## 1AC---Full Text

### 1AC---War

#### Advantage 1 is War:

#### Last year the U.S. expanded the Philippines MDT not just to the SCS but specifically to disputed land features---escalates conflict

Richard Javad Heydarian 20, Research Fellow at National Chengchi University (Taiwan), 7/14/20, “US picks a fight with China in South China Sea,” https://asiatimes.com/2020/07/us-picks-a-fight-with-china-in-south-china-sea/

In a clear and well-orchestrated escalation, the US State Department has effectively rejected nearly all of China’s claims and activities in the South China Sea, a law-based provocation that threatens to spike tensions in the already hotly contested maritime area.

The statement comes soon after the US conducted its first dual aircraft carrier exercises in the South China Sea in six years, as the Pentagon ramps up its military presence to deter China’s rising assertiveness in the waters.

US Secretary of State Mike Pompeo warned that the “world will not allow Beijing to treat the South China Sea as its maritime empire” and that America “stands with our Southeast Asian allies and partners in protecting their sovereign rights to offshore resources, consistent with their rights and obligations under international law.”

Pompeo’s statement comes in the wider context of ramped up US pressure on China that has now extended well beyond the initial trade war and is now evolving into what some analysts see as a new Cold War. America’s unprecedented statement against China’s maritime moves marks a provocative new chapter in their South China Sea showdown.

The surprise announcement marks a new phase of the two superpowers’ maritime showdown and portends a possible more forceful Pentagon intervention if China moves in future on disputed land features in the sea claimed by Southeast Asian nations, including Mutual Defense Treaty (MDT) ally the Philippines.

China’s Foreign Ministry struck back by accusing the US of “deliberately distorting the facts and international law” It said the US “exaggerates the situation in the region” in order to “sow discord between China and other littoral countries.”

The Chinese statement maintained that the South China Sea situation “is peaceful and stable and is still improving” and decried the US for “flexing muscles, stirring up tension and inciting confrontation in the region.” It added: “China is firmly opposed to it.”

In his statement, Pompeo invoked the 2016 award handed down by an arbitral tribunal at The Hague that ruled in favor of the Philippines over China under the United Nations Convention on the Law of the Sea (UNCLOS).

The decision, which China has ignored, questioned the legal basis of Beijing’s expansive claims under its nine-dash line that lays claim to most of the sea. The arbitral award, handed down four years ago on July 12, “rejected (China’s) maritime claims as having no basis in international law.”

The US diplomatic chief reminded China that the “arbitral tribunal’s decision is final and legally binding on both parties.” The Chinese Foreign Ministry statement countered that Washington has not yet ratified the UNCLOS.

Pompeo’s statement echoed America’s earlier note verbale made to the United Nations in June. But his statement is perhaps most consequential in its de facto recognition of Southeast Asian nations’ claims to certain China-occupied land features in the area, a major departure from Washington’s previous studious avoidance of taking sides in the disputes.

In a shot across China’s bow, Pompeo specifically rejected China’s claim over land features such as the Scarborough Shoal, Second Thomas Shoal and the Mischief Reef, all of which fall within “areas that the tribunal found to be in the Philippines’ EEZ (exclusive economic zone) or on its continental shelf.”

The US now openly sides with the Philippines’ claim over Mischief Reef, which is currently occupied and reclaimed by China, and Second Thomas Shoal, which is currently defended by a Philippine marine detachment atop a grounded vessel, since “both of which fall fully under the Philippines’ sovereign rights and jurisdiction.”

The US also effectively reaffirmed the Philippines’ claim over the Scarborough Shoal, which has been under China’s de facto control since a months-long 2012 naval standoff. Pompeo noted the feature, which would be crucial to China’s believed ambition to establish an Aerial Defense Identification Zone (ADIZ) in the sea, lies in “the Philippines’ EEZ or on its continental shelf.”

Aside from its mutual defense treaty ally in the Philippines, the US now also effectively supports the claims of other regional partners, including Vietnam, Malaysia and even Indonesia amid recent rising tensions with China off the energy-rich Natuna islands.

In its statement, the US said that it “rejects any [Chinese] maritime claim in the waters surrounding Vanguard Bank (off Vietnam), Luconia Shoals (off Malaysia), waters in Brunei’s EEZ, and Natuna Besar (off Indonesia).”

It also effectively reaffirmed Malaysia’s claim over the China-claimed James Shoal, since it’s “an entirely submerged feature only 50 nautical miles from Malaysia and some 1,000 nautical miles from China’s coast,” the US statement said.

The US is now also directly challenging China’s “historic rights” claims over energy and fishery resources across the South China Sea basin and beyond, particularly within Indonesia’s EEZ in the North Natuna Sea.

“Any PRC action to harass other states’ fishing or hydrocarbon development in these waters — or to carry out such activities unilaterally — is unlawful,” Pompeo added in his statement.

That will likely be music to the ears of China’s smaller neighbors, most of which have been reluctant to challenge Beijing independently and have had little success deterring it through the Association of Southeast Asian Nations (ASEAN).

Far from a cynical election ploy to shore up Trump’s anti-China credentials ahead of presidential elections in November, America’s latest statements represent a natural progression in Washington’s increasingly hawkish policies towards Beijing.

In recent years, the US has upgraded its security cooperation with new partners such as Vietnam, Malaysia and Indonesia, while maintaining its commitment to traditional allies like the Philippines.

Pompeo’s statement also has significant operational implications, especially if China were to reclaim and militarize the Scarborough Shoal or forcibly evict Philippine troops from Second Thomas Shoal and other land features now under Manila’s control.

The likelihood of a US armed intervention to protect Philippines’ assets and troops in the disputed areas in the scenario of a Chinese attack has now arguably increased.

Last March, Pompeo became the first-ever top American envoy to publicly announce the parameters of the Philippine-US alliance vis-à-vis the South China Sea disputes.

Previous US administrations consistently equivocated on the treaty’s precise extent – both in terms of geographic scope and contingencies – of America’s commitment to come to its Southeast Asian ally’s defense in the event of a conflict with a third party, namely China.

#### The Pompeo doctrine applied the MDT to Chinese occupied islets.

Patrick J. Buchanan 19, the author of Nixon’s White House Wars: The Battles That Made and Broke a President and Divided America Forever, “Mike Pompeo's War Warning to China” Chronicles Magazine, 3/5/19, https://www.chroniclesmagazine.org/article/mike-pompeos-war-warning-to-china/

As President Trump flew home from his Hanoi summit with Kim Jong Un, Mike Pompeo peeled off and flew to Manila. And there the Secretary of State made a startling declaration.

Any armed attack by China on a Philippine ship or plane in the South China Sea, he told the Philippine government, will be treated as an attack on an American ship or plane, bringing a U.S. military response.

"China's island building and military activities in the South China Sea threaten your sovereignty, security and, therefore, economic livelihood, as well as that of the United States," said Pompeo. "As the South China Sea is part of the Pacific, any armed attack on Philippine forces, aircraft or public vessels in the South China Sea will trigger mutual defense obligations under article 4 of our mutual defense treaty."

Article 4 requires the U.S. and the Philippines to come to the defense of the other if one is attacked. The treaty dates back to August 1951. There are Americans on Social Security who were not born when this Cold War treaty was signed.

Pompeo's declaration amounts to a U.S. war guarantee.

Why would we make such a commitment? Why take such a risk?

Is Trump aware of what Pompeo's promise could entail?

For years, Beijing has claimed as national territory virtually the entire South China Sea. Vietnam, Malaysia, Singapore, Taiwan and the Philippines all reject China's claims to the Paracel and Spratly Islands within that sea. But Beijing has occupied and expanded half a dozen islets; landed planes and troops; and fortified them as military and naval bases.

Beijing is not going to give them up, and Manila is too weak to take them back. A report from the Center for Strategic and International Studies says a Philippine attempt to build on a disputed islet in the Spratly chain brought a flotilla of nearly 100 Chinese ships to halt Philippine construction.

Why did Pompeo issue this war guarantee?

Because Duterte and members of his Cabinet are unsure the U.S. would come to the defense of the Philippines in such a clash, and they believe their best course may be to appease Beijing, the rising power in Asia and the western Pacific.

Since the end of the Cold War, when Manila ordered us to vacate the Subic Bay Naval Base—only to invite us back when Manila grew nervous about her neighbors—and we were forced to abandon the Clark Air Base, the U.S. has not faced the fundamental question here.

Do we have a vital interest, justifying a war with China, in defending Manila's claim to the Spratly Islands that China also claims, holds and defends as sovereign territory?

If so, how do we plan to get the Chinese off these islands, short of a naval and air war that could escalate? Is the Philippines capable of holding these islands if we help to retake them? Or would Manila rely on U.S. naval and air power in perpetuity to keep them?

Could America sustain such a commitment? More important, why should we? Has the White House thought through the implications of what the Pompeo threat may bring?

If the Chinese politely inform President Duterte that any attempt to take a Chinese-claimed island by force will be met by superior force, what do we do? Tell Duterte it is still his call, even if it means our war?

Is it wise for a great power to cede to a weak ally the ability to drag it into a great war? Ask the late Kaiser Wilhelm II.

When a Chinese fighter crashed into a U.S. reconnaissance plane over the South China Sea in 2001, then-President George W. Bush and Secretary of State Colin Powell apologized for the death of the Chinese pilot—to retrieve the crew China had interned on Hainan Island.

We were unprepared to confront China over an act of aggression over international waters. Yet we are now prepared to fight China over who owns and occupies Mischief Reef or Scarborough Shoal?

#### Biden’s radicalizing that policy

Richard Javad Heydarian 21, Research Fellow at National Chengchi University (Taiwan), 3/11/21, “Cold Peace: America’s New South China Sea Strategy,” https://www.chinausfocus.com/peace-security/cold-peace-americas-new-south-china-sea-strategy

Joseph Biden’s victory in last year’s presidential elections was meant to usher in a new era in American foreign policy and, for some, even mark a return to the ‘good old days’ of the Obama administration.

Throughout the campaign and beyond, Biden repeatedly presented himself as the antithesis to former President Donald Trump, who upended America’s decades-old foreign policy consensus by unabashedly embracing trade protectionism, militaristic posturing, and personalistic rule.

In a bid to end the Trump-initiated “New Cold War”, Biden also made it clear that he is open to “work with China when it benefits the American people,” raising hopes of improved ties between the two superpowers.

And yet, the new administration’s foreign policy has so far, especially in Asia, followed Trump’s. The unmistakable continuity is most apparent in Biden’s South China Sea policy, which seems just as assertive as his predecessor’s, though with more rhetorical refinement and diplomatic finesse.

Under Biden, we have seen (i) the intensification of naval deployments to the disputed waters, (ii) proactive enlistment of other major powers for an undeclared anti-China coalition, and (iii) a conscious effort to win over estranged allies, which are at the forefront of the Asian maritime disputes.

Extreme Competition

Biden’s cabinet may be the most racially diverse in the country’s history, which might mask that it’s one of the most ideologically uniform. Pacifists, progressives and anti-war activists are absent from key positions of the government, especially in the national security establishment.

The public rhetoric and ideological position of Biden’s top cabinet members reflects a perceptible drift towards a more hawkish Democratic foreign policy, especially on China. In fact, Biden himself telegraphed this seismic shift by describing the Asian powerhouse as America’s “most serious competitor” and warning of “extreme competition” amid the ongoing scramble over shaping the 21st century global order.

And it’s in the deep blue waters of the South China Sea, an artery of global trade, where the strategic coordinates of this perilous superpower rivalry are most visible. Just weeks into Biden’s term, the destroyer USS John S McCain pierced into Beijing-claimed waters as part of so-called “freedom of navigation” operations (FONOPs). In response, People’s Liberation Army (PLA) Southern Theater Command reportedly expelled the American warship, a naval maneuver that risked direct collision between the two superpowers.

Within its first month in office, the Biden administration has already overseen at least three such operations, including a dual-carrier deployment, composed of Theodore Roosevelt Carrier Strike Group and the Nimitz Carrier Strike Group, to China’s adjacent waters. The US Navy’s 7th Fleet claims that the FONOPs, with the latest one involving destroyer USS Russell, “upheld the rights, freedoms and lawful uses of the sea recognized in international law by challenging unlawful restrictions on innocent passage imposed by China, Vietnam and Taiwan.”

To put things into context, the Trump administration annually conducted, on average, half a dozen FONOPs in the South China Sea, with as many as nine in 2019 alone. The Obama administration, in contrast, conducted only two such operations in 2015 and only three in its final year office, despite its promise of quarterly FONOPs in the contested areas.

So far, the Biden administration is on course to match, if not surpass, its Republican predecessor in terms of naval deployments to the South China Sea, a dramatic divergence from the more cautious approach of the Obama administration. And there is even the possibility that the US Navy will create a new “expeditionary” fleet to specifically focus on China, further augmenting its formidable military footprint in the Indo-Pacific. An enraged Beijing has accused the Biden administration of “seriously violating China’s sovereignty and security, gravely undermining regional peace and stability, and deliberately disrupting the good atmosphere of peace, friendship and co-operation in the South China Sea.

Yet, where the Biden administration is different from, and potentially even more aggressive than, its predecessor is a deliberate and systematic strategy of assembling a formidable coalition to constrain China’s ambitions in adjacent waters.

Democratic Security Diamond

A decade ago, Japan’s former and longest-serving prime minister Shinzo Abe publicly advocated for the establishment of a so-called “democratic security diamond”, namely a coalition of like-minded powers against a rising China.

Over the succeeding years, the Japanese leader energetically courted multiple U.S. administrations as well as top leaders in Australia and India to form a new axis of “Indo-Pacific” powers. The product of Abe’s strategic offensive was the consolidation of the Quadrilateral Security Dialogue, better known as the QUAD, which is a de facto “Asian NATO” composed of the U.S. and fellow democratic powers of Australia, Japan and India.

A cursory look at Biden’s multilateral strategy reveals a thinly-disguised plan to fulfill Abe’s dream of a “democratic security diamond” against China. In contrast to both Obama and Trump administrations, the new American leadership has fully embraced its supposed role as “as spokespersons for human rights”, because, as Biden claimed not long after his phone call with Chinese President Xi Jinping, “no American president can be sustained as the president if he doesn’t reflect the values of the United States.”

Secretary of State Antony Blinken has even taken a liberal interventionist stance, warning the U.S. is prepared to “take action on” a full range of human rights-related issues pertaining to rivals such as China. Last month, Biden and his “alter-ego”, Blinken, oversaw a flurry of diplomatic meetings with both Quad powers as well as major European allies, reflecting a deep sense of urgency to assemble a new strategic coalition.

During the QUAD foreign affairs meeting, featuring Blinken himself, Indian Minister of External Affairs Dr S Jaishankar, Japanese Foreign Minister Toshimitsu Motegi, and Australian Foreign Minister Marise Payne, the de facto allies discussed ways to preserve a “free and open Indo-Pacific region, including support for freedom of navigation and territorial integrity” in smaller powers in Southeast Asia.

Though China was not directly mentioned in their joint official statement, the Asian powerhouse was clearly on top of their mind. In fact, Japan’s foreign minister expressed “serious concern” over and “strongly oppos[ssed] unilateral and forceful attempts to change the status quo in the context of the East and South China Sea” after singling out China’s new maritime law, which places the country’s coast guard forces at the forefront of defending Beijing’s claims across disputed waters of the East and South China Seas.

In the same week, Biden participated in the G7 summit with fellow Western powers, while Blinken met counterparts from “E3” European powers of France, Germany and Britain, where the transatlantic allies “agree[d] to closely coordinate… [on] global challenges posed by China.”

Far from just empty talk, these meetings portend more robust strategic coordination and military cooperation between the U.S. and Indo-Pacific powers. The U.S. Secretary of Defense Lloyd Austin has been actively courting both Asian and European allies for organizing, for instance, joint or multilateral FONOPs in the South China Sea.

Under a new joint US-UK declaration just days into Biden’s term in office, the U.S. Navy and Marine Corps personnel, along with USS The Sullivans guided-missile destroyer and a detachment of F-35B Lightning II aircraft, are expected to join Britain’s HMS Queen Elizabeth carrier striker group in the first ever major joint operation of its kind in the Indo-Pacific.

The South China Sea is one potential location for the planned drills, setting the stage for potentially similar operations with Australia, France and other major powers in the future. At the same time, the Biden administration is also courting estranged allies such as the Philippines in a bid to restore the Visiting Forces Agreement (VFA), which is crucial to the U.S.' forward deployment capacity in the Western Pacific.

To this end, Washington has largely refrained from taking a tough stance on Philippine President Rodrigo Duterte’s controversial drug war and human rights record. As a sweetener, the Biden administration has also publicly reassured its Southeast Asian ally “that a strong U.S.-Philippine alliance is vital to a free and open Indo-Pacific region”, underscoring the “importance of the Mutual Defense Treaty for the security of both nations” in light of rising tensions in the South China Sea.

