miles from their coasts), particularly aircraft apparently seeking to enter that airspace.†

Radars on China-controlled features can form a network providing maritime/air domain awareness for the majority of the South China Sea. Fighter aircraft can allow China to intercept foreign aircraft it detects operating there, particularly those that do not announce their presence, or otherwise engage in behaviors that Beijing deems objectionable.

But while any coastal state is legally entitled to announce an ADIZ, the way in which China has done so in the East China Sea is worrisome. China threatens still-unspecified "defensive emergency measures" if foreign aircraft don't comply with its orders—orders that an ADIZ does not give it license to issue or enforce physically. This suggests that China is reserving the "right" to treat *international* airspace beyond twelve nautical miles as "*territorial* airspace" in important respects.

China's record on maritime sovereignty fuels this concern. The *vast* majority of nations agree that under international law a country with a coastline controls *only* economic resources in waters twelve to two hundred nautical miles out—and even less if facing a neighbor's coast less than four hundred nautical miles away. But China additionally claims rights to control military activities in that exclusive economic zone, as well as, apparently, in the airspace above it.

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* After this testimony was given, evidence emerged that China was constructing an airstrip on Subi Reef as well. Victor Robert Lee, "South China Sea: Satellite Imagery Makes Clear China's Runway Work at Subi Reef," *The Diplomat,* 8 September 2015.

† For a detailed explanation, see Andrew S. Erickson, "Lengthening Chinese Airstrips May Pave Way for South China Sea ADIZ," *The National Interest,* 27 April 2015.

China currently lacks long-range capable antisubmarine warfare (ASW) assets akin to U.S. P-3 and P-8 aircraft. The more "islands" it builds, even if only with helicopter pads (as opposed to full runways), the more it can increase helicopter-based ASW coverage of the South China Sea. In this way, distribution of Chinese-held features could compensate for ASW helicopters' "short legs." China could thereby attempt to start to negate one of the last remaining major U.S. Navy advantages—submarines—and possibly pursue a bastion strategy for its nuclear-powered ballistic missile submarines (SSBNs) in the South China Sea.

***Tipping Point.*** My Naval War College colleague, China Maritime Studies Institute (CMSI) director Peter Dutton, characterizes the aforementioned Chinese activities as a "tipping point," meriting U.S. government response. "Militarization of the newly constructed islands," which China appears determined to do, will, he argues cogently, alter strategic stability and the regional balance of power. "It will turn the South China Sea into a strategic strait under threat of land-based power."* This is part of a "regional maritime strategy . . . to expand China's interior to cover the maritime domain under an umbrella of continental control."† Dutton contends, and I agree, that Beijing's militarization of artificial islands

> sets the clock back to a time when raw power was the basis for dispute resolution. China's power play, combined with its refusal to arbitrate, its aversion to multilateral negotiations, and its refusal to enter into bilateral negotiations on the basis of equality, undermines regional stability and weakens important global institutions.‡

As bad as things are already, they could get worse—particularly if American attention and resolve are in question. In attempting to prevent China from using military force to resolve island and maritime claims disputes in the South China Sea, the United States will increasingly face Beijing's three-pronged trident designed precisely to preserve such a possibility. Maritime militia and coast guard forces will be forward deployed, possibly enveloping disputed features as part of a "Cabbage Strategy" that dares the U.S. military to use force against nonmilitary personnel.§ Such forces would be supported by a deterrent backstop that includes

* Peter A. Dutton, "Did the Game Just Change in the South China Sea? (And What Should the U.S. Do about It?)," A ChinaFile Conversation, 29 May 2015, www.chinafile.com/.

† Peter A. Dutton, Professor and Director, China Maritime Studies Institute, U.S. Naval War College, *Testimony before the House Foreign Affairs Committee, Hearing on China's Maritime Disputes in the East and South China Seas,* 14 January 2014, 113th Cong., 2nd sess., available at docs.house.gov/.

‡ Dutton, "Did the Game Just Change in the South China Sea?"

