

Freedom of Navigation Operations on the Chinese Periphery

A Monograph

by

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Abstract

Freedom of Navigation Operations on the Chinese Periphery, by Maj Eric N Ringelstetter, US Air Force, 48 pages.

Freedom of Navigation Operations (FONOPS), conducted by the US Navy, are the main form of military interaction between the militaries of the United States and People's Republic of China. As historical precedent from the Cold War demonstrates, a relationship between two nuclear-armed competitors may result in ships intentionally colliding on the high seas during FONOPS. Furthermore, the South and East Chinese Seas (i.e., the Chinese periphery) carry an extraordinary amount of international trade that will continue to increase. These same bodies of water also contain vital fish stock and lay over large amounts of gas and oil in the seabed. This monograph will assess the effectiveness of these important military operations by first understanding the theoretical and legal foundations. Next, by understanding recent changes to the United States strategy and the Chinese geo-political environment, differences between the Cold War precedent and current situation emerge within the context of FONOPS. In analyzing the current situation, this monograph will demonstrate that although unique tensions may continue to rise on the Chinese periphery because of these differences, FONOPS will remain effective for the near future.

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Acronyms

A2/AD	Anti-access/Area-denial
ADIZ	Air Defense Identification Zone
CNO	Chief of Naval Operations
DoD	Department of Defense
EEZ	Exclusive Economic Zone
FON	Freedom of Navigation
FONOPS	Freedom of Navigation Operations
INCSEA	Incidents On and Over the High Seas
KMT	Kuomintang
NSS	National Security Strategy
PLA	People's Liberation Army
PLAN	People's Liberation Army Navy
PRC	People's Republic of China
SLOC	Sea Line of Communication
UNCLOS	United Nations Convention on Law of the Sea
USN	United States Navy
USSR	Union of Soviet Socialist Republics
VMF	Voyenno-Morskiye Flot (Military-Maritime Fleet)

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Introduction

The delicate diplomatic maneuvering now characterizing US-Soviet relations was highlighted last week by puzzling naval jockeying in the eastern Mediterranean... On Monday, two destroyers of the US Sixth Fleet, Dyess and Turner, sailed north from the Mediterranean through the Turkish controlled Dardanelles, cruised off Turkey's northern Bosphorus into the Black Sea on Soviet Russia's southern flank... Since 1964, [United States officials] said, approximately two Sixth Fleet destroyers had visited the Black Sea every six months to "show the flag" and affirm that American warships would exercise their right to sail the high seas anywhere. . . . The Soviet newspapers Pravda assailed the visit as a "provocative sortie."

—Benjamin Welles, *New York Times*, December 15, 1968

During the present daily news cycle, it is easy to forget the parallels between emerging tensions throughout the world and the not so distant past. Similar to the Cold War, American warships currently "show the flag" throughout the world in order to achieve the national security interests of the United States. After recent tensions on the South and East China Seas (i.e., the Chinese periphery), one could easily substitute in the above epigraph the Chinese for the Soviets, the South China Sea for the Black Sea, and Pravda for the China Daily. However, as the context of the Chinese situation is vastly different, it would be myopic to immediately predict an outcome similar to the Cold War. Instead, this similarity will be a starting point to begin analyzing a primary form of military interaction between the United States and China: Freedom of Navigation Operations (FONOPS) on the Chinese periphery.

During the Cold War, the Union of Soviet Socialist Republics (USSR) believed the Black Sea was exclusively within its sphere of influence. According to one American official, FONOPS similar to the 1968 *New York Times* story above were based on the premise that, "if you don't periodically reaffirm your rights, you find that they're hard to revive."¹ Predictably, these FONOPS angered the USSR government and populace. While Moscow saw itself as a Black Sea and Mediterranean power, it stated that the United States had "no justification for maintaining the

¹ Benjamin Welles, "While Keeping the Flag Flying," *New York Times*, December 15, 1968.

Sixth Fleet [out of Naples, Italy] constantly on patrol” in either body of water.² Additionally, the Russian newspaper *Pravda* stimulated the populace’s enmity when it rhetorically asked after another patrol, “Why do the Americans need to take such a stroll in the Black Sea?”³ Shortly after this exchange, an encounter in the Sea of Japan between the US Navy (USN) and the Soviet navy—known as the *Voyenno-Morskiye Flot* (VMF), or “Military-Maritime Fleet”—would result in a naval encounter between these two nuclear-armed adversaries that became dangerously escalatory.

As the carrier USS *Hornet* sailed through the Sea of Japan in 1967, VMF vessels followed closely. According to a history of recent naval confrontations written by USN Admiral Eric McVadon, Soviet ships maneuvered to position themselves in order to hinder USS *Hornet* flight operations. As the destroyer USS *Walker* maintained its position to protect the carrier, Soviet navy ships collided with the destroyer on two occasions.⁴ This was not an isolated event. In 1970, there was another collision between a Soviet navy ship and the British carrier HMS *Ark Royal* in the Mediterranean Sea. These physical escalations with no clear winner eventually resulted in discussions between the USN and VMF.

The resulting accord, called the “Agreement between the Government of the USA and Government of the USSR on the Prevention of Incidents On and Over the High Seas” (INCSEA), was signed in May 1972. As McVadon concluded, INCSEA allowed for open communication at the tactical level between the two navies as well as a capability to report dangerous conduct that could lead to charges for those responsible.⁵ While US government officials were aware of the

² Welles, “While Keeping the Flag Flying.”

³ Ibid.

⁴ Eric McVadon, “The Reckless and the Resolute: Confrontation in the South China Sea,” *China Security* 5, no. 2 (Spring 2009): 8.

⁵ Ibid.

growing political and public angst in Moscow, their larger concern was that without the presence of the USN in the Black Sea, the Russians would increase their pressure on Turkey to revise the 1936 Montreux Convention.⁶ These Cold War concerns have several similarities to the current rationale for FONOPS on the high seas, to include the Chinese periphery.

While disputes in the South and East China Seas have ancient roots, recent actions have potentially destabilizing consequences in this critical region. In conjunction with the United States' "pivot" to the Pacific—also known as the "rebalance"—the People's Republic of China (PRC) is behaving more provocatively on its periphery.⁷ Most notably, they have greatly increased land reclamation projects, forming islands on top of previously submerged reefs. Additionally, they have used military coercion to solidify island and water claims within their Nine-Dash Line.⁸ While the United States repeatedly proclaimed it will not make conclusions on territorial disputes, it has asked the PRC to support international maritime law codified in the United Nations Convention on the Law of the Sea (UNCLOS). Additionally, in accordance with international law, the United States clearly stated that it expects all countries to avoid any action that impedes on Freedom of Navigation (FON).

Since 1979, the President of the United States directs the FON program to preserve freedom of navigation with a three-tiered approach: diplomatic representation; bilateral and

⁶ This international treaty, signed at the Montreux Palace in Switzerland, gave Turkey control of both the Dardanelles and Bosphorus Straits. It also defined these as international straits in time of peace, allowing freedom of passage to both merchant and war vessels; Convention Regarding the Regime of the Straits, Australia-Bulgaria-France-Greece-Japan-Romania-Turkey-USSR-UK-Yugoslavia, July 20, 1936, *LNTS* 173, 4015; Benjamin Welles, "While Keeping the Flag Flying," *New York Times*, December 15, 1968.

⁷ Tom Donilon, "The United States and the Asia-Pacific in 2013" (speech, Asia Society, New York, March 11, 2013), accessed December 3, 2017, <https://obamawhitehouse.archives.gov/the-press-office/2013/03/11/remarks-tom-donilon-national-security-advisor-president-united-states-an>.

⁸ As RAND scholar Andrew Scobell finds, China uses its Navy, Coast Guard, State Fisheries Administration, State Oceanographic Administration, and the Marline Surveillance Service to enforce territorial claims. However, the "maritime services of other countries engaged in similar behavior toward the ships of other claimant states." Andrew Nathan and Andrew Scobell, *China's Search for Security* (New York: Columbia University Press, 2012), 302.

multilateral consultations; and FONOPS conducted by the USN.⁹ Even though the United States is not a signatory of UNCLOS, its ocean policy aligns with the tenets of this convention. Since 1983, the United States has stated that it “will exercise and assert its rights, freedoms, and uses of the sea on a worldwide basis in a manner that is consistent with the balance of interests” outlined in UNCLOS.¹⁰ In short, the goal of USN FONOPS is to promote maritime stability and support international law as UNCLOS prescribes.¹¹ Since FONOPS are a primary form of interaction between the US and PRC militaries, a complete assessment of their current and predicted effectiveness is necessary.

Due to the importance of the Sino-American relationship and the continuous potential for dangerous escalation between two nuclear-armed superpowers, this monograph will examine the effectiveness of FONOPS at achieving US strategic objectives on the Chinese periphery. Following an analysis of maritime theory, international law of the sea, US strategy, and Chinese geopolitics, differences emerge between Cold War precedent and the current Chinese periphery. These differences exist in five categories: the terrestrial nature of current maritime disputes; the emergence of international law of the sea; military and economic structures; global trade routes; and technological advancements.

While Cold War FONOPS resulted in several dangerous physical escalations, they were successful at preserving FON throughout the conflict. Therefore, in order to assess the current effectiveness of FONOPS on the Chinese periphery, this monograph will consider these five

⁹ US Department of Defense, *Freedom of Navigation Program*, March 2015, accessed December 3, 2017, [http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20--%20Fact%20Sheet%20\(March%202015\).pdf](http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20--%20Fact%20Sheet%20(March%202015).pdf).

¹⁰ US President, Statement by the President, “United States Ocean Policy,” March 10, 1983, accessed September 22, 2017, <https://www.reaganlibrary.gov/sites/default/files/archives/speeches/1983/31083c.htm>.

¹¹ US Department of State, *Diplomacy in Action: Maritime Security and Navigation*, US Department of State, accessed September 22, 2017, <https://www.state.gov/e/oes/ocns/opa/maritimesecurity/>.

differences, addressing such questions as: Are FONOPS on the littorals around terrestrial disputes supported by the maritime theories of Alfred Thayer Mahan and Julian Corbett?¹² What impact has international sea law had on FONOPS since the emergence of UNCLOS? Are the regional structures within the operating environment changing in relation to FONOPS? What changes do globalization and military technology present to current and future FONOPS on the Chinese periphery?

Answers to these questions will help address rising tensions within the Sino-American relationship that could shortly include naval parity.¹³ Moreover, Harvard professor Graham Allison warns of the potential for inevitable war between the United States and PRC that could result from several destabilizing scenarios, to include a collision during FONOPS.¹⁴ Even though naval parity and great power conflict are concerning, it is helpful to realize that because of Cold War precedent, Sino-American relations are not in uncharted waters.

Maritime Theory on the Littorals

In assessing the effectiveness of current FONOPS, it is important to establish the foundations of maritime theory. As Carl von Clausewitz realized, a “working theory is an essential basis for criticism.”¹⁵ Such a theory is also helpful in developing an understanding of Chinese actions due to the perception of itself vis-à-vis the United States.

¹² For the sake of commonality between maritime theorists of the early twentieth century and current technology on the Chinese periphery, this monograph will define the littorals as the area of sea within range of coastal air- and maritime-defense weaponry.

¹³ Oliver Steward, “The Rise of China’s ‘Blue Water’ Navy: Will the Pacific Turn Red?,” *UK Defence Journal*, September 5, 2017, accessed September 7, 2017, https://ukdefencejournal.org.uk/rise-chinas-blue-water-navy-will-..._09_05&utm_medium=email&utm_term=0_694f73a8dc-1cfdfa35e4-85445677.