Biden may have jettisoned the “New Cold War’ rhetoric of its predecessor, but his South China Sea strategy raises the prospect of a “Cold Peace” of managed yet steadily rising tensions with China in the world’s most important seascape.

#### Taking sides in the sovereignty disputes escalates conflict while creating unfulfillable commitments that wreck U.S. cred

Robert Williams 20, senior research scholar, lecturer, and executive director of the Paul Tsai China Center at Yale Law School, 7/17/20, “What Did the U.S. Accomplish With Its South China Sea Legal Statement?,” https://www.lawfareblog.com/what-did-us-accomplish-its-south-china-sea-legal-statement

On July 13, Secretary of State Mike Pompeo issued a statement outlining the “U.S. Position on Maritime Claims in the South China Sea.” The statement coincides with the fourth anniversary of a landmark decision by an international arbitration tribunal vindicating claims brought by the Philippines against China under the U.N. Convention on the Law of the Sea (UNCLOS), and Pompeo’s announcement explicitly aligns the United States with the UNCLOS tribunal’s ruling, declaring that China’s expansive claims to offshore resources across most of the South China Sea are “completely unlawful.”

The day after Pompeo’s statement, Assistant Secretary of State for East Asian and Pacific Affairs David Stilwell delivered a speech setting forth a bill of particulars concerning Chinese misdeeds in the South China Sea and beyond. Stilwell argued that China seeks to “replace international law with rule by threats and coercion.”

Some observers might dismiss these statements as part of a broader Trump administration effort to demonstrate its “tough on China” credentials in the run-up to the 2020 presidential election. As diplomatic-legal communications, however, the statements warrant a closer look—as much for what they don’t do as for what they do.

Neither document substantively changes the United States’s position regarding China’s expansive South China Sea maritime claims and the inconsistency of these claims with international law—including China’s notoriously ambiguous nine-dash line covering nearly 80 percent of the South China Sea. China has never clarified whether the nine-dash line represents a claim to the land features within the line and their adjacent waters, a boundary of national sovereignty over all the enclosed waters, or a claim of some other set of “historic rights” to the maritime space within the line.

To be sure, Pompeo’s statement is the first instance in which the U.S. government has publicly endorsed the merits of the 2016 UNCLOS tribunal decision on the status of certain features in the Spratly Islands and related maritime entitlements (a decision that did not address underlying sovereignty claims). But the State Department has previously acknowledged the legitimacy of the UNCLOS tribunal’s decision, issuing a statement in July 2016 recognizing the decision as “final and legally binding on both China and the Philippines.” The State Department also published a white paper in 2014 setting forth a detailed analysis of China’s nine-dash line claim and the limited conditions under which it could plausibly cohere with the international law of the sea as codified in UNCLOS.

So what exactly did the United States accomplish with its latest pronouncements?

First, consider the broader geopolitical context for the statements. U.S.-China relations are deteriorating rapidly on nearly every front, from accountability for the coronavirus pandemic and tensions over telecommunications firm Huawei to human rights atrocities in Xinjiang and a new national security law for Hong Kong. Meanwhile, concerns have been raised that Beijing is exploiting a window of opportunity during the pandemic to expand its position in the South China Sea and near abroad. These worries have been fueled by reports regarding China’s sinking of a Vietnamese fishing vessel in March, a standoff between a Chinese survey ship and a Malaysian oil exploration vessel in April and May, Beijing’s March announcement of new research stations on disputed reefs, and its April declaration establishing new administrative districts in the region.

Against this backdrop, the Trump administration may have perceived a need to “do something” to respond to China’s latest South China Sea moves by demonstrating resolve, showing support for Southeast Asian allies and partners frustrated by Chinese bullying, and highlighting for the world the hypocrisy in China’s self-portrayal as a benevolent, law-abiding citizen in its region. Amid intensifying U.S.-China geopolitical competition in the Indo-Pacific, calling out Chinese mischief is one way for the U.S. to seek favor with countries eager to push back on China’s assertiveness. Fair enough.

Setting aside these largely rhetorical objectives, however, what are the practical implications of the State Department’s pronouncement?

The United States has been carrying out regular naval operations in the South China Sea to assert navigational rights and freedoms in the contested waters, without prejudice to sovereignty disputes. In recent weeks, the U.S. Navy sent two aircraft carrier strike groups to conduct exercises in parallel to China’s own drills, and held another round of dual-carrier exercises this week. The Pompeo and Stilwell statements do nothing to change the basic framework undergirding the U.S. assertion of these prerogatives under international law.

But do the statements nonetheless suggest that the United States is prepared to add muscle to its support for regional partners who find themselves on the losing end of Chinese lawfare? According to Pompeo’s statement, “America stands with our Southeast Asian allies and partners in protecting their sovereign rights to offshore resources ... and [we] reject any push to impose ‘might makes right’ in the South China Sea or the wider region.”

One possibility is that this declaration could presage sanctions against Chinese companies involved in supporting China’s island building, its positioning of military assets on disputed features, or other unlawful activities. Indeed, Stilwell suggested as much in response to a question following his speech, noting that “there is room for [sanctions]” and that “nothing is off the table.” Even so, it is unclear that the U.S. statement on the legality of China’s activities adds anything meaningful to a sanctions decision. The statement does not, for example, create an independent basis for sanctions under U.S. law, which would presumably be authorized pursuant to a presidential declaration of an “unusual and extraordinary threat” to U.S. national security under the International Emergency Economic Powers Act.

Perhaps the reference to “protecting [the] sovereign rights to offshore resources” of America’s Southeast Asian allies and partners suggests the U.S. is prepared to defend coastal states’ rights to fish and drill in waters to which China has no rightful jurisdiction. In this regard, it is noteworthy that at least one U.S. company, ExxonMobil, is engaged in a joint project with PetroVietnam that in 2011 led to the discovery of significant natural gas deposits in Vietnam’s Block 118. The Ca Voi Xanh gas field lies about 50 miles off Vietnam’s coast but intersects the enormous area within China’s nine-dash line claim. With the corporate partners’ decision on whether to proceed with the $10 billion venture expected later this year, one could imagine that the United States might intervene to protect the project from Chinese interference. But such a decision would be laden with risks of sparking a confrontation that benefits neither Vietnam nor the United States. And nothing about such a decision requires the United States to explicitly adopt the reasoning of the 2016 UNCLOS tribunal.

This brings us to the question of what can be expected from the Pompeo and Stilwell remarks. If the United States is unwilling to back up its commitment to Southeast Asian countries with tangible new measures, it risks further alienating officials in the region who already worry that the United States is an unreliable strategic partner. Washington also confronts the twin risks of provoking Chinese retaliation or revealing itself as a paper tiger, possibly further emboldening China in its regional expansionism. Many in Beijing already perceive the United States to be engaged in a full-fledged effort to thwart China’s rise. Others in the Chinese leadership may see opportunity as a faltering America reels from the pandemic and disengages from the international system. Whether owing to a perception of U.S. weakness or to a felt need to respond to U.S. provocations with a show of strength, there is a risk that China could take even more destabilizing steps—perhaps, for example, crossing the “red line” that President Obama drew around Chinese land reclamation at Scarborough Shoal in March 2016.

Judging from the Chinese Foreign Ministry’s relatively measured initial reaction to the Pompeo and Stilwell statements, it seems unlikely that China will respond in the near term with aggressive action that might provoke a military conflict. A more realistic, if equally troubling, possibility is that an accident involving vessels or aircraft operating in proximity in the South China Sea could spark an escalation spiral that evolves into a military conflict neither side wants. The risk of miscalculation is inherent in the nature of ongoing military interactions in the region, and one the latest U.S. pronouncements probably do little to alleviate.

In short, the secretary of state’s statement of the “U.S. Position on Maritime Claims in the South China Sea” made headlines and is likely to ruffle feathers in Beijing, but it is not clear how it advances U.S. interests in practical terms.

Importantly, even if the main purpose of the statement is rhetorical, any diplomatic point-scoring must be discounted by the statement’s potential costs to America’s credibility as underwriter of the international legal order. Among other things, the State Department’s express alignment in the statement with the substantive ruling of the 2016 UNCLOS tribunal underscores the inconvenient fact that the United States itself has not ratified UNCLOS. As such, even though the U.S. government treats most of UNCLOS as customary international law, the United States could not be taken to international arbitration (as the Philippines did to China) over disputes regarding Washington’s own maritime claims.

This is particularly relevant in the context of the 2016 tribunal decision, which ruled that none of the disputed features in the Spratlys are “islands” entitled to a 200-nautical mile exclusive economic zone (EEZ) in addition to a 12-nautical-mile territorial sea. The United States asserts EEZs and attendant jurisdictional rights around numerous remote Pacific features that likely would not satisfy the tribunal’s narrow rationale for what constitutes an island entitled to an EEZ. Thus it is not clear why the United States would adopt the tribunal’s legal rationale as its own instead of hewing to the position—fully consistent with international law—that the tribunal ruling is legally binding on the parties to the arbitration, namely China and the Philippines. The U.S. can demonstrate its position on specific maritime claims in the South China Sea through freedom-of-navigation operations, diplomatic demarches and other routine operations exercising navigational freedoms, without a need for the kind of sweeping proclamation issued by Pompeo.

Again, these downsides must be weighed against the utility of bolstering rhetorical support for Southeast Asian countries such as Vietnam, Indonesia and Malaysia, which are seeking to advance their legal claims in opposition to China and are negotiating a Code of Conduct that they hope will constrain Chinese coercion in the region. Legal statements like Pompeo’s also implicitly recognize that China cares about the legitimacy benefits conferred by law, including international law: Beijing has devoted considerable energy toward portraying itself as a “staunch defender and builder of international rule of law.” As such, an emphatic U.S. challenge to the legal legitimacy of China’s position arguably imposes costs that will affect reputation-sensitive calculations in Beijing. As noted above, however, exactly how it will affect those calculations remains an open question.

To query the value of the State Department’s South China Sea legal statement is not to imply that China is blameless. On the contrary, China’s bullying and expansionism in the South China Sea deserve international condemnation and sustained American attention. But if the net result of the State Department’s new “position” is to weaken U.S. leadership in Asia—whether by highlighting Washington’s reluctance to follow through on rhetorical commitments to partner countries, or by showcasing inconsistencies in the U.S. approach to the international law of the sea—this would be a boon to a Chinese leadership eager to deflect attention from its own transgressions.

#### Goes nuclear---extinction

Michael T. Klare 21, Five College professor emeritus of peace and world security studies, and director of the Five College Program in Peace and World Security Studies, 3/6/21, “AN ALLIANCE FOR GLOBAL SURVIVAL: BIDEN, CLIMATE CHANGE, AND CHINA,” <https://www.saneuschinapolicy.org/policy-papers>

Finally, there is no reason to assume a cold war will always remain cold. The current standoff between the U.S. and China in the Pacific is different from the one that existed between the U.S. and the Soviet Union in Europe during the historic Cold War. There is no longer anything like an “Iron Curtain” to define the boundaries between the two sides or keep their military forces from colliding with each another. While the risk of war in Europe was ever-present back then, each side knew that such a boundary-crossing assault might trigger a nuclear exchange and so prove suicidal.

Today, however, the air and naval forces of China and the U.S. are constantly intermingling in the East and South China Seas, making a clash or collision possible at any time.[14] So far, cooler heads have prevailed, preventing such encounters from sparking armed violence, but as tensions mount, a hot war between the U.S. and China cannot be ruled out. And because American forces are poised to strike at vital targets on the Chinese mainland, it’s impossible to preclude China’s use of nuclear weapons or, if preparations for such use are detected, a preemptive U.S. nuclear strike.[15]

Any full-scale thermonuclear conflagration resulting from that would probably cause a nuclear winter and the death of billions of people, making the climate-change peril moot.[16] But even if nuclear weapons are not employed, a war between the two powers could result in immense destruction in China’s industrial heartland and to such key U.S. allies as Japan and South Korea. Fires ignited in the course of battle would, of course, add additional carbon to the atmosphere, while the subsequent breakdown in global economic activity would postpone by years any transition to a green economy.

An Alliance for Global Survival

If Joe Biden genuinely believes that climate change is an “existential threat” and that the United States “must lead the world,” it’s crucial that he stop the slide toward a new cold war with China and start working with Beijing to speed the transition to a green-energy economy focused on ensuring global compliance with the Paris climate agreement. This would not necessarily mean abandoning all efforts to pressure China on human rights and other contentious issues. It’s possible to pursue human rights, trade equity, and planetary survival at the same time. Indeed, as both countries come to share the urgency of addressing the climate crisis, progress on other issues could become easier.

#### Current strategy fails to restrain Chinese expansion while risking nuclear war---plan solves

Joseph Gerson 21, President of the Campaign for Peace, Disarmament and Common Security, Co-founder of the Committee for a SANE U.S. China Policy and Vice President of the International Peace Bureau, 1/23/21, “The South China Sea: Conflict or Common Security in the Epicenter of Global Geopolitics,” <https://www.saneuschinapolicy.org/policy-papers>

**“FONOPs” abbreviation added in brackets for readability**

In an era defined by the inevitable tensions between rising and declining powers, the South China Sea has become the epicenter of 21st century’s struggle for world power. After nearly a century of U.S. hegemony in the Asia-Pacific region, China’s “reform and opening” has created an economy that is soon expected to overshadow that of the United States and to provide the wherewithal for the establishment of a modernized military. Today, China’s air, naval, and missile defense forces are increasingly calling into question the Pentagon’s long-term ability to dominate the South China Sea and the western Pacific, prompting the U.S. military to undertake a massive expansion of its own Pacific-oriented forces. Meanwhile, the air and naval forces of both countries regularly engage in “show-of-force” operations in the South China Sea, posing a constant risk of accidental and unintended military clashes that could easily spiral out of control, sparking a major regional confrontation – even a nuclear war.

Historical Background

The South China Sea, located in the Western Pacific, functions as the jugular vein of the world’s most dynamic capitalist economies. Bounded by China to the north, the Philippines to the east, Indonesia to the south, and Vietnam to the west, the sea extends across 1.3 million square miles of the western Pacific. Its seabed contains massive amounts of petroleum, natural gas, and other minerals, and the sea also encompasses the maritime trade routes traversed by 40% of the world’s commerce, including the fossil fuels that power the Chinese, Japanese, and South Korean economies. Its waves lap along China’s potentially vulnerable southeast coast, where its industrial and financial strength is concentrated. If the Malacca Strait on the sea’s southwestern perimeter or its other sea lines of communication were to be blockaded, the region’s economies would face disaster.[1]

On several occasions, President Obama described the United States as a “Pacific nation.” In doing so he was referring to more than the Pacific coastal states of California, Oregon, and Washington. As early as the 1850s, William Seward, later the Secretary of State, maintained that if the United States was to become the world’s dominant power, it must first control Asia. In 1853, Admiral Perry’s warships called in Korea and “opened” Japan. The publication in 1890 of Alfred Thayer Mahan’s The Influence of Sea Power upon History fueled Theodore Roosevelt’s and Henry Cabot Lodge’s drive to create a navy capable of rivaling imperial Britain’s on the high seas. Then, with the acquisition of the Philippines, Guam, and Samoa as U.S. colonies following the Spanish-American War, along with the Annexation of Hawaii in 1898, the United States secured the steppingstones to Asia. These provided the coaling and supply bases for that era’s steam-powered warships and trading vessels necessary for carving out a U.S. share of the holy grail of world capitalism: access to the vast potential of the China Market.[2]

China’s concern about the vulnerability of it southeastern flank grows from the country’s historical experience. In the mid-19th century, during the two “Opium Wars,” British naval and land forces invaded China from its Pacific coast, defeating the Middle Kingdom and precipitating the collapse of the Qing Dynasty. Later, beginning in 1895, Japan’s invasions and colonization of China again came from the sea, as did the armies of the colonial powers when they intervened to defeat the 1899-1901 Boxer Rebellion.

As reflected in the Washington Naval Treaty of 1928, dominance of the Pacific Ocean during the first half of the 20th century was shared by U.S., Britain, and Japan. The Asia-Pacific War that followed in the 1930s and 1940s was a contest between competing imperial powers, with the United States emerging as the hegemonic power. What became known as the “American Lake” has since been enforced by the U.S. 7th Fleet and the hundreds of U.S. military bases that encircle China’s periphery.[3]

Scattered within the South China Sea are numerous reefs, atolls, and small islands, loosely grouped into two island clusters: the Paracels to the north and west, and the Spratlys to the east and south. Current disputes over sovereignty of these features date from Japan’s defeat in its Asia-Pacific War. In 1938, the Japanese military seized the Spratly Islands and then China’s Hainan Island as part of the southern flank of its invasion of China. Claims to the sea were not addressed in the San Francisco Peace Treaty of 1951 which formerly ended the Pacific war, thus opening the way for competing territorial claims. In 1949, both China and Taiwan had declared their dominion over virtually the entire region (and all the island features within in it) by publishing a map showing a U-shaped “eleven dash line” encompassing roughly 80% of the entire South China Sea. That assertion of sovereignty included the Parcel and Spratly Islands and the Macclesfield Bank. In 1953, China’s Communist government revoked China’s claim to the Gulf of Tonkin, reducing its sovereignty claim to a “nine-dash” line that nevertheless still encompasses most of the South China Sea.

