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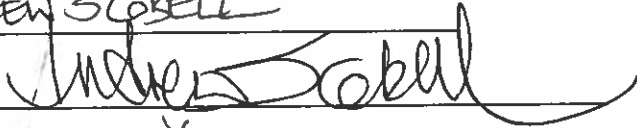
THREE WARFARES WITH AMERICAN CHARACTERISTICS:
RENEWING THE SOUTH CHINA SEA FREEDOM OF NAVIGATION PROGRAM FOR
THE INFORMATION AGE

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Executive Summary

Title: Three Warfares with American Characteristics: Renewing the South China Sea Freedom of Navigation Strategy for the Information Age

Author: Lieutenant Commander Andrew C. Mueller, United States Navy

Thesis: The US's Cold-War-Era Freedom of Navigation Program has not achieved its objectives in the 21st Century South China Sea, and requires modifications to adapt to an Information-Age environment.

Discussion: The Freedom of Navigation Program is, at its heart, an Operation in the Information Environment. In the 2010s, the program was unsuccessful in achieving a desirable change among any of the intended audiences. The *West Capella* standoff in 2020 was a new development in the Navy's South China Sea mission, since it focused on economics and was defensive in nature, in contrast to previous operations, which focused on abstract legal arguments and were contorted by the Chinese propaganda system to seem aggressive. By learning from the lessons of *West Capella* together with those of previous Freedom of Navigation Operations, the US can construct an information strategy that will more successfully maintain the rule of law in the South China Sea.

Conclusion: The US has already taken significant measures to update the program for the 21st Century, but there is still room for improvement. Among the options, a UN-sponsored maritime task force is the ideal solution, since it would be a neutral guarantee of freedom of navigation to

all parties. However, it is unlikely to come to fruition due to China's Security Council veto. Still, the declared pursuit of such a lofty goal will enhance the perceived legitimacy of the US and its allies for operating in the South China Sea, creating more political space for acting in support of coastal ASEAN nations and, if coupled with a multilateral approach focused on defending ASEAN nations' economic interests, will aid the US's efforts to reinforce international law against China's assaults.

Preface

This report has its roots in three separate events in my life. First, as a mechanical engineering student on a summer session abroad with the University of Maryland, I spent some time on the northern coast of the South China Sea in Hong Kong, just in time to attend the 20th Annual Tiananmen Square Memorial Ceremony in Victoria Park. While in Hong Kong, I came to know multiple Chinese students whom, though I am now rarely in contact with them, I still consider friends. It is easy to lose sight of the fact that, despite the nefarious activity of the CCP and the presence of many civilian enablers, among the hundreds of millions of Chinese citizens there are many good, innocent people. Going forward, it is necessary to treat these people separately from the malefactors in the leadership of the CCP, and to realize that our only hope for change lies beyond simply deterring and meeting the CCP's economic and military aggression, and, as challenging as it will be, in appealing to the basic goodness of the Chinese people and their universally human desire for progress. Such a comment may have made little sense in an earlier era, but in the new Information Age, it might not only be right, but necessary.

Two years after Hong Kong, I embarked on the USS OKLAHOMA CITY (SSN 723), and during my tour, en route to Subic Bay, Philippines, and a joint US-Indonesia operation in the Java Sea, I traversed the sea's peripheries, and was personally introduced to the huge gravity of the South China Sea problem. In another two years, I went on to marry a Filipina, whose home in Batangas province looked out from the sea's eastern shore. Thus, the South China Sea has been more central to my life than nearly any other body of water on the globe.

Furthermore, as an American I, like many of my countrymen and –women, am thoroughly interested in positioning the US in a sustainable, favorable position among the international community in the 21st Century and beyond. Over the course of my year at Marine

Corps University, I have become convinced that this future depends on a commitment to multilateralism and a buttressing of international institutions against the various forces that seek to tear them down, lest we squander everything my grandfather fought for in the skies over Normandy, returning to a pre-1945, might-makes-right anarchy in the international system. America will only ultimately triumph if the rule of law triumphs.

I would like to thank my wife, Mae, and my children, Mariana and Cameron, for sparing me the many hours that have gone into preparing this report; my mentor team, Dr. Andrew Scobell and Dr. Nathan Packard, for providing direction through the seemingly infinite wilderness of scholarship on the China-US relationship; my high school English teacher, Nicholas Beck, who I hope will forgive all the stylistic shortcomings in the following pages; and finally my Conference Group 11 faculty and classmates, who have shown me how much I still have to learn.

Introduction

The South China Sea is not known for being particularly stormy. It did not drive back a Mongol invasion with a *kamikaze* like the Strait of Korea. It does not strike fear into sailors' hearts like South America's Drake Passage. It has cyclone activity, but, shielded from the worst storms by the Philippine archipelago, it has not achieved the legendary status of the Bermuda Triangle. Nonetheless, in a different sense the South China Sea is the stormiest of all waters. It sits at the confluence of two gigantic currents: America's defense of its leadership role in the international system and China's hunger to restore its nation to what it perceives as its rightful place in the world order.¹ As with many weather phenomena, the high-intensity events occur irregularly and somewhat unpredictably: in the 2009 *Impeccable* incident, in 2012 near Scarborough Shoal, and more recently in 2019 near Reed Bank.² Like elsewhere in the world, the general trend will likely continue towards more intense and more frequent stormy episodes as time goes on, as long as the underlying causes are not addressed.

That is not to say that they have not been addressed at some level. There are hundreds of studies written by highly qualified commentators on this one, most complex geopolitical maelstrom. In view of that daunting reality, this article does not intend to outdo them by producing a silver-bullet diplomatic framework that will convince both China and the ASEAN nations to set aside their differences, nor will it attempt to convince the broader international community to adopt a certain legal resolution after dozens if not hundreds of legal experts have already weighed in on the situation. What it does intend to do is to propose a new use of the American military instrument of power that, by updating its methods for the Information Age and better integrating with the other instruments of power, will help to more effectively advance American interests in the South China Sea while deterring great power war.³

The article will attempt this proposal as follows. It will start by framing the US Navy's most publicly visible operation in the South China Sea, the Freedom of Navigation (FON) Program, as an Operation in the Information Environment (OIE), and by making some basic assumptions concerning the US's overall strategic goals in the region.⁴ Second, it will analyze the socio-cultural forces at play in the region, and how they might affect the success of OIE. Third, it will assess lessons learned from past FON Program efforts. It will then use this assessment to inform several potential Courses of Action (COAs), finally recommending one COA for execution. This recommended COA includes will include two simultaneous lines of effort. The first is setting the lofty, long-term goal of developing a multinational maritime task force, supported by the United Nations Convention on the Law of the Sea (UNCLOS) and sponsored by the United Nations itself. Being nearly unattainable due to likely Chinese opposition, this goal would exist mainly as an information environment backdrop, in thematic support of the second line of effort. The second line of effort is a set of measures that may, if followed, eventually drive the situation toward UN-supported stability, but in the meantime resists Chinese overreaches while improving the US's international credibility. It would include an interim non-UN maritime security consortium; capability-building among local nations; and a shift from traditional warship freedom of navigation concerns towards those concerns more important to the US's strategic partners in the region.

The Information Environment, and Legitimacy as a Weapon of War

In the Information Age, a primary weapon of competition and conflict is legitimacy.⁵ Joseph S. Nye famously wrote that "in today's global information age, victory may sometimes depend not on whose army wins, but on whose story wins."⁶ Indeed, if the US has learned one

thing from its experiences with counterinsurgency, it might be that no amount of military force can overcome an adversary if a military lacks perceived legitimacy within the Area of Operations, and the strength of its outward-facing message is key to obtaining that legitimacy. Naval War College professor Ivan T. Luke finds that legitimacy is not only important during kinetic conflict, stating that “legitimacy is a matter of perception,” and “perceptions count [...] particularly [...] in situations short of war,” where the intangible and the ambiguous are of supreme importance.⁷ Given legitimacy’s centrality to strategic success, it stands to reason that a national security apparatus should direct time and effort toward plans that build legitimacy. With legitimacy attained within the information environment, the military, economic, and diplomatic instruments of power gain more political space within which to operate.

James Gow and Michaela Michalski agree with this notion in their book *Legitimacy, Image and War: Viewing Contemporary Conflict*, stating that “in war, legitimacy determines success.” They go on to state that in today’s Information Age, legitimacy is “framed predominantly by moving-image media, which means that images are the key weapons of modern warfare.”⁸ Their comment highlights that in today’s social media environment, where a teenager with a smartphone can change world events, the potential audience of a state’s actions is broader, more immediate, and more unpredictable than ever before.^{9, 10}

Further complicating things, unlike the slower-moving information environment of the 20th Century, today’s instantly available news stories have little time to filter through expert commentators before affecting public opinion.¹¹ The masses of observers, lacking legal training, operate on a sort of “psycho-legal” truth, in which guilt is assigned not by actual legal requirements, but largely based on each individual’s emotions and illogical biases.¹² This fact could have a profound effect on today’s military operations. An unflattering picture or false story

can have real-world effects on public opinion, which, amplified and accelerated by social media, can in turn shape policy. Legal commentary might arrive too late or too weakly to overturn the decision.

On a related note, Luke notes that “legitimacy” is not the same as “legality,” and that this fact was true even before the height of the Information Age. For example, he cites the British Navy’s sinking of the Argentinian cruiser *General Belgrano* during the Falklands War.¹³ Britain lost face at home and abroad by sinking the *Belgrano*, since although the cruiser was a legal belligerent, it was sailing outside an informal, legally immaterial, announced combat zone. The incident shows that no matter the legality of a military operation, it can still be damaging to a state’s soft power.¹⁴ Luke goes on to say that “acting in ways that are not perceived as legitimate puts long-term success at risk and increases the risk of unintended conflict.”¹⁵ In all, today’s information environment necessitates that states care not only about the legality of their actions, but also their perceived legitimacy.

China, it should be said, has recognized the shift brought about by the Information Age. It learned the importance of legitimacy decades ago in its fight against Chiang Kai-shek’s Nationalists, and it has been said that China’s remarkable success in developing its national power since then has been because it uses its military as a “[tool] with which to change men’s minds” rather than as a source of pure physical power.¹⁶ With the advent of the World Wide Web, China adapted its time-tested strategy for the new technological environment. In its 2003 *Political Work Guidelines of the People’s Liberation Army*, China’s Central Military Commission introduced the “three warfares” concept, which, perhaps in the tradition of Mao’s “people’s war,” focused on public, rather than strictly legal or diplomatic, audiences.¹⁷ The three components were “psychological operations” to intimidate adversaries into acquiescence, “media

manipulations” to influence public perspectives, and “exploitation of [...] legal systems,” or colloquially, “lawfare,” which rather than being a wholly legal strategy, includes undermining legal processes of all sorts when it is strategically advantageous.¹⁸ Using this strategy, the CCP seeks to undermine the legitimacy of the current Western-dominated order and bolster the legitimacy of its own autocratic style, with the intent of changing the international order to its advantage. Meanwhile, the US FON Program, created in 1979 and now a primary element of the US’s resistance to Chinese adventurism, is from a different century, a different rivalry, and a comparatively primitive information environment.¹⁹ As could perhaps be said of many institutional relics of the Cold War Era, the FON Program must be re-assessed to determine whether it will be an asset or a liability in today’s completely different geopolitical and technological environment.²⁰

The OIE and Its Audiences

Dedicated to the victory of ideas rather than physical force, the Freedom of Navigation Program is at its heart an OIE. OIEs can have a number of different goals: ranging from securing command and control nodes, to deceiving hostile combatants, to informing and persuading international audiences.²¹ The FON Program is an example of the third category, conveying a message to international audiences in pursuit of a foreign policy goal. In this case, the message is non-acquiescence to excessive territorial claims, and its basic goal is to ensure freedom of navigation throughout the world’s oceans. The message conveyed, however, is not always the message received.²² For an OIE to be successful, planners must analyze the audiences it addresses, and how favorably each audience will interpret the message.²³ Once these audiences

are assessed, the article will continue by further exploring the US's goals in the region, followed by the challenges of achieving those goals, and how the FON OIE might help to overcome them.

The most apparent set of audiences for FONOPs consists of China, the individual ASEAN claimants, ASEAN itself, the broader set of US allies and partners, and finally the international community as a whole.²⁴ Another layer of complexity is added when one notes that none of these institutions is a unitary body, but is made up of many subordinate interest groups, divided between ruling party, opposition faction, business interests, the general public, and more. While it is possible to examine many of these interest groups individually, that would be of such complexity as to be beyond the scope of this paper, so it will intentionally generalize about national attitudes. This paper will also not directly examine Taiwan, given the particular intricacies of its relationship with the People's Republic of China (PRC), although the recommendations may have some relevance to Taiwan's situation. Before moving on to choosing a course of action, it is imperative to summarize these countries' basic motivations and desires.

The motivations of the complex and secretive government of China will not be adequately conveyed in a single page, nor perhaps even in a dozen, but a few useful conjectures can be made to support the analysis of the FON Program OIE.²⁵ First, many in China view their actions in the South China Sea and elsewhere as being in a defensive posture.²⁶ After all, it was from this sea that in the 1510s colonists first arrived, leading, over the course of three centuries, to the brink of societal collapse. As the echoes of Tours still reverberate in modern France, China's anxiety over the sea is perhaps understandable.²⁷ Today China sees itself as potentially vulnerable to US-led blockade at the so-called first and second island chains, and is nervous about the prospect of an interruption to its fuel supply through the Straits of Hormuz and

Malacca.^{28,29} With these things in mind, otherwise innocuous interactions with China in the South China Sea might be interpreted, by either the government, the public, or both, as aggressive.

Despite this defensive mindset, China also exhibits an intermittent tendency for raw aggression in order to maximize its “Comprehensive National Power.”³⁰ One might say it has a “greed” motive that matches or supersedes its “grievance.”³¹ It is difficult, for instance, to frame China’s expansionist efforts on the Bhutanese border as a struggle against Western colonialism.³² Despite this other side of its national personality, it is safe to say that the CCP finds strategic value in projecting the image of being defensive, cloaking even its most aggressive actions in the language of “active defense.”³³

The ruling Chinese Communist Party has deftly used its control of its domestic information environment, recently social media to an increasing degree, to inflame nationalistic sentiments in its country.³⁴ In doing this, they attempt to present the CCP’s actions as not the arbitrary choice of an autocratic elite, but as the indomitable will of the Chinese people. Under this façade, it improves its own domestic legitimacy and obtains a powerful source of impetus for its international strategic goals.³⁵ Those goals, depending on which writer one believes, range from establishing an Asian Monroe-Doctrine-style sphere of influence, to world domination, to simply regaining lost self-esteem from the “Century of Humiliation” and lifting its citizens out of poverty.³⁶

Whichever is the CCP’s true vision for the future, its unrelenting lawfare campaign in the South China Sea indicates that the current state of international maritime law is present in none of them. Given the paranoid nature of the Chinese government, the lasting scars of colonialism in the Chinese cultural memory, as well as the exacerbating factor of the CCP’s propaganda efforts,

the US will need to tread carefully in its mission to uphold international law, in order to resist China's illicit activities without inflaming hostility by appearing to block China from achieving its more benign goals.³⁷ In pursuing its interests, the US must take measures to ensure a disagreement with the CCP regime does not appear to be a resentment towards its people, as the CCP itself tries to portray it.³⁸ In a "Clash of Civilizations," everyone loses.³⁹

On the sea's other three shores lie the Philippines, Malaysia, Brunei, and Vietnam. These ASEAN claimants differ from each other in many ways, and one must use caution when lumping them together. However, one similarity is that in terms of real power, they are each minuscule in relation to the two great powers that pass by their shores. They have all also felt the sting of colonialism, which continues to influence their politics to this day.⁴⁰ Here, in the birthplace of the Non-Aligned Movement, states are unwilling, but sometimes forced, to take sides.⁴¹ All developing nations, they see that their best chance to improve their countries' conditions is to maintain friendly relations with both the US and China.⁴² However, with colonialism still fresh in their cultural memories, the question of sovereignty generally supersedes economic concerns, at least to some extent.⁴³ These still-young nations are loath to agree to any partnership or agreement if it limits the freedom of action guaranteed to them under Article 2 of the UN Charter.⁴⁴

The Chinese have pushed to keep South China Sea negotiations with these countries bilateral, asserting that problems such as these are to be solved between two sovereign nations. China knows well, however, that one Asian country enjoys more sovereignty than the others, and it is happy to call attention to that fact.⁴⁵ For example, if the colorful Philippine President Duterte is to be believed, President Xi has essentially blackmailed the Philippines into foregoing the enforcement of the 2016 *Philippines v. China* arbitration at all, threatening war if the

Philippines were to search for oil in its own internationally-recognized EEZ.⁴⁶ To preserve their collective independence from external powers, and out of a degree of shared identity, these states have banded together with others in the region, but each nation's desire for strategic independence simultaneously opposes their collective strength.⁴⁷

ASEAN represents these nations' bid for *de facto* sovereignty, safe from the judgmental glare (and the powerful militaries) of both trans-Pacific powers.⁴⁸ An outgrowth of this effort is the sentiment of "ASEAN centrality," which asserts that the problems of Southeast Asia should be solved with ASEAN as the core mechanism for deliberation.⁴⁹ ASEAN has many organizations devoted to resolving one of its most serious problems, the South China Sea disputes. Unfortunately, a large number of organizations has not directly correlated to a large degree of progress. China has deftly played its hand with each of these organizations. Through intimidation, it divides and conquers multilateral efforts, deters individual national efforts, and in the case of the South China Sea Code of Conduct (CoC) negotiations, conducts outright "stonewalling," rendering each organization toothless and enabling its own *fait accompli* strategy.⁵⁰ Thus ASEAN finds itself in a dilemma. It needs to maintain its centrality to ensure the organization's relevance as it continues to pursue better lives for the region's many impoverished citizens. On the other hand, China, at least, has found a formula for preying on the organization, against which ASEAN has been wholly unable to defend as a group. Indeed, even if ASEAN were more of a unified front than it is today, it would likely struggle to come to a fair agreement with a country with as much economic heft as China. When crafting its South China Sea strategy, the US will need to respect the necessity of ASEAN centrality for ensuring the region's growth and stability, but remain clear-eyed that some of the issues in the South China Sea have risen to a level of importance that has outgrown the regional nature of the problems

ASEAN was designed to solve. In certain rare circumstances, it may need to pursue, cautiously and respectfully, other resolution mechanisms.⁵¹

The South China Sea situation has relevance far outside the sea itself. It is a proving ground for the US's relationship with its allies around the world. From Seoul to Tallinn, allies can look to the South China Sea to infer how the US might support them in their own particular struggles. Additionally, non-partners around the world can look to the area to see where the prevailing geopolitical winds are blowing, while constantly processing whether and how international organizations should factor into resolving such issues. Many of these nations have had no reason to choose one side or another in the US-China rivalry, but they may be forced to do so in the future, so they are taking notes. Many may doubt that either of the enigmatic superpowers can be trusted, but each nation continues to assess which of the two powers, in the event such a decision must be made, deserves its support. They struggle to analyze what seem like two split personalities. They wonder if China's defensive culture will prevail over the Communist Party's desire for power, and whether the US will stand for equality under international law, or if it will instead focus on maximizing its own strategic gains.⁵²

The South China Sea in US Strategy

One final actor's interests should be considered, which are of course those of the US. Starting with the short-term and specific to the military, the US's future strategy hinges on the Expeditionary Advanced Base Operations (EABO) concept.⁵³ In this system, a "stand-in force" would operate in territory within range of China's missile batteries in order to assure regional partners and to deter conflict.⁵⁴ EABO is heavily predicated on the idea that regional partners will accept troops on their territory.⁵⁵ That decision is not an easy choice for the ASEAN nations,

based on the political environments within their own countries as well as the threat of retribution from China.

The US's military strategy, then, logically must be preceded by a primarily informational strategy that takes pains to convey to ASEAN nations how the benefits of supporting EABO will outweigh the obvious risks. While the ASEAN nations may weigh economic concerns more heavily in their cost-benefit analyses, the military can still play a part in making the information strategy successful. The goal of winning popular support of ASEAN nations should be the military's top priority in the South China Sea, since without that support, its future Asia-Pacific strategy may be rendered inviable.

To clarify, the military should play a part in the information strategy, but should act in support of the other instruments of government. Rosa Brooks, in her novel *How Everything Became War and the Military Became Everything*, asserts that the US has over-relied on the military instrument of power for decades, allowing the diplomatic, information, and economic instruments to atrophy.⁵⁶ This has left the US in a dilemma, in which its most convenient and timely short-term option is to use the military, but its long-term requirement is to revive the other three instruments, since military-only action has proven insufficient against China's multifaceted strategy. Use of the military instrument in the short-term can in turn rob the other instruments of the resources they need to strengthen themselves. To resolve this dilemma, a compromise must be pursued. Since strengthening the other three instruments of power will take time, the military is obligated to contribute in some way to resolving the problem, while giving room to the other three instruments to grow alongside it.⁵⁷ The goal of a whole-of-government approach, after all, is not simply to use diplomatic and economic instruments of power more often, but to integrate

all of the instruments into a unified strategy. The South China Sea problem is fertile ground for developing such integration. Later, this article will explore ways to do so.

In the long-term, the US seeks to “fortify the free, open, and rules-based international order” and to ensure a “Free and Open Indo-Pacific,” with reliable diplomatic and economic partners who are characterized by “good governance” and a respect for human rights.⁵⁸ In service of these goals, the military pursues three major objectives, according to the 2015 Asia-Pacific Maritime Strategy: “to safeguard the freedom of the seas; deter conflict and coercion; and promote adherence to international law and standards.”⁵⁹ As previously mentioned, FONOPs and EABO directly attempt to address the first two goals. However, since the South China Sea’s military tensions and threats to Freedom of Navigation are rooted in, depending on one’s perspective, either a dispute over, or a disregard for, international law, it is apparent that the military’s third goal must be addressed first if the other two are to be achieved.

To better promote adherence to international law, the US needs to consider the “brand” it projects to the world, and the effect it has on international norms.⁶⁰ The entire basis of the US’s Freedom of Navigation Program is an essentially constructivist notion that customary practice determines whether an action is acceptable or not. Taking the constructivist concept and widening the scope from the South China Sea to the global arena, the US, still the world’s most powerful nation, has immense power to affect the behavior of future world powers by the precedents it sets today. Near the midpoint of the “unipolar moment,” President Clinton made a remark that is instructive today. “The most important thing,” he said, “is to create a world we would like to live in when we are no longer the world’s only superpower.”⁶¹ It is apparent that the US has not yet met that goal, but it can help to do so by carefully curating its international image.