¹⁴ Graham Allison, *Destined for War: Can America and China Escape Thucydides’s Trap* (New York: Houghton Mifflin Harcourt, 2017), 167-173.

¹⁵ Carl von Clausewitz, *On War* (New York: Everyman’s Library, 1993), 183.

One of the most influential maritime theorists, Alfred Thayer Mahan, rose to fame in 1890 after publishing *The Influence of Sea Power Upon History*. In this magnum opus, Mahan realized the correlation between a nation's sea power and national power. Since the use and control of the sea enables a country to accumulate wealth, a strong sea power is an important means toward this end.¹⁶ Being careful to clarify that this was not the only way to accumulate wealth, he did believe the control of the sea was "the central link, which lays under contribution other nations for the benefit of the one holding it, and which, history seems to assert, most surely of all gathers to itself riches."¹⁷ Therefore, he believed that the purpose of naval strategy was to increase the military element of sea power (i.e., naval power). He further clarified his understanding of how to develop this strategy in one of his later and lesser-known works, *Naval Strategy*.¹⁸

In *Naval Strategy*, Mahan realized that holding strategic points were of primary importance to first defend and then project a navy. While it was not always a requirement for a navy to control the entire sea, he saw the advantage of holding strategic points that would increase the navy's ability to secure a larger area.¹⁹ To demonstrate this finding, Mahan used an example in the Gulf of Mexico. If the United States held a base on Cuba (e.g., Guantanamo Bay), an enemy would be less likely to place his forces in the Gulf and expose the sea lines of communication (SLOC) to the rear.²⁰ Mahan believed the selection of these strategic points should meet the criteria of having "the most decisive effect upon the control of the theater of war"

¹⁶ Alfred Mahan, *The Influence of Sea Power Upon History, 1660-1783* (Boston: Little, Brown, 1918), 226.

¹⁷ Ibid.

¹⁸ Alfred Mahan, *Naval Strategy: Selections from the Writings of Rear Admiral Alfred Thayer Mahan*, ed. John Hattendorf (Annapolis: Naval Institute Press, 1991).

¹⁹ Mahan, *Naval Strategy*, 106.

²⁰ Ibid.

and be positions that would create a “well-knit, compact system from which [a state] could not be dislodged by any but a greatly superior force.”²¹ Mahan realized that the value of such positions, specifically in congested seas, was that an adversarial navy was unable to circumnavigate them²²

Overall, the primary value of strategic points was how they simultaneously enabled movement of friendly forces while preventing movement of the enemy.²³ Contrary to a common mythos that Mahan focused solely on the large-scale naval battles to command the sea, his concept of movement applied more to maritime commerce and merchant vessels than it did to the navy. As naval historian John Kuehn realized, Mahan did not see the navy as an end, but rather a means whose “primary purpose is to protect existing economic and strategic interests at sea.”²⁴ Several smaller but growing navies have recognized this oft-misunderstood nuance of Mahan to employ an effective naval strategy.

Specifically, Mahan understood the importance of fortified strategic points and lines for an inferior force when falling back under attack.²⁵ The retreating force had three objectives: maintain concentration of force, remain mobile, and not fight unless dictated by necessity.²⁶ An example during the American Civil War was vessels that navigated behind fortified islands were simultaneously sheltered from attack but could return fire on the enemy. He understood that this type of internal navigation created a superlative defensive area that could protect an inferior navy while bombarding the attacking force with the long-range shore artillery.²⁷ Under this

²¹ Mahan, *Naval Strategy*, 110.

²² *Ibid.*, 114.

²³ *Ibid.*, 231.

²⁴ John Kuehn, “What Was Mahan Really Saying?” *US Military History Review* 1, no. 1 (December 2014): 71, accessed December 5, 2017, <http://www.usmhg.org/u-s-military-history-review>.

²⁵ Mahan, *Naval Strategy*, 144.

²⁶ *Ibid.*, 270.

²⁷ *Ibid.*, 151.

circumstance, the inferior fleet would eventually take the offensive. As a result, coastal fortifications that appear defensive are in reality offensive.²⁸ Assuming the smaller force maintains its favorable, strategic positions, Mahan realized that an inferior navy could create a “sense of fear which deters a rival from war, or handicaps his actions in war.”²⁹ Another naval theorist, Sir Julian Corbett, also addressed this concept, known as a “fleet-in-being.”

Mahan believed that his work made the “desirable preparation for works such as those of Corbett.”³⁰ Rather than reply in kind, Corbett instead explains in his treatise, *Some Principles of Maritime Strategy*, that his foundation instead used Clausewitz’s theory that war is an extension of policy.³¹ Importantly, Corbett realized the nature of naval power was supporting the army: “Since men live upon the land and not upon the sea, great issues between nations at war have always been decided—except in rare cases—either by what your army can do against your enemy’s territory and national life, or else by the fear of what the fleet makes it possible for your army to do.”³² Corbett used this line of thought throughout his work to help him develop a nuanced approach to maritime strategy that differed slightly from Mahan.

Corbett believed that the most common error in maritime strategy was the assumption that if one belligerent lost control of the sea, it would immediately pass to the other.³³ Since he published these findings while Britain was the predominant sea power, the context of this Englishman’s finding is important. Instead of the more common belief in London that England

²⁸ Mahan, *Naval Strategy*, 272.

²⁹ Alfred Mahan, *Lessons of the War with Spain and Other Articles* (Boston: Boston, Little, Brown, and company, 1899), 305.

³⁰ Alfred Mahan, *Naval Strategy: Compared and Contrasted with the Principles and Practice of Military Operations on Land* (Boston: Little, Brown, and Company, 1911), 16.

³¹ Julian Corbett, *Some Principles of Maritime Strategy* (Annapolis: Naval Institute Press, 1988), 18.

³² Corbett, *Some Principles of Maritime Strategy*, 16.

³³ *Ibid.*, 91.

would lose all if it lost command of the sea, Corbett argued such an opinion ignored the strength of the strategic defense.³⁴

In his historical analysis, Corbett found that the “normal position is not a commanded sea, but an uncommanded sea,” since the weaker power could still prevent the stronger from securing control.³⁵ The contrasting views between commoners in London and Corbett on command of the sea are equally evident today when discussing the Chinese periphery. While some believe that if the United States lost local command of a sea it would automatically cede control to the PRC, the PRC appears to disagree. Instead of a desire to command the seas, the People’s Liberation Army Navy (PLAN) is attempting instead to develop the capability to deny the United States complete command.

While Corbett believed decisive battle was generally an appropriate maritime strategy, he also understood the danger of absolutes.³⁶ Like Mahan, Corbett concurred that sea control, especially in congested areas, enabled movement.³⁷ However, instead of agreeing with Mahan’s concept that the destruction of an enemy’s fleet would lead to command of the sea, Corbett believed that the command of the sea “never has been and never can be, the end in itself.”³⁸ In peacetime, the term “command of the sea” was also problematic. Corbett reasoned that since actual command of the sea could only occur in war, in peacetime it required a country to both hold strategic points and maintain a fleet that would be able to secure control of the sea.³⁹

³⁴ Corbett, *Some Principles of Maritime Strategy*, 92.

³⁵ Ibid.

³⁶ Julian Corbett, *England in the Seven Years War* (London: Longmans, Green and Co, 1918), 1:6.

³⁷ Corbett, *Some Principles of Maritime Strategy*, 94.

³⁸ Corbett, *England in the Seven Years War*, 6.

³⁹ Corbett, *Some Principles of Maritime Strategy*, 318.

However, there was general agreement as both theorists recalled the first use of the fleet-in-being idea.

During the Nine Years War (1688-1697), the smaller British Royal Navy repeatedly fought against the French Navy. In charge of the Royal Fleet around the British Isles, Lord Torrington realized his local inferiority and persisted with a temporary strategy of active defense that observed the French fleet while avoiding engagement. Due to the believe in London that his actions were meek, Torrington defended his actions in Parliament. He reasoned—and was exonerated as a result—that “most men were in fear that the French would invade; but I was always of another opinion; for I always said that while we had a *fleet in being* they would not dare to make an attempt.”⁴⁰ Both Mahan and Corbett understood how Torrington and his inferior navy used this concept to its advantage, but with some slight differences.

Mahan believed that while many inflated the concept of fleet-in-being, it could temporarily threaten lines of communication.⁴¹ However, eventually a superior navy would either destroy the inferior fleet or blockade it in port, as demonstrated during the Spanish-American War and Russo-Japanese War.⁴² In contrast, Corbett understood that a nation could employ it indefinitely with great efficiency if the fleet remained mobile and aggressive. By itself, Corbett understood that a fleet-in-being would never result in command of the sea but it could prevent another from doing the same.⁴³ As a result, he reasoned that a fleet-in-being and a superior conventional army “may well secure final triumph.”⁴⁴

⁴⁰ Phillip Colomb, *Naval Warfare* (London: WH Allen & Co, 1895) 122.

⁴¹ Mahan, *Lessons of the War with Spain and Other Articles*, 76-77.

⁴² *Ibid.*, 84.

⁴³ Corbett, *England in the Seven Years War*, 2:374.

⁴⁴ *Ibid.*

Writing at the beginning of the 20th century, Mahan and Corbett rested the foundation of their theories on several centuries of stagnant international sea law. While their theories were important during the modernizations of several navies, technological developments and increasing global commerce began to rapidly affect the law of the sea, eventually producing UNCLOS.

Emergence of the Law of the Sea

Historically, the law of the sea has gone through several evolutions that continually attempt to balance the freedom of the seas with the importance of a nation's territorial waters which expand with advancements in weapon technology. In his history of maritime law, James Morrell found that maritime powers accepted the arguments of jurist Hugo Grotius on freedom of the seas for over 300 years.⁴⁵ In his 1609 pamphlet *Mare Liberum* (Freedom of the Seas), Grotius argued, "the sea can in no way become the private property of any one, because nature not only allows but enjoins its common use."⁴⁶ Simultaneous to a consensus around this first law of the high sea, advancements in cannon technology began to push territorial sea claims outward.

In 1703, jurist Cornelius Bynkershoek developed an argument that a nation's territorial water limit should be equal to the territory it could defend from shore with a cannon. This concept slowly evolved until the early 19th century when most nations agreed that territorial waters extended three miles from the coast (then, the maximum range of most coastal artillery).⁴⁷ As weapon technology continued to improve, so too did the ranges claimed as territorial water.

This concept of viewing international law through a lens of defensive measures continued until the end of the Second World War. As the importance of energy resources increased, nations

⁴⁵ James Morrell, *The Law of the Sea: The 1982 Treaty and Its Rejection by the United States* (Jefferson, NC: McFarland, 1992), 2.

⁴⁶ Hugo Grotius, *Mare Liberum* (New York: Oxford, 1916), 30.

⁴⁷ Morrell, *The Law of the Sea*, 2.

began to look to international law for a structure to protect their international commerce while securing drilling rights on the seabed floor. These competing concerns gave rise to increasing tensions on the high seas.⁴⁸

Beginning in 1949, the United Nations International Law Commission met annually to discuss articles the first UNCLOS. The convention developed treaties on territorial sea, continental shelf, high seas, and conservation of living resources. As this convention existed during the Cold War, it focused on achieving acceptance among the UN members rather than establishing strict law.⁴⁹ The second convention (UNCLOS II) began in 1960 to continue defusing international tensions.⁵⁰ The objective of this second convention—to codify the limits of territorial water and the methods of peacefully settling disputes—were unfulfilled. However, outside of this convention, the United States and Soviet Union started working together towards common goals.

