

International Coast Guards Will Rescue Freedom of Navigation

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188		
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 06-05-2022		2. REPORT TYPE FINAL		3. DATES COVERED (From - To) N/A	
4. TITLE AND SUBTITLE International Coast Guards Will Rescue Freedom of Navigation			5a. CONTRACT NUMBER N/A		
			5b. GRANT NUMBER N/A		
			5c. PROGRAM ELEMENT NUMBER N/A		
6. AUTHOR(S) CDR Philip J. Granati, USCG			5d. PROJECT NUMBER N/A		
			5e. TASK NUMBER N/A		
			5f. WORK UNIT NUMBER N/A		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Writing & Teaching Excellence Center Naval War College 686 Cushing Road Newport, RI 02841-1207			8. PERFORMING ORGANIZATION REPORT NUMBER N/A		
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSOR/MONITOR'S ACRONYM(S) N/A		
			11. SPONSOR/MONITOR'S REPORT NUMBER(S) N/A		
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution Statement A: Approved for public release; Distribution is unlimited.					
13. SUPPLEMENTARY NOTES A paper submitted to the faculty of the NWC in partial satisfaction of the requirements of the curriculum. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.					
14. ABSTRACT China's ever-expanding illegitimate and excessive maritime claims in the South China Sea are eliminating the rules-based order and restricting the rights of nations to exercise freedom of navigation upon the high seas. These lawless actions must be curtailed now before China increases enforcement of its newly updated Maritime Traffic Safety Law within their self-proclaimed nine-dash line, as well as before they attempt to comport themselves in a similar manner elsewhere in the world, such as in the Arctic or Mediterranean. To counter China in this space, USINDOPACOM must lead international Coast Guard flotillas that will conduct near-continuous FONOPs within 12 miles of all artificially reclaimed Chinese "islands." These maritime partners will capitalize on their less lethal nature and law enforcement tenets to ensure potential altercations do not lead to armed conflict and that China's extensive lawfare doctrine is contained. The global community acting with a singular focus increases legitimacy and inhibits China from carrying out similar actions elsewhere in the world. Countering China's aspirations to upend international norms is critical to maintaining the status quo that has prevented high-intensity world conflict since 1945.					
15. SUBJECT TERMS (Key words) Coast Guard, FONOPS, USINDOPACOM, South China Sea, UNCLOS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT N/A	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON Director, Writing Center
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			19b. TELEPHONE NUMBER (include area code) 401-841-6499

INTRODUCTION

The current state of the South China Sea (SCS) is complex, ever-changing, and tense. The vast array of competing and contested maritime and sovereignty claims can be mind-bending. In Fiscal Year 2018 alone, the United States disputed 14 different illegitimate claims by SCS countries.¹ The Paracel Islands, Spratly Islands, and Scarborough Shoal are claimed or controlled by China, Vietnam, Taiwan, the Philippines, Malaysia, and Brunei.² Several of these states have partaken in questionable actions counter to the United Nations Law of the Sea Convention (UNCLOS)³ over the years, but China is far and away the chief offender. Their refusal to acknowledge a 2016 UNCLOS tribunal arbitration decision (which found no legal basis for their nine-dash line territorial claims, Spratly Islands' land reclamation/maritime zones, or Philippines' exclusive economic zone (EEZ) violations⁴) illustrates a state dedicated to asserting its legal definitions upon others.

China has also increased its military presence within the SCS and progressively used gray-zone tactics below the level of armed conflict, such as bullying, harassment, and rammings, to exert their power in the region.⁵ These provocative actions run the risk of inadvertently leading to lethal actions between naval combatants, especially when considering China has passed two new domestic laws that seek to restrict freedom of navigation within their illegitimate maritime claims.⁶ China will also be emboldened to perform similar activities elsewhere in the world if its actions are not curtailed immediately. With the leadership of the U.S., the international community should act now to prevent China from normalizing their world view, one which counters the rules-based order and seeks to diminish the rights of other nations.

