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MASTER OF MILITARY STUDIES

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**TITLE:**

Implementing Expeditionary Advanced Base Operations Diplomatically and Lawfully in  
Southeast and East Asia

**AUTHOR:**

JASON C CROSBY

AY 2020-21

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## *Illustrations*

### Page

|                                                       |      |
|-------------------------------------------------------|------|
| Figure 1. <i>China's Nine-Dash Line</i> .....         | vii  |
| Figure 2. <i>First and Second Island Chains</i> ..... | viii |

## *Table of Contents*

|                                         | Page |
|-----------------------------------------|------|
| DISCLAIMER .....                        | ii   |
| LIST OF ILLUSTRATIONS .....             | iii  |
| TABLE OF CONTENTS .....                 | iv   |
| EXECUTIVE SUMMARY .....                 | v    |
| PREFACE .....                           | vi   |
| ILLUSTRATIONS .....                     | vii  |
| INTRODUCTION .....                      | 1    |
| LITERATURE REVIEW .....                 | 3    |
| LAW AS THE MEANS .....                  | 11   |
| DIPLOMACY AS THE WAYS .....             | 21   |
| JAPAN .....                             | 24   |
| REPUBLIC OF KOREA .....                 | 25   |
| PHILIPPINES .....                       | 27   |
| MALAYSIA .....                          | 28   |
| SINGAPORE .....                         | 29   |
| INDONESIA .....                         | 31   |
| VIETNAM .....                           | 33   |
| PALAU .....                             | 34   |
| CHINA'S POSSIBLE REACTION TO EABO ..... | 36   |
| CONCLUSION .....                        | 38   |
| ENDNOTES .....                          | 35   |
| BIBLIOGRAPHY .....                      | 44   |

## *Executive Summary*

**Title:** Implementing Advanced Base Operations Diplomatically and Lawfully in Southeast and East Asia

**Author:** Jason C. Crosby, United States Department of State

**Thesis:** To employ Expeditionary Advanced Base Operations (EABO), US national leaders must first use non-military instruments of diplomacy and law.

**Discussion:** As the United States refines its policy to address the US-China strategic competition in the South China and East China Seas, it can utilize a variety of instruments of national power and influence: military; information; diplomatic; and economic. EABO is one of several options available to policymakers under the military instrument and may prove to be a critical military line of effort for a United States engaged in great power competition with China. However, implementing EABO will take more than military-to-military collaboration.

**Conclusion:** Diplomatic efforts to establish a streamlined legal framework for increased defense cooperation with potential host nations will be key in furthering EABO in partner countries. The treaty/agreement process is complicated, time consuming, and involves several elements. This process can be further complicated by competing diplomatic regional priorities. The time to pursue EABO is now—because if the United States waits until after hostilities commence, seizing ground for EABs will cost lives and resources. In some cases, EABO implementation may require modernized agreements with host nations and because this will take time and effort, the DOS and DOD should rigorously pursue these matters first with treaty allies, while concurrently engaging likely partners.

## *Preface*

As a Foreign Service Specialist with the US Department of State, I am grateful for the unique opportunity to study alongside US and international military officers at the Marine Corps Command and Staff College (CSC). In considering topics for this paper, I sought to bring non-military considerations to a contemporary Navy and Marine Corps endeavor. Being introduced to the Expeditionary Advanced Base Operations (EABO) concept at CSC, it seemed much of the discussion centered primarily on military factors, not how best to transition EABO from theory to reality. This study was conducted to encourage planners to consider the necessary diplomatic aspects of EABO that will be essential for implementation.

Completion of this Master of Military Studies (MMS) essay could not have been possible without the guidance and support of Dr. Bill Morgan, Professor of Strategic Studies, Marine Corps War College, and Ambassador Dan Foote, Department of State Chair, Marine Corps University. I would like to extend my gratitude to Lieutenant Colonel Elizabeth Gilman, US Army, Lieutenant Colonel Bobby Gregory, US Army, and Major Andrew Yager, US Marine Corps, for their informative and insightful interviews. I would also like to thank Special Agent Jorge Rey (DSS, Retired), for providing superlative feedback. Last, but far from least, I am sincerely grateful for the love and support of my wife, Sarah, and our children Hailey, Hope, Kitiara, Tiberius, Torin, and Haven, who have encouraged my professional and academic pursuits this past year.

## China's Nine-Dash Line

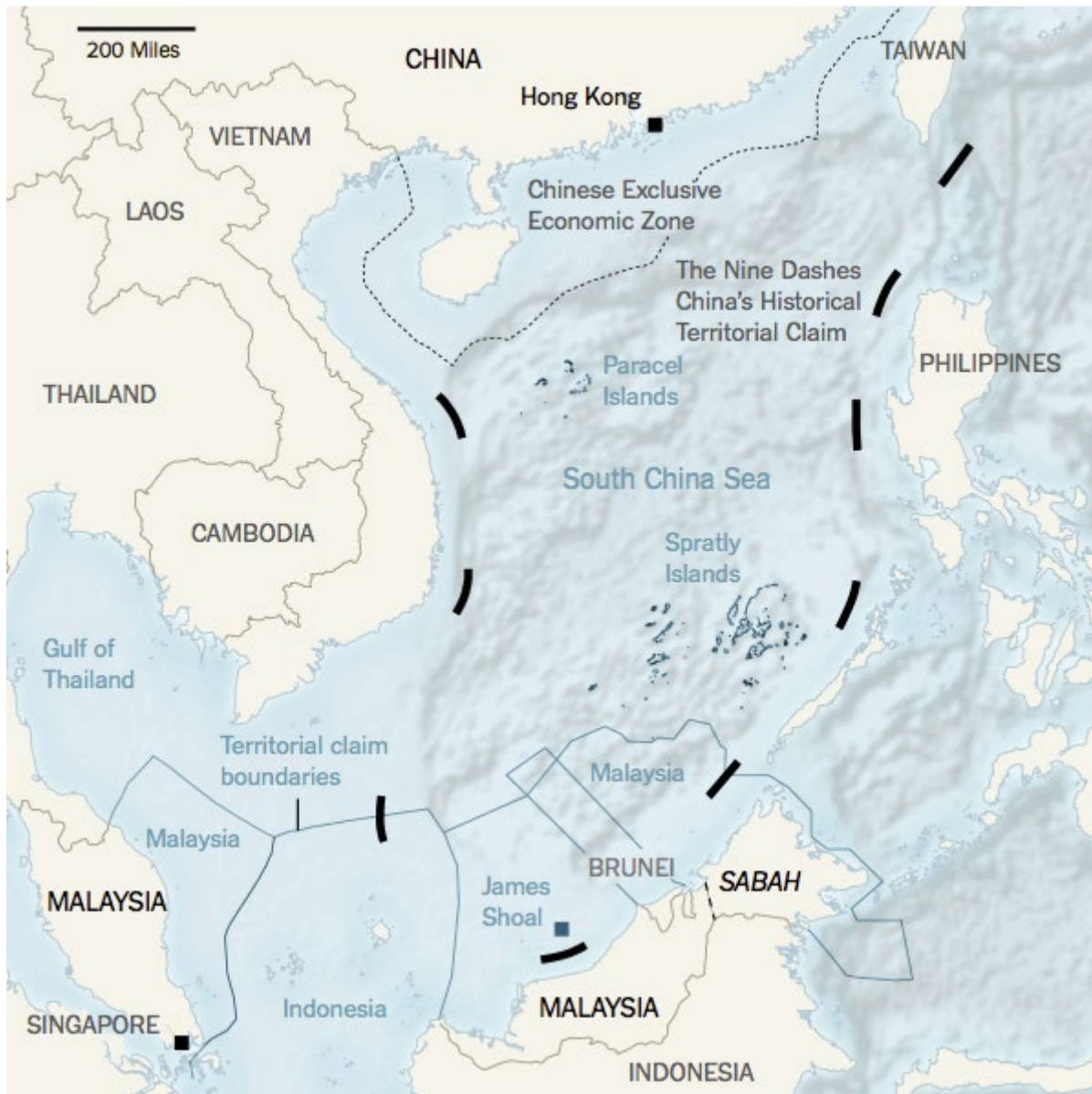


Figure 1. US: China failed to clarify 9-dash line with law. GeoGarage Blog. Created: 09 December 2014

## First and Second Island Chains



Figure 2. Geographic Boundaries of the First and Second Island Chains Created: 23 May 2006

This image is a work of a U.S. military or Department of Defense employee, taken or made as part of that person's official duties. As a work of the U.S. federal government, the image is in the public domain in the United States

*“You [military professionals] must know something about strategy and tactics and logistics, but also economics and politics and diplomacy and history. You must know everything you can about military power, and you must also understand the limits of military power.*

*You must understand that few of the problems of our time have . . . been solved by military power alone.”<sup>i</sup>*

—John F. Kennedy

*“Diplomacy in this regard is a weird dance of capabilities and intentions. High level politicians generally have people that brief them on what can and cannot kill them. They look at the cards in their hand as they play them, hoping no one else sees.”<sup>ii</sup>*

— Lieutenant Colonel Bobby Gregory, US Army

To employ Expeditionary Advanced Base Operations (EABO), US national leaders must first use non-military instruments of diplomacy and law.