In 1966, the United States and the USSR became concerned that expanding territorial waters around the world would restrict their navies. As a result, both governments agreed that they would support a consensus that no state should claim more than twelve miles of territorial water from its coast and that there should be a guarantee to transit through international straits.⁵¹ In addition to this agreement were a growing number of countries who agreed upon a two-hundred-mile Exclusive Economic Zone (EEZ). These two major developments eventually led to UNCLOS III in 1973. However, before that convention began, increasing demands on energy and technological drilling advancements once again turned attention to the seabed.

⁴⁸ Morell, *The Law of the Sea*, 4.

⁴⁹ Ibid., 6.

⁵⁰ Ibid., 8.

⁵¹ Ibid., 17.

During the first two conventions, the United States focused on the protection of freedom of navigation and freedom of fishing.⁵² However, as the third convention approached, the US oil industry also wanted to extend the continental shelf beyond two hundred miles to protect seabed exploration. The US Department of Defense (DoD) believed that such an extension would set an international precedent that would result in even more restrictive claims by other countries. During the UNCLOS conference, the DoD concluded that US national interests of preserving FON were more important than protecting claims outside of 200 miles.⁵³ This balance between national security interests and economic interests opened a schism that is present today.

As UNCLOS III concluded in 1982, it established several codifications of previous discussions. The most important agreement for FON was the defining of territorial waters as twelve miles. Within a territorial limit, innocent passage was legal assuming it was not prejudicial to peace or good order.⁵⁴ Additionally, innocent passage must be continuous and expeditious, with exceptions only for stopping and anchoring if necessary or incidental to normal navigation.⁵⁵ Important for FONOPS, islands exposed only at low tide had no territorial sea rights.⁵⁶

UNCLOS III also solidified a two-hundred-mile EEZ limit which guaranteed the resources of the waters superjacent (e.g., fish) and on the seabed floor (e.g., oil).⁵⁷ While a country could develop artificial islands within its EEZ, they would not have any territorial waters.⁵⁸ Additionally, rock islands that could not sustain humans or economies were entitled a

⁵² Morell, *The Law of the Sea*, 43.

⁵³ *Ibid.*, 46.

⁵⁴ United Nations, *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea* (Manuka, Australia: Croom Helm, 1983), 6.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, 5.

⁵⁷ *Ibid.*, 18.

⁵⁸ *Ibid.*, 20.

territorial sea but neither an EEZ nor continental shelf.⁵⁹ Navigation through another nation's EEZ fell under freedom of the high seas guidance with the primary exception that states needed to follow the laws of the coastal state that were in accordance with UNCLOS and other international law.⁶⁰ Finally, the convention predicted there would be contested claims as coastal states extended their EEZ. To settle such disputes, UNCLOS formed an arbitration panel to peacefully settle the disputes.⁶¹

While the United States agreed to the several portions of UNCLOS, it continued to take issue with the principles governing areas outside of its EEZ included in Part XI: The Area. The United States strongly objected to the conclusion by UNCLOS that these areas and their resources “the common heritage of mankind.”⁶² In the Cold War context, the concern of President Reagan and Congress was that acquiescence to the convention would be a victory for potential adversaries and set undesirable precedence for future negotiations, specifically vis-à-vis the Group of 77.⁶³ Additionally, there was concern in Washington over the extension of the “common heritage” concept to other domains such as space.⁶⁴ Nevertheless, Reagan created a two-hundred-mile EEZ around the United States in 1983 and announced that he was “prepared to accept and act in accordance with the balance of interests relating to traditional uses of the oceans—such as navigation and overflight” outlined in the UNLCOS.⁶⁵ Since the conclusion of

⁵⁹ United Nations, *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea*, 39.

⁶⁰ Morell, *The Law of the Sea*, 19.

⁶¹ *Ibid.*, 26.

⁶² *Ibid.*, 42.

⁶³ *Ibid.*, 49, 148. Aptly named, this group of seventy-seven developing nations, including China, was attempting to counterbalance the concept of sovereign seabed mining in favor of international mining under the auspices of the UN Authority that would favor their less developed economies.

⁶⁴ *Ibid.*, 149.

⁶⁵ *Ibid.*, 95.

UNCLOS III, international law on the high seas has remained relatively stable. Following the Cold War, the naval strategy of the United States experienced several evolutions as it adjusted to the changing environment from hegemony to multipolarity.

Naval Strategy in the Current Operating Environment

At the end of the Cold War, the USN realized quickly that its previous strategy to confront the VMF was immediately antiquated. The combined arms success in Operation Desert Storm further demonstrated that expecting to fight large-scale naval battles was not helpful in securing a future defense budget sufficient to maintain its large fleet. While the USN attempted to make changes to its strategy throughout the 1990s, it remained relatively analogous throughout the decade because of global US military hegemony.

In 2003, political scientist Barry Posen codified why the command of the commons supported the grand strategy of the United States.⁶⁶ While other states could use the sea, air, and space commons during peacetime, Posen argued that command of the commons required the capability of the United States to “credibly threaten to deny their use to others.”⁶⁷ In short, in support of Mahan and Corbett’s findings, command of the commons was an enabler for the United States and disabler for any future adversary.

Importantly, while Posen believed that it was implausible for a challenger of US supremacy in the commons in the near to medium term, he did understand the challenges in certain contested areas on the littoral during this same period.⁶⁸ The challenge in these contested zones would require the United States to replace primacy for selective engagement.⁶⁹ The ends of

⁶⁶ Barry Posen, “Command of the Commons: The Military Foundation of US Hegemony,” *International Security* 28, no. 1 (Summer 2003): 5-46.

⁶⁷ *Ibid.*, 8.

⁶⁸ *Ibid.*, 7.

⁶⁹ *Ibid.*

selective engagement would be to “create conditions conducive to great power peace on the assumption that many other benefits flow from this blessing, foremost being US security.”⁷⁰ This realization of US limitations in contested zones was due to the asymmetry of threats that favored the local actor due to the close proximity of its support. (e.g., the fleet-in-being).

This advantage of a fleet-in-being was also due to the advancements in weapon technology that made constricted waters even more favorable to the strategic defense.⁷¹ While Posen did not expect that these disadvantages predicted a defeat, he advocated that America maintain a knife’s edge between engagement and containment—the policy that exists today between the United States and China. In maintaining this balance, Posen believed that this strategy would convince others that the “United States is more interested in constraining regional aggressors than achieving regional dominance.”⁷² In conjunction with hopes of concluding the conflicts in Afghanistan and Iraq, the USN updated its strategy in support of Posen’s argument. Published in 2007, “A Cooperative Strategy for 21st Century Seapower” became the new USN strategy.⁷³

Also known as CS-21, the strategy for the United States Navy, Marine Corps, and Coast Guard focused on challenges of globalization. As sea trade quadrupled during the previous four decades, the sea now carried ninety percent of international trade. The primary challenge was to protect US vital interests (including FON) while promoting security, stability, and trust.⁷⁴ The

⁷⁰ Posen, “Command of the Commons,” 45.

⁷¹ Ibid., 40.

⁷² Ibid., 44.

⁷³ US Department of the Navy, *Cooperative Strategy for 21st Century Seapower* (Washington, DC: Department of the Navy, October 2007).

⁷⁴ Ibid., 4.

overarching concept of CS-21 was forward presence that would demonstrate the USN's dedication to both stability and security for friends and allies.⁷⁵

Throughout the first decade of the 21st century, China's rapid rise began to challenge the sea control around its periphery as well as pose a threat to stated and implied US foreign policy objectives. Diplomat Henry Kissinger, who was the National Security Advisor during the Nixon administration and helped open Sino-American relations, stated clearly that American eastern foreign policy was remarkably stable throughout the twentieth century: "to prevent hegemony in Asia."⁷⁶ While the focus of American foreign policy was on the Middle East during the first decade of the twenty-first century, China's impressive rise began to compete with US interests. In 2010, President Barack Obama released the first National Security Strategy (NSS) of his administration.

While the 2010 NSS recognized China as a rising power, the strategy's main effort was positive engagement with China in order for it to take on a more responsible leadership role to support economic recovery, climate control, and nuclear nonproliferation.⁷⁷ Simultaneous to this engagement, the United States would "monitor China's military modernization program and prepare accordingly" to ensure the security of US interests and allies.⁷⁸ Additionally, the strategy stated that the United States would continue to protect the commons.⁷⁹ After the release of the 2010 NSS, the strategic landscape around China continued to change based on the growing importance of Asia to the international community and China's increasing relative power.

⁷⁵ US Department of the Navy, *Cooperative Strategy for 21st Century Seapower*, 2007, 8.

⁷⁶ Henry Kissinger, *World Order* (New York: Penguin Books, 2014), 233.

⁷⁷ US President, *National Security Strategy* (Washington, DC: Government Printing Office, May 2010), 43.

⁷⁸ Ibid.

⁷⁹ Ibid., 50.



Figure 1. China's 2009 Nine-Dash Line Claim. Map from Office of Secretary of Defense, "Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2015," accessed March 12, 2018, https://www.defense.gov/Portals/1/Documents/pubs/2015_China_Military_Power_Report.pdf.

Shortly before the release of NSS 2010, the Chinese submitted to the United Nations the "Nine-Dash-Line" claim to the large portions of the South China Sea.⁸⁰ The claim, whose name was a result from nine dashes drawn around the periphery of the South China Sea, violated several principles of UNCLOS and overlapped the competing claims of several countries in the region. However, when Washington pressed Beijing, China backed away from its excessive claims with deference towards maintaining good relations with the United States.⁸¹ However,

⁸⁰ United Nations, Permanent Mission of the People's Republic of China to the UN Secretary General Ban Ki-moon, letter, May 7, 2009, CML/17/2009, accessed December 14, 2017, http://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf.

⁸¹ Edward Wong, "China Hedges Over Whether South China Sea is a 'Core Interest' Worth War," *New York Times*, March 30, 2011, accessed December 14, 2017, <http://www.nytimes.com/2011/03/31/world/asia/31beijing.html>.

after subsequent increasing tensions on the South China Sea, US Secretary of State Hillary Clinton stated at the Association of Southeast Asian Nations (ASEAN) conference in July 2010 that the United States, “like every nation, has a national interest in freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South China Sea.”⁸² While the PRC was reluctant to openly state or deny that the South China Sea was a “core interest,” Clinton’s statement of a US national interest off China’s southern flank worried leaders in Beijing.

Zhu Feng, a professor of politics and international relations at Peking University, believes that China wanted to avoid declaring the South China Sea a core interest out of deference to the United States.⁸³ However, following Clinton’s statements, if Beijing denied the South China Sea as a core interest, the Chinese populace would view it as “some sort of chicken action” that would result in the loss of popular respect.⁸⁴ Such a loss of face is unpalatable in Chinese culture. In 2011, Beijing decided to privately placate the United States.⁸⁵ However, this crossroads signified the beginning of the pivot to the Pacific.

Later that year, Obama released the Pivot to the Pacific Strategy. His vision was for the United States to “play a larger and long-term role in shaping the region and its future, by upholding core principles and in close partnership with our allies and friends.”⁸⁶ Tensions

⁸² Hillary Clinton, “Remarks to ASEAN Conference” (address, Hanoi, July 23, 2010), accessed December 14, 2017, <https://20092017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm>.

⁸³ Wong, “China Hedges Over Whether South China Sea is a ‘Core Interest’ Worth War.”

⁸⁴ Ibid.

⁸⁵ In 2015, the Chinese publicly stated that the South China Sea was finally a core interest; Christopher Woody, “The South China Sea is Now a ‘Core Interest’ of Beijing,” *Business Insider*, July 2, 2015, accessed February 1, 2018, <http://www.businessinsider.com/the-south-china-sea-is-chinas-core-interest-2015-7>.