§ For a Chinese description of such a concept, see "张召忠: 反制菲占岛 只需用 '包心菜' 战略" [Zhang Zhaozhong: To Counter the Philippines' Encroachment on Islands, [We] Need Simply to Employ the "Cabbage" Strategy], 环球网 [Global Network], http://mil.huanqiu.com/observation/2013-05/3971149.html.

both China's navy and its "anti-navy" of land-based antiaccess/area-denial (A2/AD), or "counterintervention,"* forces, collectively deploying the world's largest arsenal of ballistic and cruise missiles. In the region, only Vietnam also has a maritime militia, and the U.S. Coast Guard is not positioned to oppose China's. Meanwhile, China's coast guard is already larger than those of all its neighbors combined, and still growing rapidly.†

More broadly, worries about China's island construction, developing force posture in the South China Sea, and accompanying official statements exemplify broader foreign concern about China's rise—that as it becomes increasingly powerful, Beijing will

- Abandon previous restraint in word and deed
- Bully its smaller neighbors
- Implicitly or explicitly threaten the use of force to resolve disputes
- Attempt to change—or else run roughshod over—important international norms that preserve peace in Asia and underwrite the global system on which mutual prosperity depends

China's combination of resolve, ambiguity, activities, and deployments has corrosive implications for regional stability and international norms. That's why the United States now needs to adjust conceptual thinking and policy to stabilize the situation and balance against the prospect of negative Chinese behavior and influence.

### *The Need for a Paradigm Shift*

As Peter Dutton has long emphasized, the way forward for the United States is clear: *Even as China advances, we cannot retreat*. Together with the East China Sea and the Yellow Sea, the South China Sea is a vital part of the global commons, on which the international system depends to operate effectively and equitably. Half of global commerce and 90 percent of regional energy imports transit the South China Sea alone. We cannot allow Beijing to carve out within these international waters and airspace a zone of exceptionalism in which its neighbors face bullying without recourse and vital global rules and norms are subordinated to its parochial priorities. This would set back severely what Beijing itself terms

* For an explanation of this concept published subsequent to the testimony itself, see Timothy R. Heath and Andrew S. Erickson, "Is China Pursuing Counter-intervention?," *Washington Quarterly* 38, no. 3 (Fall 2015).

† Andrew S. Erickson, "Did the Game Just Change in the South China Sea? (And What Should the U.S. Do about It?)," A ChinaFile Conversation, 29 May 2015, www.chinafile.com/.

"democracy" or "democratization in international relations."* Instead, we must maintain the national will and force structure to continue to operate in, under, and over the South China, East China, and Yellow Seas and preserve them as peaceful parts of the global commons for all to use without fear.

***Accepting Moderate Friction.*** Here, given China's growing power and our own sustained power and resolve, we must accept a zone of bounded strategic friction and contestation. Such friction is manageable, and we must manage it. To do so effectively, we should develop the mind-set that we are in a great power relationship wherein we need to act to protect our vital interests and support the global system even as China is working to promote its own vital interests. It means preparing to live in the same strategic space together, with overlapping vital interests. This is the essence of great power relations, reflecting a reversion to historical norms after the brief and unsustainable unipolar moment is over—even as the United States remains strong as the world's leading power, and the world remains far from being a true "multipolar" system.†

This robust but realistic approach includes accepting the fundamental reality that we will not roll back China's existing occupation of islands and other features, just as we will not accept its rolling back its neighbors' occupation of other islands and features. Most fundamentally, the United States must preserve peace and a stable status quo in a vital yet vulnerable region that remains haunted by history.

***Embracing Competitive Coexistence.*** The paradigm we need to think about is a form of great power relations that I term "competitive coexistence."‡ It is not a comprehensive rivalry, as between the United States and the Soviet Union in the Cold War. Hence, charges that it constitutes a "containment strategy" driven by a "Cold War mentality" would be inaccurate. Rather, it has specific competitive

* China's paramount leader himself has declared that "we should work together to promote the democratization of international relations" ("我们应该共同推动国际关系民主化"). Xi Jinping, "习近平在和平共处五项原则发表60周年纪念大会上的讲话 (全 文)" [Speech of Xi Jinping on the Five Principles of Peaceful Coexistence at the 60th Anniversary Commemoration (Full Text)], Ministry of Foreign Affairs of the People's Republic of China, 28 June 2014, http://news.xinhuanet.com/politics/2014-06/28/c_1111364206.htm. See also "Full Text: China's Peaceful Development Road," *People's Daily,* 22 December 2005, http://english.peopledaily.com.cn/200512/22/eng20051222_230059.html.