## **Introduction**

Expeditionary Advanced Base Operations (EABO) is a shared Navy and Marine Corps concept, endorsed by the 2019 Commandant’s Planning Guidance, that seeks to regain the strategic initiative in the South Pacific by putting teams of Marines on scattered island shores with sensors and armaments. Described in the executive summary of the EABO Handbook, “EABO is premised on the creation of an alternative forward force posture based on a more difficult to target, low-signature, and dispersed forward-basing infrastructure. The lethal, yet resilient, combination of low-signature forces operating from a more amorphous forward-basing infrastructure will enable US naval and joint forces to persist, partner, and operate within range of adversary long-range precision fires--particularly ballistic and cruise missiles designed to attack critical joint, fixed, forward infrastructure, and large platforms.”<sup>iii</sup> In other words, this

cunning strategy will offset China's ability to deny access to vital sea lanes and target US and allied airfields, capital ships, and deep-water ports.

EABO is just one of several strategy options available to policymakers under the military instrument of national power, but it could be key for a United States engaged in great power competition with China. As the United States formulates its goals to address the US-China strategic competition in the South China and East China Seas, it can call on a variety of options in the military, information, diplomatic, and economic instruments of national power. Some of these goals include fulfilling security and treaty commitments in the Western Pacific, maintaining a regional balance of power favorable to the United States and its allies and partners, defending the principle of freedom of the seas, preventing China from becoming a regional hegemon in East Asia, and pursuing these goals as part of a larger US strategy for competing and managing relations with China.<sup>iv</sup> US policymakers will utilize all instruments of national power to meet these goals. National leaders must use non-military instruments, such as diplomacy and law, if they wish to implement the EABO strategic option.

EABO will require leveraging two instruments of national power: diplomacy and law. Implementing EABO will take more than military-to-military collaboration. The process will be complicated and require significant time and effort by both the Department of Defense (DOD) and Department of State (DOS). This research utilizes Art Lykke's theory of strategy as a method for visualizing the EABO concept and how it can be achieved: strategy = ends + ways + means. The US Army War College Guide to National Security Issues states, "in the Lykke proposition (model) the ends are 'objectives,' the ways are the 'concepts' for accomplishing the objectives, and the means are the 'resources' for supporting the concepts."<sup>v</sup> This paper applies the Lykke model to analyze EABO's dependence on non-military instruments for EABO to be

successfully employed. This analysis uses EABO as the “strategy”, diplomacy as the “ways”, and law (or treaties) as the “means”. The “ends” of the EABO strategy fall outside what is covered in this paper, but its objectives can be succinctly stated as deterring war, promoting regional stability, and destroying enemy forces. The first section reviews existing literature to see if diplomacy or law/treaties have been discussed as “ways” or “means” to transition EABO from concept to reality. Second, the treaty (can be used interchangeably with “international agreement”) process is explored, which will be the “means” to accomplish EABO implementation. The third section examines the feasibility of furthering EABO in partner countries through diplomacy, which will be the “ways” the EABO strategy will be realized.

### **An Absence of Academic Literature on Diplomacy’s Role in EABO**

Exploring the EABO opus in military documentation, scholarly journals, and articles can highlight intellectual gaps and determine if or how this topic can contribute to knowledge. EABO is still only one piece of this equation (strategy portion), and while instrumental in highlighting gaps in existing literature, it is necessary to examine through a diplomatic lens those key partner states located geographically in Asia needed to achieve EABO. Assessing strategic reports produced by eight US Embassies in East and Southeast Asia, reviewing existing treaties and agreements, as well as articles discussing US and other state’s diplomacy efforts in Asia, reveals opportunities for success (ways). An additional part of the equation to be analyzed is law (means), or specifically the use of treaties or agreements that will be the method to achieve EABO implementation.

The first tranche of literature concerns EABO and will determine what, if anything, has been written regarding the use of diplomacy and law or treaties to advance the EABO strategic option. In examining military documents and academic articles collectively, most authors have

either ignored diplomacy and law as a way/means and focused singularly on the concept, discussing force design, weapon types, and challenges. Or they have written around the periphery by hinting at garnering allied support and moving EABO geographically as close as possible to peer competitor People's Republic of China (PRC). The Marine Corps' 2018 Warfighting Lab's *Expeditionary Advanced Base Operations (EABO) Handbook* was the most comprehensive document reviewed.

The *Handbook* discuss overcoming enemy resistance and seizing bases once conflict begins.<sup>vi</sup> But the *Handbook* also stresses the significance of pre-conflict deployment and coordination, including partner proximity and the importance of prepositioning capabilities and logistics support assets.<sup>vii</sup> Regarding treaties, the *Handbook* states that by implementing EABO, the United States will be meeting existing treaty obligations and potentially assist US diplomatic efforts at large.<sup>viii</sup> While meeting treaty obligations is critical to US foreign policy, the EABO concept is still in its infancy. It is more important to first leverage treaties or international agreements to actualize EABO. In this regard, the *Handbook* does make one reference in utilizing treaties to further EABO. It states, "Integrated naval defenses astride key maritime terrain can readily incorporate the capabilities of regional partners to expand US capacity, and be the cornerstone of mutual defense agreements."<sup>ix</sup> The authors of the *EABO Handbook* go no further in discussing the use of diplomacy or law to further EABO. This could possibly be attributed to the authors viewing diplomacy and law as instruments of national power falling outside their military realm of expertise. Perhaps they envision a diplomat or government attorney picking up the EABO handbook and taking proximate steps to transform EABO from concept to reality. It is also possible they view EABO implementation only through the military lens of national power, which should be enacted through military-to-military liaison. The

consequences of planners neglecting the necessary diplomatic aspects of EABO will prove fatal for the strategy, leaving it to languish in the theoretical stage.

Academic articles reviewed concerning EABO emphasize explanations for the shift to EABO, where the military currently is with the strategy, where it is headed, technical challenges to overcome, and force design. Most do not broach the topics of diplomacy or law/treaty, indicating an important research gap. Several articles, such as the 2020 “On Naval Integration” by Jacob Campbell et al, focuses on the force’s lack of experience and technical obstacles to overcome such as shipboard communication links.<sup>x</sup> In the 2020 article, “What is an EABO—Expeditionary Advanced Base Operations?”, Mel Daniels discusses similar issues but additionally mentions that EABO can be utilized for humanitarian purposes.<sup>xi</sup> Jim Lacey, in the 2019 article, “The ‘Dumbest Concept Ever’ Just Might Win Wars,” examines the shift from maneuver warfare to EABO, the historical differences between the Japanese tactics in WWII and EABO today, as well as how EABO can be employed to cut China off from overseas markets and energy resources.<sup>xii</sup> While these articles focus on the military questions of EABO, they do little to further the discussion of advancing the concept to a reality utilizing diplomacy and laws or treaties.

Some articles consider the relevance of partner cooperation in securing EABO. Captain Ian Cameron’s 2018 piece “Security Cooperation in the South Pacific” focuses on the importance of fostering relationships with militaries in geographically advantageous countries. He posits the key to successful EABO implementation lies with the Marine Corps, which has a strong historical connection to the region. Cameron stresses building partner capacity through joint military maneuvers, such as the Koa Moana exercises held in 2015, 2016, and 2017.<sup>xiii</sup>

There is an unspoken assumption in Cameron’s article that military-to-military engagement will somehow result in changing a country’s policy, and that diplomatic and robust theater engagement will not be needed. EABO implementation will take more than a quick bilateral training deployment. In the 2020 commentary “What’s in a Name?”, Lieutenant Colonel John Berry, USMC (Ret), discusses topics mentioned in other EABO-centric articles, such as operating concepts, needed capabilities, and force design. However, Berry goes a step further by suggesting the need to leverage host nation government and commercial assets. Berry wrote, “Ideally, EABO activities will be conducted during pre-conflict competition as a means of deterring regional aggression. In this regard, EABO are envisioned as a cooperative effort with like-minded nations.”<sup>xiv</sup> While emphasizing the need for establishing and furthering bilateral partnerships, Cameron and Berry do not discuss diplomacy or law as the way or means to achieve EABO.