⁸⁶ US President, Statement by the President, “Remarks by President Obama to the Australian Parliament,” November 17, 2011, accessed December 12, 2017, <https://obamawhitehouse.archives.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliament>.

continued to increase in 2013 when China implemented an Area Defense Identification Zone (ADIZ) over the East China Sea. The Chinese ADIZ conflicted with both the Japanese and South Korean ADIZs and lay over several contested island claims. Additionally, China started its first island reclamation project that year on top of a reef in the contested Spratly Islands. Of significant importance in assessing the effectiveness of FONOPS, during this period of increasing tension (from 2012 to 2015), the USN did not conduct any FONOPS within twelve miles of any of the newly created islets.⁸⁷ However, in 2015, Obama released his second NSS that addressed the benefits and shortfalls of the pivot.

While still suggesting peaceful engagement with China, the 2015 NSS stated that the United States would “manage competition from a position of strength while insisting that China uphold international rules and norms.”⁸⁸ Realizing the potential for unintentional escalation, the NSS also directed a search for methods to reduce the risks of misunderstanding.⁸⁹ The NSS directed assured access to the now contested commons and denounced threatening behaviors towards territorial disputes, particularly in Asia.⁹⁰ This new strategy enabled a revision of CS-21.

The new naval strategy, called CS-21R, resulted from the changes within the 2015 NSS as well as changes in the operating environment.⁹¹ Specifically, Admiral Jonathan Greenert, Chief of Naval Operations (CNO), stated the changes since the release of CS-21 were rapid advancements in anti-access/area-denial (A2/AD) technology, increasing requirements for energy

⁸⁷ Sydney Freedberg, “US Hasn’t Challenged Chinese ‘Islands’ Since 2012,” *Breaking Defense*, September 17, 2015, accessed August 31, 2017, <https://breakingdefense.com/2015/09/us-has-steered-clear-of-chinese-artificial-islands-in-south-china-sea/>.

⁸⁸ US President, *National Security Strategy* (Washington, DC: Government Printing Office, February 2015), 24.

⁸⁹ Ibid.

⁹⁰ Ibid., 13.

⁹¹ US Department of the Navy, *Cooperative Strategy for 21st Century Seapower* (Washington, DC: Department of the Navy, March 2015).

in the region, and emerging maritime disputes.⁹² In this now contested environment, the previous naval function of forward presence was removed; its place was a new concept called “all domain access.”⁹³ In reference to Corbett’s concept of preparing in peacetime for war, CS-21R stated, “Assuring access in all domains begins in peacetime through routine regional operations with the naval and maritime forces of our allies and partners. These efforts enhance relationships, build capability and capacity, and lead to access in the maritime environment.”⁹⁴ CS-21R also outlined the operational capability expected from the pivot. By 2020, the ports and bases of sixty percent of the USN ships and aircraft would be in the Indo-Pacific region. New assets would include Littoral Combat Ships, *Zumwalt*-class destroyers (the “most technologically sophisticated surface combatant”), the MQ-4 drone, the F-35, and a Marine Rotational Force deployed to Australia.⁹⁵

These evolutions of US strategy during the past two decades are due to the changing Indo-Pacific where the PRC plays a role of growing significance. While the political and military leadership of the United States has gone to great lengths to demonstrate that the purpose of the pivot is not to contain China but rather engage with it, Beijing’s narrative is quite different due in part to its history and geo-political situation.

Geo-Politics on the Chinese Periphery

With a history of over two thousand years since unification, China is one of the oldest civilizations in the world. Its maritime history is even older. Its first naval battle was in 549 BC,

⁹² Jonathan Greenert, “Charting the Navy’s Future in a Changing Maritime Domain” (Speech, Brookings Institution, November 4, 2014).

⁹³ US Department of the Navy, *Cooperative Strategy for 21st Century Seapower* (2015), 2.

⁹⁴ *Ibid.*, 21.

⁹⁵ *Ibid.*, 11.

when its navy surpassed any European nation in both reach and power.⁹⁶ During the Song Dynasty (AD 960-1279), China was a world leader in nautical technology. Even so, it did not expand outward as did most European countries.⁹⁷ As incursions threatened China's northern border, it ceased its naval expeditions and dismantled its fleet so that it could defend its sovereignty more efficiently with its army. As Kissinger concludes, these voluntary actions of "splendid isolation nurtured a particular Chinese self-perception" that still is important to the Chinese narrative as the Middle Kingdom.⁹⁸ This concept of China perceiving itself as the center of the world was a guiding principle of foreign relations for several centuries and is still helpful in understanding China's unique perspective.

As China looks outward, it views a world full of hazards to its security. According to RAND scholar Andrew Scobell, the "vulnerability to threats is the main driver of China's foreign policy."⁹⁹ To illustrate, China sees itself surrounded by four rings of threats with the first ring being the nation itself.¹⁰⁰ China's primary focus in this ring is the stability and security of its nation and its surrounding islands. It is within this critical space that Beijing believes that its "political stability and territorial are threatened by foreign actors and forces."¹⁰¹ Additionally, the presence of United States begins in this innermost ring as China's largest exporter and third largest importer. Importantly, the presence of the United States is incessant within the three remaining rings.

⁹⁶ Bernard Cole, *The Great Wall at Sea: China's Navy in the Twenty-First Century* (Annapolis: Naval Institute Press, 2010), 1.

⁹⁷ Henry Kissinger, *On China* (New York: Penguin Press, 2011), 8.

⁹⁸ *Ibid.*, 10.

⁹⁹ Nathan and Scobell, *China's Search for Security*, 3.

¹⁰⁰ *Ibid.*

¹⁰¹ Andrew Nathan and Andrew Scobell, "How China Sees America: The Sum of Beijing's Fears," *Foreign Affairs*, September 1, 2012, accessed November 11, 2017, <https://www.foreignaffairs.com/print/1113111>.

In its second ring, China shares borders with fourteen countries, five of which fought against it in a modern war.¹⁰² As Kissinger explains, this violent past repeatedly convinced the Chinese populace that there are “too many potential enemies for the [them] ever to live in total security.”¹⁰³ Additionally, China views its nine thousand miles of coastline as a risk since foreign countries have historically interfered and exploited China via the sea. Within this second ring is South Korea and Japan. Both countries have bilateral defense treaties with the United States as well as permanent US military bases.



Figure 2. China and Its Neighbors. Map from the US Department of State, “China,” accessed March 13, 2018, <https://www.state.gov/p/eap/ci/ch/>.

The third ring contains six geopolitical regions around China and the fourth ring contains the rest of the world.¹⁰⁴ China has historically spent its focus on its inner three rings and has only begun to interact in this fourth ring recently. The presence of the United States and its military continues to increase in these last two rings, to include bilateral defense treaties and military

¹⁰² Nathan and Scobell, *China’s Search for Security*, 4.

¹⁰³ Kissinger, *On China*, 22.

¹⁰⁴ Nathan and Scobell, *China’s Search for Security*, 6.

bases in Australia, New Zealand, and the Philippines. Additionally, the US military has bases in six additional countries within the fourth ring. While these rings clarify how the PRC views the world and its differing levels of threats, military actions during the Cold War across these four rings further clarify how China interacts with others.

During the first three decades of the Cold War, China used military force five times to prevent encirclement. As Kissinger concludes, each of these actions were “improbable and, on paper at least, impossible affairs” against stronger militaries that neither China’s adversaries nor foreign observers predicted. However, they all resulted from Mao Tse-tung’s determination to prevent another country from encircling China.¹⁰⁵ Even after Mao’s death, the concern of encirclement continues to play a critical role in Chinese strategic actions.

Unlike the western game of chess, a common game in China is *wei qi*, or “go.”¹⁰⁶ Instead of beating your opponent through attrition that leads to the eventual demise of a king, the goal in *wei qi* is strategically surrounding your opponent to eliminate his options while simultaneously preventing him from surrounding your own positions. The Korean War originated from a local issue that escalated into a regional conflict involving the PRC due to the concept of *wei qi*.

In accordance with its principle of offensive deterrence, Beijing preemptively attacked a numerically superior adversary to prevent the United States from achieving a strategic position of advantage on the northern-half of the peninsula. Contrary to the narrative of the Cold War where nuclear weapons restrained conventional military actions, a non-nuclear power that had just ended its long civil war attacked a much stronger and nuclear-armed power. This example of suffering heavy casualties against predicted odds occurred often for the Chinese during the Cold War. Following several examples of China achieving surprise in attacking, Allison reasoned

¹⁰⁵ Kissinger, *On China*, 104.

¹⁰⁶ Mark McNeilly, *Sun Tzu and the Art of Modern Warfare* (New York: Oxford, 2001), 18.

“when considering when and how China may use military force, it is not sufficient to ask what we would do in its shoes.”¹⁰⁷

After the devastating death toll from the Great Leap Forward, Cultural Revolution, and several Cold War conflicts, it is apparent that the Chinese had a distinctive ability to persevere during horrific times. Kissinger reasoned that, “no other society could imagine that it would be able to achieve a credible security policy by a willingness to prevail after casualties in the hundreds of millions and the devastation or occupation of most of its cities.”¹⁰⁸ He believes that the repeated demonstrations of China’s tolerance for extremely high casualties, sometimes against a nuclear-armed opponent, identify an important difference between the Chinese and Western perceptions of security.¹⁰⁹ It was during these depredations in the 1950s and 1960s that the PLAN repeatedly struggled to modernize its meager fleet.

After Mao’s army defeated Chiang Kai-shek and his Kuomintang (KMT) army in 1949, the KMT navy was still capable of holding the People’s Liberation Army (PLA) on the Chinese mainland while maintaining possession of several coastal islands.¹¹⁰ Even though Mao considered the conquest of Taiwan as “an inseparable part of his great cause of unifying China,” he was incapable of threatening the island.¹¹¹ Even with recognized inferiority, the PLA and PLAN captured the second largest Chinese island (Hainan) from the KMT in 1950 using shore-based artillery to defeat a superior navy and air force.¹¹² As the PLAN became stronger, it began

¹⁰⁷ Allison, *Destined for War*, 160.

¹⁰⁸ Kissinger, *On China*, 288.

¹⁰⁹ Ibid.

¹¹⁰ Bernard Cole, “Chinese Sea Power During the Cold War,” in *China Goes to Sea*, ed. Andrew Erickson, Lyle Goldstein, and Carnes Lord (Annapolis: Naval Institute Press, 2009), 321.

¹¹¹ Ibid., 323.

¹¹² Cole, *The Great Wall at Sea*, 8.

removing KMT forces from several coastal islands with the PLAN's strategy of *coastal defense* in support of the PLA.

By the end of the fifties, the PRC controlled all coastal islands except the Pescadores, Quemoy, Matsu and Taiwan—the last three of which created the impetus for two Taiwan Strait crises in 1954 and 1958. Both the PRC and KMT saw these contested islands as strategically advantageous for different reasons. Of potential importance to the present day Chinese periphery, the PRC saw the primary value in these islands in defending the mainland from a KMT attack. Alternatively, the KMT used these same islands for the bombardment of the mainland.¹¹³

For several decades following the Chinese Civil War, the PLA remained a higher priority than the PLAN. The Chinese economic growth and reliance on international trade in the eighties finally provided enough resources for the PLAN to modernize. Another important factor was the realization that warming relations with the United States finally meant that the Soviet Union no longer posed a direct threat to China. Instead, new threats would be smaller conflicts along its second ring.¹¹⁴ This opportunity for growth coincided with the rise of the PLAN's new commander, Liu Huaqing. Considered “China's Mahan,” Liu developed a maritime vision signifying a departure from a *coastal defense* strategy.¹¹⁵

In its place, Liu's new concept of *offshore defense* included the belief that the PLAN needed to develop capabilities to seize limited sea control in specific areas, defend China's sea-lanes, fight outside China's maritime areas, and implement a credible nuclear deterrent.¹¹⁶ This strategy was a recognition that the PLAN in 1986 was unable to defend China's growing

¹¹³ Cole, “Chinese Sea Power During the Cold War, 325.