The U.S. Indo-Pacific Command (USINDOPACOM) must lead international Coast Guard flotillas to save freedom of navigation within the SCS and elsewhere; these forces should conduct near-continuous, Chinese-targeted freedom of navigation operations (FONOP) with less

aggressive assets that reduce the risk of armed conflict while building international cooperation and condemnation of China.

The U.S. should utilize near-constant FONOPs in a precisely targeted manner in line with UNCLOS; doing so will successfully push back against excessive and illegitimate maritime claims. USINDOPACOM's use of Coast Guards vice Navies, with their less-lethal capabilities and maritime law enforcement tenets, reduces China's likelihood of sliding up the conflict continuum when its claims are contested, and counters China's lawfare approach to national security. The international community's broad participation increases legitimacy and inhibits SCS-like situations from developing around the globe.

FONOPS: WHY, WHERE, HOW?

The U.S. should utilize FONOPs as a critical instrument of national power; when used properly, they can reduce or contain excessive or illegitimate maritime claims. The Freedom of Navigation Program was instituted in 1979 and intended to go beyond the singular use of diplomatic protests to excessive claims. FONOPs seek to preserve "national interests and global mobility by... demonstrating U.S. non-acquiescence in unilateral acts of other States that are designed to restrict... freedoms of the international community and other lawful uses of the seas related to those rights and freedoms."⁷ FONOPs have proven to be an effective measure in bringing international states in line with UNCLOS; since its inception, U.S. involvement in the program has curtailed excessive claims from Albania, Argentina, Brazil, Congo, Germany, Liberia, Nicaragua, Nigeria, Panama, the Philippines, Syria, Vietnam and several others.⁸

One of the most prominent FONOP successes stems from the 1988 Black Sea "bumping" event between the U.S. and the U.S.S.R.⁹ In this incident, the USS YORKTOWN and the USS CARON were intentionally shouldered by two Soviet ships as they were conducting a FONOP to assert the right of innocent passage within Soviet territorial seas. The U.S.S.R. did not recognize the full rights of innocent passage within these waters and proclaimed the U.S. was violating

their sovereignty. This event was the culmination of years of U.S. Navy FONOPs in the Black Sea, dating back to 1968.¹⁰ The aftermath of the bumping led to positive developments between the two nations, specifically concerning the standard and accepted definition of innocent passage per UNCLOS. Bilateral discussions eventually led to the 1989 signing of the Uniform Interpretation of Rules of International Law Governing Innocent Passage, bringing the U.S.S.R. in line with UNCLOS, and reducing the need and urgency for the U.S. to continue FONOPS in the Black Sea.¹¹ Although physical confrontation between two superpowers was not the intent of the program, the result demonstrates that persistent and targeted FONOPs against excessive claims bring states into conformity with the rules-based order.

FONOPS have also been shown to contain and prevent new excessive maritime claims in a contemporary context, with the most recent example being China's land reclamation in the SCS. From 2013 to 2018, China built 3,000 acres of dredged land on rocky outcrops, which they in turn populated with ports, runways, military sensors, and weapons. However, the expansion has seemed to come to an end. One reason for this could be that China may feel that the added focus from the U.S. and others on the SCS is no longer worth it; the military advantage of any additional "islands" does not outweigh the risk of further presence by international militaries.¹² The timing of land reclamation cessation correlates with a marked increase of U.S. Navy SCS FONOPs. From 2013-2016, the Navy averaged only 2.5 SCS FONOPs per year; however, between 2017-2020, the Navy conducted six, six, eight, and ten FONOPs per year, respectively.¹³ The intensified presence seems to have stemmed China's efforts to create new "islands" in the middle of the ocean from which to establish unlawful baselines. However, China has continued to implement additional illegitimate maritime claims in the SCS, and the U.S. and its partners must continue to push back.