† Thomas J. Christensen, "The U.S. Alliance System and the Lack of True Multipolarity," in *The China Challenge: Shaping the Choices of a Rising Power* (New York: W. W. Norton, 2015), pp. 49–52. See also Thomas J. Christensen, "China's Military Might: The Good News," *Japan Times,* 8 June 2015; Thomas J. Christensen, "Managing Disputes with China," *Japan Times,* 9 June 2015.

‡ Andrew S. Erickson, "Assessing the New U.S. Maritime Strategy: A Window into Chinese Thinking," *Naval War College Review* 61, no. 4 (Autumn 2008), pp. 35–71.

aspects that we should not exacerbate gratuitously, yet must not shy away from. China's current leadership is clearly comfortable with a certain level of friction and tension. Given the current unfortunate circumstances, for the foreseeable future we too must accept—and make clear that we are comfortable with—a certain level of friction and tension.

The above paradigm has important implications for both U.S. rhetoric and policy. First, American officials must recognize what their Chinese counterparts have long understood: words matter. The United States must not appear to embrace Chinese policy concepts or formulations that make us appear to fear tension, or to be willing to yield to Beijing's principled policy positions in order to mitigate it. Such optics would only encourage Chinese testing and assertiveness vis-à-vis Washington and its regional allies. Accordingly, two particularly problematic formulations favored by Beijing (and their variants) must be banished from the lexicon of American official discourse:

1. "The Thucydides trap"
2. "New-type great-power relations"

***Avoiding Thucydides Claptrap.*** As invoked by none other than Xi Jinping himself to pressure U.S. counterparts, as well as by influential Chinese public intellectuals to call for U.S. concessions, the idea of the imperative to avoid a "Thucydides trap" represents a misapplication of history.* It falsely implies that only by taking drastic measures can the United States and China avoid previous patterns of ruinous conflict between an established power and a rising power. The product of a time that human progress over the past century has finally rendered obsolete, Thucydides offers a cynical, outdated interpretation that has no place in American values, or the world that the United States seeks to promote: "The strong do what they can, while the weak suffer what they must." I'm confident that's not the kind of world we're here to promote today.

Nor *should* we. As Thomas Christensen argues persuasively in his new book *The China Challenge*—already recognized as one of the leading works on U.S.-China relations—the evolution of nuclear weapons, international institutions, globalization, financial markets, and transnational production chains have made the world a very different place than it was just over a century ago in 1914 when the Great War erupted.† Washington and Beijing certainly face friction,

* For Xi Jinping: "Remarks by President Obama and President Xi Jinping of the People's Republic of China after Bilateral Meeting" (White House, Washington, D.C., 8 June 2013), available at whitehouse.gov/. For Chinese public intellectuals: Shi Yinhong, "An Analysis of the 'New-Type of Major-Country Relationship,'" *China-US Focus,* 3 April 2014, chinausfocus.com/.

† Thomas J. Christensen, "This Time Should Be Different: China's Rise in a Globalized World," in *The China Challenge,* pp. 37–62.

tensions, and even the possibility of future crises of some severity, but significant shared interests—economic and otherwise—as well as collective reliance on a dynamic international system, together with mutual deterrence, will enable them to avoid war. Both sides are restrained by these strong positive and negative incentives; it is not necessary for Washington to shoulder the burden of restraint alone. Instead, raising false hopes in Beijing only to have them dashed disappointingly is significantly more dangerous than being clear and firm from the start. U.S. policy makers must thus consistently avoid embracing flawed historical analogies that encourage unrealistic expectations on Beijing's part. Such dangerous "claptrap" must be relegated to the dustbin of history, where it truly belongs.