¹¹⁴ Ibid., 331.

¹¹⁵ Daniel Hartnett, “The Father of the Modern Chinese Navy—Liu Huaqing,” Center for International Maritime Security, October 8, 2014, accessed November 2, 2017, <http://cimsec.org/father-modern-chinese-navy-liu-huaqing/13291>.

¹¹⁶ Ibid.

maritime interests. To demonstrate his vision, Liu introduced the “Island Chain” concept where the PLAN would begin to project outward in three condition-based stages. The first of these steps was a PLAN capable of exerting control over the South China Sea, East China Sea, and Yellow Sea; the second area extended to the Philippine Sea; and the final goal was a blue water navy.

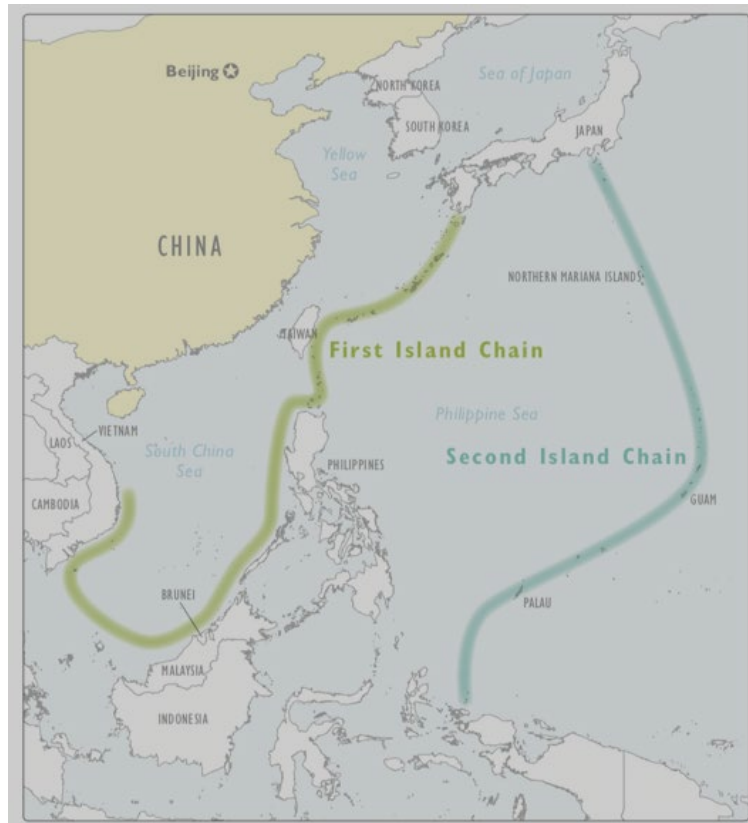


Figure 3. Island Chains. Map from Office of Secretary of Defense, “Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2012,” accessed March 12, 2018, https://www.defense.gov/Portals/1/Documents/pubs/2012_CMPR_Final.pdf.

Some analysts use this island chain concept to demonstrate China’s intention to expand quickly beyond its current position.¹¹⁷ However, as historian and retired naval officer Bernard Cole realized, this is misleading. Instead of being a strategy, he finds that the island chain concept is more likely a “three-stage construct to support the PLAN’s claims on an increased share of the

¹¹⁷ Clay Dillow, “Military Nightmare Scenario Brewing in the East China Sea,” *CNBC*, April 4, 2017, accessed August 23, 2017, <https://www.cnbc.com/2017/04/04/world-war-iii-nightmare-scenario-brewing-in-the-east-china-sea.html>.

PLA's budget and to impress China's leaders with the positive role the navy could play in attaining vital national security objectives."¹¹⁸ Additionally, neither the Chinese government nor PLAN has ever publicly endorsed the island chains concept.¹¹⁹

Scobell interprets the concept somewhat differently. He believes that Chinese defense analysts view the first of these island chains as "a base for potential hostile action by rivals and a barrier to the China navy's expansion from the near seas to high seas."¹²⁰ Additionally, recent actions have been on Liu's timeline proscribed in 1982.¹²¹ However, Scobell realizes that China will be restrained from becoming an expansionist power, as it "would be inconsistent with China's larger strategy of trying to stabilize its borders and reassure its neighbors."¹²² Regardless of interpretation, as the PLAN increased in strength under Liu's strategy of offshore defense, so too did the conflicts with neighboring countries.

By 1995, China had naval conflicts with Taiwan, Vietnam, and the Philippines on several different occasions. Besides the conflicts with Taiwan noted above, other conflicts were the result of conflicting claims over the Paracel and Spratly Islands. In addition to these two islands groups, another dispute with Taiwan and the Philippines is the Scarborough Shoal. China also has contested claims with Malaysia and Brunei. Lastly, China, Taiwan, and Japan all claim the Senkaku Islands. Of the two dozen maritime disputes in East Asia, the PRC is involved in six.¹²³

¹¹⁸ Cole, "Chinese Sea Power During the Cold War," 331.

¹¹⁹ Ibid., 319.

¹²⁰ Nathan and Scobell, *China's Search for Security*, 138.

¹²¹ Ibid., 315.

¹²² Ibid., 303.

¹²³ Cole, *The Great Wall at Sea*, 19.

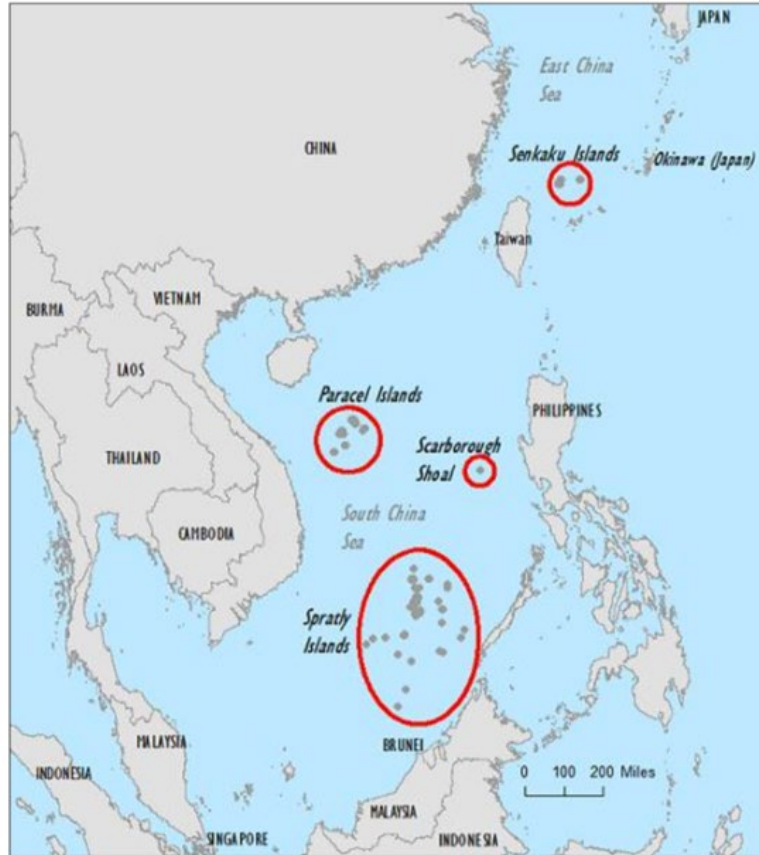


Figure 4. South and East China Seas. Map from Congressional Research Service, “Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress,” accessed March 12, 2018, <https://fas.org/sgp/crs/row/R42784.pdf>.

Following repeated conflicts with inconclusive results, China signed and ratified the UNCLOS in 1996. In accordance with UNCLOS, it included five “Declarations and Statements.” Among these declarations was the reaffirmation of sovereignty on several islands on the Chinese periphery. Perhaps more important in understanding China was its statement that its defensive coastal posture was the result of its enemies historically invading from the sea.¹²⁴ While the Chinese may believe this threat, the historical record supports a different reality.

Instead, the invasion of China has more often come from land. As historian Owen Lattimore found, “Any barbarian nation that could guard its own rear and flanks against the other

¹²⁴ Cole, *The Great Wall at Sea*, 22.

barbarians could set out confidently to invade China.”¹²⁵ The Great Wall, mostly along China’s northern boundary, is indicative of this historical threat. More recently, China fought the United States during the Korean War to prevent it from achieving a lodgment along the same route the Japanese used during both Sino-Japanese wars.¹²⁶ While China is making a potentially disingenuous statement about its concern of a maritime invasion, it should not be immediately discounted as hyperbole. Instead, this statement of “fact” fits within China’s narrative as the Middle Kingdom, surrounded by adversaries.

Likewise, China avoids taking action that allows its competing island claimants from achieving a position of relative advantage that conflict with its own narrative. Even after several conflicts over islands, there are few open legal disputes over possession. This paradox is the result of nations attempting to not appear weak in front of their populace on national sovereignty while also not giving their competitor any legal support for their rival claim. As legal scholar Robert Beckman finds, if not controlled appropriately, these two forces of sovereignty and legality can quickly destabilize a situation. Once a country occupies an island, admitting that the island’s sovereignty is in dispute would strengthen the rival’s claim as legitimate, thus weakening the claim of the occupier.¹²⁷ Simultaneously, this admission would question the sacrosanct right of sovereignty, inflaming a nation’s enmity by.¹²⁸

This geo-political situation creates the environment in which the Chinese view the world. Combined with a foundation of maritime theory and international law, a complete analyzation of the effectiveness of current and future FONOPS on the Chinese periphery is possible.

¹²⁵ Owen Lattimore, “China and the Barbarians,” in *Empire in the East*, ed. Joseph Barnes (New York: Doubleday, 1934), 22.

¹²⁶ Kissinger, *On China*, 132.

¹²⁷ Robert Beckman, “Disputed Areas in the South China Sea,” in *Power, Law, and Maritime Order in the South China Sea*, ed. Tran Truong Thuy and Le Thuy Trang (Lanham, MD: Lexington Books, 2015), 105.

¹²⁸ Ibid.

FONOPS Analysis

In determining the effectiveness of FONOPS on the Chinese periphery, it is helpful to first look at the similarities of current operations with Cold War FONOPS. Importantly, since FONOPS during the Cold War achieved the policy objectives of FON while avoiding destabilizing escalation, the remainder of this paper will assume that FONOPS during the Cold War were effective. Therefore, any differences that currently exist on the Chinese periphery that did not exist during the Cold War require further analysis to determine the effectiveness of FONOPS.

These similarities are notable. USSR Premier Nikita Khrushchev reasoned that competing directly with the USN during his navy's modernization was wasteful.¹²⁹ Instead, he stated the USSR should "concentrate on developing our defensive weapons, our means of sinking enemy surface ships," a direct reference to the fleet-in-being concept.¹³⁰ The PRC is likewise building a fleet-in-being that still relies on Liu's offshore defense strategy. Following the recent militarization of several islands around the Chinese periphery, this strategy implies an acknowledgement that the objectives of the PRC's fleet-in-being is contesting the command of its littoral waters. Moreover, both the Chinese and American governments realize that the focus for Beijing is on their own domestic stability while avoiding a direct conflict with the Washington.¹³¹

Additionally, the congested waterways on the Chinese periphery are some of the most dangerous in the world—recently demonstrated after several USN accidents outside the context of FONOPS. Thankfully, there are already agreements similar to Cold War accords that minimize

¹²⁹ Nikita Khrushchev, *Khrushchev Remembers - the Last Testament* (Toronto: Little, Brown and Company, 1974), 34.