One way to deter China from continuing its ever-increasing restrictions is to double down on FONOPs in the region. While the success mentioned above is a step in the right direction, the

U.S. and like-minded states must significantly increase the frequency with which FONOPs occur. China's two recent maritime laws demonstrate they are committed to bucking international norms and that the global community is running out of time to counter China in this space entirely. The first new law allows the China Coast Guard (CCG) to forcibly board and employ all necessary uses of force upon foreign vessels "illegally" engaged in economic activities in domestic waters, which ostensibly would include their invalid nine-dash line area.¹⁴ The second is a revision to China's Maritime Traffic Safety Law, which poses a significant risk of denying or restricting the right of innocent passage. An example of which would be imposing mandatory pilotage requirements on foreign-flag vessels that do not intend to enter Chinese ports or internal waters.¹⁵ An escalation in presence is needed now more than ever to demonstrate that China's self-proclaimed "mandatory requirements" will not be recognized as legitimate by global nations. Even at ten FONOPs per year in 2020, that is under one per month; to put real pressure on China, the frequency with which these operations occur should be near-constant.

Frequency is not the only aspect that the U.S. and its partners must focus on. To be truly effective, FONOPs must be targeted at specific claims that the international community agrees are counter to the rules-based order. This identification can become complicated when working with nations that hold maritime claims that the U.S. disagrees with. In 2020 alone, the U.S. disputed claims by Japan, Malaysia, Korea, Taiwan, and Vietnam.¹⁶ Additionally, incorrectly identifying modes of operations with which to conduct FONOPs can oppose the desired effect. The USS LASSEN's 2015 "innocent passage" within 12 miles of Subi Reef is a glaring example of what not to do. LASSEN's inaccurate public statement of conducting innocent passage tacitly acknowledged that Subi Reef was indeed an island (as claimed by China), instead of a reclaimed low-tide elevation with no territorial sea.¹⁷ Considering competing maritime claim disagreements on the periphery and the need to operate in a specific manner and location, the U.S. and its partners must select a FONOP that combines legal legitimacy and overwhelming

international agreement. One area of consistent consensus amongst nations is the repudiation of China's erroneously built artificial "islands" and their corresponding maritime claims. These illegitimate Chinese claims are being used as a basis to enforce their new Maritime Traffic Safety Law, which seeks to exert excessive control over shipping through the SCS and well beyond their UNCLOS-recognized waters.¹⁸ Given the interdependence between the artificial islands and the new law, the most effective avenue for curtailing China's overreach is to directly show opposition to the validity of the "islands" themselves and their maritime claims. The U.S. should, therefore, conduct focused FONOPs specifically within 12 miles of all artificial "islands" that have been built, established, and claimed by China. Within those 12 miles, ships should conduct activities that will not be misconstrued as innocent passage. These locations and modes are critical to pushing back against the new law before China begins to heavily enforce it; the U.S. and its partners must act now to prevent future navigation restrictions in the SCS.

WHY COAST GUARDS, NOT NAVIES?

A significant increase in FONOPs led by the U.S. and in concert with its partners in the SCS carries an increased risk of escalatory interactions between naval combatants. The use of Coast Guards vice Navies for this mission, with their less-lethal capabilities, reduces the likelihood of either side sliding up the conflict continuum unintentionally or otherwise. Additionally, the maritime law enforcement tenets and experience of Coast Guards are the ideal counterbalance to China's inappropriate interpretations of international law.

The United States Coast Guard (USCG) is exceptionally well-suited to lead this mission due to its role as both a branch of the Armed Forces and a law enforcement agency.¹⁹ The service's spectrum of missions from Search and Rescue to Counter-Drug Operations to Homeland Defense, as well as its dual-hatted authorities, perfectly position it to be a key player in the gray-zone activities we currently see in the SCS. The USCG's inherent characteristics of operating independently with mission command, conducting precise use of force decision-

making, and engaging in numerous international partnerships, enable the service to fill a gap currently experienced by U.S. and partner Navies.²⁰ “More Swiss-Army knife than Ka-Bar” and not as singularly focused on lethality, the USCG can be adept at pushing back against Chinese aggressiveness before it escalates into a full-blown kinetic conflict.²¹ The service would also bring its globally recognized professionalism and authority to the entire flotilla and enable it to push back against China successfully.