At the heart of the matter of the US's image is one broad question: does the US preside over the international community by the rule of force or the rule of law?⁶² Phrased a bit differently, does its military, strewn as it is across the farthest reaches of the world, primarily enforce international law and human rights, or America's own self-serving interests? Depending on how the international community interprets the US's answer to this question over the coming decades, it could have a profound impact on the norms of the world order if China, its dream of "national rejuvenation" realized, unseats the US as the world's most powerful nation.⁶³ With this in mind, the US should be wary of the norms it perpetuates through its actions, even if those actions are well-intentioned, lest they should pave the way for China's more distasteful behavior in the future. On the other hand, through a positive example, the US may help the Chinese people achieve a "dream" that is stripped of negative implications for human rights, political freedoms, and the American way of life. Of more immediate use to the US, such a positive example can help it to recover a dominant position in the realm of international legitimacy and public support, a key prize in a rivalry that is ostensibly intended by neither side to devolve into full-blown conflict.⁶⁴ With its image resolved, it may be able to gain the support it needs from ASEAN claimants for its Asia-Pacific military strategy. But as of yet, the international community has not come to an agreement on what it is the United States stands for.

Image and Self-Image

In matters of perceived legitimacy, image is, of course, the central concern. If one was to set side by side the image America has of itself and the image some nations abroad have of it, one might be surprised to learn that they were the same country. Filtered through the lenses of culture, language, and thousands of miles of distance, the most altruistic of gestures can be

viewed with suspicion; the cynical ones with lasting spite. The more detached one's own self-image becomes from perception, the worse it becomes: generosity becomes patronization, and confidence becomes arrogance. Edward Luttwak describes this phenomenon as "Great State Autism."⁶⁵ Whereas small states' existence depends on advantageous relationships with other nations, superpowers fail to see other countries' perspectives, since their opinions are not as apparently relevant to success. Great states are satisfied that they see their own actions as well-intentioned and good, unaware that other nations see them quite differently. Nonetheless, a nation's self-opinion only counts for so much in international affairs. The foreign nations with which one interacts almost certainly do not share it, and it is in their minds that foreign policy either progresses or is set back.

To overcome the affliction Luttwak identifies, potential Asian perspectives of the American story will be analyzed.⁶⁶ These alternative perceptions of events will help to guide the discussion toward a starting point for strengthening the US's strategic position in the South China Sea. Some of the material on this topic will come from China itself. Despite the clear anti-US bias in some of the material, the criticisms form a blueprint of sorts for strengthening the perceived legitimacy of America's South China Sea policies. At times it may present a caustically pessimistic version of events, not because it is true in reality, but because it seems to be true in the minds of others. When conducting OIE, one must accept that reality is immaterial unless an audience believes it to be true.

To a large degree, the US considers itself to be a "global protector" of a peaceful, democratic, and egalitarian world order.⁶⁷ Other nations, especially in Southeast Asia, have not been so sure, perhaps finding the same dual nature in the US as the US has found in China. A long list of historical events in the region clouds America's positive message. Among

Americans' first experiences there was participation in the catastrophic Chinese opium trade.⁶⁸ It did not vie for territory in China, but it was at the table for some of the "unequal treaties."⁶⁹ In the Philippines, the liberation from the Spanish was followed by years of bloody combat between the US and Philippine citizens. At Versailles in 1919, the US failed to uphold its call for self-determination in Shandong and Indochina, not to mention its own colony in the Philippines. Even after its triumph in 1945, the US maintained a heavy hand in the politics of Vietnam and the Philippines.⁷⁰

The US had surely done a great deed for Asia by liberating them from the Japanese Empire, but that single act, nearly 80 years old and gradually fading from public consciousness, may not make up for the rest of the US Asian experience. This is particularly true in China where it is perceived that the US has flouted its one-time pledge to end military support to the CCP's oldest rival, the Republic of China.⁷¹ It is also the case in Vietnam, where, fearing a nationalist movement to be a mere Soviet puppet, the US first provided support to French imperialists, then to the patently undemocratic Diem regime, both against the popular will. The Philippines has its own reasons for antipathy. Prominent Philippine historian Renato Constantino, writing his history of the Philippines in 1975, unceremoniously lumped the US into the same "conqueror" category as the Spanish and the Japanese, and castigated the American colonial government for ossifying a mestizo aristocratic rule over its economy that continues to hamper the country's development to this day.⁷² Constantino was a leftist, vocally opposed to Marcos's rule, but his recollection of the US-Philippines relationship continues to find adherents today, even from the likes of Marcos admirer Rodrigo Duterte.⁷³ Today China cultivates this anti-American narrative by accusing the US presence of being imperialistic and sometimes even racially motivated.⁷⁴ In summary, by the end of the Cold War, the question of whether the US was truly a force for self-

determination and human rights, or just another sharp-elbowed superpower vying for influence, had not been firmly decided.

In March 2003, in the lead-up to Operation Iraqi Freedom, the United States had another chance to choose between the rule of law and the rule of force. This article does not pass judgment on whether the Iraq War was justified given the circumstances and knowledge at the time. Regardless of the merits of the war, the international community largely perceived that the rule of force had prevailed.⁷⁵ Princeton scholar G. John Ikenberry agreed at the time, characterizing the US actions as those of “a revisionist state seeking to parlay its momentary advantages into a world order in which it runs the show.”⁷⁶ Written in 2008, it sounds as if Ikenberry was writing about 2014 China. This is of course a gross oversimplification of the complex events surrounding the beginning of Operation Iraqi Freedom. But in today’s world, the most influential versions of events may come not from a nuanced, unbiased journal article, but rather from a collection of Twitter posts. The world has little time for anything but oversimplifications. From a constructivist point of view, if Ikenberry’s assessment is true in the minds of the international audience, then the rise of a revisionist China is a logical progression of events.⁷⁷

Another example of unintentional norm-construction was evident in the aftermath of the 2016 *Philippines v. China* arbitration. Some in the US have affected indignation at China’s refusal to accept the ruling. However, some correctly predicted the outcome beforehand, acknowledging that it is virtually an expectation now that great powers will refuse to honor unfavorable decisions from international bodies. Graham Allison states that to date, no country with a permanent Security Council seat has ever chosen to follow an arbitration ruling.⁷⁸ The US, for example, was handed an unfavorable ruling in 1986 as a result of the *Nicaragua vs.*

United States case.⁷⁹ Having mined Nicaragua's territorial waters and supported an armed Contra rebellion, the International Court of Justice instructed the US to give financial restitution to Nicaragua's Sandinista government. Since the UN clearly lacked the ability to enforce the ruling unless the US willingly complied, the US chose to block Security Council enforcement of the decision. Later, the Nicaraguan government voluntarily dismissed the case after the Sandinistas' opposition rose to power. In one sense, this was a victory for the US, having been absolved of payments due to Nicaragua. But in another sense, it robbed the US of a chance to demonstrate a great power complying with an international ruling. Regardless of the differences between this situation and that of the South China Sea, Chinese scholars have credited the US with blazing the trail for China's defiance of the Permanent Court of Arbitration. *Nicaragua v. United States* remains a favorite topic of Chinese thinktanks when criticizing US operations in the region.⁸⁰

The US has the opportunity to reverse this unfortunate development. If the US truly desires a law-abiding PRC, as suggested in the 2017 National Security Strategy, the 2018 National Defense Strategy, and the 2015 Asia-Pacific Maritime Strategy, then it must make an effort to bolster its own law-abiding image.⁸¹ Whoever has been in the right in the various disputes over the years between the US and multilateral organizations is of little importance. Even if the US has been fully justified in its many public complaints against international organizations since the turn of the 21st century, it has done so at the expense of projecting the image of at best, a vigilante, and at worst, an outlaw.⁸² The US's resistance to international institutions, regardless of its justification, has weakened the post-1945 international system the US itself created, and has made it ideal prey for an up-and-coming competitor.⁸³ Conversely, the US can strengthen international organizations by projecting an image of consistent cooperation.

And if it has lost some credibility through defiance of multilateralism, then it can regain it by agreeing to it or even encouraging it. Given its historic ties to many influential, like-minded nations, it is particularly well-suited to do so.

Meanwhile, China's strategy seems to have been nearly the opposite. China welcomes membership in international bodies for the prestige it generates, then, in the case of the WTO, the UNHRC, and, of course, the UNCLOS, cynically undermines the very missions of the organizations it pledges to support.⁸⁴ China promises infrastructure and financial assistance, and even if it fails to follow through, it reaps strategic benefits.⁸⁵ It has diverted significant state resources to projecting a friendly brand around the globe, with the aim of enabling its aggressive policies.⁸⁶ That said, President Xi's smiling face and benevolent statements only go so far given the clear aggressiveness of the agents under his command, and reality is beginning to catch up with China's reputation as a provider of aid.⁸⁷ But the US might consider how much more effectively it could pursue its foreign policy if it would maintain its current practical regard for international law while ceasing to portray itself so aggressively.

While the term "speak softly but carry a big stick" is of American origin, America seems to have inverted the concept lately.⁸⁸ China, on the other hand, seems to have adopted it as its own.⁸⁹ The US may benefit by returning to its roots— a sheep dressed in wolf's clothing will have a hard time winning its colleagues' support.⁹⁰ The FON Program represents a microcosm of the US's global struggle for legitimacy, and the South China Sea in particular provides a perfect venue for the US to resolve the international community's double-vision. The question of which image it currently supports is another issue to be explored.

Assessing 40 Years of FONOPS: Rule of Force or Rule of Law?

As previously discussed, the Freedom of Navigation Program has been the United States' most prominent effort in resolving maritime disputes in the South China Sea and elsewhere. The stated purpose of the program is to "challenge excessive maritime claims," asserting that doing so "safeguard[s] the unimpeded traffic of lawful commerce and the global mobility of US forces."⁹¹ In this publicly available statement alone lies a perfect representation of the dual perceptions of the US's intentions in the South China Sea. By placing each of these goals on an equal footing, the US has made it unclear what the primary purpose is, leaving other nations to do the guessing, and the CCP to help them make their choice.

At first glance, FONOPs certainly have military benefits at the tactical and operational levels. Simply by being present in the South China Sea, the participating ships seem to reassure the US's partners, deter the PLA from conducting blatantly aggressive acts, and help to ensure continued naval access to the sea. But by calling attention to the military dimension of the program, it detracts from what should be its primary purpose: upholding the rule of law. Furthermore, by casting the operations in an aggressive light, it harms their legitimacy, making it less politically popular for regional allies to support the US. Thus, advertising the military purpose of the program ironically ends up degrading its military effectiveness. If the US desires to maintain its identity as a "global protector," thereby legitimizing its presence (and perhaps yielding a completely incidental military benefit), it must stress that it provides freedom of navigation as an "international public good," with malice toward none and charity for all.⁹² Secretary of State Dean Rusk once said of the Peace Corps that "to make the Peace Corps an instrument of diplomacy would be to rob it of its contribution to diplomacy."⁹³ The same might

be said of FONOPs, another instance of international public service- that advertising it as a means of power projection detracts from its effectiveness as a power projection tool.

This problem is exacerbated by the efforts of China's world-class national information machine. China leans heavily on the military effects of the program when making its public pronouncements against FONOPs, further undercutting the effectiveness of the US's message to the international community and harming the legitimacy of its presence in the South China Sea.⁹⁴ The negative reaction is not limited to China. Some writers in the Philippines lament the fact that, even as a US ally, it has endured more FONOPs than any other state.⁹⁵ The US has no logical reason to project power against the Philippines, but that does not prevent some in the country from feeling bullied. At least in some cases, the message the US is trying to project is clearly not being received as intended. The FON Program's audiences receive mixed signals as to whether the program supports the Rule of Force or the Rule of Law, while the CCP works to amplify the former and drown out the latter.

So in this battle of narratives, which one is winning? It is hard to know: empirical proof of the effects of FONOPs is hard to come by. Navy JAG Joshua Root points out that in the 40-year history of the FON program there has been no public, comprehensive assessment of the program's effectiveness.⁹⁶ Root, attempting the assessment himself, notes that the reasoning for the US's actions is clear, since the International Law Association identifies operational assertions as the most effective ways to perpetuate international norms.⁹⁷ The Vienna Convention on the Law of Treaties states that to be valid, a treaty such as the UNCLOS must be followed by an actual change in practice.⁹⁸ But other than sporadic, cursory testimony on Capitol Hill, there is no publicly available proof that the FON Program adequately achieves its goals, much less whether it is worth the costs it incurs. Regardless of the absence of official program reviews,

some assessment will be necessary here in order to consider potential improvements. First, the costs will be considered, followed by the benefits.

The costs of the program are not negligible. Root identifies fuel and manpower as costs for the FON Program, but limits his assessment to those first-order, quantifiable variables. In the information environment, the FON Program has further costs that are more difficult to measure, but are of more far-reaching importance. Among these costs is that it helps to fuel Chinese nationalism.⁹⁹ Despite China's shaky legal basis in contesting the FONOPs, the CCP is able to use the juxtaposition of warships and Chinese-claimed territory to perpetuate the narrative of Western aggression toward a supposedly peaceful Chinese nation.¹⁰⁰ No matter whether the US has legal basis for its operations, the Chinese propaganda machine purveys its "psycho-legal" narrative to its citizens, stoking popular outrage, which the Party then claims it is forced to oblige.¹⁰¹ Sun Tzu wrote that an excellent strategist "subdue[s] an enemy's will."¹⁰² Clausewitz agrees that war is a contest to overcome another's will and imposing one's own.¹⁰³ It logically follows that if the US desires to achieve its goals while preserving peace and minimizing "friction," then it should be careful to avoid generating the will to fight.

Second, the program mostly fails to advance the interests of America's partners, contributing to a sense of alienation on the part of its ASEAN allies.¹⁰⁴ Whereas the FON mission could be a means of binding America's regional partnerships together in response to China's effort to pull them apart, it comes up short because of its misalignment with the region's priorities.¹⁰⁵ According to James Kraska, the most important benefit of the UNCLOS for the developing, non-Chinese nations around the South China Sea is not simply freedom of navigation, but the freedom to fish and explore resources in their own EEZs.¹⁰⁶ For instance, in the Philippines' 2018 National Security Strategy's 12-point list of priorities, it lists creating a

“dynamic, inclusive, and sustainable economy” and “achiev[ing] food and water security” before any mention of legal disputes over territory.¹⁰⁷ The most proximate cause for President Duterte reconsidering his appeasing stance toward China did not involve warships, but instead a fisherman that was rammed by a suspected Chinese maritime militia boat.¹⁰⁸ While the US has mainly pursued an esoteric legal goal, its partners have more immediate concerns with feeding and employing their people, concerns which go unaddressed in a standard “innocent passage” FONOP. As fictionalized in William Lederer’s *The Ugly American*, the US has encountered problems in the region before by failing to account for its wants and needs.¹⁰⁹ If the US is concerned about partners defecting to the Chinese side of the geopolitical “competition,” as it has been to some extent since the rise of President Duterte, then it should bend its policies to better address the desires of those nations.

Third, and perhaps most damagingly to the US’s prospects for solidifying a positive reputation, the Freedom of Navigation Program calls further attention to the United States’ non-ratification of the UNCLOS, painting it as the same spurner of international norms that went into Iraq. Since the program began in 1979, 168 of the 193 UN member nations have agreed to the UNCLOS’s written foundation for maritime law.¹¹⁰ The US has not, ostensibly due to a disagreement over mineral royalties.¹¹¹ Indeed, among the reasons FONOPs have continued is likely that the US is not a party to the convention, and therefore lacks standing to resolve disputes through the convention’s processes.¹¹² It is conceivable for a neutral third-party country to presume the US, since it has officially rejected the widely recognized Convention, has indeed chosen the rule of force over the rule of law. Taiwanese naval officer Ching Chang finds this to be the case, writing that the Freedom of Navigation program is mere “gunboat diplomacy.”¹¹³ The official US position that the UNCLOS, though unsigned, is enforceable as customary

international law, perhaps holds up in a court of law, but likely not in a court of public opinion, where the simplest answer is usually the right one. For long-term strategic purposes, the United States should be at least as worried about how it presents itself with respect to the international order as it is worried about China undermining the UNCLOS's written requirements.

There are indeed benefits to FONOPs. In addition to the military benefits described above, they do result in occasional positive press, winning praise from the US from at least certain segments of partner countries' populations. They also serve the abstract but necessary goal of enforcing an international legal system that has no other means of enforcement.¹¹⁴ Relatedly, they complicate the PRC's habit of avoiding international legal resolution in favor of asserting its own, UNCLOS-violating national laws.¹¹⁵ Professors Kyung Suk Lee and Kyu Young Lee (among others) note that China repeatedly tries to make other nations conform to PRC laws concerning notification of passage, despite such laws not being authorized by Articles 21 and 24 of the UNCLOS.¹¹⁶ Wagner asserts that FONOPs help to drive the issue into the arena of international law—the PRC's complaints towards the FONOPs have necessarily required a small degree of clarification of their territorial claims.¹¹⁷ That in and of itself can open the door to discussing the situation in legal terms, moving it out of China's preferred, more easily manipulable news-media setting. Lynn Kuok, James Kraska, Andrew Erickson, and a host of others assert the legal propriety and even the legal necessity of FONOPs.¹¹⁸

But as Brookings' Paul Gewirz writes quite accurately, law alone will not resolve the situation in the South China Sea.¹¹⁹ Just as the strongest military ever to exist was insufficient to win in Vietnam, the strongest legal brief in history will not, by itself, change the course of events in the South China Sea.¹²⁰ As discussed with the *Belgrano* incident, the legality of FONOPs does not automatically justify them as sound strategy, especially if it comes at the cost of legitimacy.

To be sure, not all FONOPs are equal. Some have greater benefits than others in the information environment. A few hundred miles northeast of the South China Sea, warships transiting the Taiwan Strait no doubt generate vitriol among PRC nationalists— perhaps more so than in the South China Sea— but they also are more easily conveyed as defensive in nature. In Taiwan Strait FONOPs, America’s strong display to the international community of its resolve in protecting a vulnerable nation is quite likely worth the price of aggravating Chinese passions.¹²¹ In the Spratlys or the Paracels, devoid of permanent inhabitants, FONOPs surely defend the concepts of international law and the rights of the ASEAN claimants, but not in a way that is immediately apparent to casual observers, leading the cost-benefit analysis to be significantly less favorable. The US should be more selective about its FONOPs to ensure its virtuous mission is not distorted by the camera lens.

Beyond having the potential for clarifying claims, and gaining mild approval in certain circumstances, the strategic benefits of South China Sea FONOPs are difficult to perceive. Root writes that the program has not been proven to have any positive effect on coercing states to abandon excessive maritime claims.¹²² It could be argued that actually changing maritime claims is beyond the scope of the program, which is instead meant to maintain a *status quo* under international law by perpetuating customary practice. But State Department official Douglas Briller finds that, in the case of the South China Sea at least, it has wholly failed at even that mission.¹²³ Given this track record, there is no indication that continuing along the same path will prevent China from further eroding the *status quo*.

The problem lies in the program’s very nature as a *status quo* strategy. FONOPs, as they stand today, are open-ended: they identify problems without fixing them, and have no defined end-state. The United States can shed light on discrepancies, but as a non-party to UNCLOS it

has no way to resolve them through the mechanism that nearly every state recognizes as the sole body for resolving maritime disputes.¹²⁴ There is a pertinent Latin proverb that says, “one who fails to move forward, falls back.”¹²⁵ Absent a positive goal to resolve the underlying tensions in the region, the US is destined to fall behind China’s strategic advances. Meanwhile, the *Philippines v. China* case, by which the Philippines was able to obtain an internationally recognized definition of its Exclusive Economic Zone, produced more tangible results in three years than the US Freedom of Navigation Program has in decades.¹²⁶ Better to follow the example of the 2013 Philippines, and, heeding the guidance of NSC-68, construct “an affirmative program to wrest the initiative” from the CCP.¹²⁷

When a more formal assessment is eventually conducted, it should consider whether the program has met its goals, whichever goals those are. It should also consider the costs expended in fuel and manpower to achieve those goals. But it must go even further to grasp the entire picture, and investigate the FON program’s effects in the information environment- specifically, whether it has contributed to or detracted from American soft power. A related question should be whether the diplomatic portion of the program, which, while being less effective at asserting treaty law, carries a far lower risk of damage to relationships, is effective enough to carry out some of the program’s legal goals when coupled with the means of legal resolution that have been developed since 1979 (namely, the 1982 UNCLOS).

This article’s surface-level assessment finds that, on balance, the US cannot entirely give up its Freedom of Navigation Program, at least vis-à-vis China, without conceding to a wholesale change to the international maritime order. At the same time, neither can the US maintain its habitual system of FONOPs without eventually conceding to a change to the international maritime order. To salvage success amid this predicament, the program’s aging edifice will need

to be renovated to ensure it continues to enforce international maritime law, reassure allies, and clarify China's ambiguous claims, while better catering to partners' needs, avoiding provocation, and presenting the US in an indisputably positive light. The question is, how?

Charting a New Course: Examining Options

The US's new, "affirmative" strategy will likely need to be quite different than those it has used before, because China's own strategy is so unconventional. It is well-known that China has pursued a so-called "gray zone" strategy, disregarding the law to the maximum extent possible without detracting from strategic success, and using force just below the limit where it could escalate into full military conflict. Their plan is purpose-built to frustrate strategies predicated on traditional Western notions of war and peace. In order to meet this threat, the US seems to have two broad options. Its first option is to get down in the muck and respond in kind, blurring the boundary between war and peace and accepting the CCP's vision of everlasting, smoldering conflict as the new normal for the indefinite future.¹²⁸ Alternatively, it can work towards eliminating the gray zone through legal, diplomatic, or other political means. The former risks giving up any advantage in international legitimacy, thus risking success in winning nations to its cause in the short term and poisoning the movement for democracy, human rights, and peace in the long term. The latter cannot be done as quickly, leaving the PLA able to change the landscape to their liking in the meantime. Therefore, it may be beneficial to pursue a combination - engaging in gray zone tactics to the extent that it is necessary to resist China's most egregious offenses, while taking care not to sacrifice legitimacy and while doggedly pursuing resolution of the underlying conditions... that is, a legal resolution to the South China Sea maritime disputes.

There are many different questions to explore before settling on an improved plan. Eight questions will be addressed here. First, is the Navy using the correct platforms to conduct FONOPs? Second, is the Navy even the right agent, or is the South China Sea a law enforcement problem, rather than a military one? Third, is there a purpose for FONOPs other than defying territorial claims, in an economic role? Fourth, to what extent should the Navy coordinate with ASEAN and the individual claimants? Fifth, given the US's dual image, is the US the best messenger for its own message? Sixth, can a multilateral maritime task force assist in upholding the law in the South China Sea? Seventh, who could help in such a task force? Eighth, does the United Nations (UN) have a part to play in ensuring a lasting peace in Southeast Asia? Afterwards, the lessons from these discussions will factor into building an improved course of action for the future of the FON Program.