¹³⁰ *Ibid.*, 20.

¹³¹ US Department of Defense, *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2015* (Washington, DC: Government Printing Office, April 7, 2015), i.

the risks between the USN and PLAN. Absent the tensions of the Cold War naval bumping incidents, the Americans and Chinese agreed on the Military Maritime Consultative Agreement and the Code for Unplanned Encounters which both promote common understanding at the operational level and communicate intentions at the tactical level.

Lastly, as was evident during the Cold War, a zero-sum mindset is evident. Similar to the concerns in the 1960s that convinced the US government that FONOPS in the Black Sea were necessary less the USSR pressure Turkey to amend the Montreux Convention, there is emerging evidence the US military must maintain pressure on the Chinese periphery.¹³² Where one side is not exerting effective influence, the other is sure to assert a more positive position. During the cessation of FONOPS around artificial islands between 2012 through 2015, the actions of the Chinese became increasingly escalatory.¹³³ More recently, even with Japanese Prime Minister Shinzo Abe declaring that the Trans-Pacific Partnership would be “meaningless without the United States,” President Donald Trump’s decision to withdraw from the agreement received protests from several of its Indo-Pacific allies.¹³⁴ Consequently, China has exerted more pressure on countries in the region to gain economic and diplomatic overtures.¹³⁵ Along with these similarities between the current situation and the Cold War, there are also stark differences.

These differences on the Chinese periphery exist in five categories: the terrestrial nature of the maritime disputes; the emergence of international law of the sea; military and economic

¹³² Welles, “While Keeping the Flag Flying.”

¹³³ Hudson Lockett, “Timeline: South China Sea Dispute,” *Financial Times*, July 12, 2016, accessed January 20, 2018, <https://www.ft.com/content/aa32a224-480e-11e6-8d68-72e9211e86ab>.

¹³⁴ Nicky Woolf, Justin McCurry, and Benjamin Haas, “Trump to Withdraw from the Trans-Pacific Partnership on First Day in Office,” *Guardian*, November 22, 2016, accessed February 1, 2018, <https://www.theguardian.com/us-news/2016/nov/21/donald-trump-100-days-plans-video-trans-pacific-partnership-withdraw>.

¹³⁵ Panos Mourdoukoutas, “Duterte is Turning into China’s Spokesman,” *Forbes*, November 15, 2017, accessed December 19, 2017, <https://www.forbes.com/sites/panosmourdoukoutas/2017/11/15/south-china-sea-duterte-is-turning-into-chinas-spokesman/#382c37a779a4>.

structures; global trade routes; and technological advancements. An assessment of FONOPS within each of these five differences results in a complete analysis of the effectiveness of FONOPS on the Chinese periphery.

The current tensions on the Chinese periphery are not solely about water disputes as they were during the Cold War, but also comprise of terrestrial disputes over numerous islands. In addition to the implications of natural resources of fish and petroleum, the terrestrial nature of the disputes also triggers conflicting narratives within the domestic population of surrounding countries.

The historic importance of the waters on the Chinese periphery for fishing is becoming more important as the population, who depends on this food as its primary source, increases in size. Simultaneously, this same growing population requires more energy resources. Recent discoveries of oil and natural gas beneath the waters of the Chinese periphery are leading to aspirations to rely more on local energy instead of having it shipped from the Middle East through the Malacca Straits. Nevertheless, similar to fishing disputes, discussions on disputes connected to oil and gas often confuse correlation for causation. As geopolitical analyst Jeremy Maxie discusses, “Competition over offshore oil and gas resources is a component rather than a proximate cause of the territorial disputes between China and other claimants.”¹³⁶ China is not making territorial claims based on proven and unproven energy resources; instead, it is contesting resources because it induces sovereignty outlined in UNCLOS.¹³⁷ As Maxie finds, most of China’s assertiveness is directed at Vietnam and the Philippines, not at the two countries with the most oil and gas resources in the region: Malaysia and Indonesia.¹³⁸ Similar to Mahan and

¹³⁶ Jeremy Maxie, “The South China Sea Dispute Isn’t About Oil, at Least Not How You Think,” *Forbes*, April 25, 2016, accessed December 11, 2017, <https://www.forbes.com/sites/jeremymaxie/2016/04/25/the-south-china-sea-dispute-isnt-about-oil-at-least-not-how-you-think/#f95e3725c697>.

¹³⁷ Ibid.

¹³⁸ Ibid.

Corbett's realization, it is not what is beneath the sea that is important; rather, it is what can travel on it that really matters. While the South China Sea currently carries fifty percent of the world's oil tanker traffic, by 2035 ninety percent of Middle East oil will go to Asia, much of it going over the same congested South China Sea routes.¹³⁹ The lens suggested by Maxie to view Chinese actions does a better job at understanding Chinese actions over the last fifteen years.

China has long recognized its overreliance on energy imports from abroad and has taken numerous steps to mitigate this risk. As early as 2003, PRC President Hu Jintao proclaimed that "certain major powers" wanted to control the Malacca Strait.¹⁴⁰ As one Chinese newspaper claimed, "whoever controls the Strait of Malacca will also have a stranglehold on the energy route of China."¹⁴¹ China has since attempted to look for several ways to mitigate the risk that the Malacca chokepoint places on its national security. These attempts vary from the fanciful discussions of an "Asian Panama Canal" over the Kra Isthmus in southern Thailand to newly constructed pipelines across Myanmar and the China-Pakistan Economic Corridor.¹⁴² Similar to the struggles the United States faced while building the Panama Canal, the PRC confronts challenges that result in the Malacca Straits remaining as critical as ever.¹⁴³

While enmity has recently existed at points between the United States and China—most notably following the accidental US bombing of the Chinese embassy in Belgrade in 1999—the political recognition of foreign interference in international trade helped form a narrative that the United States is attempting to contain China's meteoric rise. Recent FONOPS have elicited

¹³⁹ Maxie, "The South China Sea Dispute Isn't About Oil, At Least Not How You Think."

¹⁴⁰ Ian Storey, "Malacca Dilemma," *China Brief* 6, no. 8 (April 2006), accessed October 4, 2017, <https://jamestown.org/program/chinas-malacca-dilemma/>.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ *Economic Times*, "China stops funding CPEC road projects over graft issue," December 5, 2017, accessed December 6, 2017, <https://economictimes.indiatimes.com/news/international/business/china-stops-funding-cpec-road-projects-over-graft-issue-report/articleshow/61929470.cms>.

similar responses from the state-controlled Chinese media.¹⁴⁴ While this narrative is similar to responses of Soviet politicians and the press during the Cold War, the difference is that current disputes on the Chinese periphery focus on islands, not bodies of water. This terrestrial basis has implications discussed throughout Mahan and Corbett's works. Namely, what command of the seas can do in both peace and war.

While some understand the latest actions of the Chinese as solely offensive in peacetime, a more holistic analysis demonstrates that the goals of China's actions are on preventing a foreign actor from stopping the flow of commerce during wartime. As Corbett realized, command of the sea in war required that in peace a nation should capture strategic points and build a capable fleet.¹⁴⁵ As the PLAN continues to build its fleet-in-being, it will continue to subscribe to Mahan's ideal scenario where an inferior fleet sailed under the protection of its nation's coastal artillery—now long-range missile systems. While the Chinese possess several islands with the capability to threaten the SLOCs of an invading country, the USN and its allies currently possess several theoretical advantages.

While there is common reference to the control of the Malacca Strait being a threat to international trade, in actuality the commerce that passes through these straits is most critical to the Chinese economy. Since the USN has port agreements with Singapore, the greatest strategic point and choke point to the South China Sea is currently outside the grasp of the Chinese. Furthermore, the Andaman Sea and the Bay of Bengal to the west of the strait is outside the current operational reach of the PLAN and well within the reach of the United States and Indian Navies. Importantly, India grows closer to Washington following recent Chinese aggressions, to

¹⁴⁴ *Reuters*, "China to accelerate South China Sea Deployments," January 21, 2018, accessed December 6, 2017, <https://www.reuters.com/article/us-southchinasea-china-usa/chinas-top-paper-says-u-s-forcing-china-to-accelerate-south-china-sea-deployments-idUSKBN1FB033>.

¹⁴⁵ Corbett, *Some Principles of Maritime Strategy*, 318.

include a stalemated border dispute.¹⁴⁶ The space between these two different strengths—fleet-in-being under the protection of coastal defenses of the PLA and the strategic points of the USN and its allies—is where FONOPS currently operate. It is because of this space that FONOPS remain effective.

The divergence on what a fleet-in-being can accomplish is a result of different assumptions between these two theorists. As Mahan found after the Spanish-American War, while a fleet-in-beings could temporarily threaten SLOCs, a superior navy could either destroy it or blockade it in port. Mahan's conclusion rested on the belief that the full weight of the superior navy was sufficient to overcome both the coastal defenses of the strategic points as well as the fleet-in-being. Obviously, there is a tipping point of relative power between two navies and their strategic points that nullifies this assumption. Conversely, Corbett believed after the Seven Years War that a fleet-in-being could continue to prevent a stronger adversary from gaining command of the sea if it remained mobile. His findings rested on the assumption that mobility was always possible based on the maritime history of the British Isles. Notably, Corbett wrote this conclusion fourteen years after the Russians demonstrated the price of immobility.

At the outbreak of hostilities during the Russo-Japanese War, the Japanese attacked and sank the Russian fleet in place at Port Arthur. After Soviet Premier Nikita Krushchev came to power, the concern for his fleets mobility convinced him that Port Arthur was unacceptable to dock the Pacific fleet. He reasoned that “even in peacetime (the ships) were defenseless against air attack and would be trapped if war suddenly broke out.”¹⁴⁷ Therefore, he directed that his Pacific Fleet move to Russia's Far Eastern coast at Sakhalin and Kurile Islands where it could better protect itself while also maintaining mobility. Due to the geography of the Chinese

¹⁴⁶ Ivan Lidarev, “2017: A Tough Year for China-India Relations,” *Diplomat*, January 4, 2018, accessed January 5, 2018, <https://thediplomat.com/2018/01/2017-a-tough-year-for-china-india-relations/>.

¹⁴⁷ Krushchev, *Krushchev Remembers*, 23.

periphery and the first island chain, China is not able to move its fleet in a similar fashion. Therefore, the current Chinese position is more analogous to Mahan's realization of the limitations of a fleet-in-being.

While military presence through FONOPS alone cannot maintain a favorable balance of power on the Chinese periphery, the current FON approach of diplomacy and FONOPS is effective at checking Chinese aggression. For example, during the cessation of FONOPS around artificial islands from 2012 to 2015, China's land reclamation projects created islands out of seven previously submerged reefs within the Spratly Island chain. In those three years, China reclaimed 3,168 acres.¹⁴⁸ Since the resumption of FONOPS around artificial islands in the South China Sea, land reclamation projects in the Spratly Islands have drastically slowed down.¹⁴⁹ This is also due to what Scobell identifies as a paradox for Chinese growth and aggressiveness: its rise drives regional countries closer to the United States to counterbalance the fear that Chinese actions create.¹⁵⁰ FONOPS around artificial islands has resulted in an increase in local stability, further demonstrating the effectiveness of these operations.

Similar to Corbett's findings, this stability is also a result of how FONOPS currently recognize the temporal nature of sea control. His realization of the most common error in maritime strategy—if one belligerent lost control of the sea, it would immediately pass to the other—led him to realize that the normal position in war was an uncommanded sea due to the strength of the strategic defensive. By extension, in peacetime both the Chinese and the United States are using this realization to their own ends within the context of FONOPS.