An academic article appearing during the final drafting of this paper discusses a new hybrid approach to basing in contested environments. In “Access Denied? The Future of US Basing in a Contested World,” Renanah Joyce and Brian Blankenship suggest the United States adopt a hybrid model that combines elements of the Cold War model — large, concentrated bases in key allies — and the Global War on Terror model — small, dispersed bases scattered across informal partners.<sup>xv</sup> The model they recommend, called the “Global Competition” model, synthesizes benefits of both. Aspects of the new model include physical hardening of US infrastructure, reliance on US and allied air and missile defense systems, and a network of dispersed bases supporting a scattered and concealed force. To realize this model, Joyce and Blankenship propose utilizing defense diplomacy and cooperation to secure access arrangements that could lead to military exercises. They also propose establishing Acquisition and Cross-

Servicing Agreements (discussed in the next section), which would allow for DOD logistical support.<sup>xvi</sup> This article is laudable for exploring the challenges in establishing bases, endorsing a new type of basing model, and highlighting the idea of using diplomacy to pursue basing with allies and likeminded partners. This article does not cover in detail EABO or the role of diplomacy to enact treaties and international agreements. The article also does not explore specific countries in East and Southeast Asia the United States should focus their EABO effort. This paper attempts to explore these items in detail.

EABO literature focuses primarily on military aspects, and rightly so. First, the EABO concept originated with the military, so it is reasonable for the military to view implementation through the military element of national power. Second, EABO is a fundamental change in Navy and Marine Corps operating philosophy. There are many questions to answer and challenges to overcome in transitioning EABO from theory to reality. The idea of using diplomacy to enact treaties or international agreements to further EABO with partner countries is scarcely addressed in available literature, offering the possibility for this work to contribute substantive knowledge to this topic.

The second element of the equation analyzed is law: “the means”, or specifically the use of treaties or international agreements that will be the way to accomplish EABO implementation. A thorough search for law/treaty literature uncovered no materials that directly discussed EABO. In the absence of academic literature, it is impossible to critique any arguments. The written work to be examined in the following academic paper will include existing bilateral treaties, the Foreign Affairs Manual (11 FAM 720, Negotiation and Conclusion), and academic journals. This material explains treaty procedures, types of treaties, the negotiation process, neutrality law,

and what provisions are typically captured in these formal agreements that can be used to promote EABO.

The third element of the equation analyzed is diplomacy: “the ways,” as EABO implementation will ideally require some form of diplomatic action. It is important to determine which countries are best positioned geographically in Asia to host an Expeditionary Advanced Base (EAB). This paper examines eight countries: Indonesia, Japan, Malaysia, Palau, Philippines, Republic of Korea, Singapore, and Vietnam. Taiwan was considered for EABs, but the blizzard of political questions that surround China and the island nation merit its removal, at least for this paper.

In determining the feasibility of implementing EABO in partner countries, we must examine bilateral relationships through a diplomatic lens. Utilizing the Integrated Country Strategy (ICS), an official document produced every four years by diplomats at US Embassies, is a good way to gauge cooperation. According to the DOS website, the “ICS is led by the Chief of Mission to develop a common set of Mission Goals and Objectives through a coordinated and collaborative planning effort among Department of State and other U.S. Government agencies with programming in the country. Higher-level planning documents and strategies, such as the National Security Strategy, the State-USAID Joint Strategic Plan (JSP), and Department regional (JRS) and functional bureau strategies (FBS) inform the ICS.”<sup>xvii</sup> The previous tranche of ICSs for all diplomatic posts was approved in 2018, although some include recent updates. These documents discuss a wide range of topics, such as security, economic development, the rule of law, sustainable energy, and improved public health. This paper will focus solely on the ICS discussions of security and military affairs.

Academic articles discussing US diplomatic efforts in East and Southeast Asia can also be useful in gauging partner nation receptiveness for possible EABO implementation. In the article “Why Trump’s Anti-China Policy Falls on Deaf Ears in Southeast Asia,” Dino Djalal suggests Washington should focus more on soft power rather than hard. He thinks the US wholesale approach of confronting China (coronavirus, trade, investment, technology, TikTok, the World Health Organization, the South China Sea, Chinese companies and students, democracy, human rights, climate change) versus prioritizing the most important issues, will not be convincing to regional partners. Djalal thinks Southeast Asian countries aspire to get along with both the United States and China.<sup>xviii</sup> In the 2020 article “US Efforts to Bolster Anti-China Sentiment ‘Not Working’ in SEAsia,” James Massola lists several reasons the Trump administration’s approach is failing: (1) Countries look at US strategy and cannot figure out the end game; (2) US demands for democracy and human rights are considered invasive; (3) China funding is “orders of magnitude” larger in terms of economy and business.<sup>xix</sup> These issues are significantly detrimental for the advancement of US foreign policy in Southeast Asia as seen by Massola. The Djalal and Massola’s articles see the US effort to bolster regional partnerships as less than encouraging, which does not bode well for furthering EABO if pursued under the diplomatic conditions which were present in 2020.

In the 2020 article “Indonesia rejected US request to host spy planes,” Tom Allard reported on Indonesia’s refusal to allow US P-8 Poseidon maritime surveillance planes to land and refuel in their country. While Indonesia denied the United States’ request, they also regularly repel Chinese coast guard vessels and fishing boats from portions of the South China Sea they consider to be their own.<sup>xx</sup> In the 2020 article “The Washington Method in Southeast Asia,” Ben Bland explains that all the Southeast Asian states value the US security presence as a

balancing force, as well as access to US capital and markets, but are wary of US attempts at internal interference.<sup>xxi</sup> The Allard and Bland articles see regional partners as more considerate of their own interests and less prone to moving wholesale towards the US or China camps. US diplomats will be more likely to advance EABO in partner nations that need to enhance their own security posture.

Regional diplomacy sans the United States should also be reviewed since international relations do not happen in a vacuum. China is also capable of regional diplomacy, particularly if US efforts continue to stall. If China is making inroads with US allies, those partners may be less likely to risk working together with the US military in security matters, such as in establishing EABs. In the 2020 article “As Trump Era Ends, Massive New Asian Trade Deal Leaves US on the Sidelines,” Gerry Shih et al discusses the newly created world’s largest trade deal known as the Regional Comprehensive Economic Partnership (RCEP). The deal includes 15 countries such as China, Japan, Indonesia, Malaysia, Philippines, Singapore, South Korea, Vietnam, and others, but excludes the United States. Also mentioned in the article was the 2018 nine-partner Trans-Pacific Partnership, an agreement the United States declined to join. In the article, Evan Feigenbaum of the Carnegie Endowment for International Peace explained that the United States was walking away from its regional leadership role in both security and economics.<sup>xxii</sup> Diminished US diplomatic and economic involvement in Asia is troubling, especially for those in the military looking to establish EABs. On the other hand, an unattributed author of the article “Warm RCEption: The meaning of RCEP, the world’s biggest trade agreement,” in *The Economist* explains that the members of ASEAN (Association of Southeast Asian Nations) worry about a regional drift into China’s sphere of influence. The author states many in ASEAN hope America will re-engage under President Biden.<sup>xxiii</sup> While the forging of

multilateral economic partnerships in Southeast Asia with China minus the United States is troubling, knowing allies want more US involvement is some consolation and indicates possible collaboration in furthering EABO.

The ICS reports and academic articles on US and partner nation relations in military and security matters, as well as overall cooperation, can be a strong indicator of the potential to implement EABO. While some articles are hopeful, there are also articles that are less enthusiastic about US diplomatic efforts in Southeast Asia. Some articles suggest countries are less inclined to favor US or China goals over national priorities. Diplomacy as the “ways” in achieving EABO is further examined in the final section of this paper.

### **Treaties are the Means to Project EABO into Contested Spaces**

EABO requires law or treaties as the “means” for successful implementation. Modern acronyms such as MIDFIELD (military, informational, diplomatic, financial, intelligence, economic, law, and development) identifies the expanded number of national power instruments available to policymakers. The DOD Joint Doctrine Note 1-18 (Strategy) states, “Reaffirming the American commitment to the rule of law by simply adding it to our national security dialogue is a step in the right direction to restoring what Joseph Nye termed soft power, which he defines as the ‘ability to get what you want through attraction rather [than] that [ sic ] coercion or payments.’”<sup>xxiv</sup> It is through law in the form of treaties or bilateral agreements with key allies that will actualize EABO. The following section on law will cover the Department of State Circular 175 Procedure, types of agreements, process, negotiation, and neutrality law.