China has placed the U.S. and partner Navies in a precariously incongruent force-on-force situation, increasing the risk of armed conflict. Their move in recent years to position the CCG and People’s Armed Forces Maritime Militia (PAFMM) as the frontline operators to uphold sovereignty and maritime claims, while partly undertaken to reduce the use of its Naval combatants in provocative ways, has itself increased the risk of accidental altercations.²² Increasingly pitting exceedingly lethal destroyers against less-lethal CCG or PAFMM assets may lead the latter to feel unnecessarily threatened and compelled to make inappropriate use of force decisions that result in a kinetic action. This situation also increases the likelihood for escalation, given that China’s People’s Liberation Army Navy (PLAN) assets are usually just over the horizon to come to the aid of CCG and PAFMM ships.²³ To reduce the risk of this unfortunate scenario occurring, the U.S. and its partners need to in-kind reduce their Naval footprint when conducting FONOPs. Navies still have a vital part to play in countering China in the SCS, namely demonstrating presence, resolve, and capabilities to a near-peer adversary; but utilizing them for FONOPs is an opportunity cost for other operations as well as an increased risk of kinetic conflict with China.

The roles and authorities of Coast Guards are uniquely positioned to counter China’s lawfare activities. Lawfare, as termed in the U.S., is a primary strategy for China to seek advantages for future kinetic conflicts in the maritime, aviation, and space realms. This is most clear in their attempts to interpret international law in their own way and promote legitimacy for

their growing sovereignty rights, which invariably contribute to their expanding access control strategy.²⁴ China is conducting activities “designed to plant the seed of arguments that will grow in strength as the PRC causes customary international law to evolve and/or as neighbors, intimidated by the PRC's military might, acquiesce to its claims.”²⁵ As maritime law enforcement agencies, the USCG and its foreign siblings bring with them the experience, knowledge, and skills needed to directly intervene in excessive or illegitimate claims upon the high seas. This “lawfare vs. lawfare” approach highlights on the world stage that China’s actions in the SCS are not only bucking the rules-based order but are inherently against international law. Using these agencies ensures that China will not be able to “move the goalposts” on customary international law in their favor and prevents China from pushing the boundaries in other maritime regions.

WHY INTERNATIONAL PARTNERS?

Conducting FONOPs in the SCS with international partners increases the program's legitimacy and reduces the likelihood of new excessive or illegitimate claim situations arising around the globe. While the U.S. Navy has increased the number of partners involved in Western Pacific joint exercises, including most recently with the United Kingdom, Japan, the Netherlands, Canada, and New Zealand, the variety of countries utilized for joint FONOPs has been relatively limited.²⁶ This piecemeal approach to FONOPs partnerships does not realize their full potential to counter China’s activities on a global scale.

Utilizing international partnerships in conjunction with gainful use of varied authorities are key factors to obtaining legitimacy of purpose; once that legitimacy is achieved, it “sets the conditions for cooperation, lessens the chance of unintended conflict, and increases the likelihood that tactical actions will lead to enduring political objectives.”²⁷ Legitimacy in the maritime realm comes from several sources of authority, including self-defense, consent, domestic law, and UNCLOS.²⁸ China’s disregard for the legitimacy of UNCLOS (including the

2016 tribunal decision) requires the U.S. and its partners to bolster legitimacy in other forms. Absent a new formal treaty or United Nations Resolution, the only additional legitimacy to be invoked in countering China is the inherent authority generated by the international community acting in mass. The more nations operating in unison and with a common purpose, the more legitimate their cause will be, and the more effective. The U.S. must garner and utilize as many countries as possible to conduct FONOPs in the SCS and do so with multiple countries at once. A piecemeal patrol with one or two partner nations does not bring with it the same legitimacy as a flotilla of three or four times that many.