1. Who Should Conduct FONOPS?

There is a multitude of different possible improvements to the FON Program, of which only a handful will be assessed here. One immediate, low-cost, and conservative option could be simply changing the participants of Freedom of Navigation Operations. Some have suggested an increased use of Littoral Combat Ships (LCSs) for FONOPs, as a less threatening and better-suited match for the FON mission, citing a “muted” PRC response to the 2020 *West Capella* incident, in which LCSs conducted a show of force near a Malaysian-contracted hydrocarbon survey ship that was harassed by Chinese Coast Guard and maritime militia ships.¹²⁹ However, it is hard to untangle whether the minimal reaction was due to the type of US warship, or whether it was due to the inherently defensive nature of the US's operations in that instance. Reducing the Chinese reaction would indeed be a net win, but there may need to be more exploration of the

LCS's role before committing to a full-blown strategy hinging on them. The *West Capella* incident does, however, give credence to the necessity to maintain a naval component to the FON Program, rather than just law enforcement, since it provided an effective tool for deterrence and defense against China's attempted coercion of the Malaysian operation.

There are other options involving changing the participants in FONOPs. To reduce FONOPs' contribution to a militaristic image of America and to reduce the insult to Chinese nationalist sentiments, the US could consider conducting FONOPs with unarmed or lightly armed auxiliaries, perhaps with a naval warship standing watch outside of the supposed territorial claim.¹³⁰ On the one hand, this tactic might lead to a suggestion that the US has accepted China's terms about limiting the transit of foreign military vessels through the South China Sea. On the other hand, adequate messaging from Washington would avoid that possibility. Even if only interspersed with warship FONOPs (rather than replacing them outright), using an auxiliary would help to further draw out the legal explanation of China's ambiguous claims, some of which specifically resist the presence of warships in its EEZ, in a contorted manipulation of UNCLOS Article 56.¹³¹ Additionally, it would present a lose-lose dilemma to China when it produces its inevitable complaint. Were China to cry "wolf" over an unimposing auxiliary operating near contested features, it would undercut the credibility of its argument that the US is somehow threatening it. If it would fail to forcefully oppose the presence of the auxiliary, it would tacitly admit the legality of the ship's operations.

2. Is This a Law Enforcement Problem?

Another possible participant in the program lies outside the Navy. The recent Tri-Service Maritime Strategy implies that the US Coast Guard may factor into the future of South China Sea

Freedom of Navigation.¹³² This would help to shift the nature of the program, giving it a law enforcement face, rather than a military one. Since China has already had success limiting the perception of aggression by employing the Chinese Coast Guard rather than the PLAN, it is a reasonable reaction. While some regional countries express concerns about the potentially escalatory presence of naval warships in the area, they welcome cooperation with law enforcement vessels to help control, for example, piracy and Illegal, Unregistered, and Unreported (IUU) fishing, to which China's immense Coast Guard generally turns a blind eye.¹³³ Furthermore, greater Coast Guard presence would help to contest one of China's newer narratives since the legal defeat of the nine-dash line, that the South China Sea constitutes China's hazily defined "jurisdictional waters."¹³⁴ The US Coast Guard, however, currently lacks the funds and the manning necessary to make an immediate impact on the physical balance of power in the sea.¹³⁵ It is also possible that the veneer of law enforcement will lead to greater willingness to conduct more aggressive actions, exacerbating the stability-instability paradox.¹³⁶ Furthermore, accidental missteps in applying the legal requirements of UNCLOS may inadvertently legitimize the Chinese Coast Guard's blatantly illegal actions. Despite these limitations and risks, increased US Coast Guard presence carries real promise of signaling the defensive, law-abiding nature of American operations more effectively than the imposing grey hulls of naval warships. While *West Capella* showed the continuing value of grey hull deterrence, employing USCG vessels in the more routine operations would help to improve the US message.

While perhaps incrementally improving the FON Program, merely changing the participants would likely be insufficient to drive a wholesale momentum change in the South China Sea. It may limit potential harm to the US's reputation, but that hardly qualifies as forward

progress. Continuing to challenge territorial claims with different participants seems just as unlikely to maintain the status quo as operations with large warships. The *West Capella* does, however, provide insight into some other potential improvements. In addition to being defensive, it differed from many other US operations in the South China Sea by being economic in nature.¹³⁷ Changing US operations to address economic rather than strictly territorial factors is another idea that deserves further consideration.

3. Is there an Economic Role for the FON Program?

Among the possible economic-related tactics the US could use is to announce an intention to continue protecting exploration vessels like the *West Capella*.¹³⁸ This could provide Southeast Asian companies the confidence they need to explore, extract, and benefit from their nations' seabed resources, directly improving partners' economies. In addition, the US could consider escorting Philippine fishing vessels into the EEZ recognized by the 2016 arbitration.¹³⁹ There is potential for coordinating this tactic with the other instruments of power. For example, the US could guarantee financial assistance to fishermen victimized while operating in their legally recognized EEZ. Even without the presence of Chinese vessels, the US could publish images of its ships guarding fishermen, likely evoking a stronger positive emotional response from regular Southeast Asian citizens than arcane legal arguments. By building trust among the regional populations using these operations and diligently working to bring common citizens to its side, the US may be able to rebuild relationships that will outlast any single unfavorable election result.

Pursuing economic assertions would have several other benefits. First, it would challenge the economic aspect of China's excessive claims, in keeping with the FON Program's stated

intent. By being less aggressive in nature than traditional FONOPs, it might carry less risk of inflaming Chinese nationalism, as seen with the minimal response in *West Capella*. Second, unlike many other aspects of the South China Sea, the question of EEZs (at least for the Philippines) is relatively clearly and firmly set in international law thanks to the 2016 ruling, so China's lawfare specialists would be strained to find legal fault in the operations. Promoting the success of the 2016 arbitration may even, in turn, persuade Vietnam to risk an affront to ASEAN centrality by pursuing its own arbitration proceeding.¹⁴⁰ Third, the tone of these operations would be in support of local nations' interests, potentially improving public support for continued partnership with the United States, laying the groundwork for the basing required for continued maritime operations. Since lack of staying power was the biggest weakness of the *West Capella* operation, this would, of course, strengthen the US's hand considerably. Improved public support generated by these missions could facilitate agreements for EABO and set the stage for diplomatic and economic cooperation on other fronts. Furthermore, and perhaps most importantly for the long-term goal of a law-abiding China, it would help to bolster the Permanent Court of Arbitration as a viable international institution, after four years of being undermined by China's non-recognition and the lack of enforcement from other countries.¹⁴¹

More broadly speaking, defense of economic rights would convey to the world that the US is not in the business of freedom of navigation solely for its own sake, which is a narrative China has consistently sought to employ.¹⁴² Instead of showing a navy cynically ensuring its own freedom of maneuver as China hopes to portray, it would portray a US Navy supporting smaller countries against an avaricious aggressor, strengthening the US's claim to supporting the rule of law over the rule of force, and improving the US's long-term "brand" as the wider struggle for the world order proceeds. China, which seeks partnerships with many such weak

nations who might empathize with the Philippines, might even be coerced into quietly accepting the reality of the EEZ to avoid being routed on its “Three Warfares” media battlefield.

4. Is ASEAN Cooperation Necessary?

The *West Capella* incident also raises the question of whether overt cooperation between the US and ASEAN states is necessary. Some lamented the fact that the *West Capella* incident was not better coordinated with Malaysia. *Foreign Policy*’s Euan Graham, writing midway through the standoff, asserted (without giving definite examples) that lack of coordination led to Malaysia feeling “shortchanged,” and that the US presence needlessly escalated the situation.¹⁴³ Indeed, the Malaysian foreign minister’s statement regarding the standoff showed no gratitude for the US’s presence, but on the other hand, some media in Vietnam and the Philippines were supportive.¹⁴⁴

The Malaysian foreign minister’s tepid reaction should be viewed in the context that ASEAN states are not in a position to forcefully support US assertions of the law, wary as they are of Chinese economic retaliation for partnering with its archrival.¹⁴⁵ Malaysia in particular has habitually avoided the forceful statements of sovereignty that the Philippines and Vietnam have chosen to make in the past. The lack of gratitude may instead have simply been part of Malaysia’s “astute grand strategy,” as suggested by Malaysian National Defence University’s Adam Leong Kok Wey.¹⁴⁶ Malaysia has perhaps become comfortable in its nation’s own unique brand, seeking a subtle, ambiguous middle road between balancing and bandwagoning, maybe the only logical choice for a state simultaneously dependent on and threatened by China.

Cooperation, of course, would be ideal, but is by no means required. Surely the US should tread carefully to avoid making enemies out of friends, and to provide a path toward

cooperation with basing and logistics, as well as other joint diplomatic and economic ventures. However, many of the problems in the South China Sea dispute are not in fact regional issues. The idea that the enforcement of international law in the South China Sea must be solved “by, with, and through” local nations, if carried to its logical endpoint, conveys ownership of the South China Sea to the countries that surround it, an ownership that the UNCLOS plainly states they do not have.¹⁴⁷ Legally speaking, the South China Sea outside 12 nautical miles from land belongs to Mali as much as it does to Malaysia, and it is in the interest of all states that the law is followed there and in every other corner of the high seas. This, of course, is among the US’s justifications for its current presence in the area. Given the strategic dilemmas ASEAN and its component members face in relation to China, the US, having little choice, remains justified in its actions even without cooperation with local governments.

Considered from Wey’s perspective of ASEAN nations’ need for strategic ambiguity, lack of apparent coordination could even be a strength. Foregoing coordination (at least publicly) gives ASEAN nations room to exercise their sovereign rights in their EEZs while maintaining plausible deniability that they are doing anything insulting to China. At the same time, the US needs no permission to traverse the high seas, conduct collective self-defense, and ensure that international law is upheld. In combination, this protects ASEAN states’ sovereignty while they pursue the path blazed by Deng’s China, reaping the economic benefits of cooperation with an ideologically opposed partner while developing internal strength to resist it. In the *West Capella* operation, the fact that the Malaysian oil exploration operation was completed, with the US flying the flag in defense of international values, with the support of its Australian ally, with limited reaction from China, and at minimal strategic cost to the ASEAN nation, the operation was at least as successful as any other assertion the US has made in the past decade, if not more

so.¹⁴⁸ Given the strategic realities of the region, the US should not expect gratitude from ASEAN states' officials, but it should carefully watch how it is received by the public, since it may be in public opinion that, in the long term, the struggle for the international order is won.

Looking at the public reaction, it is apparent that the US cannot claim total victory from the *West Capella* standoff. One concerning aspect of the reception is the notion in Malaysian media that the standoff was simply another struggle between two world powers, with a weak nation unwillingly caught in the middle.¹⁴⁹ This sentiment shows that even when the US is actively protecting other states, it continues to struggle to project its “global protector” brand.¹⁵⁰ In the context of recent anti-China rhetoric, the pervasive theme of “Great Power Competition,” and the perception of US militarism since 2003, even this seemingly successful operation failed to impress some onlookers as an altruistic defense of international law. This reaction casts doubt on whether the US retains the credibility to independently assert international law in the region. It is possible that by toning down anti-Chinese language, and with increasing temporal distance from the Iraq War, that this misinterpretation will fade. But with China continually pushing the narrative of US imperialism and intrusion, that prospect seems not at all assured, and while the US's anti-China, aggressive image persists, it will continue to alienate ASEAN claimant countries from its cause.¹⁵¹ To ensure the success of a future *West Capella*-style operation in the information environment, the US must explore new ways to convey its defense of international law. It might not be able to bring ASEAN partners' navies alongside in formation, but it can bring their citizens' goodwill into its corner.

5. Is the US the Best Messenger?: Lessons from Counterinsurgency

Looking back into recent history, it becomes apparent that simply increasing the density of US assets in the South China Sea may not be the answer. The South China Sea situation has been likened by some to a maritime form of counterinsurgency.¹⁵² By following this analogy further, it is apparent that the United States may have already found a solution to its less-than-universal credibility. James Farwell discusses how the US found success against Al-Qaeda in Iraq and Abu Sayyaf in the Philippines by taking a backseat to local forces when conducting operations, to avoid the perception of a US neocolonial intrusion.¹⁵³ The same concept could apply in the South China Sea.

The writing of Edward Luttwak again becomes relevant here by applying his “paradoxical logic of strategy.” That is, each time a state exerts its power, it will generate resistance to its own power. To avoid generating resistance, the US might consider avoiding the message that it is projecting power by placing an ally in the lead of the formation. The 2020 issuance of *notes verbales* concerning the South China Sea by the UK, France, and Germany, provides clear evidence that some nations are ready to assist in leading the international community toward a mutually beneficial outcome.¹⁵⁴ Meanwhile, the challenge with a US-only FON effort, even setting aside budget concerns and waning public support for overseas presence, is that it plays to the strengths of the Chinese argument that the US is only in the region to pursue hegemony and contain China.¹⁵⁵ The US could perhaps limit the impact of Luttwak’s strategic paradox if it was joined by other nations in its endeavor.

6. Is this a US-only Problem?: The Maritime Task Force's Place in the SCS

The concept of multilateral maintenance of freedom of navigation has a century-old history, having been suggested by Alfred Thayer Mahan in a lesser-known corner of his anthology. John Tetsuro Sumida explains Mahan's two justifications for implementing the concept at the turn of the 20th Century, stating that "[t]he first was that sea forces were expensive and the domestic political circumstances of industrial countries precluded any single power from spending enough to build and maintain a hegemonic navy. The second was that seaborne international trade offered benefits to more than one country, that two or more powers thus could have good reason to defend a mutually beneficial system of transoceanic exchange of goods."¹⁵⁶ Mahan noted that the US need not build a gigantic fleet to enjoy naval supremacy if it instead participated in a "transnational consortium" which exercised supremacy as a group. In the first half of the 20th Century there was considerable cooperation of this kind between the UK and the US, especially in the Atlantic, perhaps ending with the US's distancing from the postcolonial powers during the Cold War, most evidently in the Suez Crisis.¹⁵⁷

The idea fell by the wayside in the second half of the 1900s, less necessary since the US Navy had attained unmatched power and global reach. But at the turn of the 21st Century the US reconsidered the idea. Shortly after the start of the Global War on Terror, the Chief of Naval Operations suggested building a "1000-ship navy."¹⁵⁸ Rather than a plot for everlasting budget deficits, this was an advocacy of close partnership with other world navies to pursue the common, international interest in freedom of navigation. As the DoD worked to make this vision a reality, it took on the new, more official-sounding name, the "Maritime Security Partnership." Unfortunately, the effort was doomed to fail due to timing. Fresh off the heels of an unpopular Iraq invasion, European nations gave the idea of a US-led maritime force a chilly reception, and

insisted that any such partnership should be firmly based in international law, particularly the UNCLOS.¹⁵⁹ The US, on the other hand, did not have the political will to submit to a UN which had so recently spurned its efforts in Iraq.¹⁶⁰

Since then, the US and other nations have rediscovered that global cooperation in the maritime arena remains applicable. Maritime Task Forces have become increasingly prevalent in recent years and have achieved some success. The Malacca Strait Patrols (MSP, a.k.a. MALSINDO/Eyes in the Sky) were established in 2004 in response to the financial fallout of the Straits of Malacca being designated a potential conflict zone. While the strait had been plagued for years by the challenges of law enforcement in border regions, the MSP quickly showed the advantages of maritime security cooperation. By 2006 the strait no longer carried the damaging conflict-zone designation, and the organization continues to secure the region to this day.¹⁶¹ Other successful maritime task forces include the Combined Maritime Force, ensuring maritime security near the Horn of Africa; UNIFIL MTF, preventing illegal arms shipments to Lebanon; the INDOMALPHI Trilateral Maritime Patrol, opposing terrorist and pirate activity in the Sulu Sea; and the International Maritime Security Construct, established in 2019 in the Persian Gulf to oppose Iranian threats against the Straits of Hormuz. The US achieved limited success with a global partnership in the form of the Proliferation Security Initiative (PSI), but it met some limitations when, for example, Indonesia resisted for the same reasons that sank the 1000-ship navy, viewing the US's leadership role as politically sensitive and concerned that the lack of a direct basis in the UNCLOS would lead to violations of international law.¹⁶²

To this point, maritime task forces have been primarily used to fight terrorism, piracy, and smuggling, not state-on-state aggression. But there are overlaps between those purposes and their potential functions in the South China Sea. Take, for instance, the Chinese gray-zone use of

a maritime militia. The Australian law professor Robert McLaughlin notes that, assuming these vessels are private, the violence they commit could be considered piracy under the UNCLOS Article 101.¹⁶³ As soon as a task force apprehends the perpetrators of these acts, the Chinese government would need to either concede the behavior was piracy, or else admit the embarrassing fact that the conduct was state-driven. This catch-22 could go a long way in defanging one of Beijing's most insidious power projection tools. A common fisherman may not heed his government's call to patriotic action if it will land him in a Malaysian jail.

There is a weakness in the argument for anti-piracy patrols, however. A 2020 report from ReCAAP (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia) did measure a rise in piracy in the South China Sea, but the most striking change was the spike in activity near the Straits of Malacca.¹⁶⁴ Of the few potential causes, it is possibly only part of a worldwide rise in piracy due to the COVID-19 economic downturn. The PRC may look to this counterargument to call into question the US's motivations.¹⁶⁵ Nonetheless, there is potentially still a need in the South China Sea. The maritime militias conduct much of their work through scare tactics rather than outright violence, which goes uncounted on ReCAAP's ledgers.¹⁶⁶ There is also reason to believe that the 2020 spike is at least partially related to coastal nations' forces being spread thin by frequent intrusions by Chinese state-owned and (nominally) private vessels on ASEAN nations' maritime claims.¹⁶⁷ The MTF could plausibly claim that it is conducting anti-piracy activities in the SCS in order to free up other nations, say Malaysia, to attend to their own territorial waters within the SOM. Furthermore, with China having conducted operations it classified as an antipiracy patrol as recently as 2020 near the Paracel Islands, it would be complicated for the CCP to develop a credible counterargument.¹⁶⁸

A greater problem than piracy in the South China Sea is IUU fishing, which, if left unchecked, threatens to damage Southeast Asian economies not only in the short-term of an individual fishing season, but, by depleting stocks, could harm them for generations to come. A maritime task force partially constituted by coast guard units could feasibly prosecute IUU fishing, thereby restoring control of each EEZ's resources to its rightful owner. However, interdicting fishermen would shift the MTF's role from one of collective self-defense to something potentially seen as more offensive. As such it would likely have a greater chance for escalation, and have a greater chance of making the MTF appear as an aggressor. This piece will not pursue the IUU fishing concept further, but other writers have addressed the promise of teaming up with Southeast Asian nations for anti-IUU purposes.¹⁶⁹ A South China Sea MTF could, at the very least, provide maritime domain awareness to the appropriate national governments to allow for prosecution as they see fit, or even better, inform the general public. Public awareness of IUU fishing through video evidence could shed enough light on China's illicit and destructive fishing activities to shame them into a behavior change. And by substituting cameras for guns, it could do so without generating an inflammatory Chinese reaction.

7. Who Else Can Help?

The next question involves who might contribute to this MTF. Ideally, it would consist of ASEAN members at least in part, since they have the most direct interest in defending their own economic and territorial claims, and are closest to the area of operations. However, as previously discussed, the reality of the ASEAN claimants' strategic situation is not conducive to participation. The first problem is that none of the ASEAN nations has the resources to mount an

effective resistance to China's various maritime forces. There are a few options the US could choose from to help in this regard. The US has already furnished two cutters, a patrol craft, and other vessels to the Philippines; so perhaps the US and its wealthier allies could contribute more assets to build partner nations' forces. It could conduct combined operations with the ASEAN claimants' forces. The US could offer sailors and coastguardsmen as embedded advisors to accompany ASEAN nations, in order to adjust China's risk-benefit calculus when deciding whether to fire on smaller nations' forces.¹⁷⁰ Or in reverse, the US could invite embedded allied forces onboard to assist in developing relationships and building a cooperative system.

The US has in fact already implemented some of these concepts. The PSI has already developed relationships with all of the ASEAN claimants' maritime forces in its mission to detect and intercept shipments of weapons of mass destruction, but only within the narrow purpose of counterproliferation.¹⁷¹ The Coast Guard's "Shiprider" program embeds partner nations' law enforcement on US naval and Coast Guard vessels in order to assist them in policing their own waters.¹⁷² While the little open-source assessment of this program seems limited to Oceania and Africa, it seems to hold promise in the South China Sea when combined with the shift of US Coast Guard assets to the region.¹⁷³ The Maritime Security Initiative (MSI) has been attempting to build cooperation with partner nations since 2015, providing US-compatible communications infrastructure as well as maritime domain awareness assets such as patrol aircraft.¹⁷⁴ But excepting the CARAT and SECAT training exercises there do not seem to have been any joint patrols in the South China Sea as of yet. Andrew Erickson lamented that during the *West Capella* standoff, that the US failed to even use the communications equipment it had provided to Malaysia through the MSI.¹⁷⁵ Although Malaysia, the Philippines, and Vietnam are listed as priority countries for MSI, DoD declines to detail the specifics of what

support it provides.¹⁷⁶ Those hoping for a dramatic, Hollywood-style momentum shift have not found it in these programs... yet.

The reason for the lack of apparent impact is clear. These are all attractive options on the surface, but as previously stated, China's economic leverage over each of the nations makes it extremely risky for them to team up in organizations that could so easily be viewed as, or contorted into being, hostile to China.¹⁷⁷ Perhaps the reason the efforts of the Maritime Security Initiative and the Shiprider program in the Indo-Pacific have been so under-reported is precisely to avoid the risk that China reacts negatively to US partners. Countries have been eager to obtain maritime domain awareness equipment since it is unlikely to draw China's scorn, but have been less eager to sail warships along those of the US.¹⁷⁸ Indonesia, for example, welcomed assistance from the USCG but wrote off the possibility of cooperating with the Navy due to concerns over escalation.¹⁷⁹

All things considered, the ASEAN claimants' participation in a maritime security partnership is desirable, and perhaps a valuable goal to work towards, but in the short term, due to reasons beyond their control, they can be relied on for only the most surreptitious and plausibly deniable support. This may be limited to frequent port calls and *ad hoc* airfield use rather than public, explicit basing agreements, and tacit acceptance of US efforts instead of public praise. Given the circumstances, a true ally would ask for little more.

The next logical option would be to bring in external powers, such as the other members of the Quadrilateral Security Dialogue ("Quad"): Japan, Australia, and India.¹⁸⁰ This would clearly be a step in the right direction. Involving more nations naturally assists in bolstering legitimacy, and working with the members of the Quad may generate less anti-colonial suspicion than the US's traditional, European naval partners.¹⁸¹ Up until recently, the inclusion of India,

which has traditionally been neutral with respect to the US's foreign policy and security efforts, would have done a great deal to legitimize South China Sea security patrols. But while it seems reasonable that it would increase legitimacy in the eyes of third-party nations, it seems less likely that it would have the same effect in China. With tensions between India and China ever increasing, it seems unlikely that the Chinese could view a Quad-led security task force as anything but another step in a scheme to contain and strangle China, risking further inflaming Chinese nationalism. Thus, a Quad-led Maritime Task Force would be a good solution, but not a perfect one.