Competing Claims and Interests

Competing maritime territorial claims – with their accompanying connections to undersea oil and gas reserves – constitute the ostensible core of South China Sea tensions. The oil-rich waters around the Parcel Islands, claimed by China, Taiwan, and Vietnam, are in the northern reaches of the South China Sea, just south of China’s Hainan Island, where massive new air and naval bases are located. To the south and east lie the Spratly Islands, claimed by China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei. And, close to the Philippines, in waters recently officially renamed the West Philippine Sea by the government in Manila, lies the Scarborough Shoal, the site of significant Chinese naval deployments which Manila’s antiquated navy cannot begin to match.[4]

South China Sea’s hydrocarbon resources play a significant role in competing sovereignty claims and have fueled diplomatic and military confrontations. The U.S. Energy Information Agency reports that as much as 190 trillion cubic feet of gas and 11 billion barrels of oil lie beneath the seabed, primarily “along the margins of the South China Sea rather than under disputed islets and reefs.” The U.S. Geological Survey has also stated that “another 160 trillion cubic feet of natural gas and 12 billion barrels oil” may yet to be discovered beneath these waters.[5]

In May 2014, when China positioned a massive drilling rig in an area of the South China Sea claimed by Taiwan and within sight of the Vietnamese coast, that country was rocked with violent anti-Chinese protests that led China to evacuate its nationals from Vietnam.[6] Subsequently, in 2017, Chinese threats and pressure led to the abandonment of a Spanish-Vietnamese drilling project in the same general area. And, in 2019, China pressed Russian foreign minister Lavrov to cease Russian-Vietnamese offshore exploration in parts of the South China Sea claimed by both China and Vietnam, a request denied by Lavrov. China has also harassed drilling efforts in waters claimed by Malaysia.[7]

After remaining relatively silent about competing resource claims, in July 2020, as the Trump Administration ratcheted up tensions with China, the U.S. State Department released a statement that China was “blocking the development of $2.5 trillion worth of oil and gas resources in the South China Sea.” Secretary of State Pompeo followed up quickly, warning that “Any [Chinese] action to harass other states’ fishing or hydrocarbon development in these waters, or to carry out such activities unilaterally, is unlawful.” This was followed by Washington’s sanctioning of CNOOC, the China National Offshore Oil Corporation, China’s major offshore oil producer, in the final days of Trump’s rule. While this is not expected to halt CNOOC’s drilling in contested waters, it carries the potential of reducing its activities by limiting the company’s access to equipment and technology.[8]

As China has moved to exploit the oil and gas reserves of the South China Sea in the vast area it claims as its national maritime territory – the area within that U-shaped “nine-dash line” – it has also constructed military facilities on many of the reefs and islands that occupy this space. Various maritime features – islets, rocks, and sandbars, often located in contested waters – have served as important resources for Chinese base construction. As early as 1974, following the Paris Peace Accords that were believed to have ended the Indochina War (and while attention was focused on the tacit U.S.-Chinese alliance targeted against the Soviet Union), China seized a Vietnamese garrison on one of the Parcel Islands, where it created its military base in the South China Sea. This was followed in 1988 when it built a small fortress on Fiery Cross Island in the Spratly Islands, and then by base construction on Subi and Mischief Reefs. China also seized the Scarborough Shoal from the Philippines, enforcing its control with a constant presence of its militarized Coast Guard.[9]

United Nations Convention on the Law of the Sea

Many of the territorial disputes in the South China Sea hinge on interpretation of provisions of the United Nations Convention on the Law of the Sea (UNCLOS), which came into force in 1982. It addresses nearly all uses of the seas and has served as the primary legal foundation for maritime and sovereignty claims and disputes. Among its key provisions:

· Coastal states have sovereignty up to 22 nautical miles from their coasts, but ships of other nations are permitted “innocent passage” through those waters for peaceful purposes.

· Archipelagic states, like the Philippines, have “sovereignty over a sea area enclosed by straight lines drawn between the outermost points of the islands” and the ships of other nations can pass through designated sea lanes.

· Littoral states may claim an exclusive economic zone (EEZ) to their offshore waters extending up to 200 nautical miles from their shores, granting them the exclusive right to exploit to natural resources from these waters and the seabed beneath them. Other nations enjoy freedom of navigation in these zones.

· Continental states may also lay claim to an EEZ stretching beyond 200 n.m. and up to 350 n.m. if they can demonstrate that their outer continental shelf extends that far.

· Rocks that are unable to sustain human and economic life cannot be claimed as a basis for claiming EEZs or outer continental shelves.

· When the EEZs of neighboring countries overlap, as they do in semi-enclosed bodies of water like the South China Sea, the parties involved are enjoined to solve their differences through negotiations. If these talks fail, they may bring disputes to the UN Commission on the Limits of the Continental Self for resolution.[10]

A decade after UNCLOS went into force, in 1992, and ignoring the Convention, China adopted its own Law on the Territorial Sea and the Contiguous Zone. Citing 4,000 years of Chinese maritime activities in the South China Sea, it asserted sovereignty over the entire South China Sea. This was not accepted by the sea’s other claimants, leading to increased diplomatic wrangling and disputation. Since then, with its growing economic and military power, China has sought to leverage its clout in negotiations by pressing for bilateral negotiations, while the competing claimants have sought to compensate for their relative weakness by seeking negotiations in multinational forums and institutions.

In 2002, after six years of negotiations, ASEAN nations reached a nonbinding agreement with China on a Declaration on the Conduct of Parties in the South China Sea which was designed to reduce tensions and created guidelines for future conflict resolution. While it serves as a foundation for future negotiations, it does not address the root causes of the territorial disputes and has failed to prevent subsequent military incidents.

In 2009, Vietnam and Malaysia filed a joint submission to the UN Commission on the Limits of the Continental Self to extend their continental shelves beyond 200 nautical miles. China objected, claiming that the submission “seriously infringed” on its “indisputable” South China Sea sovereignty.

The following year, while restating U.S. neutrality over the competing claims of South China Sea sovereignty, Secretary of State Hillary Clinton declared the U.S. vital interest in “open access to Asia’s maritime commons.” This signaled a deepening of U.S. involvement in the diplomatic and military competition for control of the South China Sea. Among the steps taken were increasing Washington’s support for Vietnam’s territorial claims, endorsing Manila’s rechristening of the South China Sea as the West Philippine Sea, and encouragement of the Philippines in taking its dispute with China over possession of islands in the Spratly chain and China’s military harassment of Filipino vessels to the U.N. Permanent Court of Arbitration in the Hague.

In its arguments before the Court of Arbitration, the Philippines demanded that China’s nine-dash line be declared invalid under UNCLOS’ provisions and that the bases China had established on islets in the Philippine Sea be declared illegal.[11] Perhaps anticipating the Court’s ruling, and confident that in time the competing South China Sea EEZ claimants will become so economically dependent on Beijing that they will have to bow to its demands, China refused to participate in the hearings. Its former senior diplomat Dai Binggual remarked that the ruling would be “nothing more than a piece of paper.”[12]

The Arbitral Court’s ruling, announced in July 2016, reportedly sent “geopolitical shockwaves” across Asia and the Pacific. The Court declared that there is no legal basis to China’s nine-dash line, that the reefs and rocks claimed by China in the Spratly Islands are not entitled to 200 n.m. EEZs, that China had illegally interfered with Philippine oil exploration and fishing operations, and that China had caused “severe harm to the coral reef environment.”[13] Despite being legally bound by the Court ruling, the Chinese Foreign Ministry declared the ruling “null and void” with “no binding force.” It reaffirmed Chinese “territorial sovereignty and maritime rights” in the South China Sea and vowed its intention to “resolve the relevant disputes peacefully.”[14]

Military Clashes in the South China Sea

Military tensions began to build in 1974, even before the conclusion of UNCLOS negotiations, when Chinese forces seized a Vietnamese garrison in western Parcel Islands. Once seized, Chinese air and naval bases were established on Woody Island, the largest of the Parcel Islands. In response, Vietnam occupied several islands in the Spratly chain.

Relative calm prevailed until 1988, six years after UNCLOS went into effect. In a skirmish over which nation would annex the Johnson South Reef in the Spratly Islands, three Vietnamese transport ships were sunk by People’s Liberation Army Navy forces. Seventy-four Vietnamese lives were lost, and the reef – and further Chinese domination of the Spratlys – was thus secured.

A similar incident occurred in 1996, when Chinese naval forces overwhelmed a Philippine naval gunboat and seized Mischief Reef, another small constituent of the Spratly chain, that had long served as a rich fishing cove for Philippine fishermen. China then expanded the reef by dredging sand from the nearby seabed and erected a small military installation there. Coming just five years after popular Philippine pressure resulted in the withdrawal of all U.S. bases from the islands, the crisis led to the revival of Philippine-U.S. military cooperation, including joint military exercises. Subsequent incursions by Chinese naval and fishing vessels into waters claimed by the Philippines surrounding the Scarborough Shoal led to protests by the Philippines and an extended standoff over control of the area.

Disputes between China and Vietnam over seismic surveys or drilling for oil and gas carry the potential of triggering an armed clash that could involve the United States. For example, the U.S. could be drawn into a China-Philippines conflict due to its 1951 Mutual Defense Treaty with the Philippines. That treaty states, “Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.”[15] An incident between Filipino and Chinese warships in the vicinity of Mischief Reef could be the trigger for making this commitment operational. Similarly, were the Biden Administration to honor former Secretary of State Pompeo’s pledge to “oppose any attempt to use coercion or force” in the South China Sea [see more on this below], the U.S. could find itself joining Malaysia or even Vietnam to resist Chinese interference in those countries’ oil drilling.[16]

The United States could also stumble into a military confrontation independently from an incident between China and a neighboring ASEAN state. In 2001, a U.S. EP-3 reconnaissance plane collided with a Chinese F-8 fighter jet near Hainan Island, triggering a severe U.S.-Chinese confrontation. The Chinese pilot was killed, while the crew of the U.S. surveillance plane (which made a forced landing on Hainan) was captured, interrogated, and held for more than a week before confrontational threats and diplomacy led to their release following an exchange of face-saving letters. The EP-3’s high-tech equipment was similarly captured, and months passed before China returned the plane – in pieces – to the United States.

A comparable maritime incident that fortunately didn’t escalate into a major crisis occurred in the 2009, when a Chinese submarine collided with and destroyed a U.S. destroyer’s towed sonar array. And, in the spring of 2020, a near catastrophe occurred when the Chinese aircraft carrier Liaoning was engaged in training exercises and was followed by U.S. warships and warplanes. An anonymous PLA Navy officer revealed that the confrontation was so intense that one U.S. warship came within 100 meters of the Chinese carrier.[17]

Military tensions between the U.S. and China in the South China Sea were already escalating prior to the Arbitral Court’s 2016 ruling. In the fall of 2015, Admiral Swift, the commander of the U.S. Pacific Fleet, testified that in response to Chinese construction of three air bases on disputed South China Sea islets, “America should challenge China’s claims…by patrolling close to artificial islands built by Beijing.” Soon thereafter, Washington began advising its Asian and Pacific allies that the U.S. would begin “freedom of navigation operations” (FRONOPs) patrols within 12 nautical miles of China’s militarized South China Sea islets to contest China’s rights to the features. Such patrols were necessary, it was stated, to ensure “freedom of navigation...for commercial and military vessels, and that territorial claims are consistent with customary international law.”[18] The Chinese military responded that it was “extremely concerned” about these threats and that it would oppose “any country challenging China’s sovereignty and security in the name of protecting freedom of navigation.”[19]

In the months preceding the International Arbitration Court’s 2016 ruling, the U.S. Navy first dispatched a guided-missile destroyer USS William P. Lawrence, near the Chinese occupied Yongshu Reef in the Spratly Islands. In response, Beijing countered by dispatching jet fighters, early warning aircraft, and its own warships to the region to “keep navigation and over-flight free in the South China Sea for a long time.” A month later, the U.S. deployed two carrier battle groups, 140 warplanes, and12,000 sailors in a massive show of force in the Philippine Sea, adjacent to the South China Sea.[20]

The Trump administration accelerated the pace of provocative U.S. “freedom of navigation” deployments, and China has continued to reinforce its military bases on islands in disputed waters. In 2019, the U.S. Navy conducted nine FRONOP missions in the South China Sea and exceeded that number in 2020. The new aggressiveness was signaled in a July 2020 statement by Secretary of State Pompeo declaring, “We are making clear: Beijing’s claims to offshore resources across most of the South China Sea are completely unlawful, as is its campaign of bullying to control them. In the South China Sea, we seek to preserve peace and stability, uphold freedom of the seas in a manner consistent with international law, maintain the unimpeded flow of commerce, and oppose any attempt to use coercion or force to settle disputes.”[21]

In a further escalation, likely tied to Trump’s flagging reelection campaign, the U.S. again dispatched two carrier battle groups to the South China Sea, to which China responded by dispatching naval and air forces to conduct “live-fire maritime target attack drills.” China warned that “If U.S. military provocations in the South China Sea persist, China could be left with no choice but to conduct more drills and deploy more warships and warplanes in the South China Sea,” and that it might declare aerial defense zones in its South China Sea air space.[22] Resolute in his commitment to confrontation, Trump dispatched the destroyer USS John S. McCain to conduct yet another provocative freedom of navigation exercise near Chinese occupied islands in the South China Sea. It was reported as having been “expelled” by Chinese aircraft and warships.[23]

A recent U.S. State Department report questions the “limited strategic usefulness” of U.S. freedom of navigation operations[FONOPs]. It notes that they have “not proven effective in convincing states making excessive claims or infringing upon freedom of navigation to act in accordance with international law. The program does nothing to reduce the complexity of freedom of navigation issues in the South China Sea and may decrease the likelihood of a resolution consistent with global norms.”[24] While uncertain that they will make any difference, the report recommended involving other nations’ navies in such operations. The hope is that by increasing media attention to these operations, international opposition to the Chinese bases can be mobilized. Facing its post-Brexit isolation, the British Navy was among the first to rally to the call for such multilateralization with its dispatch of the aircraft carrier HMS Queen Elizabeth to the South China Sea in January 2021.[25]

Undeterred by U.S. military pressure, China’s South China Sea military buildup has continued apace. It now has bases on seven reefs and atolls. Those on the largest reefs, Mischief, Subi, and Fiery Cross have anti-aircraft installations, helipads, extended runways, and hangars capable of holding up to 24 jet fighters and larger aircraft. Woody Island, in the Parcels, possesses the largest of these bases, housing up to 1,400 military personnel.[26] In U.S. strategic policy circles there are those who believe that neutralizing China’s islet bases could be easily achieved, a misconception that could too easily lead to a wider war.[27]

Summary:

The contest for control of the South China Sea is a classic manifestation of what Harvard scholar Graham Allison has called the Thucydides Trap, the inevitable tensions that arise between rising and declining in powers – which, over the centuries, have all too frequently led to catastrophic wars.[28] In addition to affirming what it understands as its history in the South China Sea, Chinese leaders believe control of the region is essential to their national security – a worldview that parallels the Monroe Doctrine. The elite consensus in Washington sees China’s militarized claim to nearly all of the South China Sea as a challenge to the United States’ nearly century-old Asia-Pacific hegemony that has ensured U.S. access to the markets and resources of Asia while perpetuating neo-colonial control over the peoples and governments that occupy much of the region.

In the contest for control over strategically important territories and resources, U.S. and Chinese naval and air “exercises” are playing with fire. Their provocative military exercises increase the dangers that an unintended incident – a collision between warships or warplanes or the launch of a missile by a trigger-happy warrior – could spark an unintended crisis. These, in turn, could unleash militarist and nationalist forces in either or both countries beyond the control of political leaders. There is also the danger that the United States could be drawn into clashes between Chinese naval forces and those of Vietnam or the Philippines protecting oil drilling or fishing rights. It was following the 1996 and 2012 Mischief Reef and Scarborough Shoal incidents that the Philippines and the United States revitalized their military alliance and renewed joint military exercises.

Great power national pride, histories of grievances, and competing strategic ambitions complicate efforts to demilitarize and resolve competing territorial claims and the establishment of a Common Security framework ensuring peace and prosperity across the South China Sea and a diminished risk of war between China and the United States.

Recommendations:

Neither the Biden Administration nor Xi Jinping’s China desires a war. However, if diplomatic, military, and institutional policy changes are not made soon, an unintended incident could lead to an escalating military conflict.