¹⁴⁸ Asia Maritime Transparency Initiative, "Land Reclamation by Country," accessed January 25, 2018, <https://amti.csis.org/island-tracker/>.

¹⁴⁹ Asia Maritime Transparency Initiative, "Update: China's Continuing Reclamation in the Paracels," August 9, 2017, accessed January 25, 2018, <https://amti.csis.org/paracels-beijings-other-buildup/>.

¹⁵⁰ Nathan and Scobell, *China's Search for Security*, 138.

For the Chinese, their newly reclaimed islands act as a force multiplier in combination with their growing fleet-in-being. While they realize that neither their islands nor their fleet will prevent the USN from conducting FONOPS in peacetime, the Chinese would retain the advantage of the strategic defensive during war using interior lines against an adversary with exterior lines. For the United States, the current National Defense Strategy states that its objective is “to set the military relationship between [the United States and China] on a path of transparency and non-aggression.”¹⁵¹ Current FONOPS effectively achieve this objective by maintaining the space between aggressively containing the Chinese and conceding the initiative by acquiescing to their recent actions. However, the combination of PLAN’s fleet-in-being and its strategic points throughout the Chinese periphery will continue to pose a risk to FONOPS. This mutual vulnerability, as Scobell argues, “lies the best hope for cooperation. It is fear of each other that keeps the imperative to cooperate alive in the face of mutual suspicion.”¹⁵²

Another difference of current FONOPS when compared to the Cold War precedent is the emerging nature of international law. As the USN began to conduct FONOPS on the Soviet periphery in the 1960s, international law had not yet clearly defined the restrictions within another nation’s territorial waters. Therefore, the international community could challenge FONOPS on another nation’s coast as illegitimate. The international community has since defined the restrictions and distances of a nation’s territorial waters after the conclusion of UNCLOS III in 1983. This agreement allows the United States to conduct legal FONOPS within the confines of international law instead of solely on its own national interests.

One primary objection to conducting current FONOPS is that while Washington states the objectives of such operations are to uphold international law, it is still not a signatory of

¹⁵¹ US Secretary of Defense, *National Defense Strategy* (Washington, DC: Government Printing Office, January 2018), 2.

¹⁵² Nathan and Scobell, *China’s Search for Security*, 113.

UNCLOS. While every American president since Reagan has followed his precedent in supporting the tenets of UNCLOS, the US Senate has still not ratified the treaty due to the same reservations stated in 1983. George Washington professor Amitai Etzioni has argued that “instead of drawing on the mechanisms for dispute resolutions regarding restrictions” on freedom of navigation, the USN acts unilaterally through FONOPS, implying a weakness in its international position as a non-signatory.¹⁵³

While reasonable, some recent data suggest that Etzioni places too much emphasis on the failure of ratification and not enough weight on the presence of the United States. A poll at the University of Sydney found inexplicably that among the six largest Indo-Pacific nations—to include China—more than sixty percent of each population believes that the United States is a member of UNCLOS.¹⁵⁴ Additionally, except for China, the remaining countries view the United States as having a positive influence in the region.¹⁵⁵ Furthermore, China’s neighbors prefer to work with the United States because it is “located outside the region, has a reputation for providing public goods, and is a familiar partner.”¹⁵⁶ While non-ratification of UNCLOS is a risk that may be exploited in the future, it is apparent that the current actions of the United States—to include to enforcement of international law through FONOPS—are effective at maintaining international influence.

The context of the Cold War environment relied on military and economic structures that behave differently than on the current Chinese periphery. During the Cold War, FONOPS existed

¹⁵³ Amitai Etzioni, “Freedom of Navigation Assertions: The United States as the World’s Policeman,” *Armed Forces & Society* (2015): 7, accessed July 6, 2017, https://icps.gwu.edu/sites/icps.gwu.edu/files/downloads/Etzioni_Freedom%20of%20Navigation%20AFS.pdf.

¹⁵⁴ United States Studies Centre at the University of Sydney, “Survey on America’s Role in the Indo-Pacific,” May 2017, accessed January 6, 2018, <https://assets.usssc.edu.au/view/45/d7/62/ce/de/7d/cf/cd/a0/88/65/45/3a/5c/43/60/original/959a3d253927020b0ed1a1bd671e65306f29b4f4/2017-Survey-on-Americas-role-in-the-Indo-Pacific.pdf>.

¹⁵⁵ Ibid.

¹⁵⁶ Nathan and Scobell, *China’s Search for Security*, 355.

within the competing military structures of the North Atlantic Treaty Organization and the Warsaw Pact. Currently, there are several bilateral defense treaties on the Chinese periphery between the United States and regional powers. Simultaneously, the ASEAN is a regional intergovernmental organization formed initially during the Cold War for collective security that has since evolved into an economic block.

Unlike the Cold War structures, these military and economic structures do not always support each other on the Chinese periphery; at times, they are even in competition. For example, ASEAN has recently generated a free-trade agreement with China. Additionally, due to the size of China's economy and competing self-interests among ASEAN members, there are opening fissures within the organization that China is attempting to exploit. Gareth Evans, a former Australian foreign minister, believes that after the current challenges within the ASEAN member countries of Myanmar and the Philippines, it is becoming "impossible to reach a consensus on any kind of substantive, collective pushback on the South China Sea issue."¹⁵⁷ Likewise, there is concern in India about the recent resurgence of China.¹⁵⁸

The parallel concerns within Australia and India—two strong Indo-Pacific actors—are leading to discussions within both countries to increase strategic and economic cooperation with ASEAN and the United States. Along with these concerns is a PRC who is acting less aggressively. For the first time since 2013, ASEAN removed its concern of China's reclamation actions on the Chinese periphery.¹⁵⁹ These emerging developments are due in part to the

¹⁵⁷ Gareth Evans, "Five Geopolitical Shifts and What They Mean for Australia and ASEAN," *Today*, December 14, 2017, accessed December 21, 2017, <https://www.todayonline.com/commentary/five-geopolitical-shifts-and-what-they-mean-australia-and-asean>.

¹⁵⁸ *Economic Times*, "India to Push for Deeper Cooperation with ASEAN," December 13, 2017, accessed December 21, 2017, <https://economictimes.indiatimes.com/news/politics-and-nation/india-to-push-for-deeper-strategic-cooperation-with-asean/articleshow/62053834.cms>.

¹⁵⁹ Eliot Kim, "Water Wars: ASEAN No Longer 'Concerned' About China's Actions in the South China Sea," *Lawfare*, December 4, 2017, accessed December 22, 2017, <https://www.lawfareblog.com/water-wars-asean-no-longer-concerned-about-chinas-actions-south-china-sea>.

continuous presence of the US military, most notably in the form of effective FONOPS. In addition to these operations, ASEAN members rely on the presence of the USN because the organization cannot collectively match the size and scale of the PLAN modernization.¹⁶⁰ FONOPS are currently maintaining this assured access while also allowing regional allies to step forward to take a more proactive role in achieving regional stability.

Another difference from the Cold War precedent is how international trade is creating a different and more pressing narrative. Contested Cold War FONOPS existed on the Black Sea, Barents Sea, and Sea of Japan. These bodies of water are not comparable to the highways of international trade that exist today on the Chinese periphery. In 1979 (the year Carter initiated the FON program), total international trade was less than \$1 trillion; today, it is over \$16 trillion.¹⁶¹ Of this trade, \$5 trillion passes through the South China Sea.¹⁶² This oft referenced valuation associated with disputes on the Chinese periphery is an indicator of how easy it is to misunderstand that it is China who bears the most risk for the trade that passes over the South China Sea.

In value, more of China's trade passes over the South China Sea (\$1.4 trillion) than the next four countries combined (South Korea, Singapore, Thailand, and Vietnam). This trade constituted forty percent of China's total trade in 2016. Compared with the \$200 billion of United States of trade via these waters (which accounts for just fourteen percent of its total trade), the vital nature of the South China Sea to the Chinese economy is impressive.¹⁶³ Additionally, energy

¹⁶⁰ Nathan and Scobell, *China's Search for Security*, 146.

¹⁶¹ World Trade Organization, "Statistics Database," accessed December 3, 2017, <http://stat.wto.org/StatisticalProgram/WSDViewData.aspx?Language=E>.

¹⁶² Idrees Ali, "US Warship Sails Near Islands Beijing Claims in South China Sea," *Reuters*, October 10, 2017, accessed October 13, 2017, <https://www.reuters.com/article/us-usa-china-military-exclusive/exclus...islands-beijing-claims-in-south-china-sea-u-s-officials-idUSKBN1CF2QG>.

¹⁶³ Center for Strategic and International Studies, "How Much Trade Transits the South China Sea?" accessed January 25, 2018, <https://chinapower.csis.org/much-trade-transits-south-china-sea/>.

imports transported over the South China Sea is important to several large economies, but most of all to China. It receives eighty percent of its energy transported over this sea compared with approximately sixty percent for both South Korea and Japan.¹⁶⁴ The most efficient avenue to ship commerce to and from these Asian countries is through the Malacca Strait and South China Sea. However, commonly misunderstood, it is not the only route available.

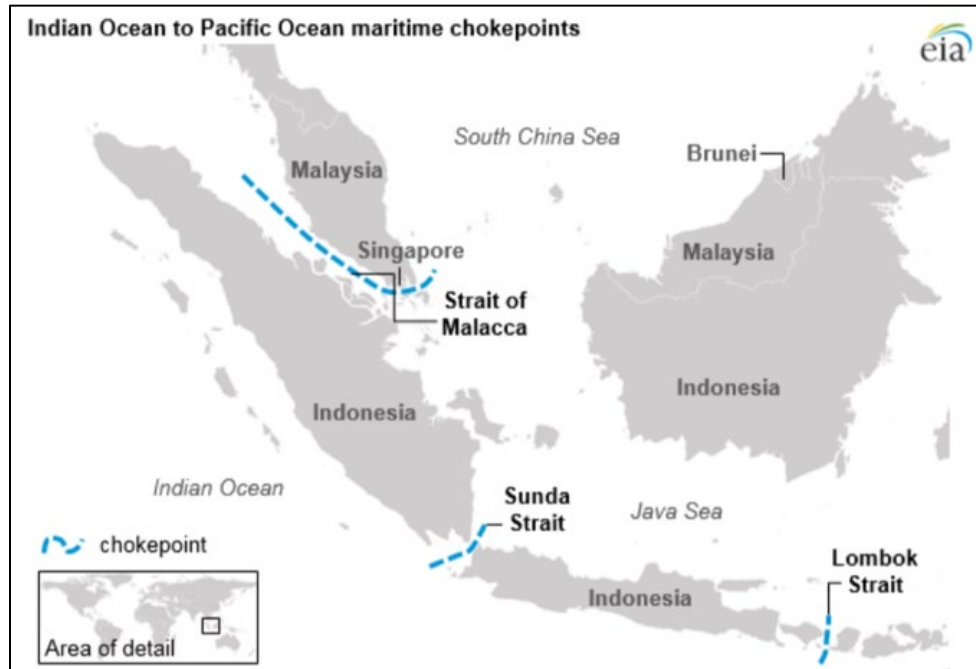


Figure 5. Indian Ocean to Pacific Ocean Maritime Chokepoints. Map from US Energy Information Administration, “The Strait of Malacca,” accessed March 12, 2018, <https://www.eia.gov/todayinenergy/detail.php?id=32452>.

In a theoretical blockage to either the Malacca Strait or the South China Sea, there are several other passages to ship goods, namely the Sunda Strait. Even if China’s Island Chain concept were a grand strategic plan and the Chinese military could inexplicably secure sea control within the first island chain, international commerce could still use the Lombok-Makassar Straits for trade to the Philippines and Japan. Calculations expect the impact of such an unrealistic blockage through these straits as adding 15-20% to the shipping times from the Persian Gulf.