Whichever option the US chooses, it might counteract the risk of provoking China by reducing the publicity of its own leadership. The Philippines, for example, might be more likely to support long-term basing agreements in Subic Bay for a multinational force in which the US is a mere member, rather than a full-blown US task force with all the political baggage it would entail. Malaysia could perhaps support a multinational force with less threat of economic retribution from China. Thus, the US might best lead the international effort from within the ranks rather than at the head of the formation.¹⁸² It may have the added benefit of helping to overcome the image of imperiousness the US has developed among some allied nations over the years.

However, while these endeavors may present a more positive image to the international community and a vanishingly small minority in the Chinese public, they are unlikely to convince the CCP. In fact, there is likely no grouping of maritime partners that could feasibly uphold international maritime law in the sea without being seen by the CCP as anything but the anti-China coalition it has long feared.¹⁸³ Unfortunately, like the US's addiction to the military instrument of power, the world as a whole has grown so dependent on the US and its closest

allies to maintain security that there are no other credible options to rely upon. In a similar vein, the US and its allies must play a role in meeting the moment, since they alone have the resources, but they should not necessarily be the lone, long-term solution.

8. Should the UN Have a Role in the SCS?

If there is no credible grouping of nations that could be universally trusted with objectively upholding the law in the South China Sea, there is a supranational organization that possibly could. Since a United Nations Security Council Resolution (UNSCR) is “the gold standard” for legitimizing the use of force, the final goal of any maritime security construct should be to obtain that body’s endorsement.¹⁸⁴ A UN-led maritime peacekeeping force, in the model of UNIFIL MTF and under the advisement and oversight of the International Tribunal for the Law of the Sea, would be in a particularly strong position to enforce both the economic and territorial requirements of the UNCLOS. The ASEAN nations may more readily provide basing and logistics support in such an arrangement since it would run less risk of aggravating China than a US-led task force. Furthermore, none of the ASEAN nations would likely classify a UN operation as a vestige of imperialism, as the accusation toward the US sometimes goes. Even China would gain from a UN-mediated system by having a more reliable guarantee of continued transit through the Straits of Malacca, perhaps relieving to some degree the chronic paranoia the drives its assertive foreign policy. Robert Jervis once lamented the absence of such an organization in his article “Cooperation under the Security Dilemma,” stating that a construct that ensured freedom of navigation for all nations could defuse a common cause of conflict.¹⁸⁵

Unfortunately, although a UN MTF is possible, it is also highly improbable. Even within the US, there is likely little political appetite for entrusting the UN with such a vital undertaking.

The UN carries a poor reputation in the US for resolving international crises, with its critics looking no further than Srebrenica or the Haitian cholera epidemic for proof.¹⁸⁶ But for those critics, President Clinton's earlier statement is relevant. As China continues its rise, does the US wish to accept a future with weak international institutions? It would be unwise, finding an inflatable lifejacket filled with holes, to throw it overboard rather than fix it. It is similarly unwise to dispense with the UN as an option for resolution, regardless of its current reputation. Additionally, the endeavor could help to nudge the UN in a direction more favorable to the US, reestablishing the US's leadership in the organization while China attempts to solidify its own dominance. The movement for an MTF could also push the UN, whose focus is scattered among many programs and campaigns that are politically unsavory to certain US constituencies, back toward the work for which it was originally designed, preserving peace and sovereignty.¹⁸⁷ The US has much to gain by pursuing the MTF goal, but if recent history is a lesson, then overwhelming US support is unlikely.

Furthermore, the US must convince other nations to support the measure. The UN MTF would need either the unlikely invitation of each party to the dispute, or the support of the Security Council and the General Assembly. Many states should find common cause with the measure. The world's developing nations won a great victory at the 1982 UNCLOS with the introduction of the EEZ, but, as M. Taylor Fravel writes, it was perhaps too great a victory--- the 200 NM EEZ is so large that some developing nations are unable to enforce it.¹⁸⁸ The UN MTF would be an opening salvo to ward off those who would deny developing nations their sovereign economic rights. On the other hand, these same countries, if not already predisposed to oppose the US as a matter of course, will be wary of the economic impact of crossing China, regardless of the motion's merits. More consequentially, China generally rejects international adjudication

of South China Sea issues, so there is little or no chance that the proposal would survive its Security Council veto.¹⁸⁹ All other considerations aside, unless the elusive goal of Security Council reform is somehow achieved, the Chinese veto means the UN MTF has little chance of ever coming to fruition.

No Perfect Options: Settling for the Next Best Thing

Notwithstanding the dim prospects of Security Council approval, when viewed from the perspective of the information environment, the UN MTF strategy can help to advance American interests even without the actual creation of the task force. Advocacy of a UN maritime task force could be successful enough as an OIE to make China's resistance to the measure irrelevant, or even advantageous to the US. First, by promoting the US's image as a force for international law, it would help to legitimize US presence in the South China Sea in the short term, amplifying the effectiveness of even its current FONOPs strategy. Second, association with the UN may help the US improve its legitimacy, overcoming the awkwardness brought about by its non-member status in the UNCLOS. Third, it would place the CCP in a position where it must either acquiesce to the plan or risk tacitly admitting its opposition to international law.¹⁹⁰ Fourth, it works to the US's larger strategic advantages. The US's partnerships in Southeast Asia have come under strain lately since the US's protection fails to protect against China's most damaging attacks, which are not kinetic, but economic. While the UN MTF strategy does not resolve China's massive economic influence, it opens another public, televised front in which the US can support its regional allies diplomatically, rather than solely militarily. This new forum of support may assist in convincing ASEAN nations to continue their relationship with the US, even while it develops economic countermeasures to China's manipulations.¹⁹¹ In turn, the ASEAN

claimant nations may become more comfortable cooperating with the EABO strategy or increasing involvement in the MSI and Shiprider programs.

Finally, in the long term, the initiative would help to finally resolve the perceived duality of US intentions between the rule of law and the rule of force. The US would put to rest the image of the lone-wolf warmonger. China, assuming it resists, would take up that ignominious mantle for itself. China would be no longer the supposed “developing nation” in the vanguard of the other developing nations.¹⁹² Instead, the US could stake a claim to defending small nations against a Chinese party-state that is developing a reputation of being as extractive a hegemon as any former colonialist.¹⁹³ Many nations, particularly supposed beneficiaries of the Belt and Road Initiative, have already come to know China has few nations’ welfares in mind but its own. Faced with the prospect of losing its claim to be the benefactor of the third world, China might foresee enough economic consequences to convince it to change its aggressive ways. Meanwhile, the US would solidify its upper hand in setting the agenda of the international community toward a more democratic, humane, law-abiding world.

While the world waits for China to withhold its veto of the maritime task force measure, which indeed may never happen, there are measures to be taken in the interim. This would involve a phased approach.¹⁹⁴ Accomplished alone, they may be of marginal effectiveness, but coupled with an earnest diplomatic attempt to promote a neutral, UN-moderated solution, it has a higher likelihood of success. The first step would be to resolutely adopt a commitment, in the way of the Hippocratic oath, to “do no harm.” This would not involve appeasing the CCP in any way, but would avoid interactions that unnecessarily generate nationalist resentment, or that would confuse the US’s long-term narrative of the supremacy of international law. One helpful move in this regard would be to cease advertising the Freedom of Navigation Program as a

power projection tool, and to double down on the message of protecting the rights of ASEAN nations and all others to operate freely in international waters. FONOPs could continue, but not in a way that can be construed as aggressive or taunting, away from the public eye to the maximum extent practical, existing for the single, banal purpose of preserving legal precedents in the courtroom.¹⁹⁵

The US could also help the effort by toning down its anti-China rhetoric. After all, the US need not define its actions in pursuit of a peaceful, law-abiding world against those of its rivals any more than Apple or Toyota must compare themselves to their competitors.¹⁹⁶ With its more attractive national brand (or, failing that, the attractive brands of its allies), the US can avoid repeats of the Malaysian media's pessimistic reaction to the *West Capella* incident by lifting itself above the language of petty "competition." Furthermore, without lowering the volume, the CCP may have no political maneuver space to change its ways amid the rising nationalist tide.¹⁹⁷ The CCP needs to see the logic of complying with the rules, and if it is buffeted with animosity, in its paranoia it may only see the necessity of flouting them.

Information measures against Chinese policies should continue, but on a more oblique and less attributable basis, rather than directly and bluntly from senior officials. The US has grown accustomed to addressing smaller nations like Saddam's Iraq and Gaddafi's Libya in a forceful fashion. Even these operations had limited coercive success, and given China's immense size and power, such tactics are destined to be even less effective there. To be successful, US information efforts will need to be more subtle, and further in the background. For the Chinese audience, painting a picture of a defensive, Southeast Asian peoples' war against an imperialistic China, flush with references to China's own anti-colonial struggles and the Marxist language of unjust oppression, may cause enough self-doubt to crack the armor of Chinese militant

nationalism, as the hypocrisy of Beijing's narratives is thrown into sharp relief. Given Beijing's thorough control over its information ecosystem, such efforts may only have limited impact, but they are better than yielding the Chinese domestic information battlefield to the CCP altogether. Such an indirect approach could at least complicate Beijing's efforts. Direct browbeating, on the other hand, makes the CCP's nationalist narrative-spinning, its public criticism of a supposedly bellicose US, and its justification of its "active defense" measures all too easy. The details of this aspect of the information struggle surely require further analysis, but those are best explored in a separate study, likely away from the public eye.

Second, the United States can develop a coalition, perhaps forming the kernel of the proposed future UN task force. The task force would focus mainly on issues of common defense to fishermen and mineral exploration vessels and providing awareness to national authorities of illegal fishing activity. The core of this task force might be the members of the Quadrilateral Security Dialogue. With the damage China wrought on Australia's economy for simply suggesting the imperfection of China's coronavirus policies, even the participation of these partners is not assured.¹⁹⁸ But alongside an effort for UN resolution, there may be less political risk. Even more advantageously, the commitment to a UN-sponsored solution may attract other outsiders who will arouse less suspicion from the Chinese government. Brazil, for example, has enthusiastically led UNIFIL MTF, viewing it as a win-win situation in which it gains neutral, international prestige as well as practical naval experience.¹⁹⁹ While the US has routinely avoided subordinating its forces to the tactical control of other nations' forces, the US might consider placing itself in a supporting, rather than leading, role in this task force, to downplay the notion that the venture is simply part of a US-China power struggle.

Whatever the method, it is clear that a combination of military and law enforcement assets must play a part in the response. While China has, at times, responded to “naming and shaming,” it has also proven that it will tolerate simple bad press if the reward is great enough and the resistance low enough.²⁰⁰ The US cannot be a mere Cassandra warning the world of Chinese aggression; it must impose real-world impediments and costs to deter bad behavior while actively turning the tide of public opinion against the regime’s nefarious activities.

Third, the US should build a long-term commitment to mitigate the imbalance of power in Southeast Asia, working to build each nation’s strength to resist China’s attacks on their sovereignty. If the US is to rely on a “first island chain” strategy to deter potential Chinese aggression, it must develop relationships with the nations that constitute that island chain—relationships that will outlast the vicissitudes of party politics. The military is incapable of accomplishing this mission alone. While providing advisors, arms, or vessels through such ventures as the MSI may assist in reaching the long-term goal of regional stability through deterrence, it also has the chance to escalate the situation, and furthermore, ASEAN nations’ economic dependence on China does not lend itself well to a strategy centered on military force. Economic organizations such as the US International Development Finance Corporation, the Quad’s Blue Dot Network, and others will have a necessary role in conveying that the US’s information strategy is not just idle talk, and that its cooperative commitment is permanent and sincere. China’s main arguments are that the US is only in the Asia-Pacific for its own narrow interests, that it is a militaristic intruder, and that its commitments are temporary and unreliable. The economic instrument is perhaps the most powerful way to prove these accusations incorrect. With long-term investment supporting the region’s development, the ASEAN states will build

enough strength to resist Chinese predation, and in the meantime, the US will become a welcome and trusted guest.²⁰¹

The historical example of Edward Lansdale can perhaps provide a blueprint for the daunting task of strengthening Southeast Asian relationships as the US continues in this geopolitical struggle. Lansdale, a CIA operative who acted as President Magsaysay's close adviser during the Huklabahap Rebellion, represents both the best and the worst of America's Cold-War-era diplomacy. One of his better lessons from the golden age of the Philippine-American relationship is described by Max Boot as the "three L's."²⁰² First, learn: about the country's culture, its wants, and its needs, from the rice paddy to the presidential palace. Second, like: build personal relationships--- among diplomats, students, and businessmen; most importantly beyond the stuffy chambers of the embassies, based on the commonality of interest in sovereignty and the rule of law, and on the innate goodness of both peoples. At least in the Philippines, the concept of *utang na loob*, roughly translated as a personal debt of gratitude, has a history of driving politics more strongly than many political ideologies.²⁰³ Third, listen: despite the US's many successes as a state, its well-meaning advice will only go so far; the terms and conditions it ties to its military support, less so. The ASEAN nations will likely not accept American help in defense of their sovereignty if they feel they must give up sovereignty to the US.²⁰⁴ Furthermore, they will not be successful in the long term unless it is they who are leading the charge to improve.

Finally, the US should aggressively promote the resolution of South China Sea disputes through the appropriate international institutions. The US cannot be successful by simply parrying China's blows *ad infinitum*, whether it is today's FON strategy, or EABO deterrence, or the economic defensive proposed here. The riposte must be made in the courtroom. This effort

would start with a push to resolve the legal status of the remainder of the maritime features of the South China Sea not previously determined by the 2016 arbitration (including, in response to China's most novel UNCLOS interpretation, even the underwater features).²⁰⁵ The fact that China may choose to ignore international legal proceedings should not deter the US from supporting them. The US will find firmer footing for its operations in the region after further legal decisions, even if China opts not to defend its interests in the court of law. However, as a consequence of the US's non-ratification of the UNCLOS, much of this effort will be in a supporting and encouraging role from the sidelines.²⁰⁶ It should go without saying that the US's strategic hand would be strengthened by ratifying the UNCLOS, but that is, of course, outside the military's control.²⁰⁷

Without the legitimizing cover of the UN effort, China would see many reasons to complain about the above phased approach. It could continue to complain that the US and its allies are aggressive interlopers for patrolling China's adjacent waters. The US might say in response that it is there only due to China's intransigence on authorizing an international peacekeeping task force. Eventually, China may even be coerced into making the task force a reality, which may indeed prove to be less desirable to the US than the supremacy it enjoyed in the region in the late 20th Century. But given the new realities of the global distribution of power, it may be a compromise the US has to make. Self-described realists may favor a unilateral show of force to perpetuate American sole dominance of the South China Sea, but in the increasingly multipolar world, and with the American public's appetite for overseas involvement already quite satiated, that vision is clearly a fantasy.²⁰⁸

Conclusion

Sun Tzu wrote that the best way to thwart a potential adversary is “to attack [its] strategy.”²⁰⁹ China’s strategy seems to be two-fold: externally, it engages in the integrated strategy first described in *Unrestricted Warfare*, from cyber actions to diplomacy to grey-zone brute force.²¹⁰ Internally, it has deftly propagandized its mission to get nationalism on its side.²¹¹ The US strategy in the South China Sea must take these two realities into account. Unfortunately, the Freedom of Navigation Program, as it has existed up until recently, has failed on both counts. Unconnected to a positive long-term political goal, and mostly devoid of concrete benefits for the US’s Southeast Asian partners, the program has not proven a viable competitor to China’s multifaceted, unified approach. At the same time, it has potentially damaged the US’s international legitimacy by projecting a militaristic image, and has stoked Chinese nationalistic fervor, providing further impetus for the CCP to continue its aggressive policies.

Luckily, the US has, as of late, taken measures to correct the FON Program’s shortcomings, which have laid the groundwork for many of the recommendations made here. The *West Capella* standoff, the Shiprider Program, and the Maritime Security Initiative, as well as various recently developed diplomatic and economic programs, have set the US on a more favorable footing in the Asia-Pacific. But something is still missing- something that will unify these measures into one, comprehensive, self-reinforcing whole, which lay in the information environment.

These efforts will be enhanced by two further information measures. First, reducing attention on FONOPs without completely eliminating them, and instead focusing its public affairs strategy on defensive measures in support of ASEAN claimants’ sovereign rights in such

a way that will shield them from Chinese retribution.²¹² Second, the US could enhance its new approach by telling the world the US's end goal in the region.²¹³ If, in its silence, the US appears to tacitly admit its goal in the South China Sea is perpetual US naval supremacy, the international community may have reason for suspicion. If the goal is an impartial guarantee of freedom of navigation under international law, such as with a UN solution, they would have little reason not to support the US in its endeavor. "Such a positive program— harmonious with our fundamental national purpose and our objectives— is necessary if we are to regain and retain the initiative and to win and hold the necessary popular support and cooperation in the United States and the rest of the free world."²¹⁴

The pursuit of a UN maritime task force is certainly not the only possible OIE solution to the South China Sea problem, but it represents a more comprehensive use of the military instrument of power than has previously been applied. The United States will need to continue pursuing such whole-of-government strategies as it continues to defend the international order, by meeting China in the gray zone while maintaining a clean reputation and working to eliminate the legal ambiguity upon which the enemies of freedom thrive.

Many of the suggestions made here are tactics China itself has already conducted. This fact carries benefits as well as risks. At some level, the equivalency would be a benefit in that it would complicate negative reactions from China. The risks are that the US is not capable of conducting the same volume of gray zone operations as China, at least with the current force and the current basing arrangements. It also carries the risk of inadvertently normalizing the bad behavior that China conducts under those same honorable guises.

The US, however, retains the upper hand in conducting this line of operations, since it will act on the side of the law. The US, by protecting Filipino fishermen, would have the 2016

arbitration decision to support it, while China has only rumors of old nautical charts and a cantankerous disposition. While China, as part of its Three Warfares strategy, overtly manipulates the law, the US in large part defends the law in word and in spirit. There is value for the US in meeting China's Mr. Hyde strategy with a Dr. Jekyll version of its own: call it Three Warfares with American Characteristics. It is much safer in the long run to spread truth rather than contrive a media manipulation strategy, assuage partners' concerns rather than stoke their fears, and apply the law rather than circumvent it. Most importantly, it will be easier alongside a network of allies, rather than alone. Were the US to meet China's efforts in the information realm in this fashion, it would better equip itself with the legitimacy that will be an increasingly vital resource as the Information Age matures. Conversely, it will accelerate the time when the CCP will need to choose whether, pulled by the economic value of public opinion, it will follow the US's lead toward the straight and narrow way, or whether it will, like nearly every authoritarian regime before it, eventually trip over the tangled web of deceit it weaves within and without its borders. A quip attributed to the Czech martyr-diplomat Jan Masaryk is a fitting reminder from a bygone era of great power rivalry that although the US's path through the information environment will not be an easy one, it is the right one. "The truth prevails," he averred, "but it takes some elbow grease."²¹⁵

¹ Andrew Scobell, et al., *China's Grand Strategy: Trends, Trajectories, and Long Term Competition*. (Santa Monica: Rand Corporation, 2020), 25.

² James Kraska and Raul Pedrozo, *The Free Sea: The American Fight for Freedom of Navigation*. (Annapolis: Naval Institute Press, 2019), 260; Andrew Scobell, "Getting Beyond Slow Boil in the South China Sea" *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. (Northampton, MA: Edward Elgar Publishing, 2019), 22; Jason Gutierrez and Hannah Beech, "Sinking of Philippine Boat Puts South China Sea Back at Issue." *New York Times*. June 13, 2019. <https://www.nytimes.com/2019/06/13/world/asia/south-china-sea-philippines.html>

³ Inspiration for an information-centered approach to the South China Sea is from Carlyle A. Thayer, *Indirect Cost Imposition Strategies in the South China Sea: U.S. Leadership and ASEAN Centrality*, Center for a New American Security, April 2015, 7. <https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/CNAS-Maritime-8-Thayer.pdf?mtime=20160906081624&focal=none>

⁴ Outside the Marine Corps, OIE are more commonly known as "information operations." OIE includes both internal command and control efforts as well as outward facing "shaping" operations. Lt. Gen. L.E. Reynolds and

Lt. Gen. E. M. Smith, "Definition for Information Related Terms." Jan 22, 2020, 2. <https://mca-marines.org/wp-content/uploads/Definitions-for-Information-Related-Terms-JOINT-MEMORANDUM-22-JAN-2020.pdf>

⁵ Milena Michalski and James Gow, *War, Image, and Legitimacy: Viewing Contemporary Conflict*. (New York: Routledge, 2007), 10.

⁶ Joseph S. Nye, "The Information Revolution and Power" *Current History* 113 Issue 759 (January 2014) 19-22. 20.

⁷ Ivan T. Luke, "Legitimacy in the Use of Seapower." US Naval War College, 2015, 1.

⁸ *Ibid.*

⁹ PEN America, "PEN America to Honor Darnella Frazier, Young Woman Who Documented George Floyd's Murder." October 27, 2020. <https://pen.org/press-release/pen-america-to-honor-darnella-frazier-young-woman-who-documented-george-floyds-murder/>

¹⁰ Monika Chansoria, "Defying Borders in Future Conflict in East Asia: Chinese Capabilities in the Realm of Information Warfare and Cyber Space." *The Journal of East Asian Affairs* 26, Iss. 1, (Spring 2012): 105-127. 107 and Jessica T Matthews, "Power Shift," *Foreign Affairs*, vol. 76, no. 1, 1997

¹¹ US Joint Chiefs of Staff, "Joint Concept for Operating in the Information Environment." July 25, 2018. https://www.jcs.mil/Portals/36/Documents/Doctrine/concepts/joint_concepts_jcoie.pdf, iii.

¹² Benjamin K. Wagner, "Lessons from Lassen: Plotting a Proper Course for Freedom of Navigation Operations in the South China Sea." *Journal of East Asia and International Law* 9, No. 1 (May 30, 2016), 156.

¹³ Luke, 6.

¹⁴ *Ibid.*

¹⁵ Luke, 7.

¹⁶ Ambassador Chas W. Freeman, "The Taiwan Problem and China's Strategy for Resolving It." Middle East Policy Center: Remarks at the Center for Naval Analysis. <https://mepc.org/speeches/taiwan-problem-and-chinas-strategy-resolving-it>; See also Mao's comment in Michael J. Clarke, "China's Application of the 'Three Warfares' in the South China Sea and Xinjiang." *Orbis* (Spring 2019). 187-208, 193.

¹⁷ Mao: "we see not only weapons but also the power of man. Weapons are an important factor in war but not the decisive one; it is man and not material that counts." Mao Tse-Tung, *On the Protracted War*, English Translation. (Peking: People's Publishing House, 1960), p. 53; then again, following the theme of duality, he also wrote that "political power grows out of the barrel of a gun," which has perhaps achieved ascendancy since June 4, 1989.

¹⁸ Doug Livermore, "China's 'Three Warfares' in Theory and Practice in the South China Sea." *Georgetown Security Studies Review*, 2018.