Having a basic understanding of how the DOS interprets and applies treaty law is useful when exploring different types of international agreements. Within the DOS Foreign Affairs Manual (FAM) is a section diplomats and military professionals turn to for answers concerning treaties and international agreements: FAM Volume 11, Section 720, Negotiation and Conclusion, also known as the Circular 175 Procedure (C-175). The C-175 Procedure “facilitates the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements, and facilitates the maintenance of complete and accurate records on such agreements”.<sup>xxv</sup> This section of the FAM is comprehensive and explains the differences between treaties and international agreements other than treaties. Treaties are usually more substantial in nature and require “advice and consent” of two-thirds of the US Senate, whereas international agreements other than treaties are concluded under the President’s constitutional authority as long as the agreement is not inconsistent with legislation passed by the Congress or the constitution.<sup>xxvi</sup> The C-175 Procedure clarifies the method for deciding whether to pursue a treaty or an international agreement other than a treaty, but for the purposes of this paper both are equally sufficient as a “means” in securing US access and use of EABO. Also discussed in the C-175 Procedure is the request to negotiate and conclude agreements. For international agreements involving the DOD, the DOD must seek C-175 authorization for negotiation and conclusion of treaties and international agreement other than treaties from the DOS.<sup>xxvii</sup> Through the C-175 Procedure, the DOD can request from the DOS the authority to negotiate an agreement, the authority to conclude an agreement, or both. If C-175 authorization to negotiate and conclude an agreement is granted, no new authorization to conclude the agreement is required unless the negotiated text contains substantive changes from the draft text.<sup>xxviii</sup>

There are many types of international agreements, including but not limited to Status of Forces Agreement (SOFA), Acquisition and Cross-Servicing Agreement (ACSA), and Defense Cooperation Agreement (DCA).

A SOFA is a contract between the host nation and the United States that usually accompanies other agreements. A SOFA “does not constitute a security arrangement; it establishes the rights and privileges of foreign personnel present in a host country in support of the larger security arrangement.”<sup>xxix</sup> SOFAs usually involve issues such as criminal jurisdiction, entry and exit into the country, tax liabilities, and postal services. SOFAs are needed when troops are expected to be present in a foreign country, even on a rotational basis.

A second type of agreement that is vital for the US military is the ACSA. ACSAs are negotiated on a bilateral basis between the United States and its partners, which allows US forces to obtain support such as transportation, food, fuel, equipment, and ammunition.

A third type of agreement is the DCA, but these agreements can be called by different names depending on the country (the DCA-type treaty with Japan is called Mutual Defense Assistance Agreement). DCAs can be defined as “formal bilateral agreements that establish institutional frameworks for routine defense cooperation. DCAs typically involve relatively symmetric, long-term commitments for both sides, with an emphasis on coordinating core areas of defense policy and encouraging interpersonal contacts.”<sup>xxx</sup> DCAs can include the host country providing property and infrastructure for bases, warehouse space at ports, as well as provisions for transit of air space, rail networks, ports, and even access to the electromagnetic spectrum. Treaties and international agreements can also include provisions for burden sharing between the United States and the host nation, which can offset costs.

Since the commitment and risk could be considerable in implementing EABO, a DCA-type agreement will most likely be needed, which will further necessitate a SOFA and/or ACSA. As EABO is envisioned, US Marines will need to be posted in partner countries, even if it is a small, rotational footprint. While the number of Marines and weapon types can be negotiated in the diplomatic process, the potential impact of hosting US military personnel could be significant for both countries.

The treaty/agreement process is complicated, time consuming, and involves several elements. Since EABO is not how the Navy and Marine Corps fights today, naval planners must prepare accordingly. A great deal of DOD planning is done before the DOS is called on for any subsequent diplomatic or legal action. According to DOD Instruction 3000.12, Management of US Global Defense Posture (GDP), “CCMDs and Military Services must collaborate in a broad posture approach, including basing and capacity considerations, at all shared locations where multiple GCC, FCC, and Military Service stakeholders have requirements to operate.”<sup>xxxi</sup> The primary documents that advocate for change, such as needed in the case of EABO, will be captured in Theater Posture Plans and Functional Posture Plans. These plans clarify posture status and identify gaps, risks, and required changes. According to Major Andrew A. Yager, US Marine Corps, detailed to the DOS as a strategic planner with Defense Sector Plans Team, this is the part of the planning that focuses on forces (people), footprints (bases and infrastructure), and international agreements. CCDRs will then assess the gaps in their current posture and identify fixes in their annual posture plans. The Global Posture Executive Council (GPEC) will prioritize key posture elements such as military construction projects and international agreements. According to Yager, the Office of Strategy, Plans, and Capabilities

within the Office of the Secretary of Defense is the functional counterpart with the DOS and oversees requests for agreements necessary to implement defense strategy.<sup>xxxiv</sup>

Yager stated one of the weakness of this process is that Marine Corps planners may not always understand diplomatic access, interplay, the requirements of what is needed and how it is accomplished. He explained that DOD diplomatic agreement requests can come up against competing diplomatic regional priorities, and that military planners need to have better assumptions concerning the diplomatic process.<sup>xxxv</sup> Those looking to advance the EABO strategic concept will need to establish realistic expectations regarding the diplomatic instrument of national power.

In promoting EABO through law/treaty and diplomacy, the Navy and Marine Corps should synchronize with the Army as it develops the Multi-Domain Battle (MDB) concept. While deliberating on EABO, Yager said the Army's MDB concept is similar in that it incorporates a smaller, forward deployed force with significant capability.<sup>xxxvi</sup> In discussing MDB, Chairman of the Joint Chief of Staff, General Mark Milley stated, "It'll probably end up somewhere in the 1,500 person, maybe 2,000 [maximum], because you want it to be rapidly deployable. Very expeditionary. And you want it to be agile and nimble on the battlefield. So smaller is better when it comes to those types of attributes."<sup>xxxvii</sup>

In contrast with EABO, MDB will function in land, air, and space domains. In the article, "Sustaining Multi-Domain Battle: An Interview with Gen. David Perkins," Perkins stated, "It (MDB) is meant to counter the anti-access/area denial environment that specifically aims to prevent the United States from getting into an area of operations through components of the land, air, and space domains. We are building this task force to have the ability to thwart that."<sup>xxxviii</sup> The Army MDB concept of countering anti-access/area-denial (A2/AD) is strikingly

similar to EABO. The problem for EABO enthusiasts, according to Yager, is that even beyond discussion, the planning process for MDB is more advanced at US Indo-Pacific Command (INDOPACOM) than EABO. Yager sees EABO as a lighter footprint and less costly compared to MDB, but both are expeditionary and will require diplomatic maneuvering with partner countries for implementation.<sup>xxxix</sup> Working together across military branches to further these two concepts via law/treaty and diplomacy seems mutually beneficial as the US military will likely need both.

Having a functional understanding of the defense agreement negotiation process will be critical in implementing the EABO strategy. Negotiating the necessary agreement framework for EABO with partner countries will take time unless a defense agreement is already established with a partner country. Whether an existing agreement is old or new, it may be an onerous process to negotiate the necessary provisions to enable EABO. According to Lieutenant Colonel Bobby Gregory, US Army, a military advisor detailed to the DOS Bureau of Political-Military Affairs, Office of Security Negotiations and Agreements, diplomatic efforts to establish a streamlined agreement framework for temporary presence should endeavor to answer the hard questions prior to any significant DOD posture adjustments, whether temporary or permanent in nature. Gregory explained that some recently concluded defense agreements have provisions that enable DOD and their host nation Ministry of Defense (MOD) counterpart to adjust annexes that list agreed operating locations for US military access, subject to DOS concurrence. Older agreements generally do not have provisions that enable Executive Agents (DOD and MOD) to amend operating locations. Having the proper agreement framework in place with potential host nations will enable smooth implementation of the EABO concept.<sup>xl</sup> Host nations may seek ironclad written commitments about timing of deployments, the weapons employed, and

crucially, the authorization needed for use, but the United States generally avoids making any such commitments so as not to constrain DOD's flexibility. The time to negotiate the hard EABO questions with host governments is before a time of crisis, since the EABO option may be difficult to implement once a crisis erupts.

Security negotiations can be complex, often involving myriad offices for both the United States and its bilateral partner. Gregory explained that US agreements require a policy and legal review and a robust clearance process that includes the DOS regional bureau staff and appropriate embassy. Once a draft proposal is approved for negotiation, the typical first step is to send a cable to the relevant US Embassy with instructions for delivering the proposal to the relevant host nation interlocutors, seeking to commence negotiations. The key host nation interlocutors for security agreements are generally found in the foreign ministry and/or defense ministry. Once a meeting is established, which can take months, all parties will gather to discuss the various issues.<sup>xli</sup> According to Gregory, this could consist of several host nation government agencies since topics of discussion may include customs, consular, finance (taxes), and labor matters. When discussing access, it is important to consider that some host nation infrastructure, such as airports and port facilities, may be privatized. This can further complicate matters when pursuing government-to-government agreements. Such issues as prepositioning of defense equipment can be challenging to negotiate. In terms of EABO, ideal locations that are difficult for adversaries to target, even if expeditionary, may require some level of military construction to establish the necessary infrastructure to implement EABO. Gregory importantly noted U.S. legal requirements associated with DOD's ability to undertake significant overseas military construction. There is a requirement for DOD to have "operational control" over areas where significant construction might take place and this requirement can only be met by way of a

defense agreement with binding provisions on access.<sup>xlii</sup> EABO proponents must understand that successful implementation may require time to enable diplomats to secure the necessary agreement framework with host nations where no such framework exists.