Even before a Biden equivalent of the U.S.-China Strategic and Economic Dialogue begun by President Obama can be put in place, several steps can be immediately taken to prevent an unintended crisis. An agreement specifying a minimum distance between U.S. and Chinese warships and warplanes while on patrol in the South China Sea and elsewhere can be adopted and implemented. Similarly, mutual trust and a foundation for future negotiations could be established by means of an informal agreement under which the United States would halt its freedom of navigation operations[FONOPs] in exchange for Beijing freezing the militarization of its island bases in the South China Sea at their current levels.

With Chinese leaders having signaled their desire to reset relations with the Biden Administration after the calamities of the Trump era, President Biden’s new national security team should pursue:

· Restoration of U.S.-Chinese military-to-military consultations, including deepening of crisis management provisions.

· Renewal of the U.S.-China Strategic and Economic Dialogue suspended by the Trump Administration.

· Reengagement with the ASEAN Regional Forum as a means of renewing U.S.-Chinese-ASEAN multilateral negotiations, including encouragement for reaching agreement on a binding Southeast Asian Code of Conduct regarding military operations in the South China Sea and for pursuing joint development of the sea’s mineral resources by nations with overlapping territorial claims.

· Exploration of a face-saving agreement whereby the United States would permanently cease its freedom of navigation operations in exchange for Chinese demilitarization of its island bases.

#### China’s attempting to export its expansive SCS claims as a global model---success collapses maritime norms and ocean governance, but U.S. engagement can resolve it

Isaac B. Kardon 18, Assistant Professor at U.S. Naval War College, China Maritime Studies Institute, 2018, “ARTICLE: CHINA CAN SAY "NO": ANALYZING CHINA'S REJECTION OF THE SOUTH CHINA SEA ARBITRATION: Toward A New Era of International Law with Chinese Characteristics,” University of Pennsylvania Asian Law Review, 13 U. Pa. Asian L. Rev. 1

What are the legal and political consequences of this action for China, for UNCLOS, for international dispute resolution, and for international law? Beijing's implicit goal was to undermine this specific arbitration and deter future unwelcome legal infringement on what China considers to be its sovereign prerogatives. The central lines of PRC efforts have been to reframe the case as an instance of deliberate abuse of UNCLOS in service of political aims, to minimize the scope of issues on which UNCLOS is treated as the authoritative set of rules and norms, and to promote bilateral diplomatic alternatives to third-party dispute resolution. If these positions were to gain broad international acceptance, the upshot would be a radical diminution of the effectiveness of ocean governance under the law of the sea regime. Is there a different, Chinese-preferred mode of ocean governance apparent in this strategy? Or is there simply a reversion to the diverse domestic laws and practices of coastal states, untethered from onerous international legal obligations?

At present, only preliminary judgments are possible about the effects of the arbitration and China's extraordinary actions to undermine it. The overarching question concerns the influence China will have over the law of the sea regime, and maritime order generally, as it seeks to press forward with its maritime [\*43] claims in the wake of a ruling that profoundly discredits some of the key pillars on which they stand. Three concluding observations stand out as appropriate for our consideration at present.

First, the sheer volume of diplomatic efforts devoted to pronouncing China to be the state properly upholding UNCLOS and international law should be sufficient to indicate that Beijing has no intention of entirely discarding the law of the sea regime. Rather, we observe a far more subtle process of selectively adopting elements of UNCLOS III and forging them with elements of China's domestic law and policy. This process amounts to "creeping jurisdiction," wherein the steady accumulation of domestic laws and practices in zones with hazily defined rights and jurisdiction can lead to a net increase in coastal state authority over those maritime zones. By rejecting the arbitral proceeding but, paradoxically, wrapping itself in the mantle of international law, China is charting a course in which its participation--at scale and with defined goals based on its interests--can shape the way other states practice UNCLOS. How this has transpired is a question left open to future research, though it bears noting that many of the states along the Asian littoral share some Chinese views about coastal state authority (albeit not the nine-dashed line) that the United States deems to be "excessive maritime claims."111

China's views on coastal state authority need not become recognized as a global norm for them to bring about systemic effects. It would be sufficient for other states to simply acquiesce to a regional custom (perhaps one authorized in a code of conduct, though not necessarily). Such an outcome would not immediately undermine UNCLOS, but would radically degrade its uniformity across the world's oceans. However grudging, international acceptance of a special set of Chinese excessive claims would create a precedent for other states and regional groupings to develop non-uniform practices. It would become more difficult for courts or arbitral panels to deny the validity of plural [\*44] interpretations of important norms. Such fragmentation of the global law of the sea regime may already be underway, a countervailing tendency to the ambitious dreams of UNCLOS drafters to realize a "constitution for the oceans."

At present, the Chinese alternative is not fully recognizable because it is limited to the region and inextricably bound up with maritime disputes that do not exist elsewhere. Still, China is actively marketing its version of sea law to many states outside of the North Atlantic. Many would not quickly sacrifice other economic and political interests--over which China has growing interest--for the sake of upholding a liberal and relatively open maritime domain. China has shown considerable deftness (if not subtlety) in its coercive economic statecraft, 112 and it is hardly speculative to expect that such disincentives could be presented to states that resist. Beijing's ready invocation of "sovereignty" as a means to diminish the penetration of international norms into the domestic sphere has considerable appeal in states throughout the developing world, especially those with non-democratic governments.

This hyper-sovereigntist cause was initially weak during the post-cold war era, a period in which a relatively liberal mode of interpreting major international conventions like UNCLOS was in ascendance. However, the PRC is increasingly sophisticated and motivated in its attempts to establish norms that will permit states to carve out greater autonomy within an international system that has evolved to provide legal justification for universal jurisdiction in a variety of domains, from humanitarian interventions, to human rights, to environmental protection and conservation.

Second, much has been made of China's vested interest in free navigation throughout the South China Sea. Because of its heavy trade dependence and concentration of major commercial centers on its far eastern periphery, China is uniquely vulnerable to trade disruptions and unlikely to support any systemic restrictions on [\*45] maritime traffic. The fact that some 90% of global trade transits via maritime routes, however, is no bar on China's efforts to promote a less liberal interpretation of the law of the sea regime. The norms that underpin this system--namely, a deference to user state rights over those of coastal states and a presumption that navigation is free in the absence of recognized jurisdiction--are neither inevitable nor immutable. Even if China is disproportionately dependent on its maritime trade and certainly has no interest in a global constriction of container and tanker traffic, there is also no a priori reason to think China will not continue to press its local advantages to control and administer all navigation in its "near seas." The impressive expansion of China's coast guard capacity and the global reach of the People's Liberation Army Navy are among the sources of power that China can employ to limit its vulnerability. Arguably, China's primary vulnerability is to American sea power, so carving out some legal restrictions on U.S. navy access appears to be a cheap and dirty way to achieve some of this security without engaging in full-on confrontation.

It is a past due observation that China has not been socialized into thinking that the existing order is the best order. If Chinese maritime capabilities continue to advance, as seems highly likely, commercial navigation can remain unfettered while other areas of user state rights and interests are restricted (e.g., resource exploitation, military navigation, scientific research). This would be a non-uniform and perhaps dysfunctional evolution in the law of the sea regime, as there is neither Chinese capacity nor intent to defend other states' interests in similarly asserting coastal state rights. Based on the current trajectory, Chinese influence appears to be diminishing the relative importance of global norms embodied in treaties and elevating the priorities of individual sovereigns to interpret UNCLOS according to their rights and to seek to control and administer maritime space in line with their domestic law.

Finally, this arbitration is not the final Chinese statement on legal dispute resolution. While there are few reasons to think PRC will abandon a long-standing principle of preferring bilateral [\*46] "negotiation and consultation" to third party adjudication, there are many reasons to think it is adaptive. The case of China's practice in WTO dispute resolution is one example, though perhaps inapposite because the large volume of relatively trivial cases in that arena do not resemble the large, and (arguably) sovereignty-related stakes of maritime arbitration. Nonetheless, there are a host of UNCLOS issues on which China has relatively minor disputes with neighbors on which China may consent to arbitration, if only to shore up its status as a good faith party to UNCLOS. Challenging Japan's claim to an EEZ and continental shelf surrounding Okino-tori is one possibility proposed by some Chinese law of the sea specialists.

Alternatively, China has already dealt a major blow to the institution's functionality. If awards can be easily sloughed off, and further, denigrated as unlawful themselves, there may be a chilling effect on other attempts to launch arbitral processes. This single case will not be fatal for the efficacy of that mechanism, but it establishes a precedent that may become corrosive in the event of other suits against China. It also goes towards explaining some of the "dogs that don't bark"--namely, Vietnam's reluctance to seek arbitration on similar issues in its disputes with China in the South China Sea. If fewer states believe that legal dispute resolution mechanisms can be used effectively, they will wither. Less dramatically, if China has established a higher bar for jurisdiction and admissibility of cases that plausibly touch on maritime delimitation, the compulsory dispute system may simply fall into relative disuse.

The Chinese response to the South China Sea arbitration has set an important, if still uncertain, precedent for future practice. Backed up by impressive capacity and enabled by a less robust international legal environment that lacks energetic American enforcement of key norms, China is primed to externalize its distinctive approach to international law into the wider international legal arena. We should remain highly attuned to China's subsequent practice as it bears on the South China Sea arbitral award, and perhaps even more so to the ways in which its practices influence those of other states in the region and beyond.

#### Legitimizing expansive maritime claims causes war across the globe

Sara McLaughlin Mitchell 20, the F. Wendell Miller Professor of Political Science at the University of Iowa, October 2020, “Clashes at Sea: Explaining the Onset, Militarization, and Resolution of Diplomatic Maritime Claims,” Security Studies, Vol. 29, No. 4, p. 637-670

**“FONOPs” abbreviation added in brackets for readability**

These clashes at sea set for the stage for potential future major power wars. First, many sea powers are revisionist actors in ongoing maritime claims, and my results show that militarization is more likely when the challenger state has naval capabilities. China has actively militarized maritime claims where it challenges the issue status quo (for example, Senkaku/Diaoyu Islands, Pratas Island, Yellow Sea, Paracel Islands, and Gulf of Tonkin). Several of the top rising sea powers also have revisionist goals as they seek to expand sovereignty over maritime spaces, increasing risks for future conflicts (for example, Russia (Baltic, Barents, and Okhotsk Seas), Egypt (Gulf of Aqaba and Gulf of Suez), Indonesia (Celebas/Sulawesi Sea), India (Bay of Bengal), Iran (Persian Gulf and Strait of Hormuz), and North Korea (Sea of Japan)). Second, major-power wars often arise through alliance ties and the failure of extended deterrence. Although the US Navy has worked cooperatively with various states in Southeast Asia to defend their maritime claims (for example, Japan, South Korea, Philippines, Taiwan, and Vietnam), freedom of navigation operations[FONOPs] have had little impact on states’ decisions to use coercive force (Table A3). Third, climate changes will negatively impact fisheries and increase competition over migratory fish stocks, a dangerous situation that escalated past maritime disputes.

The paper also shows that legal and security uncertainties increase the frequency and militarization of maritime conflicts. The Truman Declaration and relative decline of US naval power in the Cold War increased competition over maritime areas. While UNCLOS helped to reduce legal uncertainties by creating clear standards for maritime claims around states’ homeland areas, competition for resources in the area outside countries’ EEZ spaces, including in the Arctic region, has the potential to generate new conflicts. Global warming is already opening new sea lanes through the Northwest Passage and Northern Sea Route, increasing states’ interest in oil and natural gas resources in the region. Greater environmental threats to fisheries’ stocks and increasing demand for oil and natural gas could increase average issue salience and heighten countries’ willingness to make maritime claims and use force to defend them in the future. The past century has seen persistent yet mostly peaceful oceanic claims. Challenges to territorial integrity norms (for example, Crimea) and increased competition for oceanic resources by rising sea powers may alter these long-standing trends.

#### Maritime norm conflicts fracture ocean governance---extinction

Andreas Østhagen 19, PhD, Senior Fellow at The Arctic Institute and a Senior Research Fellow at the Fridtjof Nansen Institute in Oslo, Norway, 2/12/19, “A Sea of Conflict? The Growing Obsession with Maritime Space,” https://www.thearcticinstitute.org/sea-conflict-growing-obsession-maritime-space/

Yet the ocean is not ‘new’. It has been essential to human survival and development for as long as there have been humans. What is new, however, is the recognition that for the first time in humanity’s history, we have the power (for good and bad) to drastically alter the oceans.

Rising Tension?

Attention to challenges such as plastic pollution and overfishing can undoubtedly be of benefit to all nations. At the same time, we see examples of disputes surfacing around the globe involving maritime space. These include overlapping continental shelf claims, the implementation of marine protected areas, the status of sea lanes, and the spatial distribution of transboundary fish stocks and sedentary species.

In the South China Sea, for example, disputes between China, Vietnam, the Philippines, Brunei, Taiwan, and Malaysia have escalated in recent years as power dynamics shift and marine resources become more valuable. Similarly, in the Arctic Ocean, the retreating sea ice and greater interest in the region have brought previously neglected maritime disputes in the north to the surface. These range from disagreements on where to delineate boundaries to how to allocate fish quotas as stocks are altering their patterns of movement. The processes of determining the continental shelf limits beyond 200 nautical miles around the world, as in the Arctic Ocean, are becoming increasingly relevant.

Both the Arctic and the South China Sea have been prone to oversimplification that focuses on the potential for conflict and “territorial grabs”. At the same time, what is fuelling some of the political attention to these maritime domains are precisely the changes described.

A New Era for Ocean Disputes

All these trends are leading to a new era for maritime issues and maritime space. Of importance here is the question of ‘who owns what’ in the maritime domain. States have rights and duties when it comes to maritime space, so delineating ownership and rights has become increasingly urgent in both domestic and international politics.

The world is not likely to erupt into physical hostilities over maritime rights, or over where to draw a maritime boundary. We are, however, witnessing the rise of maritime disputes on domestic agendas around the world, as global attention is centred on the oceans. Minor political and economic squabbles between states can have severe negative consequences for the immediate political climate, as well as for the ability of states and the international community to tackle some of the challenges – such as acidification or plastic pollution – appearing in the maritime domain.

States, as well as their domestic audiences, ought to be aware of these trends, and continue to support mechanisms that dampen the conflict potential in the maritime domain—whether through the UN Convention on the Law of the Sea, the International Court of Justice, or regional organisations focused on ocean governance. Given the centrality of oceans and our dependence on them, long-term thinking should outweigh short-term profit seeking.

### 1AC---Managed Competition

#### Advantage 2 is Managed Competition:

#### The plan sets up a managed competition framework that reduces the threat to China from the U.S. alliance network in exchange for Chinese restraint---preserves deterrence while unlocking coop on climate, AI, and arms control

Kevin Rudd 21, President of the Asia Society, previously served as Prime Minister of Australia, March/April 2021, “Short of War: How to Keep U.S.-Chinese Confrontation From Ending in Calamity,” Foreign Affairs, https://www.foreignaffairs.com/articles/united-states/2021-02-05/kevin-rudd-usa-chinese-confrontation-short-of-war

The deeply conflicting nature of U.S. and Chinese strategic objectives and the profoundly competitive nature of the relationship may make conflict, and even war, seem inevitable—even if neither country wants that outcome. China will seek to achieve global economic dominance and regional military superiority over the United States without provoking direct conflict with Washington and its allies. Once it achieves superiority, China will then incrementally change its behavior toward other states, especially when their policies conflict with China’s ever-changing definition of its core national interests. On top of this, China has already sought to gradually make the multilateral system more obliging of its national interests and values.

But a gradual, peaceful transition to an international order that accommodates Chinese leadership now seems far less likely to occur than it did just a few years ago. For all the eccentricities and flaws of the Trump administration, its decision to declare China a strategic competitor, formally end the doctrine of strategic engagement, and launch a trade war with Beijing succeeded in making clear that Washington was willing to put up a significant fight. And the Biden administration’s plan to rebuild the fundamentals of national U.S. power at home, rebuild U.S. alliances abroad, and reject a simplistic return to earlier forms of strategic engagement with China signals that the contest will continue, albeit tempered by cooperation in a number of defined areas.

The question for both Washington and Beijing, then, is whether they can conduct this high level of strategic competition within agreed-on parameters that would reduce the risk of a crisis, conflict, and war. In theory, this is possible; in practice, however, the near-complete erosion of trust between the two has radically increased the degree of difficulty. Indeed, many in the U.S. national security community believe that the CCP has never had any compunction about lying or hiding its true intentions in order to deceive its adversaries. In this view, Chinese diplomacy aims to tie opponents’ hands and buy time for Beijing’s military, security, and intelligence machinery to achieve superiority and establish new facts on the ground. To win broad support from U.S. foreign policy elites, therefore, any concept of managed strategic competition will need to include a stipulation by both parties to base any new rules of the road on a reciprocal practice of “trust but verify.”