¹⁹ United States Department of Defense, "2019 Freedom of Navigation Report," <https://policy.defense.gov/Portals/11/Documents/FY19%20DoD%20FON%20Report%20FINAL.pdf?ver=2020-07-14-140514-643×tamp=1594749943344>

²⁰ For the completely different environment compared to the US-Soviet rivalry, see Gabriel Collins and Andrew S. Erickson, *Hold the Line Through 2035: A Strategy to Offset China's Revisionist Actions and Sustain a Rules-based order in the Asia-Pacific*, (Houston: Rice University Baker Institute for Public Policy, 2020), 12. <https://www.bakerinstitute.org/media/files/files/1e07d836/ces-pub-asiapacific-111120.pdf>; See also Segal, George. "East Asia and the 'Constrainment' of China." *International Security* 20 Issue 4 (Spring 1996) 107- 135.

²¹ Lt. Gen. L.E. Reynolds and Lt. Gen. E. M. Smith, "Definition for Information Related Terms," 2.

²² Farley, Robert. "Is the Focus on FONOPs Muddying Strategic Discourse on the South China Sea?" *The Diplomat*, Jun 16, 2017.

²³ Joints Chiefs of Staff, *Joint Concept for Operating in the Information Environment*. July 25, 2018. https://www.jcs.mil/Portals/36/Documents/Doctrine/concepts/joint_concepts_jcoie.pdf, vii.

²⁴ It should be noted that while the US public will surely form opinions on the matter, they are never included in OIE assessments, since to do so would verge on military influence on US politics. See Department of Defense Directive 1344.10, paragraph 4.1.2.2.

²⁵ On the importance of secrecy in China's strategic culture, see Thomas G. Mahnken, *Secrecy and Stratagem: Understanding Chinese Strategic Culture*. Sydney: Lowy Institute for International Policy 2011, 24.

²⁶ Andrew Scobell, *China and Strategic Culture* Carlisle Barracks, PA: Strategic Studies Institute, US Army War College, 2002, 4.

²⁷ Gordon Adams, "France Has Been No Friend to Muslims." *Foreign Policy*. November 17, 2015. <https://foreignpolicy.com/2015/11/17/france-has-been-no-friend-to-muslims>; José Pedro Zúquete, "The European Extreme-Right and Islam: New Directions?" *Journal of Political Ideologies* 13, no. 3 (October 2008): 321-44.

- ²⁸ John W. Garver and Fei-Ling Wang, “China’s Anti-encirclement Struggle.” *Asian Security*, vol. 6, no. 3, 2010, pp. 238–261. 238; M. Taylor Fravel and Alexander Liebman, “Beyond the Moat: The PLAN’s Evolving Interests and Potential Influence.” *The Chinese Navy: Expanding Capabilities, Evolving Roles*. Edited by Phillip C. Saunders, Christopher D. Yung, Michael Swaine, and Andrew Nien-Dzu Yang, (Washington, DC: National Defense University Press, 2011), 48 and 63. <https://ndupress.ndu.edu/portals/68/documents/books/chinese-navy.pdf>.
- ²⁹ See Hu Jintao’s comments in Geoffrey Till, *Seapower: A Guide for the Twenty-First Century*. Fourth edition. (New York: Routledge, 2018), 235. Whether Hu’s fear was rational, irrational, or manufactured for strategic purposes is a different question. On this, see Andrew Scobell, “The South China Sea and U.S.-China Rivalry,” *Political Science Quarterly* 133 No. 2 (2nd Quarter 2018), 217.
- ³⁰ CNP is defined in Timothy R. Heath, Kristen Gunness, Cortez A. Cooper, *The PLA and China’s Rejuvenation*. (Santa Monica: RAND Corporation, 2016), x. https://www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1402/RAND_RR1402.pdf; Scobell, *China and Strategic Culture*, 4.
- ³¹ The World Bank’s Paul Collier describes how grievance is sometimes a façade, sometimes a fuel, to achieve primarily economic goals in conflict. Paul Collier, “Doing Well out of War” Paper prepared for Conference on Economic Agendas in Civil Wars, London, April 26-27, 1999, 4. Thomas Mahnken and Alastair Iain Johnston describe how China has long “operated according to the dictates of Realpolitik even if they often cloaked their actions in Confucian rationalisations.” Thomas G. Mahnken, *Secrecy and Stratagem: Understanding Chinese Strategic Culture*. (Sydney: Lowy Institute for International Policy, 2011), 7. <https://www.lowyinstitute.org/publications/secrecy-and-stratagem-understanding-chinese-strategic-culture>
- ³² Steven Lee Myers, “Beijing Takes Its South China Sea Strategy to the Himalayas.” *New York Times*. November 27, 2020. <https://www.nytimes.com/2020/11/27/world/asia/china-bhutan-india-border.html>
- ³³ M. Taylor Fravel, *Active Defense: China’s Military Strategy since 1949*. (Princeton: Princeton University Press), 2019, 61; Scobell, *China and Strategic Culture*, 9.
- ³⁴ Christopher Cairns and Allen Carlson, “Real-world Islands in a Social Media Sea: Nationalism and Censorship on Weibo during the 2012 Diaoyu/Senkaku Crisis,” *The China Quarterly* 225 (January 2016), 39.
- ³⁵ Ibid.
- ³⁶ Scobell, et al., *China’s Grand Strategy*, 21; Michael Pillsbury, *The Hundred-Year Marathon*. (New York: St. Martin’s Press), 2016.
- ³⁷ Deng Xiaopeng once wrote to his CCP colleagues that “enemy troops are outside the walls. They are stronger than we. We should be mainly on the defensive.” Henry Kissinger, *On China*, (New York: The Penguin Press, 2011), 438; Collins and Erickson, 7
- ³⁸ Dzirhan Mahadzir, “Captain America: When US and Allied Countries’ FONOPS in the South China Sea Backfire” *Naval Forces* 11 (2018), 1.
- ³⁹ Samuel P. Huntington offered a rather dim view of humankind’s capacity for progress in Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order*. (New York: Simon & Schuster, 1996).
- ⁴⁰ Prashanth Parameswaran, “Why the Philippines’ Rodrigo Duterte Hates America: A deeper look at the Philippine president’s anti-American views” *The Diplomat*. November 1, 2016. <https://thediplomat.com/2016/11/why-the-philippines-rodrigo-duterte-hates-america/>
- ⁴¹ Referring to the Bandung Conference of 1955. Regarding taking sides, see Evelyn Goh, “Great Powers and Hierarchical Order in Southeast Asia: Analyzing Regional Security Strategies.” *International Security* 32 (December 2007), 115, footnote 9.
- ⁴² Ibid, 138.
- ⁴³ The Philippines accepted certain economic hardship in order to regain control of the bases at Subic Bay and Clark Airfield. Many Filipinos celebrate the twelve senators that ended that lease as the Philippines’ true liberators, rather than, for example, Douglas MacArthur. Mark Merueñas, “20 years later, senators who rejected US bases hailed anew.” *GMA News Online*. September 16, 2011. <https://www.gmanetwork.com/news/news/nation/232573/20-years-later-senators-who-rejected-us-bases-hailed-anew/story/>.
- ⁴⁴ United Nations, “Charter of the United Nations, Chapter 1.” <https://www.un.org/en/sections/un-charter/chapter-i/index.html>.
- ⁴⁵ See also the PRC foreign minister’s 2010 explosion in Singapore: “China is a big country and other countries are small countries, and that is just a fact!” Christopher D. Yung, “China’s Strategic Culture and Its Diverse Strategic Options.” *Patterns of Influence: Strategic Culture Case Studies and Conclusions*. Edited by Matthew R. Slater. Quantico, VA: Marine Corps University Press, 2020, 80.

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- ⁴⁶ Manuel Mogato, “Duterte says China’s Xi threatened war if Philippines drills for oil.” May 19, 2017. <https://www.reuters.com/article/us-southchinasea-philippines-china/duterte-says-chinas-xi-threatened-war-if-philippines-drills-for-oil-idUSKCN18F1DJ>.
- ⁴⁷ Scobell, “Getting Beyond a Slow Boil,” 39; Benny Teh Cheng Guan, “The South China Sea Conundrum: China’s Strategic Culture and Malaysia’s Preferred Approaches” *International Journal of China Studies* 8, No. 3 (December 2017), 389.
- ⁴⁸ US Department of State. *A Free and Open Indo-Pacific: Advancing a Shared Vision*. November 4, 2019, 5. <https://www.state.gov/wp-content/uploads/2019/11/Free-and-Open-Indo-Pacific-4Nov2019.pdf>
- ⁴⁹ Heydarian, Richard Javad. “At a Strategic Crossroads: ASEAN Centrality Amid Sino-American Rivalry in the Indo-Pacific.” Brookings Institution. April 2020. https://www.brookings.edu/wp-content/uploads/2020/04/fp_20200427_strategic_crossroads.pdf
- ⁵⁰ Prashanth Parameswaran, “Does Asia Need a New Maritime Organization Beyond ASEAN?” *The Diplomat*, February 24, 2015. <https://thediplomat.com/2015/02/does-asia-need-a-new-maritime-organization/>; Lyle J. Morris, Michael J. Mazarr, et al. *Gaining Competitive Advantage in the Gray Zone: Response Options for Coercive Aggression Below the Threshold of Major War*. Santa Monica: RAND Corporation, 2019, 117. https://www.rand.org/pubs/research_reports/RR2942.html.
- ⁵¹ Scobell, “Getting Beyond Slow Boil,” 25.
- ⁵² More on the US dichotomy in the section labeled “Image and Self Image.”
- ⁵³ General David H. Berger, *Commandant’s Planning Guidance*. 2019, 11. https://www.hqmc.marines.mil/Portals/142/Docs/%2038th%20Commandant%27s%20Planning%20Guidance_2019.pdf?ver=2019-07-16-200152-700
- ⁵⁴ Art Corbett, “Expeditionary Advanced Base Operations (EABO) Handbook.” Version 1.1. June 1 2018, 16. <https://mca-marines.org/wp-content/uploads/Expeditionary-Advanced-Base-Operations-EABO-handbook-1.1.pdf>
- ⁵⁵ Brian D. Wieck, “Information Operations Countermeasures to Anti-Access/Area Denial.” *The Strategy Bridge*. May 11, 2017. <https://thestrategybridge.org/the-bridge/2017/5/11/information-operations-countermeasures-to-anti-accessarea-denial>
- ⁵⁶ Rosa Brooks, *How Everything Became War and the Military Became Everything*. (New York: Simon and Schuster, 2016), 316.
- ⁵⁷ On the need for a multifaceted strategy, Christopher D. Yung and Patrick McNulty, “An Empirical Analysis of Claimant Tactics in the South China Sea.” *Strategic Forum*, August 2015, 9. <https://inss.ndu.edu/Portals/68/Documents/stratforum/SF-289.pdf>
- ⁵⁸ Policy Planning Staff, Office of the Secretary of State, *Elements of the China Challenge*, November 2020, Revised December 2020, 2. <https://www.state.gov/wp-content/uploads/2020/11/20-02832-Elements-of-China-Challenge-508.pdf>; US Department of State. *A Free and Open Indo-Pacific: Advancing a Shared Vision*. November 4, 2019, 7. <https://www.state.gov/wp-content/uploads/2019/11/Free-and-Open-Indo-Pacific-4Nov2019.pdf>
- ⁵⁹ United States Department of Defense. *Asia-Pacific Maritime Security Strategy*. 2015. https://dod.defense.gov/Portals/1/Documents/pubs/NDAA%20A-P_Maritime_Security_Strategy-08142015-1300-FINALFORMAT.PDF
- ⁶⁰ “The nature of inter-state competition is increasingly shifting away from an emphasis on the balance of power, war and the monopolisation of resources, to a preoccupation with trade and cultural capital, and where status, prestige and success are less a function of one’s conquests and military prowess, but is increasingly tied to one’s perceived attractiveness and ability to capture the attention of others.” Christopher S. Browning and Antonio Ferraz de Oliveira. “Introduction: Nation Branding and Competitive Identity in World Politics.” *Geopolitics* 22, No. 3 (2017), 481–501, 484. See also Simon Anholt, “‘Nation Branding’ in Asia” *Place Branding and Public Diplomacy* 4 (2008), 265–269 <https://link.springer.com/article/10.1057/pb.2008.22>
- ⁶¹ Robert Kagan, *The World America Made*. New York: Alfred A. Knopf, 2012. 99. Of note, Kagan says in the same paragraph that based on past superpowers’ societal structures not outlasting the power transfer, President Clinton’s remark is misguided. However, Kagan seems to be guilty here of first, an *argumentum ad ignorantiam*, and second, glossing over the groundbreaking changes to the international community that resulted from the formation of the United Nations and other international institutions.
- ⁶² Chomsky, Noam. *Hegemony or Survival: America’s Quest for Global Dominance*. (New York: Henry Holt and Company), 2003, 11.
- ⁶³ For the concept of national rejuvenation, see Scobell, “China’s Grand Strategy,” ix.
- ⁶⁴ Scobell, “The South China Sea and U.S.-China Rivalry,” 220
- ⁶⁵ Edward Luttwak, *The Rise of China vs. the Logic of Strategy* (Cambridge MA: Harvard University Press), 2002.

- ⁶⁶ For a more realistic version of events, please see Kraska and Pedrozo or Leszek Buszynski, “The South China Sea: An Arena for Great Power Strategic Rivalry,” *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang (Northampton, MA: Edward Elgar Publishing, 2019)
- ⁶⁷ Lyle Morris, “Incompatible Partners: The Role of Identity and Self-Image in the Sino-US Relationship.” *Asia Policy* 13 (January 2012), 133.
- ⁶⁸ Jacques M. Downs, “American Merchants and the China Opium Trade, 1800-1840” *The Business History Review* 42, No. 4 (Winter 1968), 418.
- ⁶⁹ For example, “Boxer Protocol, 1901” September 7, 1901. <https://china.usc.edu/boxer-protocol-1901>
- ⁷⁰ Max Boot, *The Road Not Taken: Edward Lansdale and the American Tragedy in Vietnam* (New York: Liveright Publishing Corporation, 2018), 138.
- ⁷¹ Scobell, et al., “China’s Grand Strategy,” 8.
- ⁷² Renato Constantino, *The History of the Philippines: From the Spanish Colonization to the Second World War*. (New York: Monthly Review Press, 2008), 385 and 394.
- ⁷³ Prashanth Parameswaran, “Why the Philippines’ Rodrigo Duterte Hates America: A deeper look at the Philippine president’s anti-American views” *The Diplomat*, November 1, 2016. <https://thediplomat.com/2016/11/why-the-philippines-rodrigo-duterte-hates-america/>
- ⁷⁴ Dzirhan Mahadzir, “Captain America: When US and Allied Countries’ FONOPS in the South China Sea Backfire” *Naval Forces* 11 (2018), 1.
- ⁷⁵ Hanna Samir Kassab, “Soft Power and Struggles for Leadership: The United States, Russia and China.” *Contemporary Chinese Political Economy and Strategic Relations: An International Journal* 6 No. 2 (Aug/Sept. 2020), 512.
- ⁷⁶ Chomsky, 11.
- ⁷⁷ Nicholas Onuf, “Constructivism: A User’s Manual.” *International Relations in a Constructed World*. Edited by Vendulka Kubalkova, Nicholas Onuf, and Paul Kowert. (New York: Routledge, 1998), 76.
- ⁷⁸ Graham Allison, “Of Course China, Like All Great Powers, Will Ignore an International Legal Verdict,” *The Diplomat*. July 2016. <http://thediplomat.com/2016/07/of-course-china-like-all-great-powers-willignore-an-international-legal-verdict/>
- ⁷⁹ International Court of Justice, *Judgment of 26 November 1984*. November 26, 1984. <https://www.icj-cij.org/public/files/case-related/70/070-19841126-JUD-01-00-EN.pdf>
- ⁸⁰ Mark J. Valencia, “Who is the Rogue State in the South China Sea?” *The National Interest*. September 10, 2020. <https://nationalinterest.org/blog/buzz/who-rogue-state-south-china-sea-168675>
- ⁸¹ United States Department of Defense. *Asia-Pacific Maritime Security Strategy*, 8. The White House, *National Security Strategy of the United States of America*. December 2017. Accessed March 6, 2021. 27. <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>; US Department of Defense. “Summary of the 2018 National Defense Strategy.” 2018, 2. <https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>.
- ⁸² On the vigilante image, see the ambassador from the UK, the US’s closest ally, dryly comparing the US to Wyatt Earp, quoted in Mark Mazower, *Governing the World: The History of an Idea, 1815 to Present*. (New York: Penguin Group, 2012), 310. On the outlaw image, see Chomsky, 12.
- ⁸³ On damage to the UN, Mazower, 311.
- ⁸⁴ See again the definition of “legal warfare” in Livermore.
- ⁸⁵ Radio Free Europe/Radio Liberty. “Who Gives the Most Aid to Serbia?” June 9, 2020. <https://www.rferl.org/a/who-gives-the-most-aid-to-serbia-/30660859.html>
- ⁸⁶ Academy of Military Science Military Strategy Studies Department, *Science of Military Strategy* (2013). translated by Project Everest, China Aerospace Studies Institute, Air University. Montgomery, AL: China Aerospace Studies Institute, 2021, 131.. https://airuniversity.af.edu/Portals/10/CASI/documents/Translations/2021-02-08%20Chinese%20Military%20Thoughts-%20In%20their%20own%20words%20Science%20of%20Military%20Strategy%202013.pdf?ver=NxAWg4BPw_NylEjxaha8Aw%3d%3d; Peter Mattis, “China’s ‘Three Warfares’ in Perspective.” *War on the Rocks*. January 30, 2018. <https://warontherocks.com/2018/01/chinas-three-warfares-perspective/>.
- ⁸⁷ John Varano, “China’s 17+1 initiative stalls amid security concerns and broken promises.” *The Strategist*. Oct 22, 2020. <https://www.aspistrategist.org.au/chinas-171-initiative-stalls-amid-security-concerns-and-broken-promises/>
- ⁸⁸ Theodore Roosevelt. Letter to Mr. Henry L. Sprague, January 26, 1900. Library of Congress. <https://www.loc.gov/exhibits/treasures/images/at0052as.jpg>. On declining worldwide confidence in American

resolve, see Hugh White, “Let’s Be Clear: China Would Call America’s Bluff in the South China Sea.” *The Interpreter*. July 21, 2017. <https://www.lowyinstitute.org/the-interpreter/let-be-clear-china-would-call-america-s-bluff-south-china-sea>.

⁸⁹ To the extent that the CCP still adheres to Deng Xiaoping thought, Deng once wrote, “Observe carefully; secure our position; cope with affairs calmly; hide our capacities and bide our time; be good at maintaining a low profile; and never claim leadership.” Kissinger, *On China*, 438. According to Luttwak, China has met global resistance precisely because Xi abandoned the “hide and bide” strategy circa 2013. Luttwak, *The Rise of China vs. the Logioc of Strategy*.

⁹⁰ George Bartle, “Speak Softly and Conceal a Big Stick: A Diplomat’s Strategy for Competing with China.” *The Strategy Bridge*. November 3, 2020. <https://thestrategybridge.org/the-bridge/2020/11/03/speak-softly-and-conceal-a-big-stick-a-diplomats-strategy-for-competing-with-china>.

⁹¹ United States Department of Defense, “2016 Freedom of Navigation Report,” <https://policy.defense.gov/Portals/11/DoD%20FON%20Program%20Summary%202016.pdf?ver=2017-03-03-141350-380>.

⁹² Kraska and Pedrozo, 282.

⁹³ Thomas M. Hill, “The Peace Corps: A Lot of Bucks for Very Little Bang?” Brookings Institution, October 16, 2017. <https://www.brookings.edu/blog/fixgov/2017/10/16/the-peace-corps-a-lot-of-bucks-for-very-little-bang/>.

⁹⁴ Mark J. Valencia, “Are US FONOPs in the South China Sea Necessary?” *The Diplomat*. October 27, 2017; Dzirhan Mahadzir, “Captain America.”

⁹⁵ Ricardo Saludo, “The Biggest Intruder in Our Waters is Not China.” *Manila Times*. August 22, 2019. <https://www.manilatimes.net/2019/08/22/opinion/columnists/the-biggest-intruder-in-our-waters-is-not-china>.

⁹⁶ One 2016 congressional hearing and one Brookings report might qualify as an assessment, but they mainly address whether or not the operations are legally justified, not whether the program has effectively achieved its goals. Joshua L. Root, “The Freedom of Navigation Program: Assessing 35 Years of Effort.” *Syracuse Journal of International Law and Commerce* 43 No. 2, 328.

⁹⁷ Ibid 350.

⁹⁸ Lynn Kuok, *The U.S. FON Program in the South China Sea: A Lawful and Necessary Response to China’s Strategic Ambiguity*. (Washington, DC: Brookings Institution Center for East Asia Policy Studies, 2016), 4. <https://www.brookings.edu/research/the-u-s-fon-program-in-the-south-china-sea/>.

⁹⁹ Andrew Scobell, “Perception and Misperception in US-China Relations.” *Political Science Quarterly* 135, No. 4 (Winter 2020), 651.

¹⁰⁰ First, it should be noted that the Chinese government has not officially claimed the features in the South China Sea, using the ambiguity to create space for its fait accompli strategy and complicate other nations’ resistance. This article will gloss over that complicating fact. Second, the noted sentence is an admittedly simplistic treatment of the phenomenon of Chinese online nationalism. The reality is more complex, with the government laying the seeds via its official propaganda and “education” initiatives, leaving an array of ad-driven private and semiprivate organizations to tend the garden (somewhat like the US online radicalization problem), and the state reaping the harvest by selectively censoring the resulting material in order to provide impetus for the state to act assertively. See Christopher Cairns and Allen Carlson, “Real-world Islands in a Social Media Sea: Nationalism and Censorship on Weibo during the 2012 Diaoyu/Senkaku Crisis.” *The China Quarterly* 225 (March 2016) and Chapter 7 of Florian Schneider, *China’s Digital Nationalism* (Oxford: Oxford University Press, 2018).

¹⁰¹ Christopher Cairns and Allen Carlson, “Real-world Islands in a Social Media Sea: Nationalism and Censorship on Weibo during the 2012 Diaoyu/Senkaku Crisis,” *The China Quarterly* 225 (January 2016), 39.

¹⁰² Sun Tzu, *The Art of War*, edited and translated by Roger T. Ames (New York: Ballantine Books, 1993), 85.

¹⁰³ The reference is to the wrestler image in Book 1 Chapter 1, as well as the discussion of “disarming the enemy” in Book One Chapter Two, Carl von Clausewitz, *On War*. Indexed Edition. Edited and Translated by Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 91. This interpretation is used in Joseph L. Strange and Richard Iron, “Center of Gravity: What Clausewitz Really Meant.” *Joint Forces Quarterly* 35 (2004), 20-27. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a520980.pdf>, 21

¹⁰⁴ Ankit Panda, “Manila’s Disappointing Reaction to the US FONOP Near Scarborough Shoal.” *The Diplomat*, Jan 23, 2018.