Coordination with host nations on security measures to be taken by DOD when temporarily present in host nations' territory is another matter that is often contentious during negotiations. Provisions that address security measures must generally enable DOD to operate under consistent and familiar rules of engagement (ROE) wherever they may be deployed. Having to learn how to operate under different ROE in different host nations would be problematic for implementing EABO. Plans concerning ROE should ideally be agreed in advance and with minimal variance between different countries.<sup>xliii</sup> The fact that modern weapons can range beyond territorial boundaries is an important consideration for implementing EABO. Certain host nations may not be comfortable with having U.S. weapon systems emplaced on their territory if such emplacement is expected to elicit a reciprocal reaction by neighboring adversaries. Host nations may prefer not to host U.S. forces if doing so triggers their adversaries to emplace weapons within striking range of their territory.

There are often deal breakers or "red lines" in the negotiation process that can prevent agreement approval. According to Gregory, unlike China, the United States rarely pays for access.<sup>xliv</sup> If a partner is intent on the US government paying for an ideal EAB location, diplomats and senior military leaders will need to carefully navigate whether to entertain such a policy decision and be aware of the second and third-order implications, and whether attaining access to a specific location is worth the establishment of a new precedent. An additional red line is often reciprocal agreements because these generally require Senate ratification.<sup>xlv</sup> A key example of this is the NATO Status of Forces Agreement, which applies reciprocally in the

United States and often entail implementation challenges given the 10<sup>th</sup> Amendment to the U.S. Constitution (i.e. matters legislated by U.S. states such as drivers licenses, tolls on state roads, and criminal jurisdiction). A typical third red line is provisions that stipulate the United States must be bound under the host nation's domestic or international legal obligations, such as host nation legislation banning use of certain types of ammunition or multilateral agreements to which the United States is not a signatory, such as the Ottawa Convention, which prohibits the use or stockpiling of land mines. Gregory explained many countries will not hold the United States responsible for their international obligations, but this is an issue worthy of consideration in terms of what EABO will require.<sup>xlvi</sup> Determining all red lines detrimental to EABO ahead of time will be important in the treaty process.

There are many provisions typically found in a treaty or international agreement, and to establish the legal framework for EABO implementation in a partner state, diplomats and attorneys will need to capture those stipulations in the document. For example, there are 30 articles listed in separate bilateral defense agreements concluded with Estonia, Latvia, and Lithuania in 2017. Many of the articles could potentially promote EABO, but five of the 30 readily stand out: Article III (Access to and Use of Agreed Facilities and Areas); Article IV. (Prepositioning of Defense Equipment, Supplies, and Material); Article VI. (Security); Article VII. (Entry and Exit); and Article XI. (Movement of Aircraft, Vessels, and Vehicles). The lone annex in this DCA, Annex A. (Agreed Facilities and Areas), could also potentially promote EABO.<sup>xlvi</sup> These types of provisions should be incorporated in potential EABO agreements with the host government, receiving permission for pre-conflict deployment, delegated use of weapons, and similar operational needs. Specifics will have to be negotiated by the DOS, DOD, and the host nation, depending on appropriate EABO requirements.

While law/treaty is the “means” for advancing EABO, it should be noted a defense agreement with the United States can lead to potential adverse consequences for the host nation. In the article “‘You Mean They Can Bomb Us?’ Addressing the Impact of Neutrality Law on Defense Cooperation”, Jeremy Davis explained that under Customary International Law (CIL), a US defense partner cannot simultaneously satisfy both its treaty obligation to the United States and neutrality obligation to the opposing belligerent.<sup>xlvi</sup> In an international armed conflict, states will either be belligerent or neutral. Davis stated, “When a defense partner allows the U.S. to use its territory—including its airspace and territorial sea—to conduct operations that seriously and immediately threaten the adversary, that state risks the adversary lawfully piercing its sovereignty to attack U.S. forces, equipment and materiel.”<sup>xli</sup> An adversary attempting to strike a US EAB could potentially damage host nation infrastructure or kill host nation personnel, under the auspices of neutrality law. Host nations should be cognizant of the risk, especially if they are located dangerously close to the belligerent.

In this section, this paper has explored how law as a vital instrument of national power, specifically using treaties and international agreements, will be key in furthering EABO in partner countries. Having a rudimentary understanding of the DOS C-175 legal process is useful when exploring the different types of international agreements. A DCA-type agreement will most likely be needed, which will further necessitate a SOFA and/or ACSA. The treaty or agreement process is complicated, time consuming, and involves several elements. It can also come up against competing diplomatic regional priorities. In promoting EABO through law and diplomacy, the Navy and Marine Corps should synchronize with the Army as it develops the Multi-Domain Battle (MDB) concept. Negotiations can be intricate and can include provisions such as access, finance, labor, and construction. Discussions with partner countries can be time

consuming requiring a robust clearance process with the DOD, DOS, and possibly Congress. Host nations should also be cognizant of neutrality law as a defense agreement with the United States can lead to potential adverse consequences.

### **Diplomacy is the Way to Project EABO in Partner Countries**

The EABO strategy requires diplomacy as the “ways” for successful implementation. Diplomacy is a vital instrument of national power (along with Information, Military, and Economics) and will be critical in achieving EABO. The following section will discuss the need for EABO implementation prior to hostilities, review China’s “nine-dash line” in the South China sea, explore the US Pacific island chain theory, examine the feasibility of furthering EABO in eight partner countries, and gauge China’s possible reaction to EABO in East and Southeast Asian countries.

Since capturing forward bases during war using joint forceable entry operations (JFEO) to establish EABs will be extremely costly in terms of lives and critical resources lost, EABs must be established utilizing diplomacy and treaties prior to open conflict. EABO as a strategy is designed to offset China’s long-range, precision missile systems that can target critical sea lanes, airfields, capital warships, and deep-water ports. China’s anti-access/area-denial (A2/AD) can keep US forces from establishing and maintaining lodgments in ever expanding weapon engagement zones and deny sea lines of communication. China’s dispersed land-based weapon systems hold an advantage over US sea and air platforms. The strategy itself implies the United States can no longer conduct JFEO in the South China Sea or the East China Sea if needed. Some might argue that JFEO is still an option and point to incremental innovation in force design

such as the Marine Littoral Regiment as a possible answer. Others may suggest force dispersion, speed, surprise, and smaller numbers of troops with increased firepower in taking lodgments during conflict. Current US military doctrine still sees JFEO as a necessary option. Joint Publication 3-18 states, “To be credible both as a deterrent and as a viable military option for policy enforcement, the Armed Forces of the United States must be capable of deploying and fighting to gain access to geographical areas controlled by forces hostile to US interests.”<sup>l</sup> The problem is JFEO is currently not credible as a deterrent, nor is it a viable military option against China. Until the United States can again make JFEO a viable option, perhaps through asymmetric or revolutionary leaps in directed energy, subsurface, artificial intelligence, electromagnetic spectrum, quantum computing, or space-based weapon systems, the US military should move full speed ahead with implementing the EABO strategy.

US diplomats may be able to capitalize on China’s aggressive territorial claims in the South China Sea by fostering closer ties with the aggrieved states, conceivably advancing EABO in the process. China’s nine-dash line (also used by Taiwan) is a disputed and loosely defined demarcation line used by China to claim ownership of a significant portion of the South China Sea, including the Paracel and Spratly Islands, as well as other banks and shoals.<sup>li</sup> These claims have raised serious concerns in the region, especially among the Philippines, Vietnam, Malaysia, and Indonesia.<sup>lii</sup> In 2016, the Permanent Court of Arbitration in The Hague ruled China and Taiwan had no legal basis to claim “historic rights” within the nine-dash line in a case brought by the Philippine government. The ruling by the court was subsequently rejected by China.<sup>liii</sup> China’s nine-dash line is a determined effort to enhance A2/AD in the South China Sea, which has soured several bilateral relationships in the region. States having territorial disputes with

China may be increasingly more approachable to hosting US EABs to counter Chinese territorial aggression.

