A PROPOSAL TO CEASE CHINESE EXPANSION IN THE SOUTH CHINA SEA AND ENCROACHMENT INTO THE SOVEREIGN WATERS OF REGIONAL U.S. ALLIES

by
Chad Pritchard Scott

A capstone project submitted to Johns Hopkins University in conformity with the requirements for the degree of Master of Arts in Public Management

Baltimore, Maryland
December, 2021

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Abstract

Despite sanctions, international legal decisions, U.N. resolutions, and threats of direct action by various regional powers in the South China Sea, China continues its policy of encroaching on the sovereign waters of U.S. allies through a series of island-building and belligerent activities led by the Chinese Maritime Militia. The United States needs a far more assertive response to prevent further aggressive action against U.S. allies such as the Philippines by the Chinese. This proposal reviews the history of regional claims and activities in the South China Sea and actions the U.S. and its allies have taken thus far. It proposes two things to curtail further Chinese dominance in the South China Sea. The first of which is at a minimum recognize, through executive order, the U.N. Convention on the Law of the Sea (UNCLOS) while pushing Congress for full ratification. The second proposal is to develop the Scarborough Shoal with the Philippine government into a joint usage naval air capable of acting as both a launching point for allied aircraft and as a logistics hub for sustaining robust naval assets in the South China Sea. The U.S. has broad international and domestic support for such a policy, and shifting funding from the drawdown of CENTCOM operations such as Afghanistan means few additional funding needs. Adopting this policy will ensure the South China Sea remains free and open for global trade and limit the Chinese capability to advance their brand of authoritarianism around the globe.

Capstone Advisor: Paul Weinstein
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FROM: Chad Pritchard Scott
TO: The President of the United States

SUBJECT: A proposal to cease Chinese expansion in the South China Sea and encroachment into the sovereign waters of regional U.S. allies

DATE: December 12th, 2021

Action Forcing Event

Recently, China has taken steps to assert control over what the Xi Jinping administration claims are its territorial waters in the South China Sea. The 1.3 million square mile area China is claiming as their territory includes sovereign waters also claimed by Brunei, Malaysia, Taiwan, Vietnam, and the Philippines.1 Beijing issued a series of rules attempting to increase authority over submersibles, nuclear vessels, and cargo ships carrying bulk oil, radioactive material, chemicals, and gasoline. Simultaneously this past year, China has moored militarized fishing boats in Philippine territory near the Spratly Islands2 while continuing its aggressive rhetoric regarding a possible invasion of Taiwan.3

Problem Statement

China's ever-increasing encroachment on the maritime rights of other nations with territorial claims to the South China Sea and nations transporting goods through the South China Sea pose a real problem for the United States and its allies. Were China to gain control and hinder trade in the sea lane, it could negatively affect one of our closest allies in the region, Japan, which

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has 19.1% of its total trade and 42% of its maritime trade moving through the South China Sea.\textsuperscript{4} However, Japan would not be the only one effected. Figure 1 illustrates the number of goods in U.S. dollars each nation moves through the South China Sea. Were China to control the South China Sea and disrupt American and allied trade, it would shock the global economy and have a negative ripple effect for U.S. producers and consumers despite only 5.7% of our economy passing through the region. Coupled with the lack of transparency regarding the Chinese nuclear program, there is a real threat of Chinese aggression against its neighbors over rights and access to the South China Sea, potentially leading to hundreds of thousands of deaths globally.

<table>
<thead>
<tr>
<th>Country</th>
<th>% Share of World GDP</th>
<th>Trade Value through South China Sea (USD billions)</th>
<th>South China Sea Trade As % of All Trade in Goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>24.5</td>
<td>208</td>
<td>5.72</td>
</tr>
<tr>
<td>China</td>
<td>14.8</td>
<td>1470</td>
<td>39.5</td>
</tr>
<tr>
<td>Japan</td>
<td>6.53</td>
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<tr>
<td>United Kingdom</td>
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<tr>
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<td>2.99</td>
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<td>Italy</td>
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<tr>
<td>Canada</td>
<td>2.02</td>
<td>21.8</td>
<td>2.67</td>
</tr>
</tbody>
</table>

*Figure 1. Trade conducted through the South China Sea\textsuperscript{5}*

China’s new maritime law, put into place on September 1\textsuperscript{st}, is another attempt to claim sovereignty over large portions of the South China Sea as a part of their broader effort to expand their regional influence over neighboring territories. These new rules are the latest efforts tied to the more significant problem of China encroaching on the territorial claims of other nations in the region to include U.S. military and economic partners. Beijing believes a large portion of the


\textsuperscript{5} “How Much Trade Transits the South China Sea?”
South China Sea and the resources beneath the ocean belong to them and continues to find ways to assert that dominance. U.S. partners in the region, including Japan, Brunei, India, the Philippines, Indonesia, Taiwan, and Australia, continue to voice concerns over Chinese territorial creep. Their reasons are valid since complete control of the South China Sea means China would effectively command 28 billion barrels of untapped oil supplies, 190 trillion cubic feet of natural gas, and shipping lanes responsible for $3.37 trillion or 30% of global trade.6

Currently, six countries lay claim to some portion of the South China Sea, including Vietnam, Brunei, Indonesia, Malaysia, the Philippines, and China/Taiwan. Of those countries, only China does not recognize the boundaries laid out by the United Nations Convention on the Law of the Seas (UNCLOS).7 Under the United Nations law, rights to resources are granted based on an Exclusive Economic Zone (EEZ) that extends 200 nautical miles from a nation’s shores. This 200-mile zone is the sovereign territory of those nations. Any open water not located in these EEZ’s is considered international territory open to be shared by all under U.N. Maritime law.8 A large part of the problem is that China believes it has a historical claim based on centuries-old explorations dating back to the 3rd Century.9 Because of this historical claim, the Chinese have determined that the maritime border for China falls into a specific so-called Nine-dash line (Figure 2), which covers 90% of the South China Sea.10 China’s new maritime rules

recently put in place apply to this Nine-dash line zone despite legitimate territorial claims from Vietnam, Brunei, the Philippines, and Malaysia.

![Map of the South China Sea](image)

**Figure 2: The UNCLOS EEZ versus the Chinese Claimed Nine-Dash Line Territory**

To enforce their perceived nine-dash line territory, starting in December of 2013, China began developing combat and industrial power on the Spratly and Paracel Island, both archipelagos in the middle of the South China Sea. The majority of the Paracel Islands fall into the Chinese EEZ; however, Vietnam claims some of the islands as well. To date, China has built 20 military or industrial faces on the Paracel Islands to extend their 200-mile EEZ.

The previously uninhabited Spratly Islands are 581 miles from China’s shores but only 130 miles from the Philippines and 150 miles from Malaysia. Under the UNCLOS, the

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Philippines and Malaysia firmly control those islands. Ownership of the Spratly Islands is vital as it allows a country to include territory claimed on those islands as a part of its 200-mile Exclusive Economic Zone. China built seven outposts on the Spratly islands to further legitimize their Nine-dash line, despite the vast distance from the Chinese mainland. One example is Fiery Cross Island, which Vietnam, the Philippines, and China all claim, which is now home to a 10,000-foot airstrip, an advanced radar system, missile defense systems, and 200 personnel, all Chinese.13 This march to militarize the islands is being carried out despite outcry from Malaysia, Vietnam, and the Philippines with the island only coming into existence in the last five years during a Chinese sea dredging campaign to create artificial islands on existing reef systems. Although island-building stopped in 2018, the arms race between claimants on existing islands continues.14

To lay claim to islands already inhabited by other nations, China uses the “cabbage strategy,” which is similar to naval blockade tactics, to force nations off of an island so China can take control. This is an ongoing tactic as China used it against Vietnam in 2019 in an attempt to seize Pag-asa Island from the Vietnamese.15 According to international law, a country may only execute a blockade if it acts in self-defense; otherwise, it is considered an act of war.16 Since China is attempting to seize Vietnamese islands through the non-defensive blockading tactics of its Maritime Militia, the Vietnamese could deem it an act of war. Additionally, China has executed blockades on islands that reside well within the Philippines EEZ, such as the Ayun Gin

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Shoal. In March of this year, nearly 200 Chinese fishing vessels occupied Philippine EEZ territory; however, those fishing vessels were operated by Beijing’s Maritime Militia.17

Fortunately, despite the blockade efforts of China, these encounters have remained out of the realm of warfare and more in the realm of the courtroom and back-room diplomacy. In 2016, the international court of The Hague ruled in favor of the Philippines and their claim that China was encroaching on Philippine territory in the Spratly Islands.18 Unfortunately, the court does not have an enforcement arm other than nations willing to enforce such rulings on their behalf, so China has not changed its behavior over the past five years.