¹⁰⁵ Ryan D. Martinson and Andrew Erickson, “Re-Orienting American Seapower for the China Challenge.” *War on the Rocks*. May 10, 2018. <https://warontherocks.com/2018/05/re-orienting-american-sea-power-for-the-china-challenge/>

- ¹⁰⁶ James Kraska, "The Exclusive economic Zone and Food Security for Developing Coastal States in the South China Sea." *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. (Northampton, MA: Edward Elgar Publishing, 2019), 116.
- ¹⁰⁷ To be fair, Duterte's predecessor, Benigno Aquino III, placed more emphasis on the SCS in his NDS, but that does not detract from the need to adjust to an ally's evolving priorities. Philippine Department of National Defense. "Philippines National Defense Strategy, 2018-2022." <https://www.dnd.gov.ph/pdf/NDS%207%20August%202019.pdf>
- ¹⁰⁸ Jason Gutierrez and Hannah Beech, "Sinking of Philippine Boat Puts South China Sea Back at Issue." *New York Times*. June 13, 2019. <https://www.nytimes.com/2019/06/13/world/asia/south-china-sea-philippines.html>.
- ¹⁰⁹ Eugene Burdick and William Lederer, *The Ugly American* (New York: W. W. Norton and Company, 1999).
- ¹¹⁰ United Nations. "Declarations and Statements." Accessed January 31, 2021. https://www.un.org/Depts/los/convention_agreements/convention_declarations.htm
- ¹¹¹ "If the U.S. accedes to the convention, it will be required to transfer a large portion of royalties generated on the U.S. extended continental shelf to the International Seabed Authority." Whether 7% constitutes a "large portion" is for the reader to decide. Pro-UNCLOS statement here: Donohue, Thomas J. "Statement of Thomas J. Donohue: The Law of the Sea Convention: Perspectives from Business and Industry " Testimony before the Senate Foreign Relations Committee, June 28, 2012. <https://www.foreign.senate.gov/imo/media/doc/Donohue%20Testimony.pdf> Anti-UNCLOS article quoted above, here: Ted R. Bromund, James Jay Carafano, and Bret D. Schaefer, "7 Reasons U.S. Should Not Ratify UN Convention on the Law of the Sea." <https://www.heritage.org/global-politics/commentary/7-reasons-us-should-not-ratify-un-convention-the-law-the-sea>.
- ¹¹² Wagner, 139, footnote 7.
- ¹¹³ Ching Chang, "Examining the U.S. Freedom of Navigation Program: An Embarrassing Gunboat Diplomacy?" *Contemporary Chinese Political Economy and Strategic Relations* 6, Iss. 2, (Aug/Sep 2020), 781-817.
- ¹¹⁴ Tzou Jiing-Wen, "US ships in Strait send a message to Beijing." *Taipei Times*. July 15, 2018. <http://www.taipeitimes.com/News/editorials/archives/2018/07/15/2003696703>; Carmela Fonbuena, "Balancing or capitulation? Duterte ban on West PH Sea drills leaves gap in global move to curb China." *Rappler*. August 5, 2020. <https://www.rappler.com/nation/duterte-ban-west-philippine-sea-drills-leaves-gap-global-move-curb-china>; Trong Kien, "South China Sea tribunal ruling clings to relevance: experts." *Viet Nam News*. July 18, 2018. <https://vietnamnews.vn/opinion/451973/south-china-sea-tribunal-ruling-clings-to-relevance-experts.html>
- ¹¹⁵ Jonathan G. Odom, "Understanding China's Legal Gamesmanship in the Rules-Based Global Order," *China's Global Influence: Perspectives and Recommendations*. Ed. Scott D. McDonald and Michael C. Burgoyne. Honolulu: Daniel K. Inouye Asia-Pacific Center for Security Studies, 2019: 200. https://apcss.org/wp-content/uploads/2019/09/12-Chinas_Legal_Gamesmanship-odom.pdf
- ¹¹⁶ Kyung Suk Lee and Kyu Young Lee, "U.S. Freedom of Navigation Operations in South China Sea: An Ongoing Riddle between the United States and China." *The Korean Journal of Defense Analysis*. Vol. 29, No. 3, September 2017, 456.
- ¹¹⁷ Wagner, 162-3.
- ¹¹⁸ Lynn Kuok
- ¹¹⁹ Paul Gewirz, *Limits of Law in the South China Sea* (Washington, DC: Brookings Institution, 2016), 14 and 216. <https://www.brookings.edu/wp-content/uploads/2016/07/Limits-of-Law-in-the-South-China-Sea-2.pdf>
- ¹²⁰ Rosa Brooks also discusses the difference between the "Game of Law" and the "Game of Life." Brooks, 362. See also Farley.
- ¹²¹ Tzou Jiing-Wen, "US ships in Strait send a message to Beijing"
- ¹²² Root, 347.
- ¹²³ Douglas Briller, "Reassessing the U.S. Freedom of Navigation Program in a Complex Competitive Environment." 9. <https://apps.dtic.mil/sti/pdfs/AD1077869.pdf>.
- ¹²⁴ Gewirz, 14 and 216.
- ¹²⁵ In Latin, *Qui non proficit, deficit*. Equivalent statements are made by Clausewitz, Mao, and other war theorists concerning the futility of passive defense. For example, Mao, bluntly: "Only the greatest idiot or megalomaniac would cherish passive defense as a trump card." *Mao's Maxims: War and Power*. *New York Times Magazine*. June 4, 1961, Section SM, Page 13. Clausewitz: "A fundamental principle is never to remain completely passive" Carl von Clausewitz, "Principles of War" Translated and edited by Hans W. Gatzke. (Military Service Publishing Company, 1942). <https://www.clausewitz.com/mobile/principlesofwar.htm>; Clausewitz rejects absolute passivity in *On War*, page 93.

¹²⁶ Jonathan G. Odom, in his defense of the Freedom of Navigation Program, highlights the importance of the Philippines v. China arbitration, but does not address whether the Freedom of Navigation Program made any concrete contribution to the legal decision, and also does not address why, given this successful example, US strategy has continued to hinge upon FONOPs. See Jonathan G. Odom, “Maritime Claims in the South China Sea and Freedom of Navigation Operations,” *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang (Northampton, MA: Edward Elgar Publishing, 2019).

¹²⁷ US National Security Council, “NSC 68: United States Objectives and Programs for National Security,” April 14, 1950. Accessed February 25, 2021. 64. www.fas.org/irp/offdocs/nsc-hst/nsc-68.htm

¹²⁸ Brooks, 13.

¹²⁹ Dan Straub, “Littoral Combat Ships for Maritime COIN” *Proceedings*, January 2021.

<https://www.usni.org/magazines/proceedings/2021/january/littoral-combat-ships-maritime-coin>

¹³⁰ The USNS Alan Shepard conducted a FONOP in the Tsushima Strait between Japan and South Korea, but there are no examples of such operations in the South China Sea. The USNS Bowditch and Impeccable incidents elicited arguments over the use of the EEZ, but did not involve territorial waters under the definition of UNCLOS. US 7th Fleet Public Affairs, “USNS Alan Shepard Conducts Freedom of Navigation Operation.” December 15, 2020.

<https://www.c7f.navy.mil/Media/News/Display/Article/2446630/usns-alan-shepard-conducts-freedom-of-navigation-operation/>

¹³¹ Kraska and Pedrozo, 261.

¹³² US Department of the Navy, “Advantage at Sea: Prevailing with Integrated All-Domain Naval Power.”

December 2020, 11. <https://media.defense.gov/2020/Dec/16/2002553074/-1/-1/0/TRISERVICESTRATEGY.PDF>.

¹³³ China’s semi-official think-tank, the National Institute for South China Seas Studies, seems nervous about the prospect of USCG involvement in the following especially strained legal argument. Yan Yan. “Legal Boundaries of U.S. Coast Guard Operations in the South China Sea.” *South China Sea Strategic Situation Probing Initiative*. December 24, 2020. <http://www.scspi.org/en/dtfx/legal-boundaries-us-coast-guard-operations-south-china-sea;>

Resty Woro Yuniar, “The US wants to take on China over illegal fishing in the South China Sea. Why is Asean wary?” *South China Morning Post*. November 20, 2020. <https://www.scmp.com/week-asia/economics/article/3110579/us-wants-take-china-over-illegal-fishing-south-china-sea-why>.

¹³⁴ Shigeki Sakamoto, “China’s New Coast Guard Law and Implications for Maritime Security in the East and South China Seas.” *Lawfare*. February 16, 2021. <https://www.lawfareblog.com/chinas-new-coast-guard-law-and-implications-maritime-security-east-and-south-china-seas>.

¹³⁵ Michael D. Armour, “The U. S. Coast Guard In The South China Sea: Strategy Or Folly?” Center for International Maritime Security. November 26, 2017. <https://cimsec.org/u-s-coast-guard-south-china-sea-strategy-folly/>.

¹³⁶ Ibid. See also Scobell, “Getting Beyond Slow Boil,” 19.

¹³⁷ Brent D. Sadler, “Decisive Theaters: Navy Must Pick the Right Fights in Great Power Competition.” *Heritage Foundation*. October 8, 2020, 8. <https://www.heritage.org/sites/default/files/2020-10/BG3539.pdf>.

¹³⁸ The Navy has already hinted at this change. See VADM Bill Merz’s comment in Blake Herzinger, “Learning in the South China Sea: The US Response to the West Capella Standoff.” *War on the Rocks*, May 18, 2020.

<https://warontherocks.com/2020/05/learning-in-the-south-china-sea-the-u-s-response-to-the-west-capella-standoff/>

¹³⁹ Morris, et al. *Gaining Competitive Advantage in the Gray Zone*, 159. This is also recommended in Martinson and Erickson.

¹⁴⁰ Carlyle A. Thayer mentions ASEAN’s objections as a key obstacle that the Philippines faced in its arbitration, and one that Vietnam will face if it chooses that path. “#BRUTECast S2E4: Turning on a DIME: Taking Back the Strategic Initiative in the South China Sea.” February 6, 2021. <https://www.youtube.com/watch?v=0dGf3XE9SwM>

¹⁴¹ Prashanth Parameswaran, “What Would a Vietnam South China Sea Legal Challenge Mean?,” *The Diplomat*, November 13, 2019. <https://thediplomat.com/2019/11/what-would-a-vietnam-south-china-sea-legal-challenge-mean/>

¹⁴² Valencia, “Who is the Rogue State in the South China Sea?”; “[T]he cynics would argue, and not without some justification, that the ‘1000-ship Navy’ concept seeks to maintain a coalition of allies who jointly underwrite the costs of US naval superiority” Vijay Sakhuja, “Any Asian Takers for a 1000-Ship Navy?,” *Maritime Studies* 153 (Mar/Apr 2004), 34.

¹⁴³ Euan Graham, “U.S. Naval Standoff With China Fails to Reassure Regional Allies.” *Foreign Policy*, May 4, 2020. <https://foreignpolicy.com/2020/05/04/malaysia-south-china-sea-us-navy-drillship-standoff/>.

¹⁴⁴ Herzinger; Viet Anh, “China’s ploy to leverage pandemic for East Sea gains unsuccessful: experts.” *VN Express International*. April 28, 2020. <https://e.vnexpress.net/news/news/china-s-plot-to-leverage-pandemic-for-east-sea->

gains-unsuccessful-experts-4090254.html; Carmela Fonbuena, "US response to China-Malaysia standoff offers new template for South China Sea." July 16, 2020. <https://www.rappler.com/world/asia-pacific/us-response-china-malaysia-standoff-new-template>.

¹⁴⁵ Evelyn Goh, 133; Herzinger.

¹⁴⁶ Adam Leong Kok Wey, "The Strategic Logic of Malaysia's Muted Response to the South China Sea Standoff." *RUSI Newsbrief* 4 No. 40 (May 2020). https://rusi.org/sites/default/files/adam_leong_final.pdf

¹⁴⁷ Sec. Mattis claims the by-with-through method is used because "[our allies] own these spaces and the U.S. does not." There is no appropriate parallel in the high seas of Southeast Asia. Joseph L. Votel and Eero R. Keravuori, "The By-With-Through Operational Approach." *Joint Forces Quarterly* 89 (2nd Quarter 2018), 1. https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-89/jfq-89_40-47_Votel-Keravuori.pdf?ver=2018-04-11-125441-307

¹⁴⁸ It should be noted that the operation did not prevent a Chinese exploration vessel from remaining on scene afterward to conduct its own retaliatory exploration mission in Malaysia's EEZ. While Malaysia was protected, to some degree, China had its own reasons to declare victory, and used the opportunity to mock the US's limited ability to remain on station. See Herzinger.

¹⁴⁹ "South East-Asia - Caught in the middle of a new US-China cold war." *The Star*, May 17, 2020.

<https://www.thestar.com.my/news/regional/2020/05/17/south-east-asia---caught-in-the-middle-of-a-new-us-china-cold-war>

¹⁵⁰ Lyle J Morris, "Incompatible Partners: The Role of Identity and Self-Image in the Sino-U.S. Relationship." *Asia Policy* 13 (2012), 136.

¹⁵¹ Cheng Guan, 388.

¹⁵² Straub

¹⁵³ James P. Farwell, *Information Warfare: Forging Communication Strategies for Twenty-first Century Operational Environments* (Quantico, VA: Marine Corps University Press, 2020), 28 and 77.

¹⁵⁴ United Kingdom Mission to the UN, "UK NV No. 162/20," September 16, 2020.

https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/2020_09_16_GBR_NV_UN_001.pdf

¹⁵⁵ China "sees America's unilateral foreign policies as a smokescreen for pursuing hegemony," Russell Ong, *China's Security Interests in the 21st Century*. (New York, NY: Routledge, 2007). 37

¹⁵⁶ John Tetsuro Sumida, *Inventing Strategy and Teaching Command: The Classic Works of Alfred Thayer Mahan Reconsidered*. Washington, DC: Woodrow Wilson Center Press, 1997, 107.

¹⁵⁷ Kraska, James. "Grasping *The Influence of Law on Sea Power*." *Naval War College Review*. Vol. 62, No. 3 (Summer 2009), 133.

¹⁵⁸ U.S. Navy. Office of the Chief of the Naval Operations, "Speeches"

<http://www.navy.mil/navydata/cno/mullen/speeches/mullen060519-kqv.txt>

¹⁵⁹ Craig H. Allen, "The Influence of Law on Sea Power Doctrines: The New Maritime Strategy and the Future of the Global Legal Order." *International Law Studies* 84 (2008) 3-31, 15; Kraska, "Grasping *The Influence of Law on Sea Power*," 121, and on similar concerns of informality in the Proliferation Security Initiative and the 2007 *A Cooperative Strategy for 21st Century Seapower* generally in Kraska, page 128 and 131

¹⁶⁰ For effect of the UN resolution on American public opinion, see 2003 Gallup poll at Gallup. "United Nations." Accessed February 12, 2021. <https://news.gallup.com/poll/116347/united-nations.aspx>

¹⁶¹ "Lloyd's drops risk rating on the Malacca Strait; Improved security of waterway is cited; Malaysia hails move." *Wall Street Journal, Europe*, August 9, 2006.

¹⁶² Muhamad Jaki Nurhasya, "Proliferation Security Initiative (PSI): Revisiting the Indonesian Perspective." *AEGIS* 2 No. 1 (September 2017). 65 <http://e-journal.president.ac.id/presunivojs/index.php/AEGIS/article/download/277/145>.

¹⁶³ Robert McLaughlin, "The Legal Status and Characterisation of Maritime Militia Vessels." *EJIL:Talk!* June 18, 2019. <https://www.ejiltalk.org/the-legal-status-and-characterisation-of-maritime-militia-vessels/>.

James Kraska and Michael Monti, "The Law of Naval Warfare and China's Maritime Militia." *United States Naval War College International Law Studies* 91, No. 450 (2015) <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1406&context=ils>.

¹⁶⁴ ReCAAP, "Piracy and Armed Robbery Against Ships in Asia: Annual Report, January-December 2020." <https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020.pdf>

¹⁶⁵ Fravel and Liebman, 67.

¹⁶⁶ Example of Chinese intimidation in Thayer, "Indirect Cost Imposition Strategies in the South China Sea: U.S. Leadership and ASEAN Centrality," 7 and Kraska and Pedrozo, 267.

- ¹⁶⁷ Ameya Karve and Anne Koh, "Piracy Incidents Rise With Navies Stretched in South China Sea." *Bloomberg*. July 16, 2020. <https://www.bloomberg.com/news/articles/2020-07-17/piracy-in-asian-waters-rises-to-highest-in-five-years-data-show>.
- ¹⁶⁸ Drake Long, "China Marine Corps on Show in the South China Sea." *Radio Free Asia*. May 15, 2020. <https://www.rfa.org/english/news/china/southchinasea-marines-05152020135655.html>.
- ¹⁶⁹ LM McCray, "Illegal Fishing in the South China Sea: Why a US–Indonesia Partnership on Illegal, Unreported, and Unregulated Fishing Complicates Matters for China" <https://apps.dtic.mil/sti/pdfs/AD1077971.pdf>.
- ¹⁷⁰ Thayer, "Indirect Cost Imposition," 7; Carlyle A. Thayer, "#BRUTECast S2E4: Turning on a DIME: Taking Back the Strategic Initiative in the South China Sea." February 6, 2021, 1:14:00, <https://www.youtube.com/watch?v=0dGf3XE9SwM>; Martinson and Erickson.
- ¹⁷¹ US Department of State. "About the Proliferation Security Initiative." March 19, 2019. Accessed March 8, 2021. <https://www.state.gov/about-the-proliferation-security-initiative/>.
- ¹⁷² Martinson and Erickson.
- ¹⁷³ Michael N. St. Jeanos, "A Globally Integrated Coast Guard on the World Stage." *Joint Forces Quarterly* 99 (4th Quarter 2020), 114. <https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-99/jfq-99.pdf>
- ¹⁷⁴ Martinson and Erickson; Prashanth Parameswaran, "New Indonesia Drones Spotlight US-ASEAN Maritime Security Initiative" *The Diplomat*, February 23, 2018.
- ¹⁷⁵ Martinson and Erickson; Herzinger.
- ¹⁷⁶ Dzirhan Mahadzir, "Pentagon Asia Policy Chief Talks South East Asia Military Cooperation, U.S. South China Sea Operations" *USNI New.* August 15, 2018. <https://news.usni.org/2018/08/15/pentagon-asia-policy-chief-talks-south-east-asia-military-cooperation-u-s-south-china-sea-operations>.
- ¹⁷⁷ Elaine Tolentino and Myungsik Ham, "The entrapment of asymmetry: the Philippines between the US and China" *Bandung: The Journal of the Global South* 2 (2015), 13; Dempsey Reyes, "PH Pullout from Navy Drills Defended," *Manila Times*, February 12, 2021. <https://www.manilatimes.net/2021/02/12/news/national/ph-pullout-from-navy-drills-defended/839803/>
- ¹⁷⁸ Tommy Ross, "Deterrence & Security Assistance: The South China Sea." *Parameters* 47 Issue 4 (Winter 2017/2018), 68.
- ¹⁷⁹ Resty Woro Yuniar, "The US wants to take on China over illegal fishing in the South China Sea. Why is Asean wary?" *South China Sea Morning Post*. November 20, 2020. <https://www.scmp.com/week-asia/economics/article/3110579/us-wants-take-china-over-illegal-fishing-south-china-sea-why>
- ¹⁸⁰ Discussion of the need for third parties is from Scobell, "Getting Beyond Slow Boil," 24. The Quad is endorsed in Jeff M. Smith, "Quad 2.0: A Foundation for a Free and Open Indo-Pacific." *CE Think Tank Newswire*. July 6, 2020.
- ¹⁸¹ Japan, of course, does not have a sterling history of friendliness in the region, but is at least Asian rather than European.
- ¹⁸² India, for example, has expressed hesitancy about direct involvement with US patrols. Kuok, 25.
- ¹⁸³ "The encirclement of China." *People's Daily*, 1966. *Survival* 8, No. 4, 128-129. DOI: 10.1080/00396336608440627;
- ¹⁸⁴ John W. Garver and Fei-Ling Wang, "China's Anti-encirclement Struggle" *Asian Security* 6, No. 3 (2010), 238.
- ¹⁸⁵ Luke, 5.
- ¹⁸⁶ Robert Jervis, "Cooperation under the Security Dilemma." *World Politics* 30, No. 2 (Jan., 1978), 168.
- ¹⁸⁷ Gallup has shown the UN's image in the US improving recently, but approval has been well below 50% for nearly twenty years. Gallup. "United Nations." Accessed February 12, 2021. <https://news.gallup.com/poll/116347/united-nations.aspx>.
- ¹⁸⁸ Recalling JFK's First Inaugural Address: "To that world assembly of sovereign states, the United Nations, our last best hope in an age where instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run." John F. Kennedy, "Inaugural Address, January 20, 1961." <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/inaugural-address-19610120>
- ¹⁸⁹ Fravel and Liebman, 59.
- ¹⁹⁰ Scobell, "Getting Beyond Slow Boil," 24.
- ¹⁹¹ Julian Ku and Chris Mirasola, "The South China Sea and China's 'Four Sha' Claim: New Legal Theory, Same Bad Argument." September 25, 2017. <https://www.lawfareblog.com/south-china-sea-and-chinas-four-sha-claim-new-legal-theory-same-bad-argument>.