US diplomats should take a new look at the US island chain theory as a model for implementing the EABO strategy, which is essentially a more refined, modern take on the island chain theory. With both EABO and the island chain theory, the US endeavors to project force across multiple island chains, creating a formidable deterrence and defense in depth. The US island chain theory was first discussed by former Secretary of State John Foster Dulles during the Korean War.<sup>liv</sup> For the United States, the island chain theory emphasizes force projection and containment in the Eastern part of Asia, whereas the Chinese view the theory as a strategy of encirclement.<sup>lv</sup> The first island chain is principally composed of the Kuril Islands, Ryukyu Islands, Taiwan, the Philippines, and Borneo, a curved line running from the Kamchatka Peninsula to the Malay Peninsula. The second island chain also incorporates Japan but extends further out comprising the Mariana Islands (including Guam), and parts of Indonesia. A third island chain runs from the Aleutian Islands through the central Pacific, including the Hawaiian Islands.<sup>lvi</sup> Successful EABO implementation in the South China Sea, East China Sea, and beyond, will fulfill John Foster Dulles' vision of formidable island chains protecting US and partner interests.

Utilizing the DOS ICS reports and academic articles, as well as reviewing the number and type of existing treaties and agreements between the United States and partner nations, will help assess the feasibility of implementing the EABO strategy. The eight countries examined can be separated in the following four categories: countries with recognized US treaties or security agreements with established US military bases (Japan and the Republic of Korea); countries with a constructive US relationship indicating the potential for treaty or international

agreement (Philippines, Malaysia, and Singapore); partner countries that will require strong diplomatic effort to secure a treaty or international agreement (Indonesia and Vietnam); and a fourth category that will require no diplomatic or treaty effort (Republic of Palau).

## **Japan**

The significant number of treaties and international agreements dating from the end of WWII indicate a strong and extremely close relationship between the United States and Japan in the realm of defense. The DOS, Office of Treaty Affairs keeps records of all active treaties and agreements. The official list known as *Treaties in Force* “is published annually by the Department of State to provide information on treaties and other international agreements to which the United States is presently a party. It lists those treaties and other international agreements in force for the United States as of the stated publication date for each edition.”<sup>lvii</sup> In *Treaties in Force* under the category of Defense, from January 1954 to April 2019, the United States and Japan have concluded one Mutual Defense Assistance Agreement, one Treaty of Mutual Cooperation and Security, four Memorandums of Agreement, three Memorandums of Understanding, and 62 Agreements.<sup>lviii</sup>

The likelihood of implementing the EABO strategy in Japan is extremely favorable, which is especially critical given its geographical location anchoring the northern parts of the first and second island chains and the island nation having a progressively capable military. The ICS for the US Embassy in Japan states its number one Mission Goal is to strengthen the US-Japan alliance, which is guided by the Treaty of Mutual Cooperation and Security.<sup>lix</sup> The US Embassy works closely with USINDOPACOM and US Forces Japan (USFJ). There are 23 US military bases in Japan with approximately 50,000 US service members. USFJ is headquartered at Yokota Air Base in Tokyo with the US Seventh Fleet based in Yokosuka.<sup>lx</sup> In furtherance of

the Embassy Mission Goal 1 is Mission Objective 1.3, which states “in line with Indo-Pacific Command security cooperation guidance and in coordination with USFJ, work to enhance Japan Self-Defense Force capabilities on a fast timetable.”<sup>lxi</sup> According to the ICS, in 2015 Japan passed the Peace and Security Legislation, which will permit for the first-time collective self-defense and relaxed the importation and exportation of defense equipment.<sup>lxii</sup> Having a self-sufficient and viable Japanese military partner with modern equipment and technology will be critical in any potential conflict with China. Importantly, Japan shares with the United States a common vision of the region and understands defense cooperation is an essential element. US diplomats, working with DOD colleagues, should pursue the EABO strategy with Japanese partners given the geographical importance of the island nation and because the probability of implementation is high.

### **Republic of Korea (ROK)**

The significant number of treaties and international agreements dating from the Korean War indicate a strong and extremely close relationship between the United States and ROK in terms of defense. In *Treaties in Force* under the category of Defense, from January 1950 to March 2019, the United States and ROK have concluded one Mutual Defense Treaty, one Mutual Defense Assistance Agreement, one Mutual Logistics Support Agreement, 12 Memorandums of Agreement, 11 Memorandums of Understanding, and 22 Agreements.<sup>lxiii</sup> Reviewing the 1953 Mutual Defense Treaty reveals the closeness between the United States and the ROK. The preamble states, “desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area.”<sup>lxiv</sup> Article IV is particularly revealing concerning the trust the ROK has towards the United States and its

military. Article IV states, “the Republic of Korea grants, and the United States accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.”<sup>lxv</sup> This solid diplomatic and military relationship will pay dividends in furthering EABO in the ROK.

The likelihood of implementing the EABO strategy in the ROK is expected, which is especially critical given its location in the first island chain and close geographical location with China. The ROK has a commanding position overseeing the sea lanes in the Yellow Sea, East China Sea, and the Sea of Japan. United States Forces Korea (USFK) is a subcommand of USINDOPACOM and includes the US Eighth Army, Seventh Air Force, as well as elements of US Naval, Marine, and Special Operations Command. USFK is headquartered at Camp Humphreys, which is located in Pyeongtaek.<sup>lxvi</sup> The ICS of the US Embassy in the ROK lists peace and stability on the Korean Peninsula and a denuclearization of North Korea as its Mission Goal 1.<sup>lxvii</sup> While correctly focusing on an unpredictable North Korea, having the military personnel, equipment, and a receptive ally can also help advance the EABO strategy. In furtherance of the EABO strategy, US diplomats and military professionals should coordinate a combined approach with both Japan and ROK, if possible. Fortunately, US diplomats understand the need to have a strong multilateral relationship between the three countries and are working to overcome obstacles. Under Mission Goal 3, the ICS states, “it is particularly essential to U.S. regional interests that the ROK and Japan have a strong bilateral relationship. Historical and territorial tensions between Japan and the ROK, however, have overshadowed their common interests in security, democracy, and prosperity.”<sup>lxviii</sup> The first big step in implementing an EABO strategy will be coordinating with Japan and ROK, which should be

relatively straightforward given historical cooperation on matters of security utilizing defense treaties.

## **Philippines**

The first country in the second grouping that will require strong diplomatic effort in furtherance of EABO is the Republic of the Philippines. In *Treaties in Force* under the category of Defense, from August 1951 to April 2019, the United States and Philippines have concluded a Mutual Defense Treaty (1952), 17 Agreements, a Memorandum of Understanding for the exchange of military personnel, a Mutual Logistics Support Agreement, and a Special Security Agreement concerning security measures for the Advanced Precision Kill Weapon System II, with appendix.<sup>lxix</sup> The Philippines is a treaty ally like Japan and the ROK but does not have a similar large number of bilateral agreements over the same time.

The Philippines is not listed in the first grouping of countries with Japan and the ROK, because even though they already are a treaty ally and may only require a treaty modification as the “means,” significant diplomatic engagement as the “ways” will be needed to secure EABO due to a recent relationship tilt away from the United States towards China. The Philippines is an archipelago that comprises 7,641 islands, with a total land area of over 115,000 square miles and sits squarely in the center of the first island chain.<sup>lxx</sup> In the June 2020 article “Philippines says it won’t end US military access agreement amid South China Sea tensions”, Brad Lendon stated the Filipino President Rodrigo Duterte reversed a decision to end a Visiting Forces Agreement (VFA) with the United States due to territorial tensions with China.<sup>lxxi</sup> The VFA is significant because it governs the legal status of US military forces in the Philippines and states the rules depicting how US military personnel, ships, and aircraft enter the country. With the VFA intact, the US military will continue to retain access to two of its former bases: Clark Air

Base and Subic Bay Naval Station. The reason for the reversal by President Duterte can be attributed to China's increased military presence and political decisions affecting islands claimed by the Philippines. China has moved advanced anti-submarine warfare and reconnaissance aircraft to the Spratly Islands chain and has made two new administrative districts in the Paracel Islands part of its southern Hainan province.<sup>lxxiii</sup> While the Filipino President has moved closer to China over the last several years for economic reasons, China's aggressive actions in the South China Sea present an opportunity for US diplomats to advance the EABO strategy.

Implementing the EABO strategy in the Philippines will require active US diplomatic engagement. The NSS specifically mentions re-energizing the US alliance with the Philippines, while the 2018 National Defense Strategy discusses strengthening alliances and partnerships in the Indo-Pacific.<sup>lxxiv</sup> In the Philippines, the US Embassy's ICS states the US military has focused on supporting the modernization of the Armed Forces of the Philippines (AFP).<sup>lxxv</sup> Continuing to build military-to-military and diplomatic relationships will be key in promoting the EABO strategy that may find opportunity amidst China's hostile claims in the South China Sea.