Bringing a wide array of global partners into the fold will ensure that China does not seek to create new illegitimate or excessive claims elsewhere in the world. The Chinese government has recently sought to expand maritime presence far from their home shores. In the Arctic, China is expanding its focus on enabling access for commercial opportunities and military capabilities to protect their “perceived rights and claims in the region.”²⁹ China has also increased its presence in the Mediterranean, from port facilities in Spain, Italy, and Greece, to a new initiative to acquire a port and runway in the Azores, the latter of which could be used to one day restrict access to Atlantic shipping.³⁰ Avoiding a new SCS-like situation elsewhere in the world demands that the international community come together like they once did during the Cold War. The North Atlantic Treaty Organization (NATO) was established to prevent the Soviets and their allies from attacking Western Europe; this coalition achieved success by overcoming specific policy disagreements and continually returning to their collective shared security interests and common values.³¹ There are numerous states that currently share the same security interests (a free and open Indo-Pacific) and common values (an adherence to the rules-based order), including: those in maritime claim contests with China, namely Japan, Taiwan, Vietnam, the Philippines, Malaysia, Brunei; regional nations like India, Singapore, Australia, New Zealand, South Korea; and allies who have demonstrated a bias for action on the

international stage, such as Canada, the United Kingdom, France, Germany, Italy, Spain.

Utilizing a combination of these partners and others will enable the international community to draw a line in the sand to contain China within the SCS and subsequently throughout the globe.

ARE COAST GUARDS REALLY THE RIGHT TOOL?

Some have stated that the USCG should not be trending toward increased presence in the SCS to counter the CCG's maritime claim enforcement operations. One author posited that it was "short-sided" for "the Coast Guard [to be] pulled further into DoD's orbit, participating in an increasing number of traditional gray-hull missions" since it could "come at a heavy cost to the reputation of both the United States and its Coast Guard as guardians of the rules-based international order."³² This assertion assumes that FONOPs should be gray-hulled missions because that is what has been historically done, and not necessarily because they are the most effective tool for the job. The frictions over maritime claims in the SCS are based on legal principles first and foremost, and a law enforcement agency is much better positioned to counter these claims than a warfighting entity, like the U.S. Navy. Paradoxically, the same author makes a valid argument in favor of using the USCG for maintaining the rule of law in the global commons, pointing out "the Coast Guard's value on the world stage is not derived from the fact that it is the world's 12th-largest Navy. Rather, it is the service's unifying missions and devotion to the rule of law that make it the partner of choice to allies and potential allies around the globe."³³ The USCG's collaborative nature and law enforcement heritage is exactly why it is the best agency for leading an international effort to counter China in the SCS.

WILL NATIONS ECONOMICALLY BEHOLDEN TO CHINA JOIN THE TEAM?

Some camps believe that the U.S.' attempts to bring a vast coalition of countries together to counter China is a futile endeavor. The argument is that potential partners, although they may oppose China politically and morally, cannot afford to side against China economically; the cost of picking one side over the other in this new great power competition is too much to bear.³⁴

However, this argument fails to acknowledge the inherent nature of the conflict continuum; the exceedingly complex strategic environment requires that states be in simultaneous modes of cooperation, competition, and conflict.³⁵ One example of this is Vietnam, which is acutely linked to China with \$130 Billion of trade between the two as of 2019.³⁶ However, Vietnam has increasingly pushed back against China's illegitimate claims and strengthened its partnership with the U.S., including acceptance of two former USCG high-endurance cutters and participation in military exercises like Rim of the Pacific.³⁷ Nations are beginning to realize that although they may be intertwined with China economically, the greater good for themselves and the world is better served by countering China's endeavor to re-imagine international norms for their singular betterment at the expense of everyone else's freedoms.

CONCLUSION

China's actions over the last decade demonstrate that they are determined to shape the strategic global environment in their favor and image, and nowhere is this more obvious than the SCS. The excessive and illegitimate maritime claims made by China in this region have been aided by the international community's lack of focus, resolve, and partnership. Although the U.S. and other nations have increased their presence and FONOPs in the last several years, these operations' piecemeal and limited nature is not enough to contain China's appetite for bucking the rules-based order. To prevent their full-on hegemony in the SCS and any efforts to conduct similar efforts elsewhere globally, the U.S. must bring together the best tools, in the best times and places, with the best partners.