To set the right tone and expectations while safeguarding U.S. interests, the Chinese policy bumper sticker that flows from falling for the "Thucydides trap" must likewise be rejected. As originated and promoted by Beijing, the concept of "new-type great-power relations" is invoked to imply that Washington must yield to China's principled "core interests" (including, apparently, in the South China Sea) while not committing Beijing to corresponding accommodation in return.* As one Japanese contact asked me pointedly, "Why would you choose to wrestle in China's own sumo ring?"

Why indeed? Instead, the United States should proactively and consistently promote its own policy formulations. Robert Zoellick's "responsible stakeholder" concept is an excellent example, and it was a serious mistake for the Obama administration to cede the field in this competition of ideas. To the extent that Beijing opposes the idea of responsibilities being thrust upon it, I propose that "strategic stakeholder" might be a better phrase. In any case, each side is free to employ its own concepts and rhetoric. But, at a minimum, the policy formulations that we ourselves embrace should at least meet the standard of the Hippocratic oath of international relations: "first, do no harm." That typically means using our own wording unless there is a compelling reason to do otherwise.

***Specific Policy Recommendations***

As for substantive efforts, we must develop and maintain a force structure and set of supporting policies and partnerships geared to ensuring access despite Chinese development of counterintervention capabilities. Even maintaining mutual deterrence vis-à-vis China could be good enough for the United States—Washington's key objective is to prevent the use, or threat, of force to resolve regional disputes. But allowing even the perception that such ability to "hold the

* This has been more recently termed "new-type major-country relations," but without any apparent change in its underlying meaning. For detailed analysis, see Andrew S. Erickson and Adam P. Liff, "Not-So-Empty Talk: The Danger of China's 'New Type of Great-Power Relations' Slogan," *Foreign Affairs,* 9 October 2014.

ring" has eroded could gravely threaten the stability of a vibrant yet vulnerable region. Key questions for consideration thus include:

- What systems do we need to develop and acquire?
- How should we engage our military and other government forces to act?
- What risks must we accept?
- What should we ask of our allies and security partners in support?

In addition to cooperation and capacity building with regional allies and partners, the United States must maintain robust deterrence that paces China's growing arsenal of counterintervention weapons. Here, unfortunately, Washington continues to suffer lingering effects from the mishandling of the Iraq War and its aftermath. Among other problems, a decade of land wars with unclear, unrealistic objectives diverted attention and resources from capabilities to preserve the ability of the U.S. military to operate in maritime East Asia even while threatened by Chinese systems. Washington is finally devoting increased attention to several types of weapons with particular potential to demonstrate that counterintervention won't work, but existing efforts may still be too slow and limited to arrest an emerging gap between U.S. goals and capabilities.

As I have testified elsewhere, at least some of the key military hardware requirements to meet these objectives are straightforward and affordable.* We must make particular effort to preserve the significant U.S. advantage in undersea warfare by emphasizing nuclear-powered attack submarines (SSNs) and offensive naval mines. We must also take a page from China's counterintervention playbook and prioritize antiship cruise missiles (ASCMs). We are already facing a significant reduction in SSN numbers because of earlier decisions that are resulting in rapid retirement of *Los Angeles*–class SSNs without corresponding replacements to maintain force levels. That's why I have consistently emphasized the following bottom line: if we're not building at least two *Virginia*-class SSNs per year, we're not being serious—and regional allies, partners, and China will see that clearly. Three a year would be even better, and I believe we can and should get there soon.

***Closing a True Missile Gap.*** We should never have allowed American ASCM development to languish so terribly. While I recognize and commend the important efforts under way now, I remain concerned and believe we need to move further, faster. Here's why.

* Andrew S. Erickson, "China's Naval Modernization: Implications and Recommendations," *Testimony before the House Armed Services Committee Seapower and Projection Forces Subcommittee, U.S. Asia-Pacific Strategic Considerations Related to PLA Naval Forces,* 11 December 2013, 113th Cong., 1st sess., available at docs.house.gov/.