Additionally, although South Korea does have a direct border with the South China Sea and therefore not a risk of direct encroachment, they do have a vested interest in Chinese actions. North Korea, a Chinese proxy and South Korean enemy benefits from a stronger China. Furthermore, 1.1 billion tons of South Korean trade passes through the South China Sea.19 However, the greater threat certainly comes from an emboldened North Korea that often looks to China for top cover as they conduct nuclear weapons, and ballistic missile tests largely condemned by the rest of the world.

The onset of COVID-19 also provides an advantage to China in the region as their economy largely remained unscathed throughout the pandemic. The Chinese economy was the only major world economy that grew in 2020 as the U.S. economy fell by 2.3 percent while

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China’s grew by 2.3 percent.\textsuperscript{20} During the pandemic, regional nations in the South China Sea struggled to keep their economies afloat and primarily relied on Chinese trade. Therefore, China’s pressure on these nations comes in the form of military force and economic threats limiting the ability of these nations to respond to Chinese belligerence.

Despite the rhetoric from both Beijing and Washington D.C., previous U.S. administrations have primarily taken a back seat on the China issue, allowing China to grow influence in the region. The historical approach for the U.S. has been to execute sanctions and freedom of the seas maneuvers through Chinese contested territory, including those in the Spratly Islands. However, this has done little to deter Chinese advances, nuclearization/weaponization of the region, and relieve an ever-tightening Chinese grip on the South China Sea. China continues to conduct illegal searches and seizures of foreign vessels and goods, militarize contested territories, execute blockades, and implement rules that violate international law.

**History/Background**

Chinese maritime disputes and encroachment into the territories of other nations related to the South China Sea have their origins dating back to 1947, with China’s Kuomintang party establishing the eleven-dash line (Figure 3). This line marks all territory China claims to include the Spratly Islands, Pratas Islands, Paracel Islands, and other lesser-known territories in the South China Sea.\textsuperscript{21} Two years later, the People’s Republic of China was formed under Mao Zedong, who forced Kuomintang Party leader Chiang Kai-shek to flee to Taiwan, where he established a new government separate from China. Mao maintains Chinese claims to the eleven-dash line,

\[\text{References}\]


which includes Taiwan as its traditional territory. The U.S. recognizes the newly formed government of China but does not maintain formal ties for the next 30 years.22

In 1951, 48 nations, including the United States and Japan, signed a Treaty of San Francisco formally ending World War II. Neither China nor Taiwan was invited due to disputes within the U.S. government and international community over who better represented the Chinese people. Provisions in the treaty included Japan relinquishing all claims to Korea, Taiwan, the Pescadores, and the Spratly Islands. Other island chains such as the Senkaku Islands are not formally cited in the treaty; however, due to their proximity to Japan, those islands were included in the Okinawa Prefecture to be administered by Japan. China still contends that those islands (called Diaoyu in Chinese) belong to Taiwan and thus China.24 In 1952, China turned the eleven-

![Map of East Asia with Chinese eleven-dash line](image)

*Figure 3: Chinese eleven-dash line, in place from 1947-1952* 23

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In 1960, Japan and the United States signed a ten-year mutual and renewable security agreement under the Treaty of Mutual Cooperation and Security. This agreement is similar to the 1951 mutual defense agreement the United States entered with the Philippines in that the nations would meet in defense of a “common danger.” Earlier U.S. administrations emphasized that the treaty covers the Senkaku Islands (Figure 4) while not openly claiming them as Japan’s sovereign territory. Since the implementation of this treaty, China has kept its distance from the islands.

In 1964, China became a nuclear power detonating its first nuclear weapon and then a thermonuclear device in 1967. Two years later, oil was discovered in the South China Sea,
leading China and Taiwan to officially claim sovereignty over Senkaku Islands. The renewed
efforts by China and Taiwan are a response to the 1971 Okinawa Reversion Treaty, which Japan
sees as a reaffirmation that the islands belong to them, while the U.S. remains ambiguous due to
the U.S. wanting Chinese support in ending Vietnam.29

In 1972, China and Japan reestablished diplomatic relations due to China’s newfound
reliance on Japan for aid in stemming a wave of starvation resulting from Mao’s Great Leap
Forward failing. The return to diplomatic relations between Japan and China allows for a U.S.
shift in political recognition and acceptability from Taiwan to China.30 Visits by Henry Kissinger
and President Nixon and efforts toward building relations aids in rebuilding China economically,
leading to a reduction in fiery rhetoric over the Senkaku Islands. This same year China began its
artificial harbor operation in the Spratly Islands.31 Two years later, the Chinese forcibly occupied
the Paracel Islands, causing war-weary Vietnamese troops to flee and occupy the Spratly
Islands.32

Ten years later, in 1982, the United Nations Conference on the Law of the Sea
(UNCLOS) outlines the rights and claims nations are granted to the access resources in the ocean
within 200 miles of their border. However, the exclusive economic zones were not enforced by
the U.N. until 1994, when Guyana signed its.33 Interestingly, the United States has not ratified the
treaty allowing the U.S. more freedom to advance its global maritime interests. Although the U.S.

28 “Chinese Nuclear Program,” Atomic Heritage Foundation, July 19, 2018,
https://www.atomicheritage.org/history/chinese-nuclear-program.
29 “How Uninhabited Islands Soured China-Japan Ties,” BBC News (BBC, November 10, 2014),
30 “Joint Communique of the Government of Japan and the Government of the People's Republic of
31 “981’ Drilling Platform Operation: Vietnam’s Provocation and China’s Position,”
32 “Vietnam,” The National Bureau of Asian Research (NBR), July 9, 2020,
https://www.nbr.org/publication/vietnam/.
33 “Overview - Convention & Related Agreements,” United Nations (United Nations), accessed October 1,
informally agrees to the terms of the UNCLOS, the lack of a formal American ratification gives China reason to claim the provisions outlined in the UNCLOS invalid. Furthermore, the Law of the Sea has no formal mention of resolving territorial disputes such as those that keep arising with the islands in the South China Sea.

The first significant naval engagement in over 15 years took place in 1988 when China sank four Vietnamese ships in the South China Sea near the Fiery Cross Reef in the Spratly Islands (Figure 5). The clash leaves 74 Vietnamese Sailors dead and marks the first Chinese engagement well outside of the UNCLOS-defined EEZ. In response, Vietnam moves further south to occupy islands and reefs, including the southern Spratly Islands, Alison Reef, Pigeon Reef, and Sin Cowe Islands.\textsuperscript{34}

Four years after the Fiery Cross Reef incident, China formally codifies its claim to 90% of the South China Sea by passing the Law on the Territorial Sea in 1992.\(^{35}\) The claim includes the territory previously described in the nine-dash line based on historical expeditions and discoveries made by the Xia Dynasty that supposedly ruled 3800-4300 years ago. China took some historical liberties in describing the territory. There are no archeological records that the Xia Dynasty existed outside Chinese legends, let alone discovered and claimed islands in the South China Sea.\(^ {36}\) As a result, all major peer competitors to China reject the new Chinese territorial claims and continue to refer to agreements signed in the UNCLOS.