The idea of managed strategic competition is anchored in a deeply realist view of the global order. It accepts that states will continue to seek security by building a balance of power in their favor, while recognizing that in doing so they are likely to create security dilemmas for other states whose fundamental interests may be disadvantaged by their actions. The trick in this case is to reduce the risk to both sides as the competition between them unfolds by jointly crafting a limited number of rules of the road that will help prevent war. The rules will enable each side to compete vigorously across all policy and regional domains. But if either side breaches the rules, then all bets are off, and it’s back to all the hazardous uncertainties of the law of the jungle.

The first step to building such a framework would be to identify a few immediate steps that each side must take in order for a substantive dialogue to proceed and a limited number of hard limits that both sides (and U.S. allies) must respect. Both sides must abstain, for example, from cyberattacks targeting critical infrastructure. Washington must return to strictly adhering to the “one China” policy, especially by ending the Trump administration’s provocative and unnecessary high-level visits to Taipei. For its part, Beijing must dial back its recent pattern of provocative military exercises, deployments, and maneuvers in the Taiwan Strait. In the South China Sea, Beijing must not reclaim or militarize any more islands and must commit to respecting freedom of navigation and aircraft movement without challenge; for its part, the United States and its allies could then (and only then) reduce the number of operations they carry out in the sea. Similarly, China and Japan could cut back their military deployments in the East China Sea by mutual agreement over time.

If both sides could agree on those stipulations, each would have to accept that the other will still try to maximize its advantages while stopping short of breaching the limits. Washington and Beijing would continue to compete for strategic and economic influence across the various regions of the world. They would keep seeking reciprocal access to each other’s markets and would still take retaliatory measures when such access was denied. They would still compete in foreign investment markets, technology markets, capital markets, and currency markets. And they would likely carry out a global contest for hearts and minds, with Washington stressing the importance of democracy, open economies, and human rights and Beijing highlighting its approach to authoritarian capitalism and what it calls “the China development model.”

Even amid escalating competition, however, there will be some room for cooperation in a number of critical areas. This occurred even between the United States and the Soviet Union at the height of the Cold War. It should certainly be possible now between the United States and China, when the stakes are not nearly as high. Aside from collaborating on climate change, the two countries could conduct bilateral nuclear arms control negotiations, including on mutual ratification of the Comprehensive Nuclear Test Ban Treaty, and work toward an agreement on acceptable military applications of artificial intelligence. They could cooperate on North Korean nuclear disarmament and on preventing Iran from acquiring nuclear weapons. They could undertake a series of confidence-building measures across the Indo-Pacific region, such as coordinated disaster-response and humanitarian missions. They could work together to improve global financial stability, especially by agreeing to reschedule the debts of developing countries hit hard by the pandemic. And they could jointly build a better system for distributing COVID-19 vaccines in the developing world.

That list is far from exhaustive. But the strategic rationale for all the items is the same: it is better for both countries to operate within a joint framework of managed competition than to have no rules at all. The framework would need to be negotiated between a designated and trusted high-level representative of Biden and a Chinese counterpart close to Xi; only a direct, high-level channel of that sort could lead to confidential understandings on the hard limits to be respected by both sides. These two people would also become the points of contact when violations occurred, as they are bound to from time to time, and the ones to police the consequences of any such violations. Over time, a minimum level of strategic trust might emerge. And maybe both sides would also discover that the benefits of continued collaboration on common planetary challenges, such as climate change, might begin to affect the other, more competitive and even conflictual areas of the relationship.

#### The SCS is the single key to the entire relationship

M. Taylor Fravel 20, the Arthur and Ruth Sloan Professor of Political Science and Director of the Security Studies Program at the Massachusetts Institute of Technology; and Kacie Miura, Assistant Professor in the Department of Political Science and International Relations at the University of San Diego, 6/15/20, “Stormy Seas: The South China Sea in US-China Relations,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3680649

Over the last decade, the role of the South China Sea in US-China relations has grown. The ongoing power transition has fueled tensions over the South China Sea disputes, heightening the stakes for each of strategic competition in the region. Bilateral tensions in the South China Sea have been on the rise for much of the last decade, since regional concerns about Chinese assertiveness prompted greater US involvement, which in turn led China to push back. However, as spiraling competition since the 2012 Scarborough Shoal incident reveals, the United States and China appear to have reached a turning point, with the South China Sea issue now capable of destabilizing the entire bilateral relationship (among other issues). As our examination of US and Chinese views shows, the disputes have expanded from a contest over sovereign rights to a contest over the regional and international order. Both the United States and China now view what the other does in the South China Sea as an indicator of the other’s broader intentions. The United States, for example, perceives China’s land reclamation and refusal to comply with the 2016 UNCLOS ruling as evidence that China has expansionist ambitions and seeks to overturn the rules-based order. Meanwhile, Beijing sees US FONOPS and increased security cooperation with other claimant states as evidence of a larger US effort to contain a rising China.

Our finding that the United States and China have reached a turning point in the South China Sea has several important implications. First, the tendency of both the United States and China to make broad strategic judgments based on interactions in the South China Sea carries the risk that each power will draw the wrong conclusions about the other’s intentions. If the two powers appear to remain caught in an action-reaction cycle in the South China Sea, future interactions will only harden perceptions of each other as clear adversaries in this issue. Because both countries use the South China Sea as a barometer for the larger bilateral relationship, hardened perceptions of each other in the South China Sea will inevitably fuel adversarial perceptions and dynamics in other issues.

Second, our findings suggest that unresolved territorial and sovereignty disputes can heighten the peril associated with power transitions.86 As this chapter shows, China’s efforts to strengthen its sovereignty claims are perceived as threats to the United States’ interest in freedom of navigation and a rules-based order. At the same time, US involvement in the South China Sea, motivated by concerns about freedom of navigation and the regional order, is seen by China as a challenge to its sovereignty claims, prompting China to take further measures to bolster its position. These already dangerous security dilemma-like dynamics are further accelerated by the ongoing power transition. Whereas the United States sees China’s behavior in the South China Sea as emblematic of a revisionist rising power, China attributes the United States’ behavior to the desire of a declining power to preserve its hegemony. As US-China competition in the South China Sea reveals, this combination of a dispute over sovereignty and contention over the regional and international order is particularly toxic, as it reinforces threat perceptions and increases the potential for action-reaction dynamics to escalate.

#### U.S.-China climate coop prevents extinction from warming

Michael T. Klare 21, Five College professor emeritus of peace and world security studies, and director of the Five College Program in Peace and World Security Studies, 3/6/21, “AN ALLIANCE FOR GLOBAL SURVIVAL: BIDEN, CLIMATE CHANGE, AND CHINA,” <https://www.saneuschinapolicy.org/policy-papers>

Slowing the pace of climate change and getting “tough” on China, especially over its human-rights abuses and unfair trade practices, are among the top priorities President Biden has announced for his new administration. Evidently, he believes that he can tame a rising China with harsh pressure tactics, while still gaining its cooperation in areas of concern to Washington. As he wrote in Foreign Affairs during the presidential election campaign, “The most effective way to meet that challenge is to build a united front of U.S. allies and partners to confront China’s abusive behaviors and human rights violations, even as we seek to cooperate with Beijing on issues where our interests converge, such as climate change.”[1] If, however, our Biden truly believes that he can build an international coalition to gang up on China and secure Beijing’s cooperation on climate change, he is seriously deluded. Indeed, though he could succeed in provoking a new cold war, he won’t prevent the planet from heating up unbearably in the process.

President Biden is certainly aware of the dangers of global warming. In that same Foreign Affairs article, he labeled it nothing short of an “existential threat,” one that imperils the survival of human civilization. Acknowledging the importance of relying on scientific expertise (unlike our previous president, who repeatedly invented his own version of scientific reality), Biden affirmed the conclusion of the U.N.’s Intergovernmental Panel on Climate Change (IPCC) that warming must be limited to 1.5 degrees Celsius above pre-industrial levels or the planet will experience calamitous, irreversible consequences. He then pledged to “rejoin the Paris climate agreement on day one of a Biden administration” (which he indeed did on his first day in office) and to “make massive, urgent investments at home that put the United States on track to have a clean energy economy with net-zero [greenhouse gas] emissions by 2050” – the target set by the IPCC.

Even such dramatic actions, he indicated, will not be sufficient. Other countries will have to join America in moving toward a global “net-zero” state in which any carbon emissions would be compensated for by equivalent carbon removals. “Because the United States creates only 15 percent of global emissions,” he wrote, “I will leverage our economic and moral authority to push the world to determined action, rallying nations to raise their ambitions and push progress further and faster.”[2]

China, the world’s largest emitter of greenhouse gases right now (although the U.S. remains number one historically[3]), would obviously be Washington’s natural partner in this effort. Here, though, Biden’s antagonistic stance toward that country is likely to prove a significant impediment. Rather than prioritize cooperation with China on climate action, he chose to castigate Beijing for its continued reliance on coal and support for coal projects in other countries. The Biden climate plan, he wrote in Foreign Affairs, “includes insisting that China… stop subsidizing coal exports and outsourcing pollution to other countries by financing billions of dollars’ worth of dirty fossil-fuel energy projects through its Belt and Road Initiative.” Then he went further, by portraying the global effort to achieve a green economy as a potentially competitive, not collaborative, struggle with China, saying, “I will make investment in research and development a cornerstone of my presidency, so that the United States is leading the charge in innovation. There is no reason we should be falling behind China or anyone else when it comes to clean energy.”

Certainly, it might be useful to highlight the areas in which China has taken the lead in clean energy – for example, in its drive to master the technology of electric cars – to spur catch-up efforts in this country. But if climate change is an existential threat requiring maximum international effort to overcome, depicting this vital endeavor as a competitive race with winners and losers and picking fights with China over its energy behavior is a self-defeating way to start.

Whatever obstacles China does pose, its cooperation in achieving that 1.5-degree limit is critical. “If we don’t get this right, nothing else will matter,” Biden said of global efforts to deal with climate change.[4] Sadly, his insistence on pummeling China on so many fronts will ensure that he gets it wrong. The only way to avert catastrophic climate change is for the United States to avoid a new cold war with China by devising a cooperative set of plans with Beijing to speed the global transition to a green economy.

Why Cooperation Is Essential

With such cooperation in mind, let’s review the basics on how those two countries affect world energy consumption and global carbon emissions: The United States and China are the world’s two leading consumers of energy and its two main emitters of carbon dioxide, or CO2, the leading greenhouse gas. As a result, they exert an outsized influence on the global climate equation. According to the International Energy Agency (IEA), China accounted for approximately 22% of world energy consumption in 2018; the U.S., 16%. And because both countries rely so heavily on fossil fuels for energy generation – China largely on coal, the U.S. more on oil and natural gas – their carbon-dioxide emissions account for an even larger share of the global total: China alone, nearly 29% in 2018; the U.S., 18%; and combined, an astonishing 46%.[5]

It’s what will happen in the future, though, that really matters. If the world is to keep global temperatures from rising above that 1.5 degrees Celsius threshold, every major economy should soon be on a downward-trending trajectory in terms of both fossil-fuel consumption and CO2 emissions (along with a compensating increase in renewable energy output). Horrifyingly enough, however, on their current trajectories, over the next two decades the combined fossil-fuel consumption and carbon emissions of China and the United States are still expected to rise, not fall, before stabilizing in the 2040s at a level far above net zero. According to the IEA, if the two countries remain on their current energy-use trajectories, their combined fossil-fuel consumption would be approximately 17% higher in 2040 than in 2018, even if their CO2 emissions would rise by only 3% (reflecting a greater reliance on natural gas as opposed to coal).[6] Any increase of that kind over the next two decades would spell one simple word for humanity: doom.

True, both countries are expected to substantially increase their investment in renewable energy during the next 20 years, even as places like India are expected to account for an ever-increasing share of global energy use and CO2 emissions. Still, as long as Beijing and Washington continue to lead the world in both categories, any effort to achieve net-zero and avert an almost unimaginable climate cataclysm will have to fall largely on their shoulders. This would, however, require a colossal reduction in fossil-fuel consumption and the ramping up of renewables on a scale unlike any engineering project this planet has ever seen.

The Institute of Climate Change and Sustainable Development at Tsinghua University, an influential Chinese think tank, has calculated what might be involved in reshaping China’s coal-dependent electrical power system to reach the goal of a 1.5-degree limit on global warming. Its researchers believe that, over the next three decades, this would require adding the equivalent of three times current global wind power capacity and four times that of solar power at the cost of approximately $20 trillion.[7]

A similar transformation will be required in the United States, although with some differences: while this country relies far less on coal than China to generate electricity, it relies more on natural gas (a less potent emitter of CO2, but a fossil fuel nonetheless) and its electrical grid – as that catastrophic February 2021 storm demonstrated – is woefully unprepared for climate change and will have to be substantially rebuilt at enormous cost.[8]

And that represents only part of what needs to be done to avert planetary catastrophe. To eliminate carbon emissions from oil-powered vehicles, both countries will have to replace their entire fleets of cars, vans, trucks, and buses with electric-powered ones and develop alternative fuels for their trains, planes, and ships – an undertaking of equal magnitude and expense.

There are two ways all of this can be done: separately or together. Each country could devise its own blueprint for such a transition, developing its own green technologies and seeking financing wherever it could be found. As in the fight over fifth generation (5G) telecommunications, each could deny scientific knowledge and technical know-how to its rival and insist that allies buy only its equipment, whether or not it best suits their purposes — a stance taken by the Trump administration with respect to the Chinese company Huawei’s 5G wireless technology.[9]

Alternatively, the U.S. and China could cooperate in developing green technologies, share information and know-how, and work together in disseminating them around the world. On the question of which approach is more likely to achieve success, the answer is too obvious to belabor. Only those prepared to risk civilization’s survival would choose the former – and yet that’s the choice that both sides may indeed make.

Why a New Cold War Precludes Climate Salvation

Those in Washington who favor a tougher approach toward China and the bolstering of U.S. military forces in the Pacific claim that, under President Xi Jinping, the Chinese Communist regime has become more authoritarian at home and more aggressive abroad, endangering key U.S. allies in the Pacific and threatening our vital interests.[10] Certainly, when it comes to the increasing repression of Uighur Muslims in Xinjiang Province or pro-democracy activists in Hong Kong, there can be little doubt of Beijing’s perfidy, though on other issues, there’s room for debate. On another subject, though, there really should be no room for debate at all: the impact of a new cold war between the planet’s two great powers on the chances for a successful global response to a rapidly warming planet.

There are several obvious reasons for this. First, increased hostility will ensure a competitive rather than collaborative search for vital solutions, resulting in wasted resources, inadequate financing, duplicative research, and the stalled international dissemination of advanced green technologies. A hint of such a future lies in the competitive rather than collaborative development of vaccines for Covid-19 and their distressingly chaotic distribution to Africa and the rest of the developing world, ensuring that the pandemic will have a life into 2022 or 2023 with an ever-rising death toll.[11]

Second, a new cold war will make international diplomacy more difficult when it comes to ensuring worldwide compliance with the Paris climate agreement. Consider it a key lesson for the future that cooperation between President Barack Obama and Xi Jinping made the agreement possible in the first place, creating pressure on reluctant but vital powers like India and Russia to join as well.[12] Once President Trump pulled the U.S. out of the agreement, that space evaporated and global adherence withered. Only by recreating such a U.S.-China climate alliance will it be possible to corral other key players into full compliance. As suggested recently by Todd Stern, the lead American negotiator at the 2015 Paris climate summit, “There is simply no way to contain climate change worldwide without full-throttle engagement by both countries.”[13] A cold war environment would make such cooperation a fantasy.

Third, such an atmosphere would ensure a massive increase in military expenditures on both sides, sopping up funds needed for the transition to a green-energy economy. In addition, as the pace of militarization accelerated, fossil-fuel use would undoubtedly increase, as the governments of both countries favored the mass production of gas-guzzling tanks, bombers, and warships.

#### Bilateral AI dialogue produces norms that solve great power war while maximizing AI’s upsides

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At the last Democratic presidential debate, the technologist candidate Andrew Yang emphatically declared that “we’re in the process of potentially losing the AI arms race to China right now.” As evidence, he cited Beijing’s access to vast amounts of data and its substantial investment in research and development for artificial intelligence. Yang and others—most notably the National Security Commission on Artificial Intelligence, which released its interim report to Congress last month—are right about China’s current strengths in developing AI and the serious concerns this should raise in the United States. But framing advances in the field as an “arms race” is both wrong and counterproductive. Instead, while being clear-eyed about China’s aggressive pursuit of AI for military use and human rights-abusing technological surveillance, the United States and China must find their way to dialogue and cooperation on AI. A practical, nuanced mix of competition and cooperation would better serve U.S. interests than an arms race approach.