The best tools at our disposal are FONOPs conducted by Coast Guards, whose very nature as law enforcement-focused entities reduce the risk armed conflict, bring China's illegal activities into focus on the world stage, and directly oppose China's lawfare doctrine. The best times and places are near-continuous operations within 12 miles of all illegitimately reclaimed "islands," which would inherently counter China's goal of imposing their domestic laws upon

freedom of navigation within the claimed nine-dash line. The best partners are those who share our common security interests and values and who are not fearful of Chinese economic coercion and retribution.

Countering China's influence and irresponsible actions wherever and whenever feasible is critical to maintaining the international norms that have prevented large-scale global conflict since 1945. As the beacon of freedom amongst all nations, the United States must continue to be a leader in this space and bring together those partners willing and able to stand with us.

USINDOPACOM-led Coast Guard FONOP flotillas should be a vital instrument in this endeavor; they will save freedom of navigation.

¹ Office of the Staff Judge Advocate, U. S. Indo-Pacific Command "U.S. Freedom of Navigation Program," *International Law Studies, Stockton Center for International Law* 97, no. 70 (2021): 73-74.

² Ronald O'Rourke, *U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress*, CRS Report No. R42784 (Washington, DC: Congressional Research Service, 2021), 7.

³ O'Rourke, *U.S.-China Strategic Competition*, 11.

⁴ O'Rourke, *U.S.-China Strategic Competition*, 70.

⁵ John Grady, "Panel: China Now Well Positioned to Bully Neighbors in South China Sea," *USNI News*, January 27, 2020, <https://news.usni.org/2020/01/27/panel-china-now-well-positioned-to-bully-neighbors-in-south-china-sea>.

⁶ Raul (Pete) Pedrozo, "China's Revised Maritime Traffic Safety Law," *International Law Studies, Stockton Center for International Law* 97, no. 956 (2021): 957-960.

⁷ Office of the Staff Judge Advocate, "U.S. Freedom of Navigation," 71-72.

⁸ J. Ashley Roach and Robert W. Smith, *Excessive Maritime Claims 3rd Ed.* (Boston: Martinus Nijhoff, 2012), 138-143, 638.

⁹ Roach and Smith, *Excessive Maritime Claims*, 638.

¹⁰ William J. Aceves, "Diplomacy at Sea: U.S. Freedom of Navigation Operations in the Black Sea," *Naval War College Review* 46, no. 2 (April 1993): 59, 64-65.

¹¹ Aceves, "Diplomacy at Sea," 73-75.

¹² Steven Stashwick, "China's South China Sea Militarization has Peaked," *Foreign Policy*, August 19, 2019, <https://foreignpolicy.com/2019/08/19/chinas-south-china-sea-militarization-has-peaked/>.

¹³ O'Rourke, *U.S.-China Strategic Competition*, 36-38.

¹⁴ Ryan D. Martinson, "Gauging the Real Risks of China's New Coastguard Law," *The ASPI Strategist*, February 23, 2021, <https://search.proquest.com/docview/2492115813>.

¹⁵ Pedrozo, "China's Revised Maritime Traffic," 957-960.

¹⁶ Department of Defense, *Annual Freedom of Navigation Report FY2020* (Washington, DC: Department of Defense, 2021), 4-6.

¹⁷ James Kraska, "The Legal Rationale for Going Inside 12," *Asia Maritime Transparency Initiative*, September 11, 2015, <https://amti.csis.org/the-legal-rationale-for-going-inside-12/>.

¹⁸ Pedrozo, "China's Revised Maritime Traffic," 967-968.

¹⁹ *Title 14 United States Code*, Public Law 101-102, as amended.

²⁰ Jason Smith, "Future Coast Guard: Think Special Operators, Not a Less Capable Navy," *Real Clear Defense*, September 13, 2021, https://www.realcleardefense.com/articles/2021/05/27/future_coast_guard_think_special_operators_not_a_less_capable_navy_779029.html.