In 1996, Chinese and the Philippine naval vessels fought near Mischief Reef in a portion of the Spratly Islands claimed by the Philippines. In response, the Philippines renewed its ties to the United States and conducted a series of military exercises on the islands. China subsequently backs off in the face of U.S. involvement and signs a nonbinding code of conduct outlining steps toward a peaceful resolution of territorial disputes. Two years later, the United States and China signed the Military Maritime Consultative Agreement, the first of its kind between the two nations, but once again does not provide clarity on the U.S. stance regarding Chinese expansion into the South China Sea as the U.S. continues to unofficially affirm the UNCLOS boundaries. Instead, these meetings are aimed at cooperation, safety, and respect when the two large powers are operating on the open oceans. Such talks continue today as China aspires to grow into an expeditionary blue water navy rather than focusing solely on a coastal defense navy.\(^ {37}\)

After six years of negotiations, China and the ten nations of the Association of Southeast Asian Nations (ASEAN) came to an agreement in 2003 outlining a nonbinding code of conduct


\(^{36}\) National Geographic Society, “Imperial China's Dynasties,” National Geographic Society, January 16, 2020, https://www.nationalgeographic.org/article/imperial-chinas-dynasties/12th-grade/#:~:text=The%20Xia%20dynasty%20was%20the,and%20culture%20has%20been%20debated.&text=The%20Xia%20dynasty%20was%20overthrown%20in%201600%20B.C.E.

for territorial conflict resolutions in the South China Sea.\textsuperscript{38} ASEAN members see the agreement as China backing away from territorial claims in the Spratly Islands. In contrast, China sees the agreement as a step towards limiting U.S. involvement in the region were hostilities to break out. Five years later, China and Japan agreed to jointly explore oil fields in contested territory for mutual benefit. However, China violated the terms of the agreement by solely developing one of the fields in 2009.\textsuperscript{39} This prompts Japan to threaten international litigation and subsequently pauses all future joint development between the two nations. A few months later, Malaysia and Vietnam filed claims to maritime territory beyond their EEZ, which China sees as an encroachment on its sovereign waters.\textsuperscript{40} The United States remains neutral to territorial claims but reaffirms its commitment to maintaining open access to the South China Sea under the UNCLOS rules.

From 2010-2011 the Chinese conducted a series of incursions and naval movements into maritime territories controlled by the Philippines and Vietnam.\textsuperscript{41} The events are seen as a violation of the ASEAN-China Declaration on the Conduct of Parties in the South China Sea. Escalations led President Obama to announce a pivot in U.S. military and strategic vision away from the defense of Europe from Russia to the Asia-Pacific and the South China Sea Regions. The strategic goals aligned with President Obama’s economic goals in developing the Trans-

Pacific Partnership free trade agreement, which excluded China. The United States later departed from the agreement under President Trump, citing unfavorable terms for the Americans.

2012 ushers in a fresh round of rhetoric from Japanese leaders about the South China Sea as Japan’s Prime Minister, Shinzo Abe, seeks to stop China from turning the territory into “Lake Beijing.” That same year, current Chinese President Xi Jinping was elected. Skirmishes between China and the Philippines continued as each nation dispatched naval ships to protect claimed territorial waters from the other nations’ fishing operations. Later in 2012, Vietnam reasserted its jurisdiction over the Spratly and Paracel Islands, while Japan purchased the Senkaku Islands from a private owner. Both events are greeted with Chinese anger as anti-Japanese protests erupt across China, and Chinese naval boats conduct sabotage operations against Vietnamese oil and natural gas survey vessels. China also launched its first aircraft carrier in its bid to become a global naval power. As a result, Vietnam, the Philippines, and Japan increased their defense budgets by billions of dollars to deter growing Chinese military ambitions.

In 2013, the Philippines filed an international arbitration case against China for violating provisions of the UNCLOS during the previous years’ incidents in the Spratly Islands. Although the Philippines won the case in 2016, China rejected the entire process and maintained that the

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UNCLOS boundaries are invalid. That same year China declared an Air Defense Identification Zone, which includes portions of Japan's territory. Threats from Beijing include military action for those aircraft flying into the zone. The United States, South Korea, and Japan respond by flying military aircraft through the Chinese Air Defense Identification Zone and conducting ongoing patrols. The U.S. did acquiesce to China’s demands pertaining to commercial aircraft.\textsuperscript{48}

A few months later, the U.S. and the Philippines signed a new military pact with greater defense mechanisms for U.S. involvement in Philippine territorial disputes with China.\textsuperscript{49} The U.S. also eased its weapons embargo with Vietnam, allowing Vietnam to purchase naval power from the U.S. in 2016.\textsuperscript{50}

Following a major incident in which Vietnam and China sent ships to protect interest near the Paracel Islands, leading to a series of mid-ocean collisions, the U.S. floated warships 12 nautical miles off the coast of the Chinese claimed Spratly Islands in 2017. This is in response to a series of reclamation efforts conducted by the Chinese as they dredge the seafloor to grow the land area of certain islands to house combat power for the Chinese in the region.\textsuperscript{51} Although China is not the only nation conducting such operations in the area, the Chinese built over 3,000 acres in a few months, compared to just 100 acres in 45 years from other nations.\textsuperscript{52} In 2018, Woody Island and Fiery Cross Reef were complete, and Chinese military aircraft began moving to the islands. From these Islands, China can reach most coastal cities on the South China Sea. Fiery Cross Reef (Figure 6) can hold 24 aircraft, including the Chinese Xian H-6N bomber. There


are also rocket systems and a garrison of troops on the island. The U.S. continues freedom of the seas maneuvers in the area.\textsuperscript{53} 2018 also marked the end of China’s current round of island-building.\textsuperscript{54}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure6.png}
\caption{The progression of Chinese build-up on Fiery Cross Reef.\textsuperscript{55}}
\end{figure}

In the past two years, tensions have risen over Chinese ships encroaching on Vietnamese and Philippine EEZs compounded by threatening rhetoric and intimidation tactics on both sides. Furthermore, the U.S. declared that Chinese claims more than 12 nautical miles from its shores are unlawful, including Indonesian, Malaysian, and Vietnamese waters. This aligns the U.S. with

\begin{itemize}
\end{itemize}
The Hague tribunals ruling on the matter in 2016.56 Recently, the U.S. sails two carrier groups into the area for exercises and a show of force.57 Additionally, relations with China are further strained in the face of the global COVID-19 pandemic that originated in China and continued aggression against fishing boats in the disputed areas.

**Policy Proposal**

The goal of this policy is to deter future Chinese encroachment on other nations’ sovereign territory in the South China Sea, choke Chinese access to other islands, develop a robust U.S. deterrent presence in the region, and therefore forcibly reduce aggressive patrols and encounters by the Chinese Maritime Militia against allied legal maritime operations. The intent is to execute this policy by leveraging diplomatic actions and bolster the permanent U.S. military presence in the region while supporting one of our closest allies. There are two facets to this policy. The first is to ratify the United Nations Convention on the Law of the Sea (UNCLOS) treaty.58

The second is to develop the Scarborough Shoal (Figures 7, 8 & 9) with the Philippine government into a Joint Philippine/U.S. naval air station and port. To date, a policy of U.S. occupation on Scarborough Shoal has not been proposed nor considered, however, continued Chinese escalation requires a sufficient counter to their recent actions. We would place Navy FA-18 Super Hornets on the Island along with surveillance aircraft and the capability to logistically support multiple carrier strike groups. However, ships larger than a destroyer would likely not be able to port on the island. We will have the capability to increase or decrease combat power as

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needed on the island. This strategy is quite similar to the strategy employed by the United States in Germany and Italy to counter Soviet/Russian expansion ambitions. Staging U.S. forces in allied nations to counter a potential threat to the sovereignty of our partners.

Figure 7: Scarborough Shoal proximity to other nations in the South China Sea.
Figure 8: Scarborough Shoal is roughly 10 miles across.

Figure 9: Scarborough Shoal is 119-138 miles off the western coast of the Philippines.

**Policy Authorization Tool:** Ratifying the UNCLOS treaty will require approval from two-thirds of the Senate as per the U.S. Constitution. Therefore ratification would require approval from the two Independents that traditionally side with Democrats and 17 Republicans. Under the Obama administration, Republicans balked at ratifying UNCLOS based on the potential for interference in U.S. global trade, despite the recommendation to do so by President
Obama. Although China will continue its blatant disregard of the treaty, adding the military and economic weight of the world’s only superpower will make China acknowledge the U.S. presence as a policy the Chinese must consider when attempting to expand further into the South China Sea. The failure of the U.S. to ratify or even formally acknowledge UNCLOS has led China to highlight the hypocrisy of Washington demanding China ceases its expansion into the sovereign waters of other nations.