- ¹⁹¹ Promising economic initiatives include the new US International Development Finance Corporation, the Blue Dot Network, and, of course, the CP-TPP. Further details are in the *Free and Open Indo-Pacific Strategy*, 16.
- ¹⁹² The PRC still claims a “developing nation” status in the WTO, to the chagrin of some US businessmen.
- ¹⁹³ Gavin Helf, “Looking for Trouble: Sources of Conflict in Central Asia.” United States Institute of Peace. *Special Report* 489 (November 2020), 13.
- ¹⁹⁴ This phased approach takes its inspiration from Scobell, “Getting Beyond Slow Boil in the South China Sea,” 24.
- ¹⁹⁵ In the following article, the authors discuss how FONOPs are being used for purposes beyond their original intent... and poorly. Peter A. Dutton and Isaac B. Kardon, “Forget the FONOPs — Just Fly, Sail and Operate Wherever International Law Allows.” *Lawfare*. June 10, 2017. <https://www.lawfareblog.com/forget-fonops-%E2%80%94-just-fly-sail-and-operate-wherever-international-law-allows>
- ¹⁹⁶ Stephen L. Spear discusses how leading organizations push for excellence regardless of the actions of one’s competitor. Turning to look back at a pacing threat is a good way to lose one’s lead. Stephen L. Spear, *High Velocity Edge* (New York: McGraw-Hill, 2009), 19. See also Browning and Ferraz de Oliveira.
- ¹⁹⁷ Scobell notes that the CCP’s designation of the area as a “core interest,” among other actions, has made it difficult for the CCP to back down without severe loss of face. Scobell, “The South China Sea and U.S.-China Rivalry,” 208-9.
- ¹⁹⁸ Joe McDonald. “China slaps 200% tax on Australia wine amid tensions.” *AP*. November 27, 2020. <https://apnews.com/article/beijing-global-trade-australia-coronavirus-pandemic-china-c0f921929c9c53af30da81ddd775ffe9>
- ¹⁹⁹ Marcos Ommati, “Brazilian Navy’s Blue Helmets Conclude Work at UNIFIL.” USSOUTHCOM *Dialogo*. December 23, 2020. <https://dialogo-americas.com/articles/brazilian-navys-blue-helmets-conclude-work-at-unifil/>
- ²⁰⁰ Wendy He Qingli and Haridas Ramasamy, “Naming and Shaming China: America’s Strategy of Rhetorical Coercion in the South China Sea” *Contemporary Southeast Asia* 42, No. 3 (2020), 336.
- ²⁰¹ Mao: “Do we want the support of the masses? If we do we must go among the masses; arouse them to activity; concern ourselves with their weal and woe.” *Mao’s Maxims: War and Power*. *New York Times Magazine*. June 4, 1961, Section SM, Page 13.
- ²⁰² Boot, 603.
- ²⁰³ Stanley Karnow, *In Our Image: America’s Empire in the Philippines*. 1st ed. (New York: Random House, 1989), 20.
- ²⁰⁴ “Najib asks West to stop ‘lecturing’ as Malaysia embraces China.” *Reuters*, November 2, 2016. <http://www.reuters.com/article/us-china-malaysia-idUSKBN12X0CH?il=0>
- ²⁰⁵ Kristin Huang, “Beijing could face Asean’s wrath over ‘naming and claiming’ of South China Sea features, observers say.” *South China Morning Post*. April 25, 2020. <https://www.scmp.com/news/china/diplomacy/article/3081275/beijing-could-face-aseans-wrath-over-naming-and-claiming-south>.
- ²⁰⁶ Ms. Bonnie Glaser of CSIS discusses the US’s outsider treatment in the 2016 arbitration in House of Representatives Committee on Armed Services, Subcommittee for Seapower and Projection Forces, “Seapower and Projection Forces in the South China Sea.” September 21, 2016, 13. <https://www.govinfo.gov/content/pkg/CHRG-114hhrg22458/pdf/CHRG-114hhrg22458.pdf>
- ²⁰⁷ Bonnie Glaser, James Kraska, and Andrew Erickson all endorse UNCLOS ratification in testimony to Congress in 2016. *Ibid*.
- ²⁰⁸ See point number 1 of Bromund, Carafano, and Schaefer.
- ²⁰⁹ Sun Tzu, *The Art of War*, translated by Samuel B. Griffith (New York: Oxford University Press, 1963), 77.
- ²¹⁰ Qiao Liang and Xiangsui Wang. *Unrestricted Warfare: China’s Master Plan to Destroy America*. Translated by Al Santoli. (Panama City, Panama: Pan American Pub.), 2002.
- ²¹¹ PLA General Yimin Chu in 2014: “what we need most of all nowadays is to awaken an intense sense of humiliation, so that we never forget the humiliation of our country and military, and turn knowledge of this into courage” Quoted in Wagner, 158. Michael J. Clarke, “China’s Application of the ‘Three Warfares’ in the South China Sea and Xinjiang.” *Orbis* (Spring 2019), 199. https://nsc.crawford.anu.edu.au/sites/default/files/publication/nsc_crawford_anu_edu_au/2019-05/chinas_app_of_the_3_warfares_in_xj_and_scs.pdf
- ²¹² Mira Rapp-Hooper advocates conducting FONOPs more quietly in Mira Rapp-Hooper, “Make No Mistake: The United States Should Get Its Message Straight in the South China Sea.” *Foreign Affairs*, November 25, 2015.
- ²¹³ “Needed: A Compelling International Narrative” in Collins and Erickson, 13.

²¹⁴ While Cold War analogies are not always helpful, there are still parallels in choosing today's best course of action. Among other relevant sections: "It is clear that our long-range objectives require a strengthened United Nations, or a successor organization, to which the world can look for the maintenance of peace and order in a system based on freedom and justice. It also seems clear that a unifying ideal of this kind might awaken and arouse the latent spiritual energies of free men everywhere and obtain their enthusiastic support for a positive program for peace going far beyond the frustration of the [rival's] design and opening vistas to the future that would outweigh short-run sacrifices." NSC 68, 64.

²¹⁵ Cf. memorial plaque in front of Prague's Vila Osvěta. Petr Kadlec, "Jan Masaryk deska," https://commons.wikimedia.org/wiki/File:Jan_Masaryk_deska.jpg

Bibliography

- Academy of Military Science, Military Strategy Studies Department. "Science of Military Strategy (2013)." translated by Project Everest, China Aerospace Studies Institute, Air University. Montgomery, AL: China Aerospace Studies Institute, 2021. https://airuniversity.af.edu/Portals/10/CASI/documents/Translations/2021-02-08%20Chinese%20Military%20Thoughts-%20In%20their%20own%20words%20Science%20of%20Military%20Strategy%202013.pdf?ver=NxAWg4BPw_NylEjxaha8Aw%3d%3d
- Adams, Gordon. "France Has Been No Friend to Muslims." *Foreign Policy*. November 17, 2015. <https://foreignpolicy.com/2015/11/17/france-has-been-no-friend-to-muslims>
- Adams, Michael. "Jus Extra Bellum: Reconstructing the Ordinary, Realistic Conditions of Peace." *Harvard National Security Journal* 5 (2014), 377-460.
- Allen, Craig H. "The Influence of Law on Sea Power Doctrines: The New Maritime Strategy and the Future of the Global Legal Order." *International Law Studies* 84 (2008) 3-31.
- Allison, Graham. "Of Course China, Like All Great Powers, Will Ignore an International Legal Verdict." *The Diplomat*. July 2016. <http://thediplomat.com/2016/07/of-course-china-like-all-great-powers-willignore-an-international-legal-verdict/>
- Almond, Roncevert Gavan. "Lords of Navigation: Grotius, Freitas, and the South China Sea." *The Diplomat*. May 2016. <https://thediplomat.com/2016/05/lords-of-navigation-grotius-freitas-and-the-south-china-sea/>
- Anholt, Simon. "'Nation Branding' in Asia." *Place Branding and Public Diplomacy* 4 (2008), 265–269. <https://link.springer.com/article/10.1057/pb.2008.22>
- Armour, Michael D. "The U. S. Coast Guard In The South China Sea: Strategy Or Folly?" Center for International Maritime Security. November 26, 2017. <https://cimsec.org/u-s-coast-guard-south-china-sea-strategy-folly/>
- Bacevich, Andrew J. *The Limits of Power: the End of American Exceptionalism*. 1st ed. New York: Metropolitan Books, 2008.
- Bartle, George. "Speak Softly and Conceal a Big Stick: A Diplomat's Strategy for Competing with China." *The Strategy Bridge*. November 3, 2020. <https://thestategybridge.org/the-bridge/2020/11/03/speak-softly-and-conceal-a-big-stick-a-diplomats-strategy-for-competing-with-china>
- Berger, General David H. "Commandant's Planning Guidance." 2019. https://www.hqmc.marines.mil/Portals/142/Docs/%2038th%20Commandant%27s%20Planning%20Guidance_2019.pdf?ver=2019-07-16-200152-700

- Boot, Max. *The Road Not Taken: Edward Lansdale and the American Tragedy in Vietnam*. New York: Liveright Publishing Corporation, 2018.
- Bower, Ernest Z. "China Reveals its Hand on ASEAN in Phnom Penh." Center for Strategic & International Studies, July 20, 2012. <https://www.csis.org/analysis/china-reveals-its-hand-asean-phnom-penh>
- "Boxer Protocol, 1901." September 7, 1901. <https://china.usc.edu/boxer-protocol-1901>
- Briller, Douglas. "Reassessing the U.S. Freedom of Navigation Program in a Complex Competitive Environment." <https://apps.dtic.mil/sti/pdfs/AD1077869.pdf>
- Bromund, Ted R., James Jay Carafano, and Bret D. Schaefer. "7 Reasons U.S. Should Not Ratify UN Convention on the Law of the Sea." <https://www.heritage.org/global-politics/commentary/7-reasons-us-should-not-ratify-un-convention-the-law-the-sea>
- Brooks, Rosa. *How Everything Became War and the Military Became Everything*. New York: Simon and Schuster, 2016.
- Browning, Christopher S. and Antonio Ferraz de Oliveira. "Introduction: Nation Branding and Competitive Identity in World Politics." *Geopolitics* 22, No. 3 (2017), 481–501.
- Burns, William J. "The Lost Art of American Diplomacy." *Foreign Affairs*. May/June 2019. <https://www.foreignaffairs.com/articles/2019-03-27/lost-art-american-diplomacy>
- Burdick, Eugene, and William Lederer. *The Ugly American*. New York: W. W. Norton and Company, 1999.
- Buszynski, Leszek. "The South China Sea: An Arena for Great Power Strategic Rivalry." *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. Northampton, MA: Edward Elgar Publishing, 2019.
- Cairns, Christopher, and Allen Carlson. "Real-world Islands in a Social Media Sea: Nationalism and Censorship on Weibo during the 2012 Diaoyu/Senkaku Crisis." *The China Quarterly* 225 (January 2016), 23-49.
- Campbell, Kurt, and Jake Sullivan. "Competition Without Catastrophe: How America Can Both Challenge and Coexist With China." *Foreign Affairs*. September/October 2019.
- Chansoria, Monika. "Defying Borders in Future Conflict in East Asia: Chinese Capabilities in the Realm of Information Warfare and Cyber Space." *The Journal of East Asian Affairs* 26, Iss. 1, (Spring 2012): 105-127
- Cheng Guan, Benny Teh. "The South China Sea Conundrum: China's Strategic Culture and Malaysia's Preferred Approaches." *International Journal of China Studies* 8, No. 3 (December 2017), 373-395.

- Ching Chang. "Examining the U.S. Freedom of Navigation Program: An Embarrassing Gunboat Diplomacy?" *Contemporary Chinese Political Economy and Strategic Relations* 6, Iss. 2, (Aug/Sep 2020): 781-817.
- Chomsky, Noam. *Hegemony or Survival: America's Quest for Global Dominance*. New York: Henry Holt and Company, 2003.
- Clarke, Michael J. "China's Application of the 'Three Warfares' in the South China Sea and Xinjiang." *Orbis* (Spring 2019). 187-208.
https://nsc.crawford.anu.edu.au/sites/default/files/publication/nsc_crawford_anu_edu_au/2019-05/chinas_app_of_the_3_warfares_in_xj_and_scs.pdf
- Clausewitz, Carl von. *On War*. Indexed Edition. Edited and Translated by Michael Howard and Peter Paret. Princeton: Princeton University Press, 1976.
- Clausewitz, Carl von. "Principles of War." Translated and edited by Hans W. Gatzke. Military Service Publishing Company, 1942.
<https://www.clausewitz.com/mobile/principlesofwar.htm>
- Collier, Paul. "Doing Well out of War" Paper prepared for Conference on Economic Agendas in Civil Wars, London, April 26-27, 1999.
- Collins, Gabriel, and Andrew S. Erickson. *Hold the Line Through 2035: A Strategy to Offset China's Revisionist Actions and Sustain a Rules-based order in the Asia-Pacific*, Houston: Rice University Baker Institute for Public Policy, 2020.
<https://www.bakerinstitute.org/media/files/files/1e07d836/ces-pub-asiapacific-111120.pdf>
- Constantino, Renato. *The History of the Philippines: From the Spanish Colonization to the Second World War*. New York: Monthly Review Press, 2008.
- Corbett, Art. "Expeditionary Advanced Base Operations (EABO) Handbook," Version 1.1, June 1, 2018. <https://mca-marines.org/wp-content/uploads/Expeditionary-Advanced-Base-Operations-EABO-handbook-1.1.pdf>
- De Castro, Renato Cruz. "The Limits of Intergovernmentalism: The Philippines' Changing Strategy in the South China Sea Dispute and Its Impact on the Association of Southeast Asian Nations (ASEAN)." *Journal of Current Southeast Asian Affairs* 39, Issue 3 (December 2020), 335-358.
- Donohue, Thomas J. "Statement of Thomas J. Donohue: The Law of the Sea Convention: Perspectives from Business and Industry." Testimony before the Senate Foreign Relations Committee, June 28, 2012.
<https://www.foreign.senate.gov/imo/media/doc/Donohue%20Testimony.pdf>
- Downs, Jacques M. "American Merchants and the China Opium Trade, 1800-1840" *The Business History Review* 42, No. 4 (Winter 1968), 418-442.

- Dutton, Peter A., and Isaac B. Kardon. "Forget the FONOPs — Just Fly, Sail and Operate Wherever International Law Allows." *Lawfare*. June 10, 2017.
<https://www.lawfareblog.com/forget-fonops-%E2%80%94-just-fly-sail-and-operate-whenever-international-law-allows>
- "The encirclement of China." *People's Daily*, 1966. *Survival* 8 No. 4, 128-129, DOI: 10.1080/00396336608440627.
- Farley, Robert. "Is the Focus on FONOPs Muddying Strategic Discourse on the South China Sea?" *The Diplomat*, Jun 16, 2017.
- Farwell, James P. *Information Warfare: Forging Communication Strategies for Twenty-first Century Operational Environments*. Quantico, VA: Marine Corps University Press, 2020.
- Fonbuena, Carmela. "Balancing or capitulation? Duterte ban on West PH Sea drills leaves gap in global move to curb China." *Rappler*. August 5, 2020.
<https://www.rappler.com/nation/duterte-ban-west-philippine-sea-drills-leaves-gap-global-move-curb-china>
- Fonbuena, Carmela. "US response to China-Malaysia standoff offers new template for South China Sea." *Rappler*. July 16, 2020. <https://www.rappler.com/world/asia-pacific/us-response-china-malaysia-standoff-new-template>
- Foreign Affairs. "Should U.S. Foreign Policy Focus on Great-Power Competition?" *Foreign Affairs*. October 13, 2020. <https://www.foreignaffairs.com/ask-the-experts/2020-10-13/should-us-foreign-policy-focus-great-power-competition>
- Fravel, M. Taylor and Alexander Liebman. "Beyond the Moat: The PLAN's Evolving Interests and Potential Influence." *The Chinese Navy: Expanding Capabilities, Evolving Roles*. Edited by Phillip C. Saunders, Christopher D. Yung, Michael Swaine, and Andrew Nien-Dzu Yang, Washington, DC: National Defense University Press, 2011.
<https://ndupress.ndu.edu/portals/68/documents/books/chinese-navy.pdf>
- Fravel, M. Taylor. *Active Defense: China's Military Strategy since 1949*. Princeton: Princeton University Press, 2019.
- Freeman, Ambassador Chas W. "The Taiwan Problem and China's Strategy for Resolving It." Middle East Policy Center: Remarks at the Center for Naval Analysis.
<https://mepc.org/speeches/taiwan-problem-and-chinas-strategy-resolving-it>
- Gallup. "United Nations." Accessed February 12, 2021.
<https://news.gallup.com/poll/116347/united-nations.aspx>
- Garver, John W. and Fei-Ling Wang. "China's Anti-encirclement Struggle." *Asian Security* 6, No. 3 (2010), pp. 238–261

- Gewirz, Paul. *Limits of Law in the South China Sea*. Washington, DC: Brookings Institution. <https://www.brookings.edu/wp-content/uploads/2016/07/Limits-of-Law-in-the-South-China-Sea-2.pdf>
- Goh, Evelyn. "Great Powers and Hierarchical Order in Southeast Asia: Analyzing Regional Security Strategies." *International Security* 32, No. 3 (Winter, 2007/2008), 113-157.
- Graham, Euan. "U.S. Naval Standoff With China Fails to Reassure Regional Allies." *Foreign Policy*. May 4, 2020. <https://foreignpolicy.com/2020/05/04/malaysia-south-china-sea-us-navy-drillship-standoff/>
- Greer, Tanner. "Taiwan's Defense Strategy Doesn't Make Military Sense: But It Does Make Political Sense." *Foreign Affairs*. September 2019. <https://www.foreignaffairs.com/articles/taiwan/2019-09-17/taiwans-defense-strategy-doesnt-make-military-sense>
- Gutierrez, Jason, and Hannah Beech. "Sinking of Philippine Boat Puts South China Sea Back at Issue." *New York Times*. June 13, 2019. <https://www.nytimes.com/2019/06/13/world/asia/south-china-sea-philippines.html>
- Heath, Timothy R., Kristen Gunness, and Cortez A. Cooper, *The PLA and China's Rejuvenation*. Santa Monica: RAND Corporation, 2016, x. https://www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1402/RAND_RR1402.pdf
- Herzinger, Blake. "Learning in the South China Sea: The US Response to the West Capella Standoff." *War on the Rocks*, May 18, 2020. <https://warontherocks.com/2020/05/learning-in-the-south-china-sea-the-u-s-response-to-the-west-capella-standoff/>
- Heydarian, Richard Javad. "At a Strategic Crossroads: ASEAN Centrality Amid Sino-American Rivalry in the Indo-Pacific." Brookings Institution, April 2020. https://www.brookings.edu/wp-content/uploads/2020/04/fp_20200427_strategic_crossroads.pdf
- Hill, Thomas M. "The Peace Corps: A Lot of Bucks for Very Little Bang?" Brookings Institution, October 16, 2017. <https://www.brookings.edu/blog/fixgov/2017/10/16/the-peace-corps-a-lot-of-bucks-for-very-little-bang/>
- Huang, Kristin. "Beijing could face Asean's wrath over 'naming and claiming' of South China Sea features, observers say." *South China Morning Post*. April 25, 2020. <https://www.scmp.com/news/china/diplomacy/article/3081275/beijing-could-face-aseans-wrath-over-naming-and-claiming-south>
- Huntington, Samuel P. *The Clash of Civilizations and the Remaking of the World Order*. New York: Simon & Schuster, 1996.
- International Court of Justice. *Judgment of 26 November 1984*. November 26, 1984. <https://www.icj-cij.org/public/files/case-related/70/070-19841126-JUD-01-00-EN.pdf>

- Jervis, Robert. "Cooperation under the Security Dilemma." *World Politics* 30, No. 2 (Jan. 1978), pp. 167-214.
- Kadlec, Petr. "Jan Masaryk deska,"
https://commons.wikimedia.org/wiki/File:Jan_Masaryk_deska.jpg.
- Kagan, Robert. *The World America Made*. New York: Alfred A. Knopf, 2012.
- Karnow, Stanley. *In Our Image : America's Empire in the Philippines*. 1st ed. New York: Random House, 1989.
- Kassab, Hanna Samir. "Soft Power and Struggles for Leadership: The United States, Russia and China." *Contemporary Chinese Political Economy and Strategic Relations: An International Journal* 6 No. 2 (Aug/Sept. 2020) 507-538.
- Kissinger, Henry. *On China*. New York: The Penguin Press, 2011.
- Kennedy, John F. "Inaugural Address, January 20, 1961."
<https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/inaugural-address-19610120>.
- Klein, Natalie. "Islands and Rocks after the South China Sea Arbitration." *The Australian Year Book of International Law Online* 34, no. 1 (2017): 21–29.
- Kraska, James and Raul Pedrozo. *The Free Sea: The American Fight for Freedom of Navigation*. Annapolis: Naval Institute Press, 2019.
- Kraska, James. "The Exclusive economic Zone and Food Security for Developing Coastal States in the South China Sea." *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. Northampton, MA: Edward Elgar Publishing, 2019.
- Kraska, James. "Grasping *The Influence of Law on Sea Power*." *Naval War College Review*. Vol. 62, No. 3 (Summer 2009): 113-135.
- Kraska, James. "Maritime Confidence-Building Measures for Navigation in the South China Sea." *International Journal of Marine & Coastal Law* 32 no. 2 (2017): 268–97.
- Ku, Julian and Chris Mirasola. "The South China Sea and China's "Four Sha" Claim: New Legal Theory, Same Bad Argument." September 25, 2017. <https://www.lawfareblog.com/south-china-sea-and-chinas-four-sha-claim-new-legal-theory-same-bad-argument>.
- Kuok, Lynn. *The U.S. FON Program in the South China Sea: A Lawful and Necessary Response to China's Strategic Ambiguity*. Washington, DC: Brookings Institution Center for East Asia Policy Studies, 2016. <https://www.brookings.edu/research/the-u-s-fon-program-in-the-south-china-sea/>.

- Langer, Lorenz. "The South China Sea as a Challenge to International Law and to International Legal Scholarship." *Berkeley Journal of International Law* 36, no. 3 (December 22, 2018): 383–418.
- Lee, Kyung Suk and Kyu Young Lee. "U.S. Freedom of Navigation Operations in South China Sea: An Ongoing Riddle between the United States and China." *The Korean Journal of Defense Analysis* 29, No. 3, (September 2017), 455-473.
- "Lloyd's drops risk rating on the Malacca Strait; Improved security of waterway is cited; Malaysia hails move." *Wall Street Journal Europe*, August 9, 2006.
- Livemore, Doug. "China's 'Three Warfares' in Theory and Practice in the South China Sea." *Georgetown Security Studies Review*, 2018.
- Luke, Ivan T. "Legitimacy in the Use of Seapower." US Naval War College, 2015.
- Luttwak, Edward. *The Rise of China vs. the Logic of Strategy*. Cambridge: Harvard University Press, 2012.
- Mahadzir, Dzirhan. "Captain America: When US and Allied Countries' FONOPS in the South China Sea Backfire" *Naval Forces* 11 (2018).
- Mahadzir, Dzirhan. "Pentagon Asia Policy Chief Talks South East Asia Military Cooperation, U.S. South China Sea Operations" *USNI News*. August 15, 2018. <https://news.usni.org/2018/08/15/pentagon-asia-policy-chief-talks-south-east-asia-military-cooperation-u-s-south-china-sea-operations>.
- Mahnken, Thomas G. *Secrecy and Stratagem: Understanding Chinese Strategic Culture*. Sydney: Lowy Institute for International Policy 2011. <https://www.lowyinstitute.org/publications/secrecy-and-stratagem-understanding-chinese-strategic-culture>
- Mao Tse-Tung. *On the Protracted War*. English Translation. (Peking: People's Publishing House, 1960).
- "Mao's Maxims: War and Power." *New York Times Magazine*. June 4, 1961, Section SM, pg 13.
- Marine Corps Warfighting Lab. *Expeditionary Advanced Base Operations (EABO) Handbook*. Version 1.1. Quantico, Virginia, June 2018.
- Martinson, Ryan D., and Andrew Erickson. "Re-Orienting American Seapower for the China Challenge." *War on the Rocks*. May 10, 2018. <https://warontherocks.com/2018/05/re-orienting-american-sea-power-for-the-china-challenge/>
- Matthews, Jessica T. "Power Shift." *Foreign Affairs*, Vol. 76, No. 1, 1997
- Mattis, Peter. "China's 'Three Warfares' in Perspective." *War on the Rocks*. January 30, 2018. <https://warontherocks.com/2018/01/chinas-three-warfares-perspective/>
- Mazarr, Michael J. "Toward a New Theory of Power Projection." *War on the Rocks*, April 2020.