Regardless of China's precise economic trajectory, China's navy—together with its other military and paramilitary forces—will be increasingly capable of contesting U.S. sea control within growing range rings extending beyond Beijing's unresolved island and maritime claims in the South China, East China, and Yellow Seas. Experts at the annual conference we convened at CMSI earlier this year generally agreed that by 2020, China is on course to deploy greater quantities of missiles with greater ranges than those systems that could be employed by the U.S. Navy against them. China is on track to have quantitative parity or better in surface-to-air missiles (SAMs) and ASCMs, parity in missile launch cells, and quantitative inferiority only in multimission land-attack cruise missiles (LACMs). Land-based missiles with potential to threaten U.S. ships and ports they deploy from include the world's only antiship ballistic missiles (ASBMs)*—the numbers of which constitute only a tiny fraction of the world's foremost substrategic ballistic missile force deployed by China. Let me be clear: *Unless this gap can be filled credibly, China is poised to "outstick" the U.S. Navy by 2020 by deploying greater quantities of missiles with greater ranges than those of the U.S. ship-based systems able to defend against them.*†

Retention of U.S. Navy superiority hinges on next-generation long-range ASCMs (the long-range antiship missile [LRASM] and the vertical launch system–compatible naval strike missile [NSM] variant). These remain "paper missiles," as yet un-fielded on U.S. Navy surface combatants. The NSM represents the extraordinary case of the United States looking to Norway (in partnership with Raytheon) to supply a key weapons system that American industry itself should have been able to produce on favorable terms years ago. Additionally, new U.S. ASCMs may be unable to target effectively under contested A2/AD conditions. Failing to fill this gap would further imperil U.S. ability to generate and maintain sea control in the western Pacific.

Let me underscore once again that the United States and China *can* avoid war. I'm confident that we *will* avoid fighting each other. Rather, this is about maintaining robust deterrence in peacetime and in any crises that might erupt. Specifically, we must deter Beijing from attempting to resolve island or maritime claims disputes with the use of force, or even the threat of force. The aforementioned [U.S.] weapons systems, effectively deployed and combined with a broader

* Subsequent to this testimony, China revealed two different ASBMs at a 3 September military parade: the long-anticipated DF-21D and a variant of the newer DF-26. See Andrew S. Erickson, "Showtime: China Reveals Two 'Carrier-Killer' Missiles," *The National Interest,* 3 September 2015.

† Andrew S. Erickson, personal summary of discussion at "China's Naval Shipbuilding: Progress and Challenges," China Maritime Studies Institute conference, U.S. Naval War College, Newport, R.I., 19–20 May 2015, available at andrewerickson.com/.

strategy, can repeatedly convince China's leaders that they will not succeed in their objective if they attempt to use military force to seize additional features and waters around them, or to prevent U.S. forces from operating in international waters and airspace nearby.

***Maintaining Freedom of Navigation.*** Proper efforts in the abovementioned areas will thereby support access to pursue our vital interests, which include unfettered access to all areas of operation allowed by international law. This access is not only in the form of freedom of navigation per se, but also to support a much broader set of fundamentals: access for American military force, economic power, political persuasion, and influence over regional events. All require the support of military power that underwrites American influence on behalf of the global system.

Supporting freedom of navigation, in turn, requires a broad array of measures, coordinated through a whole-of-government approach. Freedom of navigation operations should be pursued proportionally, in accordance with international law, whereby islands and rocks are accorded territorial waters and airspace out to twelve nautical miles, and reefs (features naturally underwater at high tide) are accorded zero nautical miles. Such legal distinctions are important, and we should operate accordingly.

Additionally, we need to reinforce the global institutions that the Law of the Sea [Convention] was designed to create and support. This entails underwriting with our power and example peaceful dispute resolution based on international law and international institutions. Among these, the United States must ratify the UN Convention on the Law of the Sea (UNCLOS). As Peter Dutton testified before the House Foreign Affairs Committee in 2014,

> American policy makers must realize that the contest for East Asia is one of both power and law. . . . Acceding to [UNCLOS] and once again exercising direct leadership over the development of its rules and norms is the first and most critical step. . . . My sense is that East Asian states, indeed many states around the world, are desperate for active American leadership over the norms and laws that govern legitimate international action.*

Once again, I agree fundamentally with my colleague.