²¹ Michael Sinclair and Lindsey W. Ford, "Stuck in the Middle with You: Resourcing the Coast Guard for Global Competition," *Order from Chaos-Brookings Institution*, October 16, 2020, <https://search.proquest.com/docview/2451441907>.

²² O'Rourke, *U.S.-China Strategic Competition*, 85-88.

-
- ²³ O'Rourke, *U.S.-China Strategic Competition*, 85-88.
- ²⁴ Orde F. Kittrie, "The Chinese Government Adopts and Implements a Lawfare Strategy," in *Lawfare* (New York: Oxford University Press, 2016), 167.
- ²⁵ Kittrie, "Lawfare Strategy," 167.
- ²⁶ Dzirhan Mahadzir, "U.S. Coast Guard Continues to Expand Presence in the Western Pacific," *USNI News*, September 3, 2021, <https://news.usni.org/2021/09/03/u-s-coast-guard-continues-to-expand-presence-in-the-western-pacific?fbclid=IwAR1vqIC6BRDMMmdsc5dcr5im5yI58ska54Ict50ZkBB37eeA9itxWRJ3rWA>.
- ²⁷ Ivan Luke, "Legitimacy in the Use of Seapower" (The United States Naval War College, 2015), 1.
- ²⁸ Luke, "Legitimacy," 5.
- ²⁹ Heljar Havnes and Johan Martin Seland, "The Increasing Security Focus in China's Arctic Policy," *The Arctic Institute*, July 16, 2019, <https://www.thearcticinstitute.org/increasing-security-focus-china-arctic-policy/>.
- ³⁰ Gordon Chang, "China in the Mediterranean." *Strategika* no. 62 (January 10, 2020): 13, <https://www.hoover.org/research/china-mediterranean>.
- ³¹ Lukas Trakimavičius, "NATO at 70: Lessons from the Cold War," *The Atlantic Council*, March 25, 2019, <https://www.atlanticcouncil.org/blogs/new-atlanticist/nato-at-70-lessons-from-the-cold-war/>.
- ³² Jennifer Runion, "Don't Make the Coast Guard the Second-Best Navy," *Military.Com*, August 31, 2021, <https://www.military.com/daily-news/opinions/2021/08/31/let-coast-guard-show-its-stripes.html>.
- ³³ Runion, "Don't Make."
- ³⁴ Uri Friedman, "America is Alone in its Cold War with China," *The Atlantic*, February 17, 2020, <https://www.theatlantic.com/politics/archive/2020/02/us-china-allies-competition/606637/>.
- ³⁵ Joint Chiefs of Staff, *Joint Publication 3-0: Joint Operations* (Washington, DC: Department of Defense, 2018), V-4.
- ³⁶ "Vietnam and China," Observatory of Economic Complexity, accessed October 16, 2021, <https://oec.world/en/profile/bilateral-country/vnm/partner/chn>.
- ³⁷ "U.S. Security Cooperation with Vietnam," Department of State Bureau of Political-Military Affairs, last modified June 2, 2021, <https://www.state.gov/u-s-security-cooperation-with-vietnam/>.

BIBLIOGRAPHY

Title 14 United States Code, Public Law 101-102, as amended.

Aceves, William J. "Diplomacy at Sea: U.S. Freedom of Navigation Operations in the Black Sea." *Naval War College Review* 46, no. 2 (April 1993): 59-79. <https://www.jstor.org/stable/44642450>.

Chang, Gordon. "China in the Mediterranean." *Strategika* no. 62 (January 10, 2020). <https://www.hoover.org/research/china-mediterranean>.

Department of Defense. *Annual Freedom of Navigation Report FY2020*. Washington, DC: Department of Defense, 2021.

Department of State Bureau of Political-Military Affairs. "U.S. Security Cooperation with Vietnam." Last modified June 2, 2021. <https://www.state.gov/u-s-security-cooperation-with-vietnam/>.