AI is one of the great collective Rorschach tests of our times. Like any topic that captures the popular imagination but is poorly understood, it soaks up the zeitgeist like a sponge.

It’s no surprise, then, that as the idea of great-power competition has reengulfed the halls of power, AI has gotten caught up in the “race” narrative. China—Americans are told—is barreling ahead on AI, so much so that the United States will soon be lagging far behind. Like the fears that surrounded Japan’s economic rise in the 1980s or the Soviet Union in the 1950s and 1960s, anxiety around technological dominance are really proxies for U.S. insecurity about its own economic, military, and political prowess.

Yet as technology, AI does not naturally lend itself to this framework and is not a strategic weapon. Despite claims that AI will change nearly everything about warfare, and notwithstanding its ultimate potential, for the foreseeable future AI will likely only incrementally improve existing platforms, unmanned systems such as drones, and battlefield awareness. Ensuring that the United States outpaces its rivals and adversaries in the military and intelligence applications of AI is important and worth the investment. But such applications are just one element of AI development and should not dominate the United States’ entire approach.

The arms race framework raises the question of what one is racing toward. Machine learning, the AI subfield of greatest recent promise, is a vast toolbox of capabilities and statistical methods—a bundle of technologies that do everything from recognizing objects in images to generating symphonies. It is far from clear what exactly would constitute “winning” in AI or even being “better” at a national level.

The National Security Commission is absolutely right that “developments in AI cannot be separated from the emerging strategic competition with China and developments in the broader geopolitical landscape.” U.S. leadership in AI is imperative. Leading, however, does not mean winning. Maintaining superiority in the field of AI is necessary but not sufficient. True global leadership requires proactively shaping the rules and norms for AI applications, ensuring that the benefits of AI are distributed worldwide—broadly and equitably—and stabilizing great-power competition that could lead to catastrophic conflict.

That requires U.S. cooperation with friends and even rivals such as China. Here, we believe that important aspects of the National Security Commission on AI’s recent report have gotten too little attention.

First, as the commission notes, official U.S. dialogue with China and Russia on the use of AI in nuclear command and control, AI’s military applications, and AI safety could enhance strategic stability, like arms control talks during the Cold War. Second, collaboration on AI applications by Chinese and American researchers, engineers, and companies, as well as bilateral dialogue on rules and standards for AI development, could help buffer the competitive elements of an increasingly tense U.S.-Chinese relationship.

Finally, there is a much higher bar to sharing core AI inputs such as data and software and building AI for shared global challenges if the United States sees AI as an arms race. Although commercial and military applications for AI are increasing, applications for societal good (addressing climate change, improving disaster response, boosting resilience, preventing the emergence of pandemics, managing armed conflict, and assisting in human development) are lagging. These would benefit from multilateral collaboration and investment, led by the United States and China.

The AI “arms race” narrative makes for great headlines, but the unbridled U.S.-Chinese competition it implies risks pushing the United States and the world down a dangerous path. Washington and Beijing should recognize the fallacy of a generalized AI arms race in which there are no winners. Instead, both should lead by leveraging the technology to spur dialogue between them and foster practical collaboration to counter the many forces driving them apart—benefiting the whole world in the process.

#### Arms control dialogue prevents a slew of emerging technologies from causing global war

Robert A. Manning 19, senior fellow of the Brent Scowcroft Center for Strategy and Security at the Atlantic Council, 7/30/19, “Dear China, We Have to Talk About Your Nukes,” https://foreignpolicy.com/2019/07/30/dear-china-we-have-to-talk-about-your-nukes/

U.S. President Donald Trump recently called for ambitious new arms control accords that not only extend the New START agreement with Russia, but also bring China into trilateral nuclear diplomacy. Trump should be commended for his apparent desire to avoid an unnecessary and costly arms race, and for the foresight that China is an increasingly important part of nuclear calculus and U.S. grand strategy.

But Trump is half wrong. The president’s proposal might be intended as an honest effort to deal with the China factor in the nuclear equation, or, alternatively, as a subtle way to kill New START, which expires in 2021, by linking it to China. Either way, the plan is a nonstarter. Why? The United States and Russia have more than 90 percent of the world’s nuclear weapons. As part of a major military buildup, with China’s military budget rising 8 percent in 2018 to roughly $175 billion, Beijing has dramatically increased its nuclear capabilities over the past 20 years—however, more so in quality than quantity. It has built new nuclear submarines and intercontinental ballistic missiles designed to ensure it can respond to a nuclear attack in kind.

But China, with only about 300 nuclear warheads, is not yet in the same ballpark as the United States and Russia as a nuclear power. This is one reason why for more than a decade, when U.S. officials have proposed nuclear talks, China’s response has been, in essence, “You’ve got 5,000, we have a few hundred, there’s nothing to talk about until you get down to our level.” With regard to classic nuclear arms control, Beijing has had a point.

But this brings us to where Trump is half-right. With respect to nuclear diplomacy, what matters most now isn’t principally arms control, but rather new nonnuclear threats to strategic stability. And in the face of these new realities, there is no excuse for China to avoid strategic talks with the United States and Russia. A suite of emerging technologies—artificial intelligence, autonomous and near-autonomous weapons, anti-space weapons, offensive cyberattacks, hypersonic missiles—threaten to destabilize the retaliatory capabilities, known as second-strike capabilities, on which the system of deterrence has been based. These new technologies have already begun to undermine longstanding assumptions about crisis stability. Yet no formal or informal arms restraints, codes of conduct, or even common norms take them into account.

Clearly, putting a ceiling on numbers of U.S. and Russian deployed and deployable nuclear weapons remains in the U.S. interest. But the new challenges to nuclear stability from nonnuclear technologies like AI and hypersonic missiles require no less than a paradigm shift in thinking about a stable strategic environment.

Why is this the case? Consider all the ways secure second-strike capabilities—on which deterrence rests—may now be undermined. Swarming drones could disable nuclear submarines; Russia or China could conduct cyberattacks could neutralize nuclear command and control; space weapons could blind or destroy satellites on which military operations and command and control depend; hypersonic missiles could take out command and control or ICBMs and bombers. In any crisis, nuclear powers could quickly be in a “use it or lose it” mode.

Any single one of these technologies by itself could undermine assured second-strike capabilities. But when you combine the potential consequences of all of them, the numerous possible combinations of preemptive acts, the risk expands exponentially. All told, the impact of this suite of unprecedented emerging technologies risks changing the calculus of nuclear powers. They have already begun to undermine longstanding assumptions about crisis stability, yet there are no codes of conduct, agreed standards, norms, or rules for these technologies.

Worse, these new risks to strategic stability come at a time of resurgent major power competition and an unraveling of the framework of arms control restraints erected during the Cold War and its aftermath. It is incomplete policy to simply proclaim China and Russia “strategic competitors.” The extraordinary dangers of the current trajectory have greatly intensified risks of miscalculation or inadvertent conflict.

Inherent in this resurgent strategic competition is that each side seeks dominant capabilities. It is classic security dilemma behavior, on steroids. What one side sees as enhancing its security, the other sees as increased threat. But can the United States, China, or Russia really assume that they have—in operational terms—the advantage in space weapons, hypersonics, cybersecurity, and AI? It’s understandable that the United States, and perhaps others, prefer maximum freedom of action to restraints. But doesn’t such logic repeat the follies of the Cold War? Recall that mindless arms racing led to the United States and the Soviet Union each having 30,000 warheads, before eventually coming to the conclusion that U.S. President Ronald Reagan reached that, “A nuclear war can never be won and must never be fought.” It took several near-catastrophes before this acknowledgement of mutual vulnerability sunk in.

In the breakneck quests to dominate new technologies, such as space weapons, hypersonic missiles, glide vehicles, and AI, some harbor a hope of achieving absolute security through outright dominance. But that is a chimera. The harsh reality is that all these new and emerging threats to strategic stability, and to assured second-strike capabilities, result in more mutual vulnerability. In space, for example, the United States had far and away the most dependence on space assets like satellites for military and economic purposes. But China, now with some 300 geostationary satellites, launches more each year than the United States and Russia combined—and, like the United States, its increased military and civilian reliance on space creates new vulnerabilities.

Unfortunately, in this perfect storm of ungoverned emerging technologies and renascent great power strategic competition, it may take a catastrophic crisis before all sides are prepared to abandon the logic of all-out competition for supremacy, accept the reality of mutual vulnerability, and find ways to manage it.

Nevertheless, a modified version of Trump’s suggestion is worth pursuing. China is a necessary partner in efforts to reinforce strategic stability. But first, the United States and Russia should extend the New START accord, putting a ceiling on nuclear deployments. Trump could use New START as leverage to persuade China to join a strategic trialogue designed not for traditional arms control but to create a strategic framework to manage new and emerging threats to crisis stability. No doubt, this is uncharted territory and would be a very difficult and protracted process. But the need to reach understandings in areas such as codes of conduct on space weapons, whether to regulate or ban autonomous weapons and hypersonic missiles, may be crucial to avoiding the next version of a 21st-century Cuban missile crisis.

#### U.S.-China collaboration on global governance resolves non-linear existential threats

Parag Khanna 20, founder and managing partner of FutureMap, a data and scenario-based strategic advisory firm, 12/22/20, “What’s Good For The World Is Good For China — And America,” <https://www.noemamag.com/whats-good-for-the-world-is-good-for-china-and-america/>

When professors at China’s famed Peking University invited me to give a lecture on grand strategy last year, it was a chance not only to compare Chinese and American visions for their place in the world, but perhaps even to reconcile them.

A number of Chinese scholars have recently introduced novel vocabulary into geopolitical discourse, such as the pursuit of “symmetry” instead of hierarchy and understanding “relationality” as the context of great power dynamics. These interventions have important normative value. They suggest that rather than fear China as a hegemon seeking singular global dominance, East and West can coexist in harmonious equanimity, like two dancers holding hands so both stay standing. But, much like the more famous Chinese phrase “peaceful rise,” they also have political value — as code for speaking softly while building a stronger stick.

In the previous two essays in this series, I argued that the counterreactions to China’s aggression have cemented coalitions among states permanently suspicious of it, and that the demand for Chinese leadership is declining even as its power grows. In other words: What America has experienced in the past three decades is now happening to China. Both America and China thus need to grasp that complex feedback loops are the turbulent new playing field of competition, with more actors operating in parallel and around each of them — and faster than in previous eras of great power rivalry. We have entered, for the first time in history, a truly global diplomatic marketplace.

The reason American grand strategy has become such an anodyne exercise is that it is still formulated in a linear mental state. It posits America’s capacity to shape the stage but holds all else and all others equal. Theory never seems to meet practice. Only a process so utterly bereft of geographical, cultural or contextual nuance could produce static charts comparing America and China’s “gross national power.” Each time I see one, I reach for my revolver.

Not surprisingly, the post-Cold War articulations of American grand strategy have all failed by their own account, whether preventing the rise of a peer competitor, promoting democracy, championing global free trade or leading a liberal international order. Even those areas where America can still claim dominance — financial muscle and digital technology — are becoming highly competitive arenas. (Energy, both hydrocarbon and renewable, is ubiquitous.) If the bean-counting approach to grand strategy mattered, then so too would American hegemony as conceived by most of America’s elite.

China scores points for strategic creativity, but it too has been blinded by hubris. Fully aware of America’s preponderant military assets, China focused on branding infrastructure as a global public good, a win-win formula to modernize dilapidated postcolonial and post-Soviet nations while also engineering its way out of the so-called “Malacca trap” — dependency on imports and exports flowing through the narrow Strait of Malacca. But China’s far-flung supply chains were also too important to passively let its clients elect good leaders, hence white-elephant projects and debt traps became a preferred neocolonial tool.

Which brings us to the present: No country trusts either America or China, and neither power can subdue the other. Military victory can only be limited in scope given universal deterrence. Financial liquidity is infinite, thus bankrupting the other won’t work either. Are Americans and Chinese the only ones who don’t understand that hegemony is not the pathway to either their own or the world’s needs?

For a grand strategy in the 21st century to be worth the paper it’s written on, it needs to incorporate an element of global strategy: What is a power’s contribution to global goods and maintaining a baseline of civilizational stability?

America’s protection of open sea lanes, China’s financing of infrastructure and Europe’s promotion of environmental regulation are all examples of contributing to the global good, but they fall well short of a “G3” coordinated global strategy on the scale the world needs today. Having distinct American, Chinese and European strategic cultures is not enough when we need a global strategic culture as well.

Grand strategy seeks dominance; global strategy seeks equilibrium. Without a common strategic culture, global governance is a farce, and challenges large and small fall through the cracks — only to bite us later on: Colonial-era border disputes flare up and escalate into war, and failed states become humanitarian crises. Proactive dispute settlement and postwar reconstruction are just two legacy agendas that have been poorly managed and portend future trouble.

Far more existential challenges loom for which global strategy is a sine qua non. Confronting climate change will require much more than gradual emissions reductions. Which powers will form the essential coalition to finance, research and launch oceanic and atmospheric geoengineering initiatives to absorb carbon and reverse global warming? Who will develop and distribute vaccines for both humans and animals to decrease the likelihood of future pandemics that ravage our population and food supply? This is the time for what Nathan Gardels calls “planetary realism.”

There is nothing soft or subordinate about these objectives to the Olympian aspirations of grand strategy. History is the story of empires lacking the foresight to avoid reaping what they sow, from anti-colonial nationalism to terrorist “blowback.” America’s limp climate policy combined with a miserly approach to Latin America will eventually spur massive waves of climate refugees. China’s relentless damming and diversion of the Mekong and Brahmaputra River headwaters may bring mass migrations from Southeast Asia northward as well.

Both America and China have the attitude that what is good for them is good for the world. But in fact, that is true only in reverse. Unrestrained protectionism and industrial policy hamper growth in the same markets America and China want to boost exports into. The synchronized global recovery in growth and trade brought about through coordinated action after the global financial crisis is impossible in today’s beggar-thy-neighbor world.

In a geopolitical marketplace, global strategic competition looks more like a race to the top than the bottom. Great powers can keep each other honest. Europe and America can offer lower lending rates for infrastructure than China; China can export affordable solar and nuclear power more rapidly than Western economies; India can offer digital governance solutions to countries without stealing their citizens’ data. And nations too smart to pick sides with “multi-align” among various suitors to get the best deal for themselves.

Grand strategists in all nations must reckon with today’s globally distributed multipolarity and dynamic ties among all regions and powers. It is not a temporary condition but our abiding reality. This, not the inert game of Risk, is the complex geopolitical foundation of the decades ahead. America may purport to be the “leader of the free world,” while China espouses a “community of common destiny.” But neither has a global strategy to match.

### 1AC---Plan

#### The United States federal government should reduce the geographic scope of its alliance commitments with the Philippines by excluding disputed maritime features over which the Philippines does not currently have de facto jurisdiction in the South China Sea from the United States-Philippines Mutual Defense Treaty in circumstances in which the People’s Republic of China refrains from additional militarization of features in the South China Sea and from claiming features over which it does not currently have de facto jurisdiction.

### 1AC---Solvency

#### The plan solves---unconditionally defending disputed territory escalates conflict while failing to deter or assure. Conditional deterrent signaling solves while preserving coop.

Joel Wuthnow 17, Research Fellow in the Center for the Study of Chinese Military Affairs at the U.S. National Defense University, July 2017, “Beyond Imposing Costs: Recalibrating U.S. Strategy in the South China Sea,” Asia Policy, No. 24, p. 123-138

In general, the most effective tools will credibly demonstrate U.S. resolve and capabilities without being unnecessarily incendiary or provocative. At a minimum, signaling resolve means that the U.S. military will continue to conduct normal operations in the South China Sea, even if China undertakes unwanted actions such as declaring an air defense identification zone. Continuing to conduct surveillance and freedom of navigation operations demonstrates that Washington is prepared to accept a risk in order to continue operating in the region. Some of these operations—such as carrier strike group transits—also demonstrate capabilities that can be used to deny China an unchecked coercive capability in the region. Forward deploying personnel and assets, such as the United States plans to do in the Philippines, can underscore both U.S. willpower and capabilities.

Future U.S. deployments should also be tailored to strengthen deterrence by denial. The United States already has plans to deploy its most advanced assets to the region, such as Zumwalt-class destroyers and F-35 fighters. These and other deployments might be supported by the $7.5 billion Asia-Pacific Stability Initiative proposed by Senator John McCain earlier this year. However, the new legislation should emphasize capabilities that can deny China an ability to threaten freedom of navigation in the first place. For instance, the U.S. Navy's Long-Range Anti-Ship Missile, which is currently undergoing research and development, can target enemy ships, submarines, and aircraft from at least two hundred nautical miles out.27 Rail guns may have the ability to send a 25-pound projectile "through seven steel plates and leave a 5-inch hole."28 Deploying these types of capabilities to the South China Sea—and finding ways to demonstrate their effectiveness—could convince China to exercise restraint and provide a useful countermeasure if deterrence fails.