## **Malaysia**

Another country in the second grouping with a constructive US relationship indicating a potential for treaty or agreement is Malaysia. The Federation of Malaya gained its independence in 1957. From independence to present, the United States has conducted only five bilateral agreements with Malaysia: a defense agreement in 1958 relating to the purchase of US military equipment; an agreement granting US military equipment in 1972; an agreement providing US military equipment and training pursuant to the 1976 International Security Assistance and Arms Export Control Act in 1977; an agreement concerning a military exchange program in 1991; and

an agreement furnishing defense articles, defense services, and related training pursuant to the US International Military and Education Training Program (IMET) in 2006.<sup>lxxvi</sup> While the number of official bilateral agreements has been limited, the US-Malaysian relationship remains strong.

Implementing the EABO strategy in Malaysia will involve robust diplomatic engagement and require a DCA-type agreement, which will further necessitate a SOFA and/or ACSA. Malaysia is situated along the southern hook of the first island chain and encompasses a strategic location along the northern bank of the Strait of Malacca, a major shipping connection between the Pacific and Indian Oceans and one of the world's primary oil transit chokepoints. As one of four Southeast Asian nations having territorial disputes with China in the South China Sea, Malaysia has a key role to play in settling these disagreements.<sup>lxxvii</sup> A solid military-to-military relationship exists between the United States and Malaysia, highlighted by numerous US military ship visits each year, combined field and training exercises, and intelligence sharing. Malaysia also provides one of the few bases outside the United States for US military jungle-warfare training.<sup>lxxviii</sup> In Malaysia, the US Embassy's ICS captures the supportive military-to-military relationship when it states, "The U.S.-Malaysia security relationship has grown in scope and scale over the last several years. Malaysian officials generally welcome and recognize the value of U.S. military assistance and opportunities to train and exercise together."<sup>lxxix</sup> Successful EABO implementation will require more than a strong military connection, it will need a highly engaged DOS, DOD, and US embassy making inroads with the Malaysian Ministry of Foreign Affairs.

## **Singapore**

A third country in the second grouping with a positive US relationship indicating a potential for treaty or agreement is Singapore. Singapore became an independent and sovereign state in 1965. In *Treaties in Force* under the category of Defense, the United States has concluded 18 bilateral agreements with Singapore since it gained independence, more than three times the number with Malaysia.<sup>lxxx</sup> These agreements have included the purchase of military equipment, materials, and services; six exchanges of military personnel in designated commands, including engineer, scientists, and student exchange programs; two agreements concerning security of military information; four agreements concerning exchange of research, development, testing, and evaluation of project information; an agreement concerning the cooperation on information assurance (IA) and computer network defense; training under IMET; and a strategic framework agreement for a closer cooperation partnership in defense and security.<sup>lxxxi</sup> The number and variety of defense-related agreements with Singapore reveals a strong military and diplomatic relationship, indicating a potential for implementation of the EABO strategy.

It will take more than a robust military relationship with Singapore to secure EABO, but it is a good start. Singapore is a city-state located at the southern tip of the Malay Peninsula that borders the South China Sea to the east and the Strait of Malacca to the West. Singapore Island and 60 small islets comprise only about 18 square miles.<sup>lxxxii</sup> While not a treaty ally, Singapore is one of the strongest US security partners in the region. A formal strategic partnership agreement allows the United States to access Singapore military facilities and cooperates on issues such as counterproliferation and counterterrorism. Singapore is home to 1,000 US service members, civilians, and their families serving with Task Force 73 and Command Logistics Group Western Pacific, that arm, fuel, feed, and support the 7<sup>th</sup> Fleet operations in the region, as well as support US littoral combat ships stationed there since 2013.<sup>lxxxiv</sup> While the US military presence is

formidable in Singapore, some see a greater potential. In November 2020, US Navy Secretary Kenneth Braithwaite said the United States should increase its military presence in the Indo-Pacific region with a new numbered fleet, possibly based in Singapore. He stated the United States should take active steps in the region as they are being challenged by “a rapidly growing Chinese military machine.”<sup>lxxxv</sup> Singapore seems like an ideal choice considering close diplomatic and military relations, but there are other choices in the region. Ian Chong, an associate professor of political science at the National University of Singapore, thinks the Philippines, Malaysia, Indonesia, and Vietnam could be an alternative to host the US fleet, but states those countries may lack local support and offer suboptimal facilities. Clearly Singapore is closer to the United States than some of the other key partners mentioned in the article, indicating a greater potential for EABO.

Implementing the EABO strategy in Singapore will involve active diplomatic engagement and require a DCA-type agreement, which will further necessitate a SOFA and/or ACSA. The ICS of the US Embassy in Singapore lists deepening the US military-to-military relationship with Singapore and expanding security cooperation to promote free, open, and rules-based order in the region as Mission Objective 1.2.<sup>lxxxvii</sup> Singapore sees US active involvement in the region vital to peace and prosperity. The ICS states, “Singapore remains one of our strongest partners in Southeast Asia. Singapore has also traditionally relied heavily on U.S. assistance to field trained, disciplined, well-resourced security forces (to include military and law enforcement), the employment of which contributes to regional and global security.”<sup>lxxxviii</sup> Implementing the EABO strategy in Singapore is a realistic possibility considering the impressive and varied number of defense agreements previously concluded by US diplomats and the outstanding relationship cultivated by the US military.

## Indonesia

A country in the third grouping that will require strong diplomatic effort to secure a treaty or agreement in furtherance of EABO is the Republic of Indonesia. Indonesia gained its independence in 1949. In *Treaties in Force* under the category of Defense, from August 1950 to December 2015, the United States and Indonesia concluded four Agreements related to the furnishing of military equipment, materials, and services; one Agreement related to the sale to Indonesia of military equipment, materials, and services; one Agreement related to the provision by the United States of basic pilot training aircraft; one Memorandum of understanding concerning mapping, charting, and geodesy cooperation; one Acquisition and cross-servicing agreement, with annexes; and one Aviation Leadership Program agreement.<sup>lxxxix</sup> While not close to the significant number of treaties and agreements Japan and the Republic of Korea have with the United States in the first country grouping, Indonesia has a similar number compared to states in the second country grouping.

The likelihood of implementing the EABO strategy in Indonesia is currently unlikely unless the United States elevates EABO as a national priority due to divergent policies and a certain lack of trust. In the article, “The U.S.-Indonesian Military Relationship”, Adam O’Brien states the United States is funding six different programs and initiatives in Indonesia, to include: IMET, Antiterrorism Assistance Program, Counterterrorism Fellowship Program, Military spare parts for non-lethal items, Foreign Military Financing, and Economic Support Funds.<sup>xc</sup> O’Brien explains the assistance has been effective, especially in counterterrorism, but the Indonesian government’s human rights record remains poor. Just because the Indonesians are ready recipients of US funding does not mean they will be more amenable to EABO. According to US Embassy’s ICS Mission Objective 3.1, Indonesia’s foreign policy objectives and actions align

similarly with US foreign policy objectives, and the United States is Indonesia's partner of choice in the Indo-Pacific region.<sup>xc<sup>i</sup></sup> However, according to the embassy ICS report, Indonesia is deficient in several areas that makes cooperation difficult. The ICS states, "Our bilateral defense cooperation, via the Joint Statement on Defense Cooperation of 2015, aims to progressively address these inadequacies while improving mutual trust and understanding in a country that will not be allied with the United States for the foreseeable future."<sup>xc<sup>ii</sup></sup> Enhancing the United States-Indonesia relationship, working via diplomatic channels and through military-to-military cooperation, will be an essential step towards establishing EABs in Indonesia.

## **Vietnam**

A second country in the third grouping that will require strong diplomatic effort to secure a treaty or agreement in furtherance of EABO is the Socialist Republic of Vietnam. In *Treaties in Force* under the category of Defense, from June 2005 to February 2015, the United States and Vietnam have concluded only two agreements. The first is a defense agreement concerning the provision of equipment, training, and related services under the IMET Program. The second is an Aviation Leadership Program agreement.<sup>xc<sup>iii</sup></sup> In the countries reviewed, only Palau has fewer bilateral agreements with the United States. This is unsurprising considering the stale relations between the United States and Vietnam following the end of the Vietnam War in 1975. While the number of agreements is small, diplomatic relations have improved over recent years.