***Regaining Legal Leadership.*** The United States should ratify UNCLOS because doing so would further support the rules- and norms-based international system that Washington is rightly trying to foster—in part as a means to ensure the

* Peter A. Dutton, Professor and Director, China Maritime Studies Institute, U.S. Naval War College, *Testimony before the House Foreign Affairs Committee, Hearing on China's Maritime Disputes in the East and South China Seas,* 14 January 2014, 113th Cong., 2nd sess., available at docs.house.gov/.

following: (1) that neither force, nor even the threat of force, will be employed to resolve island and maritime claims disputes in a dynamic but increasingly tense region, and (2) that such destabilizing approaches will not be encouraged anywhere else. Ratifying UNCLOS would also eliminate a perennial source of deflective criticism by China and understandable concern on the part of U.S. allies and partners. While the U.S. stance with regard to international maritime law is obviously far more sophisticated than this—including nuanced positions regarding the far-reaching applicability of customary international law—ratifying UNCLOS would nevertheless eliminate a perception that Washington is advocating "Do as I say, not as I do." The application of maritime law in practice is shaped over time, and China is already benefiting from U.S. vulnerability in this area—vulnerability caused by not joining 166 other states [*sic*] and the European Union in becoming a party to UNCLOS.

I can attest from personal experience to the extent to which China has cultivated a new generation of sharp, persistent maritime legal specialists who are active in the international arena. I believe that their concerted efforts can make a difference over time, a difference that would undermine the governance of the global maritime commons to our collective detriment.

But don't just take it from me. What's far more important is that UNCLOS ratification is supported by

1. The current President, Secretary of State, Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the heads of the U.S. maritime services: Navy, Marine Corps, and Coast Guard
2. All their living predecessors, from Republican and Democratic administrations alike*

On how many issues does one witness this sort of unanimity across parties, agencies, and time? These people are true experts, not just on theory, but on how things play out in policy practice. There is a compelling reason for their unanimity: U.S. UNCLOS ratification is a great idea whose time has more than come.†

***Worth Defending: Not Thucydides's World, but the Twenty-First-Century Global System.*** Safeguarding the long-term future of the global maritime commons,

* See, for example, Adm. Bob Papp, Commandant of the U.S. Coast Guard, "Benefits of Joining the Law of the Sea Convention," *The Hill,* 19 April 2012; and John B. Bellinger III, Adjunct Senior Fellow for International and National Security Law, "Should the United States Ratify the UN Law of the Sea?," *Council on Foreign Relations,* 11 November 2014, www.cfr.org/.

† For related policy recommendations offered subsequent to this testimony, see Andrew S. Erickson, "New U.S. Security Strategy Doesn't Go Far Enough on South China Sea," *China Real Time Report* (中国实时报) (blog), *Wall Street Journal,* 24 August 2015, blogs.wsj.com/.

including the freedom of the vital international sea-lanes of the South China Sea and the airspace above them, demands nothing less than the measures I have advocated here. We will have to accept some moderate friction, but we can *manage* that—all while cooperating with China and other nations in areas of mutual interest. We live in a far better world today than Thucydides could ever have dreamed of. Let's be sure to keep it that way in all respects, for everyone, regardless of their relative power.

ANDREW S. ERICKSON

*Dr. Andrew S. Erickson is an associate professor in the Naval War College's China Maritime Studies Institute. He serves on the* Naval War College Review*'s Editorial Board. Since 2008, he has been an associate in research at Harvard University's John King Fairbank Center for Chinese Studies. Erickson is the author of* Chinese Anti-ship Ballistic Missile Development *(Jamestown Foundation, 2013). He is coauthor of two other books:* Gulf of Aden Anti-piracy and China's Maritime Commons Presence *(Jamestown, 2015) and* Assessing China's Cruise Missile Ambitions *(National Defense University, 2014). Erickson's coauthored* Foreign Affairs *online article, "Not-So-Empty Talk: The Danger of China's 'New Type of Great-Power Relations' Slogan," has been read widely in U.S. and Asian policy circles. He runs the research website www.andrewerickson.com and co-runs www.chinasignpost.com.*

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