Given the U.S. propensity for not ratifying treaties due to a fear they will potentially override current U.S. law or hinder U.S. global economic and military operations, the administration may need to take alternative approaches in implementing this policy. Were the Senate not to ratify the treaty, the administration should formally recognize the terms as a matter of policy for all executive-controlled agencies. An executive order formally directing the Department of Defense, Department of Transportation, Department of Commerce, Department of Energy, and any other department interested in maritime operations to formally adhere to the provisions outlined in UNCLOS.

Additionally, formally recognizing UNCLOS with executive-level recognition through the use of an executive order would signal support of sovereign island and maritime territory claims of allied nation as covered by the UNCLOS EEZ boundaries. Your administration should explicitly recognize that the Spratly Islands fall within the territorial waters of Vietnam, Malaysia, Brunei, and the Philippines, not China, and the U.S. formally rejects Chinese claims to territory based on the nine-dash line. Finally, the U.S. would also declare that China is illegally occupying the Spratly Islands. This declaration would be a shift in policy away from mere unofficial support of the claims and policies in UNCLOS to overt and official recognition of the

treaty as legitimate while backing those nations most affected by Chinese encroachments, harassment, and island-building.

Pertaining to the much more complex policy of constructing and occupying a Joint Naval Air Station and Port on the Philippine-controlled Scarborough Shoal, this effort has two facets. Those are the domestic and foreign authorization efforts. The domestic effort would merely require a shift in focus for the Department of Defense from the CENTCOM area of operations, where a natural drawdown is already taking place, to the PACOM area of operations. President Obama already initiated such a shift, but as China poses the most credible and lethal state actor threat to the United States, further attention and resources are required to support our Pacific theater military and economic goals. As Commander in Chief, a simple executive order with strategic guidance to commanders would be the only policy shift needed for domestic authorization. Congressional authorization for funding through the annual Defense Authorization Act would also be required, but that will be relatively simple, as will be explained in the implementation section.

As far as foreign authorization is concerned, the United States would need to gain authorization from the Philippine government to build up and occupy the future island. Doing so without Philippine authorization, while possible, undermines the intended outcome of the policy. Additionally, gaining approval from the Association of Southeast Asian Nations (ASEAN), of which the Philippines is a member, would help legitimize the effort, although it is not necessary. This new policy would shift the military alliance between the U.S. and the Philippines from one of a training partnership to a host nation military partnership, requiring a renegotiation of military agreements between the two nations.

Policy Implementation Tool: Whether through treaty ratification or acknowledgment of UNCLOS through executive order, the policy implementation would be symbolic on the

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international stage. It would require no fiscal allocations and only acknowledgment and compliance from agencies controlled by the executive branch. Each agency would be responsible for administering the shift in U.S. policy. Of course, such a move would undoubtedly seem antagonistic to the Chinese since formally recognizing the boundaries means their peer level foe officially rejects any claims they have to the Spratly Islands and the South China Sea writ large.

Regarding implementing the island-building and joint Philippine-US military occupation of the Scarborough Shoal, a united effort from the Department of State and the Department of Defense would negotiate the new agreement with the Philippines and ASEAN nations. The Department of State would take the lead on the actual agreement negotiations. The Department of Defense would manage the construction and management of the island for the United States in conjunction with their Philippine counterparts.

Since the Scarborough Island base would be a military construction project, the budgetary needs for the construction and ongoing maintenance fall under the Pacific Defense Initiative of the annual Defense Authorization Act passed by Congress. Estimates based on previous island-building efforts from Vietnam and China place the cost at $12.5 Billion. The budgetary breakdown below is based on developing 1.5 square miles of the 50 square mile island using estimates from Chinese and Japanese island-building operations. For reference, China’s Fiery Cross Reef build is only 0.77 sq miles and cost China roughly $11.5 billion.61

<table>
<thead>
<tr>
<th>ACTION</th>
<th>COST</th>
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<td>Island Building (Materials and Equipment)</td>
<td>$7 Billion</td>
</tr>
<tr>
<td>Island Building (Labor)</td>
<td>$700 Million</td>
</tr>
<tr>
<td>Base Infrastructure (Material)</td>
<td>$2.5 Billion</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Base Infrastructure (Labor)</th>
<th>$300 Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Operational Logistics Support</td>
<td>$2 Billion</td>
</tr>
</tbody>
</table>

*Figure 10: Table of Costs for developing Scarborough Shoal*

Given Scarborough Shoals' proximity to the Philippine mainland aiding in logistics support, and the relative ease in building the island due to the land ranging from 6 feet above sea level to 36 feet below sea level, such an island building effort will cost less per square meter than China’s Fiery Cross operation. Discussion on funding mechanisms will take place in the analysis section. Some of this cost could be offset by Philippine contributions. However, their military budget is only $4.06 billion,\(^{62}\) thus limiting the amount they can provide. As an incentive to the Philippines, the U.S. should offer to fund the entire operation and grant the Philippines access to the island jointly.

Land reclamation efforts will take 18 months, and infrastructure building will take another 24 months making the base ready to occupy in mid-2026, assuming the budgetary measure and the Philippine government approves of the plan by the next defense budgetary vote in late 2022. The naval station should be fully operational by 2027. For reference, Fiery Cross Reef reclamation and build-up took China 2 years; however, they only built an area half the size of this plan. Given that diplomacy in the South China Sea has primarily failed as China continues its belligerent ways in the region, this U.S./Philippine base of operations would send a serious message about the U.S. intent to maintain a free and open ocean in the South China Sea.

**Policy Analysis**

With the ultimate goal of ceasing further Chinese encroachment onto other islands in the area and maintaining an open and accessible South China Sea as dictated by international law, the reason these policies will be successful is that we have historical precedence on our side. Although individual battles and wars may have ended poorly for the United States, the

containment policy used by the U.S. in the late 19th century to combat communism was effective.\(^\text{63}\) Aimed primarily at the former Soviet Union and North Korea, the Marshall plan as well as the Truman and Reagan Doctrine policies implemented by administrations during that era focused explicitly on creating treaties with non-communist allies and placing U.S. forces in a semi-ready posture near the border of those communist nations. China has similar ambitions today as Russia did throughout the Cold War, and that is to become the primary superpower throughout the world.\(^\text{64}\)

Although the overarching stalemate between the U.S. and Soviet Union throughout the Cold War balanced delicately on the doctrine of Mutually Assured Destruction (MAD); it is now the threat of quick-strike capability out of Germany and Italy on critical Russian targets and a robust treaty system throughout NATO has kept Russia from encroaching on NATO allies.\(^\text{65}\) The reason the doctrine of MAD does not apply here is at the time the U.S. and the Soviet Union were more of a peer competition than the U.S. and China are now.\(^\text{66}\) The U.S. military is significantly more powerful than the People Liberation Army, therefore a nuclear response is not needed to contain China, nor is it recommended.

Nonetheless, NATO expansion and the U.S. presence saw a retreat of the Soviet Union out of Soviet bloc nations to Russia’s current borders. U.S. troops in Germany (and soon-to-be Poland) and air power in Italy created an ever-present deterrent to Russian aggression into bordering nations such as Latvia, Lithuania, Estonia, and Romania. The U.S. would fully respond to an attack on the Baltic Nations to preserve the sanctity of Article 5 and has taken steps to prove

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Such a fight would likely not be nuclear. Although the U.S. presence in Germany was reduced in recent years, the mere specter of massive U.S. retaliation that would result from an attack on U.S. and NATO forces means Russia consistently must look and other areas for expansion. The most recent case is Ukraine, who is not a NATO member, but was invaded by Russia only after the U.S. European drawdown. This is a specific example of an opportunistic dictator moving on non-allied treaty nations to impose its will. Were Ukraine a NATO member or were the U.S. presence in the region maintained, Russia may not have invaded Ukraine. A similar U.S. presence is maintained near the Demilitarized Zone of South Korea just north of Seoul and has successfully served a similar purpose to the troops stationed in Europe. That is to deter any ambitions of North Korea attempting a forceful reunification of the Korean peninsula.