Other steps are likely to be less useful and could even be counterproductive. For example, abandoning legal neutrality and declaring support for particular states' territorial claims would neither signal U.S. resolve nor demonstrate a capability to resist Chinese military encroachment in the South China Sea. Instead, it would feed into Chinese notions that U.S. strategy in the region is aimed at containing China, while prompting Beijing to respond more aggressively to enforce its own claims. Other steps, such as threatening economic penalties against Chinese firms involved in land reclamation or disinviting the PLA from multinational exercises, would also likely raise tensions without achieving a tangible deterrent effect.

Leaning on allies and partners

The United States will have to find ways to work more effectively with its allies and partners to deter Chinese military expansion. Diplomatically, the United States can continue to work with like-minded states to oppose Chinese activities that threaten the status quo, such as additional land reclamation; voice united support for freedom of navigation, including the right of states to conduct military operations in littoral areas; and encourage China to limit its territorial claims to those available under the United Nations Convention on the Law of the Sea (UNCLOS). Nevertheless, Beijing has already proved itself willing to ignore regional sentiment and to cultivate supporters of its own—such as by using Cambodia to block an ASEAN joint statement in support of the UN arbitration ruling on the South China Sea.29

Another option is greater material assistance to Southeast Asian countries. A key program already underway is the Southeast Asian Maritime Security Initiative, which the United States is supporting by providing radar, patrol ship equipment, and training to states such as the Philippines, Vietnam, Malaysia, and Indonesia.30 Although useful in helping these states resist low-level coercion—which is a challenge as China uses its white hull ships to enforce its own territorial claims—these are not the types of advanced systems needed to counter high-end PLA warfighting capabilities. The United States might also consider transferring more capable military assets, such as anti-ship missiles. However, the downside is that Southeast Asian militaries might lack the capacity to use these systems, or be tempted to use them offensively.

Perhaps more fruitful collaboration can be undertaken with U.S. allies outside Southeast Asia, such as Japan and Australia. For one, the United States should continue to conduct maritime-focused exercises with these countries. These could focus on topics relevant to the South China Sea such as countering blockades, undertaking amphibious operations, and handling incidents involving civilian ships. Joint air and maritime patrols in the South China Sea should also be strengthened, especially with Japan. Such activities not only improve interoperability but also demonstrate a shared goal to safeguard freedom of navigation. Nevertheless, due to shifting political circumstances in these states, the United States should avoid overreliance on any single partner. While allies and partners can be useful in supporting U.S. strategy, such collaboration cannot substitute for maintaining U.S. presence, capabilities, and commitment.

Toward strategic clarity

Another potential area for refining U.S. strategy concerns declaratory policy on unacceptable behavior, or the establishment of "red lines." Current U.S. strategy places a premium on ambiguity. For instance, the United States has not published an official South China Sea strategy detailing the specific actions that would be met with a military response. The 2015 Asia-Pacific Maritime Security Strategy by the Department of Defense states that U.S. military capabilities will be used to deter conflict and "respond decisively when needed" but does not clarify what those situations might entail.31 The U.S.-Philippine defense treaty is similarly ambiguous, not clearly stating whether and how U.S. forces would be expected to intervene in the case of an attack on Philippine forces in the South China Sea.

Instead, some have argued that the United States should be increasingly clear about the types of behavior that will elicit a response. One notion would be to extend the U.S.-Philippine treaty to cover the South China Sea. Retired rear admiral Michael McDevitt contends that the United States could declare support for the Philippines' claim over Scarborough Shoal in order to deter Beijing from building artificial islands there.32 This would put the disputed shoal in the same category as the Senkaku/Diaoyu Islands, which U.S. officials have emphasized fall within the scope of the U.S.-Japan defense treaty. Another idea would be to clarify that any use of deadly force against Philippine personnel (such as marines stationed on Second Thomas Shoal) would be met with a U.S. response.

However, the weaknesses associated with a shift toward strategic clarity are threefold. First, laying down clear markers would encourage Beijing to take actions up to the prescribed red line, including potentially actions that it would have otherwise avoided, out of the belief that it can do so with impunity or as a test of U.S. resolve. Second, establishing but not actually enforcing red lines would undermine U.S. credibility, with respect both to China and to U.S. allies in the region. If the United States does not follow through on its warnings in one case, why would it do so in any other? Third, offering clear military assurances to allies and partners could encourage them to conduct a more assertive policy of their own, such as more actively pressing their territorial claims.

A recalibrated U.S. strategy would maintain ambiguity but hold out the possibility of clarification as a potential response to further Chinese provocations. This in itself might have some deterrent effect. Nevertheless, continued assertive behavior by China in the South China Sea—such as dredging at Scarborough Shoal or the deployment of offensive military capabilities in the Spratlys—should result in progressively clear statements from Washington about possible operational responses. Those statements might initially be made in private discussions to allow for face-saving de-escalation. However, in the absence of a favorable response, they might have to be publicized as a kind of costly signal (since the United States' reputation would be on the line). The key precondition of course is that Washington must possess the resolve to act on those commitments if needed.

Staying on Message

A linchpin of both the cooperative and deterrent sides of U.S. strategy in the South China Sea will be the ability to deliver an effective message. A critique of current strategy concerns apparent differences in message. Some senior officials (especially within the Department of Defense) occasionally use heated rhetoric to describe Chinese behavior, while others have veered in the opposite direction, even repeating Chinese slogans such as developing a "new type of great-power relationship," which could be interpreted as an acceptance of Chinese views on sovereignty in the South China Sea.33 Implementation of the freedom of navigation program during the last two years of the Obama administration was also plagued by inconsistent and often confusing messaging.34 The danger is that a mixed or contradictory message will leave Beijing unclear about U.S. intentions. Rhetorical bluster from U.S. officials often becomes fodder for the Chinese media to vilify those officials and also provides China with a pretext to blame rising tensions on U.S. "assertiveness."35

As a rule, U.S. messages should be clear and consistent. Excessively hostile rhetoric should be avoided because it reinforces Chinese narratives about the United States harboring ulterior motives in the region. A balanced strategy will be flexible enough to accommodate both cooperative and deterrent elements. The goal is to inform Chinese interlocutors that the United States remains committed to working with China to develop mutually beneficial agreements but will not tolerate efforts by China to militarily dominate the region or act outside international law. In addition, the message should be dynamic enough to account for shifts in Chinese behavior. Assertive actions should be met with a deterrent message, while restraint might warrant a pivot toward more cooperative themes.

Another challenge is deciding where in the Chinese system messages should be targeted. Deterrent-focused statements and activities are often more effectively relayed to a specialist audience, such as the Chinese military intelligence system, which is able to assess U.S. resolve and capabilities, weigh them against China's own relative strengths and weaknesses, and send assessments to China's leadership that can inform changes in military strategy. Deterrent signals targeting a broad public audience are less useful and might even be counterproductive. For example, aggressively publicizing U.S. surveillance operations in the South China Sea by embedding journalists is likely to inflame public sentiment in China, resulting in pressure on leaders to respond.36 This type of media coverage is not needed either to reassure U.S. allies and partners or to warn Chinese officials, all of whom are well aware of such operations. By contrast, cooperative messages should be targeted to both a public and an elite audience to cultivate support for cooperation and dispel myths about U.S. hegemonic ambitions.

ACKNOWLEDGING LIMITATIONS

The puzzle for U.S. strategy in the South China Sea is how to balance the operational need to prevent escalation with the strategic need to deter China's military buildup. The first goal implies more effective risk-reduction measures, focusing on challenges posed by white hull ships. The second requires stronger deterrence through U.S. deployments, coordination with allies and partners, and increasing clarity of U.S. security commitments. There is an inherent tension between these two goals inasmuch as one relies on cooperation with China, while the other is more competitive in nature. But that tension can be managed through careful messaging and avoidance of tactical, knee-jerk reactions to provocations. The best way to do that is by developing and carrying out a cohesive interagency strategy for the South China Sea.

Although there are areas for a fruitful revision of U.S. strategy, the Trump administration will have to maintain a stable overall relationship with China, including pursuing cooperation in the economic sphere and on shared challenges such as nonproliferation on the Korean Peninsula, climate change, and public health. U.S. decision-makers will have to consider the potential risks to the broader relationship that might result from a stronger emphasis on deterrence. Nevertheless, China also has much to gain from cooperation on these issues, meaning that both sides might continue to cooperate in some areas even if there is added friction in their relations in the South China Sea.

The Trump administration will also have to face the continuing challenges of China's rapidly increasing military capabilities, its intrinsic political and economic interests in expanding its presence in the region, and the relative weaknesses of the other claimants. There is no viable strategy that can fundamentally alter those realities. But under a recalibrated strategy—one combining practical cooperation in areas where China and the United States have common interests, carefully selected deterrent tools, and consistent whole-of-government messaging—the United States will likely be in a better position to secure its own interests in the region. The president bears responsibility for exerting the political will necessary to ensure that such an adjustment can be accomplished.

#### Exchanging territorial assurances resolves the conflict, but requires excluding the disputed features from the Philippines MDT

Benjamin Herscovitch 17, Research Fellow at the Australian National University’s School of Regulation and Global Governance, 8/28/17, “A Balanced Threat Assessment of China’s South China Sea Policy,” https://www.cato.org/policy-analysis/balanced-threat-assessment-chinas-south-china-sea-policy

The election of President Trump has precipitated a period of U.S. policy uncertainty toward the SCS. Senior Trump administration officials have articulated inconsistent assessments of the seriousness of the threat of China's SCS policy and likely U.S. countermeasures.107 Although former White House Press Secretary Sean Spicer said on January 23, 2017, that the United States would respond to China's SCS policy by defending “international territories from being taken over by one country,” on February 4, 2017, Secretary of Defense Mattis stressed the importance of “diplomatic efforts” and said that the United States sees no “need for dramatic military moves at all.”108 President Trump and his cabinet should move quickly to dispel this ambiguity.

As outlined below, the Trump administration should pursue a set of policies that minimize American liabilities in the SCS and encourage claimant states to peacefully manage their conflicting territorial and maritime claims. By emphasizing U.S. neutrality and focusing on the prospects of mutually beneficial cooperation, these policy recommendations reflect the modest threat to U.S. interests posed by China's SCS policy.

Avoid supporting the territorial and maritime claims of any claimant state. Consistent with U.S. policy to date, Washington should maintain an impartial stance on the territorial and maritime claims of particular states — both on national interest grounds and as a matter of fairness.109 U.S. interests are not substantively served by particular claimant states realizing their territorial and maritime ambitions.110 Although the United States might, for example, have a significant interest in the security of alliance partners such as the Philippines, it does not have a significant interest in the Philippines being able to freely exploit hydrocarbon and fishery resources in all of the waters that Manila claims fall within the Philippine EEZ.

Moreover, supporting the territorial and maritime claims of a particular claimant state could easily undermine U.S. national interests. First, the United States risks harming its relations with one or more of the other claimant states, as they are likely to view support for the territorial and maritime claims of a particular claimant state as unfairly partial. Second, U.S. support for a particular claimant state could embolden it to adopt reckless and provocative policies, which could further aggravate the SCS dispute.111 If the United States specifically endorsed Philippine territorial and maritime claims, for example, Manila might pursue confrontational and destabilizing tactics, such as attempting to interrupt Chinese island construction activities on disputed features.

To avoid supporting particular states, freedom of navigation and overflight operations should continue to be used to challenge all excessive maritime claims in the SCS.112

Clarify the scope of the U.s.-Philippine Mutual Defense Treaty. The U.S.-Philippine Mutual Defense Treaty calls on the United States to “act to meet the common dangers” of an “armed attack on the metropolitan territory . . . or on the island territories under [the Philippines'] jurisdiction.”113 The United States should make clear that, for the purposes of interpreting this treaty, disputed Philippine-controlled maritime features in the SCS do not count as “island territories under [the Philippines'] jurisdiction.”114 Applying U.S. security guarantees to disputed Philippine-controlled maritime features would be legally dubious since the Philippines had not extended its jurisdiction over these features at the time the treaty was signed in 1951, and jurisdiction in subsequent years has been debatable.115

Moreover, applying U.S. security guarantees to those features would force the United States to weigh in on the controversial process of determining precisely which disputed features are controlled by the Philippines. Consistent with the unambiguous provisions of the U.S.-Philippine treaty, the United States should nevertheless make plain that any “armed attack” on Philippine “armed forces, public vessels or aircraft in the Pacific” — whether in disputed waters or elsewhere — would activate the United States' mutual defense obligations toward the Philippines.116

Encourage claimant states to exploit resources jointly. SCS claimant states have previously taken halting and cautious steps toward joint exploitation of hydrocarbon resources in disputed waters. In 2005, China, the Philippines, and Vietnam agreed to a three-year Joint Marine Seismic Undertaking (JMSU) to assess oil reserves for potential shared exploitation.117 The JMSU eventually fell victim to domestic political scandals in the Philippines and was not renewed after it expired in 2008.118

More recently, Philippine lawmakers have expressed optimism about the prospect of jointly exploiting resources in the SCS with China in the wake of President Rodrigo Duterte's October 2016 state visit to Beijing and warming Sino-Philippine relations.119 Although such initiatives will not resolve the underlying territorial and maritime disputes, and have to date either failed or remained tentative, they nevertheless have the potential to foster cooperation and shared interests. The United States should therefore encourage claimant states to exploit resources jointly so as to foster a shared economic stake in cooperation, to improve diplomatic relations, and to further reduce the likelihood of military conflict.120

Call on claimant states to mutually accept de facto jurisdiction over disputed areas of the SCS. The steadfast determination of each claimant state to press territorial and maritime claims makes a final negotiated settlement of the SCS dispute highly unlikely. In lieu of such a settlement, the United States should call on claimant states to provisionally agree to demarcate de facto jurisdiction over disputed areas of the SCS. That approach would mean establishing a patchwork of Lines of Actual Control (LACs) roughly dividing the Chinese, Vietnamese, Philippine, Malaysian, Bruneian, and Indonesian areas of de facto jurisdiction over the disputed areas of the SCS.121

By drawing tacitly accepted LACs, each claimant state would recognize the control of the other parties over certain maritime features and waters in exchange for the same assurances vis-à-vis their own areas of control. These assurances of mutual noninterference could be applied to the activities that are most likely to inflame tensions, including island construction, maritime patrols, fishing, and natural resource exploration and exploitation. A pragmatic LAC model has the advantage of not demanding what claimant states are unprepared to concede: acceptance of the legitimacy of the other claimant states' territorial and maritime claims.

Although coaxing claimant states to even agree to LACs may seem unrealistic, such a strategy has a successful precedent. Having traded numerous diplomatic barbs and having fought a brief war in 1962 over strategically valuable tracts of the Himalayas, China and India reached an LAC agreement in 1993.122 Without prejudicing either the Chinese or Indian claims to disputed territory, this landmark accord saw China and India agree to restrict troop movements and air force overflights to their respective sides of the LAC.123 The LAC has been violated many times — particularly by China — and the precise location of the dividing line is a matter of debate.124 Yet the LAC still provides each country with a framework for calling for the withdrawal of armed forces when major transgressions occur.125

An LAC model would likely be harder to implement in the SCS as a result of the fluid maritime terrain and the complex jumble of maritime features in proximity to each other. Even so, by delineating de facto areas of jurisdiction, LAC arrangements offer a promising means of dialing down geostrategic tensions and avoiding accidents and skirmishes at sea.

#### The plan prompts China to clarify and negotiate its maritime claims, while contingent assurances preserve the deterrent effect of the alliance

Michael D. Swaine 15, senior fellow at the Carnegie Endowment for International Peace, 7/23/15, “America’s Security Role in the South China Sea,” <https://carnegieendowment.org/2015/07/23/america-s-security-role-in-south-china-sea-pub-60826>

For the United States, the South China Sea is an important area of the Asia-Pacific region for three reasons: 1) it is part of a major transit route for maritime commercial traffic to and from East Asia and for the United States Navy; 2) disputes over the ownership of its many small islands, reefs, atolls, and rocks among China and several nearby Southeast Asian states (including one United States ally, the Philippines) are generating tensions that could result in conflict and instability; and 3) Beijing could eventually use its growing influence in the area to create a sphere of influence detrimental to United States interests.

These factors justify United States attention to events occurring in the South China Sea, and a set of policies designed to ensure access and transit, prevent or minimize tensions, and support the peaceful and legally based management of local disputes. Unfortunately, United States statements and actions at present are not effectively achieving such objectives, and growing tensions over the issue are threatening to severely destabilize the critical United States-China relationship in unnecessary ways.