Friedman, Uri. "America is Alone in its Cold War with China." *The Atlantic*, February 17, 2020. <https://www.theatlantic.com/politics/archive/2020/02/us-china-allies-competition/606637/>.

Grady, John. "Panel: China Now Well Positioned to Bully Neighbors in South China Sea." *USNI News*, January 27, 2020. <https://news.usni.org/2020/01/27/panel-china-now-well-positioned-to-bully-neighbors-in-south-china-sea>.

Havnes, Heljar and Johan Martin Seland. "The Increasing Security Focus in China's Arctic Policy." *The Arctic Institute*, July 16, 2019. <https://www.thearcticinstitute.org/increasing-security-focus-china-arctic-policy/>.

Joint Chiefs of Staff. *Joint Publication 3-0: Joint Operations*. Washington, DC: Department of Defense, 2018.

Kittrie, Orde F. "The Chinese Government Adopts and Implements a Lawfare Strategy." In *Lawfare*. New York: Oxford University Press, 2016.

Kraska, James. "The Legal Rationale for Going Inside 12." *Asia Maritime Transparency Initiative*, September 11, 2015. <https://amti.csis.org/the-legal-rationale-for-going-inside-12/>.

Luke, Ivan. "Legitimacy in the Use of Seapower." The United States Naval War College, 2015.

Mahadzir, Dzirhan. "U.S. Coast Guard Continues to Expand Presence in the Western Pacific." *USNI News*, September 3, 2021. <https://news.usni.org/2021/09/03/u-s-coast-guard-continues-to-expand-presence-in-the-western-pacific?fbclid=IwAR1vqIC6BRDMMmdsc5dcr5im5yI58ska54Ict50ZkBB37eeA9itxWRJ3rWA>.

Martinson, Ryan D. "Gauging the Real Risks of China's New Coastguard Law." *The ASPI Strategist*, February 23, 2021. <https://search.proquest.com/docview/2492115813>.

Observatory of Economic Complexity. "Vietnam and China." Accessed October 16, 2021. <https://oec.world/en/profile/bilateral-country/vnm/partner/chn>.

- Office of the Staff Judge Advocate, U. S. Indo-Pacific Command. "U.S. Freedom of Navigation Program." *International Law Studies, Stockton Center for International Law* 97, no. 70 (2021).
- O'Rourke, Ronald. *U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress*. CRS Report No. R42784. Washington, DC: Congressional Research Service, 2021.
- Pedrozo, Raul (Pete). "China's Revised Maritime Traffic Safety Law." *International Law Studies, Stockton Center for International Law* 97, no. 956 (2021).
- Roach, J. Ashley and Robert W. Smith. *Excessive Maritime Claims 3rd Ed.* Boston: Martinus Nijhoff, 2012.
- Runion, Jennifer. "Don't Make the Coast Guard the Second-Best Navy." *Military.Com*, August 31, 2021. <https://www.military.com/daily-news/opinions/2021/08/31/let-coast-guard-show-its-stripes.html>.
- Sinclair, Michael and Lindsey W. Ford. "Stuck in the Middle with You: Resourcing the Coast Guard for Global Competition." *Order from Chaos-Brookings Institution*, October 16, 2020. <https://search.proquest.com/docview/2451441907>.
- Smith, Jason. "Future Coast Guard: Think Special Operators, Not a Less Capable Navy." *Real Clear Defense*, May 27, 2021. https://www.realcleardefense.com/articles/2021/05/27/future_coast_guard_think_special_operators_not_a_less_capable_navy_779029.html.
- Stashwick, Steven. "China's South China Sea Militarization has Peaked." *Foreign Policy*, August 19, 2019. <https://foreignpolicy.com/2019/08/19/chinas-south-china-sea-militarization-has-peaked/>.
- Trakimavičius, Lukas. "NATO at 70: Lessons from the Cold War." *The Atlantic Council*, March 25, 2019. <https://www.atlanticcouncil.org/blogs/new-atlanticist/nato-at-70-lessons-from-the-cold-war/>.