Although we station no more than what amounts to a few brigade combat teams in these regions, the threat comes not necessarily from the immediate deterrence created by the troops on the ground in those regions, rather the response of the United States were its sons and daughters attacked in allied nations. Were Russia or North Korea to attempt an invasion into U.S./allied occupied areas, the troops on the ground would likely not be effective enough to stop an attack. However, instead, it creates a speed bump slowing the enemy's movements in the ground invasion and, more importantly, forcing the Russians or North Koreans to actively attack

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the most powerful military in the history of the world. Similarly, on Scarborough Shoal, we would not need an overwhelming deterrent force meant to counter Chinese aggression into the area directly, but rather a serious enough presence to address any minor incidents and make China rethink its expansion policies in the region. The bottom line is a U.S presence has a deterrent effect whether the opponent is Russia, North Korea, or China.

Skeptics of this policy will point to Russian encroachment into Ukraine as to why such a policy would fail and that it is only a matter of time before Russia moves into the Baltic Nations. Therefore, what would stop the arguably more powerful China from doing the same in the South China Sea? There are a few reasons why such skepticism is unfounded. Mainly because there is no solid military relationship between the United States and Ukraine, such as there is between NATO members to include the Baltic nations. In the agreements made with the Philippines on occupying Scarborough Shoal and building it into an island, we would define a relationship as strong as NATO's. Were Ukraine a NATO member, Russia would not have invaded them. The NATO denial of Ukraine’s request for entry inadvertently fueled Russia’s ambitions. Therefore, a military alliance between the Philippines, the U.S., and potentially other nations in the region would strongly deter Chinese aggression. However, as we have seen before, threats and deployed U.S. ship presence have not deterred the Chinese from aggression on

the open seas using its maritime militia, only its actual Navy. This is because they know a carrier
group will have to eventually leave for resupply. Additionally, the areas of the Ukraine where
Russia invaded have traditional and cultural ties to Russia,\textsuperscript{76} whereas the Philippines do not share
such strong cultural ties to China. Therefore, implementing a physical presence and containment
policy by building up Scarborough Shoal with U.S. military presence will likely have the same
effect in the South China Sea in deterring expansion and Chinese island building.

Furthermore, the United States putting the total weight of its diplomatic and economic
might behind the UNCLOS will also force the reevaluation of Chinese expansion's policies out of
Beijing. Israel provides both a historical and current example of the U.S. affecting policy in a
region merely by maintaining a robust economic treaty and formal agreements without an official
military treaty. The U.S. does not maintain a military presence in Israel, nor does it have a
defense treaty with the nation but has active economic treaties.\textsuperscript{77} Israel consistently faces threats
from all directions and, on occasion, has had to deal with those threats; however, the perceived
umbrella the U.S. provides over the top of Israel keeps many of those nations at bay even without
defense treaties in place. Officially recognizing the UNCLOS will put China in a position of
weakness relative to the rest of the world because it will be brought under the U.S. umbrella of
legitimate influence. With the UNCLOS as the official doctrine of record as recognized by the
United States for U.S. Naval operations in the South China Sea, coupled with a nearby launching
point for kinetic operations into the region from Scarborough Shoal, China would have be
sufficiently detered from growing its footprint, much like how the U.S. presence in other regions
has this effect.

\textsuperscript{76} Jakub Grygiel and Wess Mitchell, “A Preclusive Strategy to Defend the NATO Frontier,” The American
Interest, July 28, 2017, https://www.the-american-interest.com/2014/12/02/a-preclusive-strategy-to-
defend-the-nato-frontier/.

israel_policy/.
**Potential War with China:** Nonetheless, this policy does not necessarily deter conflict with China, and the United States must be prepared for such a conflict. Of the potential cons to this policy, the biggest threat comes from a Chinese military response. China is the closest thing to a superpower peer competitor the United States has around the globe. Therefore, a policy analysis must include the potential outcome of war with China, were they to respond in such a manner.

Although, the specter of nuclear weapons hangs over both nations, neither is likely to use them as the U.S. maintains a higher state of readiness than China. In fact, decades old Chinese doctrine has continuously proclaimed a non-first use stance for China. Their doctrine even describes scenarios where the Chinese were under attack from the U.S. as a slow alert progression of their nuclear armaments as a deterrent, not a first strike capability.\(^7\) Since the U.S. does not have ambitions of invading the Chinese mainland, only deterrence and containment in the South China Sea, nuclear weapons will not be used. Rather China’s nuclear ambitions are used as a form of leverage to free up conventional forces for expeditionary activities.\(^7\)

Thus, the most significant concern in a war with China is the manpower discrepancy the United States has versus China's of roughly 650,000 military personnel.\(^8\) If a prolonged fight occurred, the United States would need to instill a draft, especially if the conflict required moving into the Chinese mainland. However, it is not anticipated that such a prolonged war would be required, nor would a draft be necessary as the majority of this war would occur in the South

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China Sea via air and sea as the U.S. would not seek to advance and occupy, but merely deter.\(^{81}\)

China would immediately be at a significant disadvantage to the United States in this regard as the United States currently has 11 active and combat-ready aircraft carriers, whereas China has two carriers, but only one that is combat-ready.\(^{82}\) Additionally, it is unlikely this action would be taken unilaterally by the United States, with Japan, Australia, Taiwan, and the Philippines all interested in freedom of the seas in the region.

The greatest threat to U.S. aircraft carriers would be Chinese submarine fleets; however, they severely lack in attack submarine capability relative to the United States. Therefore, they likely would not be able to get within attack range of the precious U.S. carriers due to the U.S hunter-killer submarine fleet.\(^{83}\) Even without allied intervention, the United States would easily control the waters of the South China Sea, rapidly neutralizing any threats coming from the Spratly Islands. Including the inferior anti-ship missile systems stationed in the region. China's Expeditionary blue water Navy is severely hindered in both fighting and logistics resupply capability. The U.S. could theoretically manage the entire South China Sea with six of its 11 carrier battle groups and potentially less.

With freedom of the seas established by the U.S. Navy, our Naval Air and Air Force assets would simultaneously dominate the skies as the United States carries a massive 8:1 advantage in fifth-generation fighters using the F-35 and F-22 versus the Chinese Chengdu J-20.\(^{84}\) The J-20 is largely seen as inferior to US F-22’s and F-35’s due to a lack of critical dog

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\(^{82}\) "How Does China’s Military Compare to the US?"


fighting features. Additionally, it is believed that the U.S. pilots train an additional 30 hours more per year than the Chinese pilots in more realistic scenarios, although recently China revamped its training program into a more rigorous America-like flight school. Using Air Force F-22s both out of Okinawa and temporarily stationed in the Philippines, as well as carrier-launched F-35s, the United States will quickly establish air superiority over the South China Sea. The biggest concern for U.S. fighters in the area would be the HQ-9 surface-to-air missile system, reportedly equipped with anti-stealth capability aimed explicitly at defeating the F-22 and F-35. However, it is likely unable to defeat the U.S.'s most advanced stealth bomber system, the B2 nor the new Northrop Grumman B-21 Raider which have much smaller radar cross sections. Therefore, these sites could be eliminated by bombing and guided missile runs by our advanced bomber fleet.

With the advantages provided by our technology, training, and logistics capability, the United States could begin the final phase of removing the Chinese threat from the South China Sea. The Chinese Achilles Heel is dependence on seagoing trade for the majority of its industrial complex, especially fossil fuels of which 60% is imported into China. A U.S. naval blockade of even Shanghai presents a catastrophic outcome for Beijing let alone ceasing imports from the entire South and East China Seas. Couple that with the fact that the Chinese economy is built

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upon an export-oriented growth model, and both incoming and outgoing Chinese trade would be choked to the point where their economy would be debilitated within months.