- <https://warontherocks.com/2020/04/toward-a-new-theory-of-power-projection/>
- Mazower, Mark. *Governing the World: The History of an Idea, 1815 to Present*. New York: Penguin Group, 2012. 311.
- McCoy, Alfred W. "A Rupture in Philippine-U.S. Relations: Geopolitical Implications." *The Journal of Asian Studies* 75, no. 4 (2016), 1049-053.
- McCray, LM. "Illegal Fishing in the South China Sea: Why a US–Indonesia Partnership on Illegal, Unreported, and Unregulated Fishing Complicates Matters for China" <https://apps.dtic.mil/sti/pdfs/AD1077971.pdf>
- McDonald, Joe. "China slaps 200% tax on Australia wine amid tensions." *AP*. November 27, 2020. <https://apnews.com/article/beijing-global-trade-australia-coronavirus-pandemic-china-c0f921929c9c53af30da81ddd775ffe9>
- McLaughlin, Robert. "The Legal Status and Characterisation of Maritime Militia Vessels." *EJIL:Talk!* June 18, 2019. <https://www.ejiltalk.org/the-legal-status-and-characterisation-of-maritime-militia-vessels/>
- Merueñas, Mark. "20 years later, senators who rejected US bases hailed anew." *GMANewsOnline*. September 16, 2011. <https://www.gmanetwork.com/news/news/nation/232573/20-years-later-senators-who-rejected-us-bases-hailed-anew/story/>
- Myers, Steven Lee. "Beijing Takes Its South China Sea Strategy to the Himalayas." *New York Times*. November 27, 2020. <https://www.nytimes.com/2020/11/27/world/asia/china-bhutan-india-border.html>
- Michalski, Milena and James Gow. *War, Image, and Legitimacy: Viewing Contemporary Conflict*. New York: Routledge, 2007.
- Mogato, Manuel. "Duterte says China's Xi threatened war if Philippines drills for oil." *Reuters*. May 19, 2017. <https://www.reuters.com/article/us-southchinasea-philippines-china/duterte-says-chinas-xi-threatened-war-if-philippines-drills-for-oil-idUSKCN18F1DJ>
- Morales, Rhisan Mae E. "Into China's Rough Seas: Troubled Maritime Institutions in the West Philippine Sea – Implications for Philippine National Security." *Contemporary Chinese Political Economy and Strategic Relations* 5, no. 1 (April 1, 2019): 33–76.
- Morris, Lyle J., Michael J. Mazarr, et al. *Gaining Competitive Advantage in the Gray Zone: Response Options for Coercive Aggression Below the Threshold of Major War*. Santa Monica: RAND Corporation, 2019. https://www.rand.org/pubs/research_reports/RR2942.html
- Morris, Lyle J. "Incompatible Partners: The Role of Identity and Self-Image in the Sino-U.S. Relationship." *Asia Policy* 13 (2012): 133-66.

- Murphy, Martin N. "The Free Sea: The American Fight for Freedom of Navigation." *Naval War College Review* 72, Issue 3 (Summer 2019), 174-175.
- Najib asks West to stop 'lecturing' as Malaysia embraces China." *Reuters*. November 2, 2016. <http://www.reuters.com/article/us-china-malaysia-idUSKBN12X0CH?il=0>
- Nguyen Minh Quang. "Saving the China-ASEAN South China Sea Code of Conduct." *The Diplomat*. June 29, 2019. <https://thediplomat.com/2019/06/saving-the-china-asean-south-china-sea-code-of-conduct/>
- Nurhasya, Muhamad Jaki. "Proliferation Security Initiative (PSI): Revisiting the Indonesian Perspective." *AEGIS* 2, No. 1 (September 2017). 65 <http://e-journal.president.ac.id/presunivojs/index.php/AEGIS/article/download/277/145>
- Nye, Joseph S. "The Information Revolution and Power." *Current History* 113. Issue 759 (January 2014), 19-22.
- Odom, Jonathan G. "Maritime Claims in the South China Sea and Freedom of Navigation Operations." *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. Northampton, MA: Edward Elgar Publishing, 2019.
- Odom, Jonathan G. "Understanding China's Legal Gamesmanship in the Rules-Based Global Order." *China's Global Influence: Perspectives and Recommendations*. Ed. Scott D. McDonald and Michael C. Burgoyne. Honolulu: Daniel K. Inouye Asia-Pacific Center for Security Studies, 2019: 190-206. https://apcss.org/wp-content/uploads/2019/09/12-Chinas_Legal_Gamesmanship-odom.pdf
- Oegroseno, Arif Havas. 2017. "State Practices in Southeast Asia: Possible Collaboration amongst Claimants in the South China Sea Dispute." *International Journal of Marine & Coastal Law* 32 (2): 364-72.
- Ommati, Marcos. "Brazilian Navy's Blue Helmets Conclude Work at UNIFIL." *USSOUTHCOM Dialogo*. December 23, 2020. <https://dialogo-americas.com/articles/brazilian-navys-blue-helmets-conclude-work-at-unifil/>
- Ong, Russell. *China's Security Interests in the 21st Century*. New York, NY: Routledge, 2007.
- Onuf, Nicholas. "Constructivism: A User's Manual." *International Relations in a Constructed World*. Edited by Vendulka Kubalkova, Nicholas Onuf, and Paul Kowert. New York: Routledge, 1998.
- Panda, Ankit. "Manila's Disappointing Reaction to the US FONOP Near Scarborough Shoal." *The Diplomat*, Jan 23, 2018.
- Parameswaran, Prashanth. "Does Asia Need a New Maritime Organization Beyond ASEAN?" *The Diplomat*, February 24, 2015. <https://thediplomat.com/2015/02/does-asia-need-a-new-maritime-organization/>

- Parameswaran, Prashanth. "Malaysia Spotlights Expanded Sulu Sea Trilateral Patrols." *The Diplomat*, April 18, 2018.
- Parameswaran, Prashanth. "New Indonesia Drones Spotlight US-ASEAN Maritime Security Initiative." *The Diplomat*, February 23, 2018.
- Parameswaran, Prashanth. "What Would a Vietnam South China Sea Legal Challenge Mean?," *The Diplomat*. November 13, 2019. <https://thediplomat.com/2019/11/what-would-a-vietnam-south-china-sea-legal-challenge-mean>
- Parameswaran, Prashanth. "Why the Philippines' Rodrigo Duterte Hates America: A deeper look at the Philippine president's anti-American views." *The Diplomat*. November 1, 2016. <https://thediplomat.com/2016/11/why-the-philippines-rodrigo-duterte-hates-america/>
- PEN America. "PEN America to Honor Darnella Frazier, Young Woman Who Documented George Floyd's Murder." October 27, 2020. <https://pen.org/press-release/pen-america-to-honor-darnella-frazier-young-woman-who-documented-george-floyds-murder/>
- Permanent Court of Arbitration. "The South China Sea Arbitration Award." The Hague, Netherlands: July 12, 2016. <https://pcacases.com/web/sendAttach/2086>.
- Philippine Department of National Defense. "Philippines National Defense Strategy, 2018-2022." <https://www.dnd.gov.ph/pdf/NDS%207%20August%202019.pdf>
- Pillsbury, Michael. *The Hundred-Year Marathon*, New York: St Martin's Press, 2016.
- Policy Planning Staff, Office of the Secretary of State. *Elements of the China Challenge*, November 2020, Revised December 2020. <https://www.state.gov/wp-content/uploads/2020/11/20-02832-Elements-of-China-Challenge-508.pdf>
- Poushter, Jacob and Caldwell Bishop. "People in the Philippines Still Favor U.S. Over China, but Gap Is Narrowing." *Pew Research Center*. Sep. 21, 2017. https://www.pewresearch.org/global/wp-content/uploads/sites/2/2017/09/Pew-Research-Center_Philippines-Report_2017.09.21.pdf
- Qiao, Liang, Al Santoli, and Xiangsui Wang. *Unrestricted Warfare : China's Master Plan to Destroy America*. Panama City, Panama: Pan American Pub., 2002.
- Qingli, Wendy He and Haridas Ramasamy. "Naming and Shaming China: America's Strategy of Rhetorical Coercion in the South China Sea" *Contemporary Southeast Asia* 42, No. 3 (2020), 317-345.
- Radio Free Europe/Radio Liberty. "Who Gives the Most Aid to Serbia?" June 9, 2020. <https://www.rferl.org/a/who-gives-the-most-aid-to-serbia-/30660859.html>
- Rapp-Hooper, Mira. "Make No Mistake: The United States Should Get Its Message Straight in the South China Sea." *Foreign Affairs*, November 25, 2015.

- ReCAAP. "Piracy and Armed Robbery Against Ships in Asia: Annual Report, January-December 2020." <https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020.pdf>
- Reyes, Dempsey. "PH Pullout from Navy Drills Defended." *Manila Times*. February 12, 2021. <https://www.manilatimes.net/2021/02/12/news/national/ph-pullout-from-navy-drills-defended/839803/>
- Reynolds, Lt. Gen. L.E. and Lt. Gen. E. M. Smith. "Definition for Information Related Terms." Jan 22, 2020, 2. <https://mca-marines.org/wp-content/uploads/Definitions-for-Information-Related-Terms-JOINT-MEMORANDUM-22-JAN-2020.pdf>.
- Roosevelt, Theodore. Letter to Mr. Henry L. Sprague, January 26, 1900. Library of Congress. <https://www.loc.gov/exhibits/treasures/images/at0052as.jpg>.
- Root, Joshua L. "The Freedom of Navigation Program: Assessing 35 Years of Effort." *Syracuse Journal of International Law and Commerce* 43 No. 2, 321-351.
- Ross, Tommy. "Deterrence & Security Assistance: The South China Sea." *Parameters* 47 Issue 4 (Winter 2017/2018) 63-74.
- Sadler, Brent D. "Decisive Theaters: Navy Must Pick the Right Fights in Great Power Competition." Heritage Foundation. October 8, 2020, 8. <https://www.heritage.org/sites/default/files/2020-10/BG3539.pdf>.
- Sakhuja, Vijay. "Any Asian Takers for a 1000-Ship Navy?" *Maritime Studies* 153 (Mar/Apr 2004), 32-34.
- Saludo, Ricardo. "The Biggest Intruder in Our Waters is Not China." *Manila Times*. August 22, 2019. <https://www.manilatimes.net/2019/08/22/opinion/columnists/the-biggest-intruder-in-our-waters-is-not-china>
- Schneider, Florian. *China's Digital Nationalism*. Oxford: Oxford University Press, 2018.
- Scobell, Andrew. *China and Strategic Culture*. Carlisle Barracks, PA: Strategic Studies Institute, US Army War College, 2002.
- Scobell, Andrew, et al. *China's Grand Strategy: Trends, Trajectories, and Long Term Competition*. Santa Monica: Rand Corporation, 2020.
- Scobell, Andrew. "Getting Beyond Slow Boil in the South China Sea" *Building a Normative Order in the South China Sea: Evolving Disputes, Expanding Options*. Eds. Tran Truong Thuy, John Welfield and Le Thuy Trang. Northampton, MA: Edward Elgar Publishing, 2019.
- Scobell, Andrew. "Perception and Misperception in US-China Relations." *Political Science Quarterly* 135, No. 4 (Winter 2020), 637-664.

- Scobell, Andrew. "The South China Sea and U.S.-China Rivalry." *Political Science Quarterly* 133, No. 2 (2018): 199–224.
- Scott, David. "Conflict Irresolution in the South China Sea." *Asian Survey* 52, no. 6 (2012), 1019-1042.
- Segal, George. "East Asia and the 'Constrainment' of China." *International Security* 20, Issue 4 (Spring 1996) 107- 135.
- Shigeki Sakamoto. "China's New Coast Guard Law and Implications for Maritime Security in the East and South China Seas." *Lawfare*. February 16, 2021.
<https://www.lawfareblog.com/chinas-new-coast-guard-law-and-implications-maritime-security-east-and-south-china-seas>.
- Smith, Jeff M. "Quad 2.0: A Foundation for a Free and Open Indo-Pacific." *CE Think Tank Newswire*. July 6, 2020.
- "South East-Asia - Caught in the middle of a new US-China cold war." *The Star*. May 17, 2020.
<https://www.thestar.com.my/news/regional/2020/05/17/south-east-asia---caught-in-the-middle-of-a-new-us-china-cold-war>.
- Spear, Stephen L. *High-Velocity Edge*, New York: McGraw-Hill, 2009.
- St. Jeanos, Michael N. "A Globally Integrated Coast Guard on the World Stage." *Joint Forces Quarterly* 99 (4th Quarter 2020), 111-115.
<https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-99/jfq-99.pdf>.
- Strange, Joseph L. and Richard Iron. "Center of Gravity: What Clausewitz Really Meant." *Joint Forces Quarterly* 35 (2004), 20-27. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a520980.pdf>.
- Straub, Dan. "Littoral Combat Ships for Maritime COIN" *Proceedings*, January 2021,
<https://www.usni.org/magazines/proceedings/2021/january/littoral-combat-ships-maritime-coin>.
- Sumida, John Tetsuro. *Inventing Strategy and Teaching Command: The Classic Works of Alfred Thayer Mahan Reconsidered*. Washington, DC: Woodrow Wilson Center Press, 1997.
- Sun Tzu. *The Art of War*, translated by Samuel B. Griffith. New York: Oxford University Press, 1963.
- Sun Tzu. *The Art of War*, edited and translated by Roger T. Ames. New York: Ballantine Books, 1993.
- Thayer, Carlyle A. "#BRUTECast S2E4: Turning on a DIME: Taking Back the Strategic Initiative in the South China Sea." February 6, 2021, 1:14:00,
<https://www.youtube.com/watch?v=0dGf3XE9SwM;>

- Thayer, Carlyle A. *Indirect Cost Imposition Strategies in the South China Sea: U.S. Leadership and ASEAN Centrality*, Center for a New American Security, April 2015. <https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/CNAS-Maritime-8-Thayer.pdf?mtime=20160906081624&focal=none>.
- Till, Geoffrey. *Seapower: A Guide for the Twenty-First Century*. Fourth edition. Routledge, 2018.
- Tolentino, Elaine, and Myungsik Ham. “The Entrapment of Asymmetry: The Philippines Between the US and China.” *Bandung: Journal of the Global South* 2 (September 2015): 1–15.
- Trong Kien, “South China Sea tribunal ruling clings to relevance: experts.” *Viet Nam News*. July 18, 2018. <https://vietnamnews.vn/opinion/451973/south-china-sea-tribunal-ruling-clings-to-relevance-experts.html>.
- The White House. *National Security Strategy of the United States of America*. December 2017. Accessed March 6, 2021. <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.
- Tzou Jiing-Wen. “US ships in Strait send a message to Beijing.” *Taipei Times*. July 15, 2018. <http://www.taipetimes.com/News/editorials/archives/2018/07/15/2003696703>.
- United Kingdom Mission to the UN. “UK NV No. 162/20,” September 16, 2020. https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/2020_09_16_GBR_NV_UN_001.pdf.
- United Nations. “Charter of the United Nations, Chapter 1.” <https://www.un.org/en/sections/un-charter/chapter-i/index.html>.
- United Nations. “Declarations and Statements.” Accessed January 31, 2021. https://www.un.org/Depts/los/convention_agreements/convention_declarations.htm.
- United Nations. “United Nations Convention on the Law of the Sea.” Montego Bay, Jamaica: December 10, 1982. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
- US 7th Fleet Public Affairs. “USNS Alan Shepard Conducts Freedom of Navigation Operation.” December 15, 2020. <https://www.c7f.navy.mil/Media/News/Display/Article/2446630/usns-alan-shepard-conducts-freedom-of-navigation-operation/>.
- US Department of Defense. “2016 Freedom of Navigation Report.” <https://policy.defense.gov/Portals/11/DoD%20FON%20Program%20Summary%202016.pdf?ver=2017-03-03-141350-380>.

- US Department of Defense. “2019 Freedom of Navigation Report.”
<https://policy.defense.gov/Portals/11/Documents/FY19%20DoD%20FON%20Report%20FINAL.pdf?ver=2020-07-14-140514-643×tamp=1594749943344>.
- United States Department of Defense. *Asia-Pacific Maritime Security Strategy*, 2015.
https://dod.defense.gov/Portals/1/Documents/pubs/NDAA%20A-P_Maritime_Security_Strategy-08142015-1300-FINALFORMAT.PDF.
- US Department of Defense. “Summary of the 2018 National Defense Strategy.” Washington, DC: 2018. <https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>.
- US Department of State. “About the Proliferation Security Initiative.” March 19, 2019. Accessed March 8, 2021. <https://www.state.gov/about-the-proliferation-security-initiative/>.
- US Department of State. *A Free and Open Indo-Pacific: Advancing a Shared Vision*. November 4, 2019. <https://www.state.gov/wp-content/uploads/2019/11/Free-and-Open-Indo-Pacific-4Nov2019.pdf>.
- US Joint Chiefs of Staff. *Joint Concept for Operating in the Information Environment*. July 25, 2018. https://www.jcs.mil/Portals/36/Documents/Doctrine/concepts/joint_concepts_jcoie.pdf.
- US Department of the Navy. *Advantage at Sea: Prevailing with Integrated All-Domain Naval Power*. December 2020. <https://media.defense.gov/2020/Dec/16/2002553074/-1/-1/0/TRISERVICESTRATEGY.PDF>.
- US House of Representatives Committee on Armed Services, Subcommittee for Seapower and Projection Forces. “Seapower and Projection Forces in the South China Sea.” September 21, 2016. <https://www.govinfo.gov/content/pkg/CHRG-114hhrg22458/pdf/CHRG-114hhrg22458.pdf>.
- US National Security Council. “NSC 68: United States Objectives and Programs for National Security,” April 14, 1950. Accessed February 25, 2021. www.fas.org/irp/offdocs/nsc-hst/nsc-68.htm.
- US Navy, Office of the Chief of the Naval Operations, “Speeches.”
<http://www.navy.mil/navydata/cno/mullen/speeches/mullen060519-kqv.txt>.
- US Marine Corps. *Commandant’s Planning Guidance*. Washington, D.C., July 2019.
https://www.hqmc.marines.mil/Portals/142/Docs/%2038th%20Commandant%27s%20Planning%20Guidance_2019.pdf?ver=2019-07-16-200152-700.
- Valencia, Mark J. “Are US FONOPs in the South China Sea Necessary?” *The Diplomat*. Oct 27, 2017. <https://thediplomat.com/2017/10/are-us-fonops-in-the-south-china-sea-necessary/>.

- Valencia, Mark J. "Who is the Rogue State in the South China Sea?" *The National Interest*. September 10, 2020. <https://nationalinterest.org/blog/buzz/who-rogue-state-south-china-sea-168675>.
- Varano, John. "China's 17+1 initiative stalls amid security concerns and broken promises." *The Strategist*. Oct 22, 2020. <https://www.aspistrategist.org.au/chinas-171-initiative-stalls-amid-security-concerns-and-broken-promises/>.
- Viet Anh. "China's ploy to leverage pandemic for East Sea gains unsuccessful: experts." *VN Express International*. April 28, 2020. <https://e.vnexpress.net/news/news/china-s-ploy-to-leverage-pandemic-for-east-sea-gains-unsuccessful-experts-4090254.html>.
- Votel, Joseph L. and Eero R. Keravuori. "The By-With-Through Operational Approach." *Joint Forces Quarterly* 89 (2nd Quarter 2018). https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-89/jfq-89_40-47_Votel-Keravuori.pdf?ver=2018-04-11-125441-307.
- Walt, Stephen M. "Alliances: Balancing and Bandwagoning." *International Politics: Enduring Concepts and Contemporary Issues*. Robert J. Art and Robert Jervis, eds. New York, NY: Pearson Longman, 2007, 96-103.
- Wagner, Benjamin K. "Lessons from Lassen: Plotting a Proper Course for Freedom of Navigation Operations in the South China Sea." *Journal of East Asia and International Law* 9, No. 1 (May 30, 2016), 137-166.
- Wey, Adam Leong Kok. "The Strategic Logic of Malaysia's Muted Response to the South China Sea Standoff." *RUSI Newsbrief* 4 No. 40 (May 2020). https://rusi.org/sites/default/files/adam_leong_final.pdf.
- White, Hugh. "Let's Be Clear: China Would Call America's Bluff in the South China Sea." *The Interpreter*. July 21, 2017. <https://www.lowyinstitute.org/the-interpreter/let-be-clear-china-would-call-america-s-bluff-south-china-sea>.
- Wieck, Brian D. "Information Operations Countermeasures to Anti-Access/Area Denial." *The Strategy Bridge*. May 11, 2017. <https://thestrategybridge.org/the-bridge/2017/5/11/information-operations-countermeasures-to-anti-accessarea-denial>.
- Woro Yuniar, Resty. "The US wants to take on China over illegal fishing in the South China Sea. Why is Asean wary?" *South China Morning Post*. November 20, 2020. <https://www.scmp.com/week-asia/economics/article/3110579/us-wants-take-china-over-illegal-fishing-south-china-sea-why>
- Yan Yan. "Legal Boundaries of U.S. Coast Guard Operations in the South China Sea." *South China Sea Strategic Situation Probing Initiative*. December 24, 2020. <http://www.scsapi.org/en/dtfx/legal-boundaries-us-coast-guard-operations-south-china-sea>.
- Yoshihara, Toshi., and James R. Holmes. *Red Star over the Pacific : China's Rise and the*

- Challenge to U.S. Maritime Strategy*. Annapolis, Md: Naval Institute Press, 2010.
- Yung, Christopher D., and Patrick McNulty. “An Empirical Analysis of Claimant Tactics in the South China Sea.” *Strategic Forum*, August 2015.
<https://inss.ndu.edu/Portals/68/Documents/stratforum/SF-289.pdf>.
- Yung, Christopher D. “China’s Strategic Culture and Its Diverse Strategic Options.” *Patterns of Influence: Strategic Culture Case Studies and Conclusions*. Edited by Matthew R. Slater. Quantico, VA: Marine Corps University Press, 2020.
- Zhang, Xinjun. “The Latest Developments of the US Freedom of Navigation Programs in the South China Sea: Deregulation or Re-balance?” *Journal of East Asia and International Law* 9, No. 1 (May 30, 2016), 167-168. http://journal.yiil.org/home/pdf/publications/2016_9_1_pdf/jeail_v9n1_08.pdf
- Zúquete, José Pedro. “The European Extreme-Right and Islam: New Directions?” *Journal of Political Ideologies* 13, no. 3 (October 2008): 321–44.