The likelihood of implementing the EABO strategy in Vietnam is currently doubtful due to war legacies that continue to impede partnership. Vietnam is located on the eastern portion of the Indochinese Peninsula, occupies over 330,000 square kilometers, and shares borders with Laos, Cambodia, and China. Vietnam claims territorial waters in the Gulf of Tonkin, Gulf of Thailand, and the South China Sea.<sup>xc<sup>iv</sup></sup> The US Embassy's ICS Mission Goal 1 is to have

Vietnam become a more responsive and effective partner in regional security.<sup>xcv</sup> To accomplish this, the US Embassy in Hanoi and US Consulate in Ho Chi Minh City will have to continue working to alleviate lingering suspicion after normalizing diplomatic relations two decades ago. The ICS reports states, “Additionally, under this Mission Goal, work will address war legacies that continue to impede our partnership. Building a stronger U.S.-Vietnam partnership will contribute to a stronger security relationship and help offset Chinese influence.”<sup>xcvi</sup> The US military is making a solid effort to improve relations with Vietnam. In 2018, then US Secretary of Defense James Mattis visited Hanoi and said, “it’s in America’s best interest to see a strong and prosperous and independent Vietnam, and we intend to be a partner as we go forward.”<sup>xcvii</sup> In the article “The U.S. and Vietnam are Expanding Areas of Military Cooperation”, author Joshua Ball stated the United States currently has 24 active foreign military sales with Vietnam after President Barack Obama lifted a decades-old embargo on US weapons sales to the country. Even with improved military relations and funding, advancing EABO in Vietnam will require much effort.

US diplomats may be able to utilize Vietnamese rifts with China to further US policy objectives. Having a capable partner like Vietnam in Southeast Asia will be key to countering an antagonistic China. China-Vietnam relations have not always been good. The Sino-Vietnamese War in 1979 saw as many as 450,000 Chinese troops attack northern areas of Vietnam, with both sides claiming victory.<sup>xcix</sup> More recently Vietnam has expressed indignation with China’s expansionist activity in the South China Sea, along with the Philippines, Malaysia, and others. One obstacle facing US diplomats is that Vietnam has a policy of not engaging in formal military alliances. More importantly, Hanoi likely will not embark on large-scale diplomatic endeavors, especially with the United States, without assessing China’s reaction.<sup>c</sup> It will be a Herculean

effort for US diplomats to secure EABs in Vietnam via treaty or international agreement as relations currently stand.

## **Palau**

The diplomatic “ways” and the lawful “means” are not required to implement EABs in the Republic of Palau. EABO will be critical in this country due to its geographical importance. Palau, the only country in the fourth country grouping, requires no diplomatic or treaty engagement due to its unique relationship with the United States.<sup>ci</sup> Palau is an island country located in the Western Pacific Ocean containing approximately 340 islands. The area of Palau is 180 square miles and shares maritime boundaries with international waters to the north, the Philippines to the west, Indonesia to the South, and Micronesia to the east.<sup>cii</sup> Palau falls in the middle of the second island chain that connects Japan with eastern Indonesia. There is only one agreement listed in *Treaties in Force* under the category of Defense. The agreement conducted in 2017 regards the Foreign Assistance Act of 1961, including IMET, and furnishes defense articles, related training, and other defense services from the United States to the Government of the Republic of Palau.<sup>ciii</sup>

While the Republic of Palau is an independent and sovereign state, it shares a close and unique relationship with the United States based on the 1994 Compact of Free Association (COFA) initiated at the end of the World War II. Under COFA, the United States provides for the security and defense of Palau, just as it was a US territory.<sup>civ</sup> The U.S. Embassy in Palau is a very small post with two diplomatic officers and a support staff. In discussing COFA, the US Embassy’s ICS states, “the Compact grants the US access to Palau’s jurisdiction for defense purposes and closes it to the military forces of any other nation, making Palau an important element of our Indo-Pacific strategy.”<sup>cv</sup> While having no military of its own, Palau readily

welcomes the US military and encourages the establishment of bases. In a visit by the US Secretary of Defense to Palau in August 2020, Palauan President Tommy Remengesau stated, “Palau’s request to the US military remains simple — build joint-use facilities, then come and use them regularly.”<sup>cvi</sup> The United States should take steps now in Palau to work out the EABO strategy since it will not currently require diplomatic engagement using treaties—a possible opportunity to test and improve EAB implementation.

The DOS and DOD should take immediate diplomatic action to further the EABO strategy in Japan and the Republic of Korea since these are treaty countries with established US military bases and are ideally located for EABs in the first and second island chains. Building strong diplomatic and military relationships in treaty ally Philippines will be needed to advance EABO and additional effort will be needed to secure treaties or agreements with Malaysia and Singapore. While unlikely EABO partners, the DOS and DOD should continue to build rapport and trust with Indonesia and Vietnam as China continues to alienate them through aggressive territorial claims in the South China Sea. While no diplomatic or treaty effort will be needed with current ally Palau, the US military should hasten EABO implementation as doing so after conflict begins may prove costly in lives and resources.

### **China’s Possible Reaction to EABO**

Implementing EABO in East and Southeast Asian countries will most likely be viewed by China as provocative and increase regional tension. In February 2021, the US Department of State approved the sale of 25 M30A2 extended range guided multiple-launch rocket systems and related equipment to Finland. According to the US Defense Security Cooperation Agency (DSCA), “the proposed sale will support the foreign policy and national security of the United States by improving the security of a trusted partner which is an important force for political

stability and economic progress in Europe.”<sup>cvii</sup> In response, the Russian Embassy in the United States Tweeted, “The possible sale to Finland of M30A2 and M31A2 by the US DSCA raises questions. What these offensive weapons are for? Against what enemy? We share time tested relationship with #Helsinki. The #US push to arm our neighbor is a step in the wrong direction aimed at raising regional tension.”<sup>cviii</sup> While this example is related to an arms sale to a Russian neighbor, China could exhibit a similar reaction to a United States dispersing US-owned/controlled weapon systems throughout the first and second island chains.

China would most likely interpret the placing of lethal, low-signature forces operating in a dispersed, forward-basing infrastructure in adjacent seas with alarm. Russia announced in February 2021 they would be launching multiple missiles into international waters between mainland Norway and Bear Island as part of a test as four US B1 Strategic Bombers deploy to Norway. In the article “Russia Announces Multiple Missiles Towards Bear Gap as US Air Force Bombers Deploy to Norway For First Time,” Thomas Nilsen thinks the timing is likely not a coincidence. Nilsen explained the timing and location of the test may be intended to serve a “signaling purpose”, perhaps communicating Moscow’s indignation of having US bombers on Norwegian soil.<sup>cix</sup> In the article, Kristian Atland, Senior Research Fellow at the Norwegian Defense Research Establishment, stated, “Simply [put] out [sic], the Russian Navy has a ‘sea control’ ambition in the maritime areas east of this imaginary line, and a ‘sea denial’ ambition in the maritime areas further west and south, which are deeper than the Barents Sea.”<sup>cx</sup> While this example highlights a Russian response to the United States temporarily placing military aircraft in a partner country, it is not difficult to see a similar dynamic unfolding with EABO in the South and East China Seas. US policy makers should move forward with implementing EABO using caution. In assessing China’s potential reaction to US EABs, US national leaders should

contemplate what their reaction would be if China established EABs in the Caribbean Sea, emplacing troops on scattered islands with precision, long-range fires within range of the United States and overseeing US sea lines of communication. It is not unfathomable to posit escalation in terms of a Cuban Missile Crisis type standoff.

### **Conclusion: Diplomacy and Law are Required to Project EABO**

Implementing the EABO strategic option will require leveraging two instruments of national power: diplomacy as the “ways” and law or treaties as the “means”. Existing EABO literature focuses primarily on the strategy through the military lens, eschewing diplomacy and law. This paper has shown that law, as an essential instrument of national power, will be key in furthering EABO in partner countries. A DCA-type agreement will most likely be needed, which will further necessitate a SOFA and/or ACSA. The treaty/international agreement process is complicated, time consuming, and involves several elements. It can also come up against competing diplomatic regional priorities. Diplomacy as a second critical instrument of national power will be needed to advance the EABO strategy with key Asian partners. The time to pursue EABO is now—because after hostilities commence, seizing ground for EABs will cost lives and resources. Since lawful EABO implementation through treaty will take time and effort, the DOS and DOD should rigorously pursue these matters first with treaty allies Japan and Republic of Korea. Advancing the EABO strategy should be worked on concurrently with key partners in the Philippines, Malaysia, and Singapore. Diplomats and military professionals should continue to develop relationships with Indonesia and Vietnam, working to establish a solid foundation for possible future EABs. The US Navy and Marine Corps should take immediate measures to strengthen the second island chain in Palau, where it can begin testing

and improving EABO prior to conflict. US policy makers should move forward with implementing EABO using caution to avoid an escalating confrontation.

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