Unfortunately, such a blockade would also affect the United States negatively because the U.S. does rely on China for many of its goods as China is the U.S.’s largest trading partner.\(^90\) Indeed, much of the world uses China as its manufacturing base, so the United States would begin to receive pressure from external players to end the war as closing down the Chinese economy through a blockade would wreak havoc on the global economy. However, the critical needs of the U.S. would still be met during the blockade, as we are essentially energy and food independent with a manufacturing base that can be ramped up in South America.\(^91\) In the initial stages of destruction of Chinese aerial denial systems, China would realize they maintain an untenable situation in the South China Sea and likely would sue for peace before it reached the level of U.S. destruction of Chinese ports. Beijing realizes the devastation that would be leveraged against China due to a U.S. blockade could be catastrophic and is likely reason enough for China to come to the negotiating table pertaining to ceasing its expansion and maintaining the international rule of law governing the South China Sea.\(^92\)

As an economic ally and part time military partner to China, one cannot underestimate Russian involvement in such a war on the side of China.\(^93\) However, it is improbable that Russia would attack the United States as the U.S. would implement Article Five of the NATO treaty in that event, calling on our NATO military allies in Europe to fight against Russia and

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unfortunately start World War III. Regardless Russia's military capabilities are severely depleted relative to their peak during the Cold War. It neither has the population nor the finances to execute a war even against a weakened United States. Therefore, it is highly likely the United States would draw concessions from Russia before a kinetic war due to a lack of resources\(^4\) began and would likely win such a war if necessary.

An air-sea battle type of war would lead to thousands of American casualties to include losses of naval assets and Marine Corps troops\(^5\) attempting to take the islands from China. Which is why an attack of these islands is not recommended in the policy even though the Chinese would see far more casualties, especially if their port system was attacked and the U.S. implemented a long-term blockade. The U.S. would not invade the mainland with ground troops, nor is it advised to do so in this policy recommendation. This would merely be an operation to secure global access to the South China Sea and prevent further encroachment. Additionally, the United States should not take a first strike stance even on illegally occupied Chinese Islands.

**Analysis of Failed Policy:** To be sure, this is not a new proposal of a policy but a review of previously failed policies for context as to why the policy proposed in this memo is better. Although previous policy actions, such as sanctions and tariffs, have seen minor if not spurious success in stifling unacceptable Chinese behavior, they are rarely a long-term solution, and China regularly retaliates with sanctions and tariffs of their own that end up damaging U.S. and EU nations who use China as a labor source.\(^6\) Recently, in response to U.S. and EU sanctions, China began implementing counter-sanction rules that move outside the realm of trade and into the

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infringement of civil liberties and rights, a route the U.S. and EU are unwilling to follow. The specific law in question means that in response to sanctions and tariffs, China will target American and EU citizens living in China and American and EU businesses physically located in Chinese-controlled territories rather than targeting EU and U.S. writ large. China will target American and EU citizens by denying visas and even entry into the country, even if the U.S. and EU citizens have Chinese citizen family members. Additionally, China will begin seizing the property of individuals and businesses as retaliation for sanctions levied by the nations those businesses originate. This has been an unofficial Chinese policy as of late; however, these efforts now will be codified as Chinese law.97

The United States has used sanctions against individuals and Chinese officials, but these were for human rights violations and not a part of the ongoing trade war with China.98 Nonetheless, sanctions and tariffs did not work to prevent expansion in the Spratly Islands. This is not unexpected, as sanctions and tariffs tend to fail at their ultimate goals, even if they are in place for years. U.S. sanctions against Russia over the annexation of Crimea have been in place for years with absolutely no turnaround in Russia's illegal occupation. Sanctions are likely not to eject China from illegally occupied islands. In fact, from 1914 to 2000 the United States sanctioned other nations 57 times, and only twelve of those sanctions resulted in a somewhat positive outcome.99

Targeting large economies such as Russia or China can lead to unintended consequences and more significant retaliatory sanctions that hurt the United States, or even result in military action. Countries like Russia and China are equipped to withstand long-term sanction activity, as

99 “Why Trump’s Attempt to Fix China through Sanctions Is Destined to Fail”
is evidenced by ongoing sanctions regarding the autonomy of Hong Kong. For which China has
said no amount of sanctions would change their policy, and we can assume they would take the
same approach regarding perceived territorial rights in the South China Sea.\textsuperscript{100} The bottom line is
sanctions likely would not work in this situation.

Separately a policy of using the the U.S. Navy to conduct freedom of the seas maneuvers
in the South China Sea has been implemented. The United States began such maneuvers in 2015
at the peak of Spratly Island development.\textsuperscript{101} However, it was not until 2018 when China
officially ceased island construction.\textsuperscript{102} It was not because of U.S. maneuvers, but rather a
strategic pause to determine a way ahead for the Chinese, to include harassment operations using
the Chinese maritime militia, which is ongoing despite U.S. freedom of the seas operations. There
is no evidence such operations ceased Chinese expansion, nor will it deter future expansion
efforts from ramping up again. Although China publicly decries such maneuvers as encroaching
on its sovereign territory, behind closed doors, they see such operations as a paper tiger with no
teeth since it did not stop Chinese expansionist ambitions from 2015-2018.

**Benefits for the U.S. and Allies:** Were China to gain complete control of the South
China Sea, there would be both military and economic implications for the United States and the
entire world. Militarily, China would easily project its military power to any U.S. ally in the
region, including Taiwan, the Philippines, and Malaysia, while successfully conducting area

\textsuperscript{100} Yen Nee Lee, “U.S. Threats Won’t Stop China’s National Security Law in Hong Kong, Analysts Say,”

\textsuperscript{101} “The U.S. Asserts Freedom of Navigation in the South China Sea,” The U.S. Asserts Freedom of
Navigation in the South China Sea | Center for Strategic and International Studies, November 2, 2021,

\textsuperscript{102} “China Unveils Monument to South China Sea Island Building,” Reuters (Thomson Reuters, April 24,
denial of U.S. forces. China has ambitions to be globally dominant. Such expansionist efforts may come to fruition if the U.S. cannot militarily counter China in the region due to built-up defenses on islands near other nations. The Philippines speaks freely about their military's inability to defend Scarborough Shoal from a Chinese invasion, and that territory lies less than 150 miles from the Filipino mainland.

Economically, China taking military control of the South China Sea grants them the ability to exploit the vast resources under the ocean and control logistics moving through the area. The South China Sea currently has 266 trillion cubic feet of natural gas and 28 billion barrels of oil in proved and probable reserves, with much more likely undiscovered. Additionally, there are large methane deposits and vast fishing potential in the area. However, most important to the rest of the world is access to the South China sea as a shipping lane.

Currently, the South China Sea is the second most used sea lane in shipping tonnage behind Dover Strait between Great Britain and France. Whether out of economic strength, jingoistic historical claims, or defense purposes, controlling this shipping lane is vital to Chinese aspirations to re-brand itself from the “century of humiliation” into the next global superpower. As depicted earlier in Figure 1, trillions of dollars in trade moves through the South China Sea. Were China to control and implement even a 10% tariff on movement through the area, they apparently have the capability to do so.

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could directly take $20 billion annually from the American businesses with additional tariffs and export fees added as they see fit. This could be translated to global trade to the tune of $350 billion annually flowing from allied nations into China merely for the privilege of moving goods through the South China Sea and accessing the lucrative Chinese and South China Sea region that serves nearly ¼ of the globe's population. China could then reinvest into further fortifying the area until it becomes their self-titled “Great Wall of Sand.” Couple that with resource extraction, and the Chinese will overtake the U.S. as the dominant global superpower in a few years.

When one considers that the slightly larger naval base in Guam currently costs the U.S. $200 million per year,\(^{108}\) we can expect the operating costs of Scarborough to reach no more than $170 million per year. This is far from the potential billions annually we could lose if China controlled the South China Sea. Savings could be realized from reducing freedom of the seas maneuvers due to the permanent presence of the U.S. in the region. At the cost of $6.5 million per day to operate a carrier strike group, reducing freedom of the seas navigations in the region could certainly offset the cost of an island garrison.\(^{109}\)

Concurrently, with the financial costs, China could impose on the globe, through unchallenged control of the South China Sea, a powerful blue water expeditionary navy that would rival the U.S. Navy. With such capability, the Chinese could export its brand of totalitarianism and brutal jingoistic policies to nations incapable of defending themselves from China. China must import many of its energy needs and may grow weary of dealing with OPEC or other oil-exporting nations and resort to force to seize the means of energy production while spreading human rights violations everywhere they move.