¹⁶⁴ Robert Kaplan, “Why the South China Sea is So Crucial,” *Business Insider Australia*, February 20, 2015, accessed January 25, 2018, <https://www.businessinsider.com.au/why-the-south-china-sea-is-so-crucial-2015-2>.

However, due the size and valuation of these oil shipments, this detour would cost less than a one-percent increase in shipping costs.¹⁶⁵ This inefficiency is not a monumental threat to the international economy. More importantly, any PLAN obstruction (or any other regional actor for that matter) would damage the Chinese economy much more than the international community.

Current FONOPS effectively recognize China's dependency. According to the DoD, current FONOPS are "executed in an even-handed manner, challenging excessive maritime claims based on principle rather than identity of the coastal State asserting the [excessive maritime] claim."¹⁶⁶ In 2016, the USN conducted FONOPS around ten countries on the Chinese periphery, to include China.¹⁶⁷ When proscribing future FONOPS, it is imperative that the inherent economic dependency of China on maritime trade remains at the forefront in order to manage risk calculations at both the strategic and operational levels.

Another difference to consider when assessing the effectiveness of FONOPS is recent and expected technological advancements on the Chinese periphery. The concept of A2/AD is a common descriptor for military technology throughout the world, but specifically on the Chinese periphery. Technically, its means to prevent access into an area while denying freedom of maneuver within that same area. Strategically, the USN is currently moving away from using the term A2/AD due to CNO Admiral John Richardson's belief that it was becoming both ubiquitous and meaningless.¹⁶⁸ However, based on his assessments of the threats vis-à-vis the capabilities of

¹⁶⁵ John Noer, *Chokepoints: Maritime Economic Concerns in Southeast Asia*, ed. David Gregory (Washington, DC: National Defense University Press, 1996), 80.

¹⁶⁶ US Department of Defense, *Freedom of Navigation Program*, March 2015, accessed December 3, 2017, [http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20--%20Fact%20Sheet%20\(March%202015\).pdf](http://policy.defense.gov/Portals/11/Documents/gsa/cwmd/DoD%20FON%20Program%20--%20Fact%20Sheet%20(March%202015).pdf).

¹⁶⁷ US Department of Defense, *Freedom of Navigation Report for Fiscal Year 2016*, February 28, 2017, accessed December 3, 2017, <http://policy.defense.gov/Portals/11/FY16%20DOD%20FON%20Report.pdf?ver=2017-03-03-141349-943>.

¹⁶⁸ John Richardson, "Deconstructing A2AD," *National Interest*, October 3, 2016, accessed July 5, 2017, <http://nationalinterest.org/feature/chief-naval-operations-adm-john-richardson-deconstructing-17918?page=show>.

the USN, he realizes that while the current challengers are dangerous, they are not insurmountable. Richardson concludes, “The reality is that we can fight from within these defended areas, and if needed we will.”¹⁶⁹ A study by RAND substantiated Richardson’s assessment. It found that USN “submarines alone would be able to destroy almost forty percent of Chinese amphibious shipping during a seven-day campaign,” severely restraining the operational reach of the PLAN within its own periphery.¹⁷⁰

While current capabilities against current threats is assuring, it is equally promising that the US military is advancing its own military technologies at a rate that appears commensurate with the PRC military’s advancements. In addition to reports on improvements of USN anti-ship missiles with the ability to target any disputed islands in the South China Sea from the eastward side of the Philippines, the US military is also developing long-range aerial bombardment and directed energy technologies.¹⁷¹ The development of these American military technologies exist in the context of impressive Chinese military advancements that continue to defy predictions. In 2011, the DoD predicted that the PLA J-20 stealth aircraft would not be operational until 2020 at the earliest. In reality, the PLA’s J-20 was operationally capable in 2017.¹⁷² Due to China’s impressive reverse engineering capabilities, this is not an isolated event. More recently, China demonstrated its ability to reverse engineer an aircraft carrier in record time.¹⁷³

¹⁶⁹ Richardson, “Deconstructing A2AD.”

¹⁷⁰ Eric Heginbotham, “The US-China Military Scorecard: Forces, Geography, and the Evolving Balance of Power” (Santa Monica, CA: RAND, 2015), xxvi.

¹⁷¹ Syndey Freedberg, “Tomahawk vs. LRASM: Raytheon Gets \$119M for Anti-Ship Missile,” *Breaking Defense*, September 11, 2017; Kyle Mizokami, “The B-1 Bomber Has a New Mission,” *Popular Mechanics*, August 22, 2017; Christian Davenport, “Lockheed Martin Gets Ready to Test a Laser Weapon on a Fighter Jet,” *Washington Post*, November 8, 2017.

¹⁷² Spencer Ackerman, “Surprise! China’s Stealth Jets are 2 Years Ahead of Schedule,” *Wired*, May 18, 2012, accessed December 18, 2017, <https://www.wired.com/2012/05/china-stealth-jet/>.

¹⁷³ Tyler Rogoway, “China Launches its First Home-Built Clone of an Aircraft Carrier,” *Drive*, April 26, 2017, accessed December 18, 2017, <http://www.thedrive.com/the-war-zone/9710/china-launches-its-first-home-built-clone-of-an-aircraft-carrier>.

According to the RAND study, while the recent modernization of the Chinese military is impressive, the United States currently “maintains a substantial military advantage” vis-à-vis the Chinese.¹⁷⁴ Assuming the pace of advancements in capabilities of the US and PRC militaries is similar to recent precedent, the advantage will remain with the United States and its allies. FONOPS conducted under this premise of current and expected military superiority will continue to be effective at maintaining maritime stability and supporting international law.

Conclusion

As always, the uncertain future will create concerns. Parallel to predictions in the early 1990s of a pending conflict between the United States and Japan, scholars like Allison are voicing concern about the possibility of war between the United States and China.¹⁷⁵ Such predictions illustrate the inherent dangers of Sino-American relations. However, it is sometimes easy to confuse areas of competition as unavoidable danger.

Like the Cold War precedent, there will surely be periods of military escalation, to include the collision of ships or aircraft. Between the United States and China, there have already been periods of tension. For example, in 2001 a PRC J-8 crashed into a US EP-3, killing one Chinese pilot and severely damaging the US aircraft. However unfortunate these outcomes, it is important to remember that as the USSR developed its fleet-in-being, escalatory FONOPS events between the VMF and the USN increased. The US military and its allies should expect a similar outcome with PLAN’s growing fleet-in-being.

These escalatory events and conflicting narratives should not result in the concession of FON on the Chinese periphery. Similar to the PRC island reclamation campaign from 2012 to 2015, allies on the Chinese periphery witnessed the PRC filling the void during the absence of

¹⁷⁴ Heginbotham, “The US-China Military Scorecard,” xxi.

¹⁷⁵ George Friedman and Meredith Lebard, *The Coming War with Japan* (New York: St Martin’s Press, 1991); Allison, *Destined for War*.

USN FONOPS around artificial islands. In contrast, since the resumption of these FONOPS, China's forcefulness and island reclamation have significantly decreased in addition to ASEAN, Australia, and India playing more positive roles. As Scobell concludes, even after considering China's impressive military growth, it "cannot mount a challenge of geostrategic proportions to the militaries of major rivals unless those rivals make their own decisions to yield."¹⁷⁶

This monograph began by asserting five differences between FONOPS during the Cold War and those on the current Chinese periphery. Since Cold War FONOPS were effective at achieving their objectives, it is reasonable to suggest that if current FONOPS remain effective within each of these differences, FONOPS as a whole will continue to be effective on the Chinese periphery.

After considering the theoretical benefits of China's fleet-in-being within range of coastal defense, current FONOPS in the context of terrestrial disputes effectively realize the superior advantages of the United States and its regional allies. Both Mahan and Corbett understood how certain strategic points on land combined with a fleet-in-being could continuously challenge a stronger navy's command of the sea. These theorists also understood how a fleet-in-being could command the littorals while conceding the high seas to the stronger navy. Lastly, Corbett realized that the most common error was the assumption that if one belligerent lost control of the sea, it would immediately pass to the other; instead, he found that the historical norm was an uncommanded sea. The current FON program realizes these theoretical foundations, and current FONOPS act in support of them. The current NSS clarifies this strategic distinction: while the United States will not make judgement on territorial disputes, it will maintain its presence to prevent instability to "ensure the common domains remain free."¹⁷⁷

¹⁷⁶ Nathan and Scobell, *China's Search for Security*, 317.

¹⁷⁷ US President, *National Security Strategy* (Washington, DC: Government Printing Office, December 2017), 41.

When considering the evolution of international law, some make the argument that FONOPS would be more effective if the United States ratified UNCLOS. However, some evidence demonstrates that this is not necessarily true. Instead, countries on China's periphery have warmly accepted the presence of the United States and its current FON program. This is because international law is suppressing Chinese relative strength in the presence of legitimate FONOPS. Furthermore, as Posen clarified, FONOPS help continuously achieve the ends of selective engagement by creating the "conditions conducive to great power peace on the assumption that many other benefits flow from this blessing, foremost being US security."¹⁷⁸

Existing regional structures on the Chinese periphery are distinctive from the economic and military structures of the Cold War. However, recent developments suggest that FONOPS are an effective means at maintaining US engagement while avoiding dangerous escalation thus far. As a result, India, Australia, and ASEAN are behaving with more assuredness that China will not soon become a regional hegemon. Instead, China must act in accordance with international law, less it further isolate itself. However, as historical evidence demonstrates, future interactions with China should recall that when it determines an unfavorable balance of power, it invariably chooses military force. To avoid this unfavorable outcome, the objective for future Sino-American relations should continuously strive "to construct a new equilibrium of power that meets the interests of the United States and its allies without damaging Chinese security."¹⁷⁹ FONOPS is currently achieving this end.

Finally, media reports often conflate the current and expected effects of globalization and weapons technology advancements. As shown above, China is more dependent on trade than is commonly realized. Additionally, both the United States and China are making advancements in weapon technology. With its relative advantage of numerical strength, strategic positions, and

¹⁷⁸ Posen, "Command of the Commons," 45.

¹⁷⁹ Nathan and Scobell, *China's Search for Security*, 346.

existing alliance structures, the United States will be able to continue FONOPS for the foreseeable future.

In analyzing these five differences from the precedent of the Cold War, it is clear that FONOPS on the Chinese periphery are an effective military operation at achieving national security objectives of the United States. However, one last similarity exists from the Cold War paradigm: the best solution to the current challenge requires both a diplomatic recognition of China's defensive perceptions while simultaneously maintaining the firm military presence of the US military. In addition to strengthening existing alliances, FONOPS effectively demonstrate the resolve of the United States. Along these same lines, USN Admiral James Stavridis, former NATO Supreme Allied Commander, said:

“The US must continue to operate in strong support of freedom of navigation...We are not ‘destined for war,’ but we could certainly stumble into one if we are not careful. We need a mix of confrontation and cooperation, and an effective diplomatic strategy to lay aside a capable military in the region. We are a Pacific nation in every way, and need to continue our engagement in the Indo-Pacific region.”¹⁸⁰

Current and expected FONOPS effectively achieve this continual balance, allowing the United States to combine both constructive interaction and engagement with China, its neighbors, and our allies to stave off an inevitable conflict on the Chinese periphery.

¹⁸⁰ Bennett Seftel, “Surf and Turf: China Ramps Up Navy to Challenge US Dominance,” *Cipher Brief*, January 18, 2018, accessed February 1, 2018, <https://www.thecipherbrief.com/surf-turf-china-ramps-navy-challenge-us-dominance>.

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