**Political Analysis**


From a political standpoint, there are multiple stakeholders to consider with this policy's implementation. Stakeholders include both domestic and international entities, and the following sections will be a breakdown separating those categories. Within those categories, subcategories will discuss domestic considerations such as Congress, the Democrat voter base, and the American people. International stakeholders include other nations and groups of nations on both sides of the potential conflict.

**American public:** Per a Gallup Poll earlier this year, 45% of Americans see China as our greatest enemy, up from 22% the previous year. This is because a Pew Research Center poll found that 64% of Americans believe China mishandled the initial stages of the COVID-19 pandemic and various human rights violations in the region China occupies. 81% of Republicans, 59% of independence, and 56% of Democrats see China as an economic threat to the United States, with the Democrat number rising 19% since 2019. The majority of Americans across the political spectrum see Chinese increases in technological and military power as a threat to human rights.\(^{110}\) 53% of Americans want the United States to be much stricter with China concerning economic policy, and 70% want the U.S. to confront China over its human rights violations directly.\(^{111}\)

In December of last year, the Chicago Council on Global Affairs conducted a survey that focused on the differences in foreign policy between Democrats, Republicans, and Independents. Among the collective, at 55%, the development of China as a world power ranked third behind violent domestic extremism and the COVID-19 pandemic for critical threats to the interests of the United States in the next ten years. It was first among Republicans at 67%. Conversely, only 34%

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of Americans believe the U.S. government has effectively handled the rise of China. Specific to this policy, 78% of the American public believes we need to strengthen relations with our traditional allies in the region, to include the Philippines.\footnote{Dina Smeltz, Ivo Daalder, Karl Friedhoff, Craig Kafura, and Brendan Helm, “Divided We Stand: Democrats and Republicans Diverge on US Foreign Policy,” The Chicago Council on Global Affairs (2020), https://www.thechicagocouncil.org/sites/default/files/2020-12/report_2020ccs_americadivided_0.pdf} The Chicago Council report highlights that previous policies have failed over the last few decades, as well as their intended goals of limiting China's military capability, human rights violations, and unfair economic practices. This report states explicitly that your administration “would enjoy substantial public support if it places competition with China at the center of its foreign policy.”\footnote{“Divided We Stand”}

A separate poll conducted by the Chicago Council on Global Affairs shows 2021 is the first year since 1982 that most Americans favor defending Taiwan if China invades. This defense of our ally’s policy can be translated to other allies in the region, including the Philippines. This poll shows that 52% of Americans favor using U.S. military assets against China were the Chinese to take military action against Taiwan.\footnote{Dina Smeltz and Craig Kafura, “For the First Time, Half of Americans Favor Defending Taiwan If China Invades” The Chicago Council on Global Affairs (August 2021), https://www.thechicagocouncil.org/sites/default/files/2021-08/2021%20Taiwan%20Brief.pdf}

Having a naval air station in the region, such as the one being proposed, enhances this capability. Additionally, before the election, your administration was seen as deferential to China, often trying to seek appeasement for blatant Chinese transgressions due to your cordial ties with the Chinese.\footnote{Mark Murray and Melissa Holzberg, “Meet the Press Blog: Latest News, Analysis and Data Driving the Political Discussion,” NBCNews.com (NBCUniversal News Group, May 4, 2021), https://www.nbcnews.com/politics/meet-the-press/blog/meet-the-press-blog-latest-news-analysis-data-driving-political-discussion-n988541/ncrd1186221#blogHeader.} This was not necessarily the case as you supported a Trump era rejection of China's maritime claims in the South China Sea.\footnote{Josh Lederman, Dan De Luce, and Mike Memoli, “Biden Carries Trump’s Hard Line toward Beijing to Coming Summits,” NBCNews.com (NBCUniversal News Group, October 25, 2021), https://www.nbcnews.com/politics/white-house/biden-carries-trump-s-hard-line-toward-beijing-coming-summits-n1282229.} However, taking a tough line on Chinese
advancement in the South China Sea could reverse that impression politically and generate support from more hawkish Independents and Republicans.

**Congress:** Congressional support for this policy tends to mirror the American public. Acting against China may allow your administration to celebrate a bipartisan win as both Republicans and Democrats view China as a potential threat. Recently legislation aimed at addressing Chinese transgressions led to a bipartisan agreement on containing China on a wide variety of issues, including technology, human rights, and national security.¹¹⁷ No congressperson sides absolutely with China, but instead looks at the third and fourth-order effects of a conflict such as loss of U.S. blood and treasure. Nonetheless, earlier this year, the Uyghur Forced Labor Prevention Act targeted China’s human rights violations, garnered significant Democrat and Republican support, with 25 Democrats and 27 Republicans co-sponsoring the bill. The political spectrum narrows as congresspersons running the gamut of Alexandria Ocasio-Cortez to Ted Cruz are both on record wanting a tougher stance in China.¹¹⁸ Therefore, your administration would likely meet little resistance from Capitol Hill, to include funding the project due to merely reallocating defense funds from Middle East operations to the Pacific theater.

**International community:** The majority of influential nations across the globe have a very negative view of China. Figure 11 shows a 2020 Pew Research study presenting the general trends of favorable versus unfavorable globally.

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Other than China, the most critical international stakeholder affected by this policy is the Philippines. There are two facets to the Philippines’ involvement in this policy. The first is their current relationship with China, and the second is their willingness to aggravate China while acquiescing to the U.S. by allowing a permanent American military presence. In 2019, Sino-Philippine’s relations reached their highest level of heated rhetoric with Philippine President

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Roberto Duterte threatening war with China over Chinese encroachment on Philippine territory in search of resources. Military relations between the two countries are at their lowest point in 13 years, while President Duterte has recently warmed to closer U.S. ties.

In July of 2021, the Philippines agreed to continue its 10-year pact with the U.S., allowing U.S. troops to deploy and temporarily garrison in the Philippines for training and ongoing security purposes. The U.S. and the Philippines currently maintain a joint temporary base for visiting the U.S. and other allied troops training, but it is not a permanent U.S. presence. It has not projected enough warning against further Chinese expansion simply because they are not a naval asset but rather for the Marines, Army, and Air Force. The Navy would be the dominant force in policing the South China Sea.

Influential Philippino politicians such as Representative Johnny Pimentel, chairman of the Philippines House Committee on Strategic Intelligence, said he and many of his constituents support a bill filed in March of 2021 to expand naval bases into the South China Sea. The bill explicitly develops "small-scale naval military bases to establish national security and protect Filipino fishermen within the 200-nautical-mile exclusive economic zone." Additionally, Pimentel said, “this would help avoid a repeat of the 2012 incident where the Philippines lost Scarborough Shoal” when Chinese maritime militia vessels attempted a takeover of Scarborough Shoal but eventually pulled out from the area as part of a deal brokered by the United States. Finally, Filipinos have a high favorability of America over China by a significant double digit

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Leveraging such politicians and the Filipino sentiment in the Philippine government would be vital in advancing this policy on the island as they likely would support such actions by the U.S.

Among regional players, Australia and Japan have highly unfavorable views regarding China, as you can see in Figure 11. Japan recently took steps to further isolate China’s position in the region by declaring they support Taiwan’s independence and a free and secure Asia-Pacific, meaning an attack on Taiwan would lead to Japan joining a U.S.-led effort. Japan’s specific mention of a free and secure Asia-Pacific likely translates to Japanese action were China to attack any nation in the South China Sea region. Additionally, Japan is actively conducting Chinese-focused war games in the region, both with and without U.S. involvement. Japan would support a military build-up of Scarborough Shoal.

China’s drop in favorability among the South Korean’s is somewhat unprecedented since they tend to share good relations with China due to historical and economic ties. China traditionally remained somewhat favorable relative to the rest of the world in the eyes of the South Koreans, even though China remains the only ally and supporter of North Korean interests, which are often at odds with South Korea. However, like many nations, the mishandling of COVID along with human rights violations and ramping rhetoric on territorial claims has soured South Korea’s opinion of China. However, the drop in favorability is primarily due to China's economic response to South Korea allowing U.S. Terminal High Altitude Area Defense (THAAD) missile defense systems to be placed in their country to counter the North Korean

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125 Kathrin Hille, “US and Japan Conduct War Games amid Rising China-Taiwan Tensions,” Subscribe to read | Financial Times (Financial Times, June 30, 2021), https://www.ft.com/content/54b0db59-a403-493e-b715-7b63c9c39093.
missile program. Additionally, Japan, South Korea, and the United States have conducted joint military exercises in recent months. There would be little resistance to this policy, but it is unlikely South Korea would not openly endorse building a military facility on Scarborough Shoal.

With only Japan only having a lower favorability rating of China, Australians see the Chinese as a regional and global threat much like the United States does. Australia has seen backlash from China recently as Sydney has called for an international inquiry into the origins of COVID-19. China consequently enacted a complete ban of Australian beef and an 80% tariff on barley. A tit for tat of economic sanctions, including Australia blocking Chinese companies Huawei and ZTE from developing a 5G network in Australia, much like the U.S. has done, continues between the two nations. Since then, most state-level visits or put on pause by both countries.

Like the United States, the Australians seem to be preparing for a potential war with China. They have entered a deal with France to develop new submarines, however, there are currently talks of a shift to purchasing nuclear submarines from United States. Regardless, Australia is becoming another Pacific ally with submarine capability specifically designed to counter China. China recognized the threat with Chinese Diplomat Wang Xining asking

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Australia, “So who are you going to attack? You are no longer a peace lover, a peace defender; you become a saber wielder in certain form.” Australian Defense Minister Peter Dutton countered that it would be inconceivable for Australia not to join the United States in a potential conflict in the area.\textsuperscript{131} Australia would likely support our efforts on Scarborough Shoal.

The political opposition to this policy would likely come from China itself and North Korea as China’s proxy and only military ally. Those opposed due to potential economic fallout could include much of Africa. However, African nations would likely make little impact on the future outcomes of this policy. Russia has economic ties and would oppose the U.S. politically for building additional military capability in the region\textsuperscript{132} but is leery of an official stance with China on U.S. policy as they would fear the wrath of NATO and the EU, who would support the U.S. regarding Chinese actions. The EU conducts far more trade with Russia than China\textsuperscript{133} and Moscow does not want to jeopardize that relationship. China has a high favorability rating among Russians as 3 in 4 Russians view China positively.\textsuperscript{134} This primarily comes from mutual animosity towards the West. Russia would oppose the policy but would not intervene outside of official stances and United Nations Security Council vetoes, which are to be expected from China anyway. Any dissent from individual nations (to include Russia) would likely have a minimal impact on the U.S. outcome, outside of China itself, of course.

**International governing bodies:** The three central multinational bodies that would be potentially impacted by this policy include the United Nations (U.N.), Association of Southeast Asian Nations (ASEAN), the North Atlantic Treaty Organization (NATO), AUKUS (the U.S.,


U.K., Australian Security Pact), and Asia Pacific Economic Cooperation (APEC), as well as some minor multinational organizations. The U.S. is a member of all but ASEAN, but has favorable relations with ASEAN, so they would likely receive support. NATO and AUKUS would likely support our actions to counter China due to similar concerns and broad support of the U.S.

As briefly discussed previously, the U.N. security council and the U.N. writ large would likely officially oppose this policy mainly because of veto powers held by China and Russia. Therefore, the U.S. would need to act without official U.N. support, which it has done before. This would be a bilateral agreement between the U.S. and the Philippines, so U.N. approval is largely irrelevant. APEC would likely become divided among a majority of nations supporting the U.S. and those that support China. Many of the 21 nations in APEC would remain neutral; however, China would only have potential backers in Hong Kong (likely by force) and Russia through possible diplomatic and material support. Countries like Malaysia, Chile, Singapore, and Thailand would likely not take an official stance due to simultaneous relations with the U.S. and China. Politically the U.S. would have support from the majority of the international bodies it is a member of. Those that would oppose us would count for little in the overarching U.S. strategy for the region.

**Recommendation**

I highly recommend you implement this policy for various reasons. Failure to do so provides China the opportunity to continue its encroachment onto other nations' sovereignty and continue belligerent behavior in the South China Sea. As discussed previously, doubling down on failed policy such as sanctions and empty threats of crossing red lines does not work on China; only direct and meaningful activities such as placing a permanent U.S. presence in the South China Sea will deter further Chinese expansion and ambitions of dominance.

Were the United States to not bolster its permanent presence in the South China Sea by developing the Scarborough Shoal, China could continue policies of aggression on nations that do not have the military nor economic capability to retaliate. This will lead to desperation on the part
of our allies to prevent encroachment into their sovereign territory and the harvesting of their rightfully claimed resources by China. Desperate nations tend to take drastic action, which could lead to a far more devastating war than the preemptive and preventative measures taken in this policy suggestion. The U.S. would eventually be forced to act with its allies in the region, including Japan, South Korea, the Philippines, Australia, and Taiwan.

Furthermore, inaction also emboldens North Korea who presents a genuine and dangerous threat to the region. North Korea looks to Chinese power and backing for advancing its ambitions to include nuclear and ballistic missile programs. If the perception is indifferent to Chinese aggression and belligerence, North Korea will also become emboldened.

Additionally, there is a timetable for taking action against China. China has expressed interest in taking Scarborough Shoal from the Philippines under their 9-dash line claim. Every month the United States fails to expand its interests and defend the interests of U.S. allies in the South China Sea, China grows stronger. It is no secret that China has ambitions of global dominance to such an extent as to surpass U.S. dominance and influence. Unfettered access to one of the most significant shipping lanes and trillions of dollars in resources brings them closer to realizing such a vision. With that vision comes the Chinese brand of authoritarianism, racism, and unfair business practices. Allowing China to continue to entrench itself in the South China Sea will make it more difficult to remove them when the time comes. The cost in blood and treasure for Americans and Koreans, Japanese, Filipinos, Australians, and many other allies becomes far greater as our inaction turns into a necessary response to uphold global values.

The policy is financially viable as CENTCOM funding for the recently concluded war in Afghanistan can be diverted to support the island's development. President Obama saw the importance of funding a shift to the Pacific Theater to counter the Chinese threat, so the mechanisms and thought processes are already in place; we need to expand on it. Not implementing this plan could be financially devastating to any nation that relies on shipping through the South China Sea, including the United States.
The South China Sea creates a launching point for Chinese global supremacy. Therefore, when it comes to taking actions to halt Chinese aggression and atrocities, this administration has the support of its allies, the global community, the American people, and bipartisan congressional leadership. This is an easy bipartisan win and the whole of America would applaud. Furthermore, the world is looking to the United States to secure the globe once again from a powerful and aspirational fascist regime, thus restoring our tarnished image regarding foreign policy.

The historical echoes of previous fascist regimes are resonating today in China. Failure to take action now could be tantamount to ignoring a build-up of power and wealth in early 1930’s Germany or 1950’s Soviet Union. The ability of the U.S. to maintain global stability, peace, security, and liberty starts with regional influence. Whereas the Nazis committed atrocities against the Jews, China commits them against the Uyghurs daily. Placing a joint Philippine/U.S. naval air station on Scarborough Shoal provides greater regional influence than any previous policy implemented, and we must seize the initiative before China does.

Curriculum Vitae

Chad Pritchard Scott was born in Boise, Idaho, in December of 1983. Chad earned his Bachelor of Arts degree in Anthropology from New Mexico Highlands University in 2007. Immediately following his graduation Chad joined the U.S. Army, reaching the rank of Major at the end of his 10-year career. While in the Army, Chad served as a distribution platoon leader, an operations officer, a transportation company commander, a multinational logistics trainer, and a NATO planner. While serving in the Army, Chad earned a Masters of Business Administration from the University of Maryland Global Campus, where he graduated in the top 5% of his class. Upon
leaving the U.S. Army in 2018, Chad worked for the National Guard Bureau as the State of Idaho Transportation Officer. Currently, Chad is in his final semester of the Master of Arts in Public Management program at Johns Hopkins University and works as a Management Analyst for the U.S. Department of Veterans Affairs. Chad is interested in geopolitics, data analysis, and leadership theory; he hopes to continue his service throughout the federal government or government contractor ranks.