Reacting to continued Chinese land reclamation efforts on several reefs in the Spratly Islands, senior United States officials and military officers vow to “fight tonight” if needed to defend United States interests across the Indo-Pacific, while referring to Chinese claims across the South China Sea as “preposterous” and Chinese land activities there as designed to “militarize” the region and to build a “great wall of sand.” In response, Chinese officials and spokespersons warn the United States against provocative actions, insist that China will not back down, and reiterate their determination to “safeguard our own sovereignty and territorial integrity.”

Meanwhile, this heated rhetoric is being fueled by all manner of often misleading claims, charges, and demands for more aggressive action by outside commentators on both sides. Many in the United States see China as engaged in a concerted strategic effort to seize control over the entire South China Sea, land and water alike, as part of a larger attempt to push the United States out of Asia and replace it as the dominant force in the region. Only a more aggressive and sustained military-centered United States pushback designed to deter and humble China will avert this outcome, they insist.

In contrast, many in China see the United States as using the disputes over sovereignty in the South China Sea and elsewhere as a means of justifying more concerted efforts to contain and undermine all Chinese influence in the Asia-Pacific, and to encourage other states to provoke China and militarize the issue. Beijing must double its efforts to strengthen its position and show the United States and others that China cannot be intimidated, they demand.

This situation is not just another temporary downward blip in an up and down Sino-United States relationship. It threatens to drive United States-China relations in a far more adversarial, zero-sum direction and destabilize the region. To allow a dispute over a few rocks and islands in a corner of the Asia-Pacific region to derail a vital relationship critical to both regional and global peace and prosperity is the height of folly. Hyperbolic statements, veiled threats and calls for more military action serve no useful purpose and will only lead to hardened positions and redoubled efforts on both sides to counter the other. What is needed is a far sharper level of clarity by both Beijing and Washington regarding their claims, grievances and concerns, and, on that basis, a clear indication of the consequences of unacceptable behavior, along with a commitment to provide mutual assurances over the near term to avoid specific tripwires, while working to stabilize the long term situation.

Washington’s message on the South China Sea issue has been badly garbled, making it seem as if it is opposed to any Chinese activities that involve an increase in presence or capability in the area, with little serious reference to the provocative actions of any other claimants, in particular Vietnam and the Philippines. To clarify its position, the United States needs to focus like a laser on its two only real interests in the South China Sea, and connect its statements and actions to them as much as possible.

The first interest is freedom of navigation (FON), meaning access by the United States Navy to areas outside any legally established territorial waters surrounding islands or other features, including the so-called Exclusive Economic Zone (EEZ) that extends for 200 nautical miles beyond such waters. China has no interest in obstructing commercial shipping or flights across the South China Sea and warning them against something they have never undertaken and would never do in the future, except perhaps in time of war, is unnecessarily provocative and misleading.

The second United States interest regarding this issue is the possible unprovoked use of force by China against other claimants. Such actions would inevitably generate a much greater level of tension across the region and push it toward an emphasis on military rivalry over peaceful economic growth. Both Washington and Beijing have a vital interest in preventing an escalating spiral of violence over disputed rocks and islands. Washington needs to end its vague opposition to undefined “coercion” by Beijing or others in the South China Sea and focus on preventing the sustained use of force.

Both of these United States interests involve potential violations of or disputes regarding international law and process in respect to three issues: 1) whether man-made islands can be used to justify 12nm territorial seas and EEZs that can then be used to limit naval access; 2) whether a coastal state with EEZs can demand that foreign militaries notify them before transiting or engaging in ISR or similar military activities; and 3) the threat or resort to force over disputed territories.

Regarding the first point, the United States must make it abundantly clear to the Chinese government that any attempt to claim sovereign waters or EEZs for man-made islands built on features that do not possess territorial waters or EEZs would be in violation of international law and completely unacceptable. Washington has in fact said this at times, but too often it also makes statements that give the impression that it is opposed to Chinese land reclamation per se. Land reclamation in itself is meaningless. Virtually every claimant has engaged in it, and to say that China is doing more of it means little. The issue is about what China does with its reclaimed land.

In addition, the lack of Chinese clarity regarding the specific claim to waters around man-made islands is magnified by its larger unwillingness to clearly define its claims to those waters existing outside of any conceivable 12 nm limit or EEZ associated with land features and yet inside the much larger “nine-dashed line” (9DL) that is intended to signify its claims across the South China Sea. Beijing has at times acted as if it has exclusive rights over such waters, but has never clearly stated its position, thus greatly increasing the overall level of uncertainty. Washington and others have repeatedly called for Beijing to clarify its stance on the 9DL and should continue to do so.

On the second point (regarding naval activities within EEZs) Beijing and Washington clearly differ over how freely United States military assets can operate in areas just outside territorial waters, especially the EEZ. China, along with several other coastal nations such as India and Brazil, insists that it has the legal right, under the regulations of the UN Convention on the Law of the Sea (UNCLOS), to deny foreign navies the ability to conduct a variety of supposedly “hostile” activities in its EEZ, including surveillance. The United States and many other countries reject this interpretation. Moreover, China has itself conducted such supposedly “hostile” naval actions (i.e., surveillance) in the United States EEZs around Guam and Hawaii. Washington must point out the hypocrisy of the Chinese position and insist that it has a right to operate in a non-hostile manner (including normal surveillance activities) outside of legal 12 nm territorial waters. At the same time, Washington should reduce the frequency of its monitoring activities within China’s EEZs. It is my understanding, based on discussions with former United States officials, that the United States military does not need to conduct such ISR activities at high levels.

The third point (an unprovoked threat or use of force) would constitute a clear violation of the UN Charter prohibiting such behavior. Any sustained attempt by China to forcibly threaten or remove other claimants from disputed territories without any clear appeal to self-defense would seriously disrupt peace and generate a strong regional and international response. Beijing must recognize that such an outcome would undermine its entire “peaceful development” policy and put at risk its relations with the West and many regional states. Although China has stated many times that it is committed to a peaceful process of negotiation over the disputed areas and signed the 2002 Declaration on the Conduct of Parties in the South China Sea ­­– in which all parties agreed “to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force,”---it has never clearly disavowed an unprovoked use of force. Moreover, China has employed force in the past to eject other claimants from disputed South China Sea territories, and at present it (along with many ASEAN states) seems to offer little strong support for adopting a binding Code of Conduct to avoid future incidents. The United States and others should thus press China and other claimants to make a clear, definitive statement that they will not resort to force to remove other claimants without a direct, prior provocation. Some might counter that China and others could not make such a pledge without damaging its sovereignty claims in the South China Sea or undermining its future negotiating leverage. However, such consequences are avoidable if Beijing makes its non-use-of force- pledge contingent on similar pledges by other claimants and defines its pledge clearly as a confidence building measure that in no way imperils its sovereignty claims.

In addition to the above near-term actions in support of its two interests in the South China Sea, Washington should also undertake several specific actions to prevent the further deterioration of the situation over the long term. First, Washington should stop emphasizing military deterrence methods to prevent changes in the status quo (thus freezing the situation into one of constant potential conflict) and start focusing instead on the resolution of territorial disputes through negotiations between the claimants designed to clarify the nature of claims. This should be followed by the application of UNCLOS principles to sort out the territorial and EEZ implications of the claims, perhaps using South China Sea Council modeled on the Arctic Council.

Second, Washington needs to make it clear privately to Beijing that its continued failure to enter into binding Code of Conduct talks, to clarify the nature of its claims to waters within the 9DL, and to disavow the unprovoked use of force, combined with its growing presence and capabilities in the area, will increasingly cause the United States and other states to hedge against worst case outcomes and act accordingly. Specifically, the United States will need to maintain its own capacity, and the capacity of others, to counter possible future attempts by Beijing to declare a de facto exclusionary zone or zones in the area and to employ force, possibly against an ally (the Philippines).

Third, Washington should make it clear to Beijing that such hedging would require a significant improvement in United States defense relations and presence with, and the provision of armaments to Manila, as well as Hanoi and Malaysia. However, this augmented level of United States activity should be made contingent on China clarifying its claims and entering into negotiated codes of conduct with other claimants. Beijing must also clearly affirm, through its words and actions, that there is no military solution to these disputes and that it will never seek to dislodge rivals forcefully from occupied areas in an unprovoked manner. It should also refrain from deploying significant power projection capabilities on its occupied islands in the Spratly Islands, such as advanced fighters. Washington should make it clear that, if China undertakes such actions and pledges, the United States would suspend the above hedging activities, but would restart them if China violates its commitment.

Fourth, regarding negotiations over the disputed claims, Washington should stop opposing bilateral talks between claimants, including China-Vietnam, China-Philippines and China-Malaysia, and try to broker bilateral settlements between Vietnam and the Philippines and Vietnam and Malaysia so as to reduce differences between claimants to the bilateral level with China. The current United States stance of pushing “collaborative” efforts is a non-starter in the absence of any unity among the non-China claimants.

Fifth, in order to reduce tensions and improve the environment for negotiations, Washington should work behind the scenes (perhaps with Indonesia) to organize an effort to promote the joint exploration of seabed resources without prejudice to sovereignty, as has already been done by Malaysia and Thailand (1979), Malaysia and Vietnam (1992), and Malaysia and Brunei (2009), and as China has long urged. Washington should call Beijing’s apparent bluff on this issue.

Sixth, while Japan’s effort to improve the capacity of coast guard units of our allies and friends in Southeast Asia is welcome, Washington should not encourage the Japan Self-Defense Force to join the United States in patrolling the South China Sea. Having the JSDF in the South China Sea where Japan has no territorial claims (unlike China) and its security and freedom of navigation are not threatened would intensify the emerging security dilemma between the US-Japan alliance and China and promote instability. Moreover, it is highly likely that Japan is legally prohibited from engaging in such joint patrols.

Finally, this issue, and the need for greater clarity regarding concerns and consequences, is sufficiently urgent and important to justify discussion at the highest levels of government. It should be on the agenda of President Xi Jinping’s meeting with President Obama during the former’s upcoming state visit to Washington in September. Rather than yet again exchanging each side’s formal position, the two presidents and their aides should seek to achieve a clearer and more finely grained understanding of concerns, intentions, and consequences and commit themselves to undertaking mutual assurances designed to avoid an escalating spiral. Military and civilian authorities at lower levels could then develop such assurances.

The United States and China must get beyond the heated rhetoric and signals of resolve and build the basis for demilitarizing and defusing the escalating tensions in the South China Sea. If this is not done, the current course of action threatens to produce a far more dangerous situation that will prove extremely difficult to reverse.

#### All parties say yes and other claimant states model the Philippines

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These conditions and possibilities make up a two-level game (Putnam 1988). In economic terms, the maximum gain for both sides would be a monopoly over the exploitation of resources in the SCS. China would still have an advantage, as natural gas and oil can be extracted by Chinese companies, while the Philippines would need to attract foreign companies, despite the high risk of conflict with China. As regards fishing, both countries are autonomous, but this activity is proportionally more relevant to the Philippine economy. The ideal resolution of the current impasse would be joint exploration by China and the Philippines, a process that started during the Arroyo government in 2004 and also included Vietnam, but was discontinued a few years later due to mutual distrust. Now, under Duterte and Xi, a new perspective on joint fishing activities seems to be developing.

In strategic terms, the basic asymmetry between the two countries creates different expectations of a resolution. China’s basic parameters involve a historical narrative of the centrality of its tribute system in South East Asia; a conception of the southern borders (on land and sea) as expansive and mobile (unlike the rather defensive and static borders in the north and west); the notion of being under siege by the West, due to the US system of hubs and spokes; and, above all, a material force used by a strong and organised state to project power over a region that does not host any major powers or countries with a nuclear capability.

The Philippines is an archipelago with a long colonial past, marked by social inequality, two major domestic threats (drug trafficking and guerrillas), and armed forces that, despite Duterte’s current turn to China, still rely on cooperation with the USA. While this special relationship provides it with a degree of domestic stability and security against internal and external threats, it restricts the country’s geopolitical ambitions, and maintains it as one of numerous pawns of American strategy in the Asian geopolitical theatre.

Thus, expectations of negotiation on the geopolitical board between the two countries are distinct. The optimal outcome for China is absolute control over the SCS (according to the Nine Dash Line), and a monopoly over resource exploitation. A possible concession, signalled on some occasions to different litigating countries, is the joint exploitation of resources without giving up de facto political-military control, expressed by the occupation of most of the islands and also by the transformation of islets and sandbars into real islands. In addition, China would have to recognise the de facto possession of some islands, islets and sandbanks by other countries, and give up bullying foreign fishing boats. Finally, the worst scenario for China in dealing with the Philippines is shared political-military control of Scarborough Shoal, in an arrangement in which US and Japanese forces, under international law, would protect and strengthen the safety of Philippine forces.

For the Philippines, the optimum result would be military control over its EEZ of 200 nautical miles, including the reefs and islets of the Spratly Islands and the Scarborough Shoal. Since such absolute control is not feasible, a possible concession is to accept China’s de facto jurisdiction over many of these islands in exchange for the joint exploitation of resources and the maintenance of Philippine forces on the few islets under its own control. Joint exploration would consist of: a) giving Philippine fishing boats access to the entire region; and b) shared royalties from the exploitation of oil and natural gas reserves although this may be resisted in the Philippine Congress and in the military. Finally, the worst scenario for the Philippines would be a lack or loss of political-military control of its EEZ, a Chinese veto over fishing activities, and exclusion from the exploitation of energy resources.

Figure 4 depicts the movements China and the Philippines would need to make to resolve their dispute. It reflects ‘acceptable’ results for both sides, in which their win-sets would overlap. For China, this would mean smaller economic gains, but significantly greater political gains. For the Philippines, it would mean greater economic gains, but also greater political costs.

By making concessions such as allowing the Philippines to practise fishing and permitting a de facto possession of small portions of the Spratlys, such as the Kalayaan Islands, China would make far greater political gains. First, as the stronger state (A), this would signal a degree of respect for the autonomy of the weaker state (b), and avoid signs of bullying, interpreted as aggression by the weaker side. Second, it would reduce the sense of threat held by other litigating countries, which would tend to follow the behaviour of the Philippines and tacitly accept a Chinese preponderance. And third, it would deflate the justification for the US presence in the region, namely to guarantee its stability. On the other hand, its economic gains would be low, at least in the short term, because fishing is less important to the Chinese economy, and oil and gas exploitation would demand large initial investments and the sharing of royalties with the Philippines.

Conversely, for the Philippines, the ‘acceptable’ result would mean economic gains and political setbacks. The economic gains would result from fishing, and a share in oil and gas royalties. The political costs would be the loss of control over its 200-mile EEZ, despite the possession of a few islands, and also the tacit, almost inevitable, recognition of Chinese supremacy in the region, which would force it to gradually limit cooperation and military exercises with the Americans and the Japanese for fear of losing its economic gains.

There are some obstacles or challenges to reaching a middle ground and avoiding the misperceptions that lead to conflict. On the Chinese side, they are: a) that Chinese companies need to accept the payment of royalties for oil and natural gas to the Philippines, even if the initial investments are made only by the Chinese; b) that the Chinese navy needs to grant autonomy to the Philippines at least in respect of fishing activities, avoiding typical bullying attitudes of (A) over (b), and accepting that Philippine fishermen pose no threat to its de facto sovereignty in Scarborough and parts of the Spratlys; and c) that the Philippine possession of islands such as Kalayaan is informally recognised.

On the Philippine side, the challenges are: a) to pay typical deference from (b) to (A) to China, and recognise its de facto sovereignty by scaling down military cooperation with the Americans and the Japanese; b) to accept that the exploitation of energy resources by Chinese companies would also include some Philippine interests; and c) to convince its domestic audience (politicians, the military, and ordinary voters) that a deal with China over energy exploration would be an opportunity instead of a threat.

Final considerations

The dual structural asymmetry of Filipino relations with the USA and China has moved along several points on this matrix in the past two decades. Arroyo’s first term was marked by equi-balancing between the two powers. The return of US influence after the hiatus in the 1990s became clear with the leap in financial aid (both civil and military), diplomatic and presidential visits, and the inclusion of the Philippines in the category of major non-NATO ally in 2003. The number of Filipino bilateral agreements with China also grew, including cooperation initiatives in respect of the SCS. The 2003-4 window may have come the closest to reaching a lasting agreement of mutual gains with small concessions between Manila and Beijing. This is because China had not yet occupied most of the Spratlys, nor tabled its Nine-Dash Line, and the Americans were too busy in Iraq and Afghanistan to exert pressure on the Philippines.

During her second term, Arroyo maintained the equi-balance up to a point, but leaned towards China, because of economic considerations, and because relations with the USA had cooled after the withdrawal of the Philippines from Iraq. Closer relations with China offered great economic opportunities: the Early Harvest programme encouraged exports, large direct investments began to arrive in the energy sector, and bilateral agreements reached a record number of 52 between 2005 and 2007. However, economic convergence was affected by allegations of corruption around Chinese investments, and by the territorial dispute that had entered a new chapter with the Filipino Baselines Law and the Chinese Nine-Dash Line. The golden age of partnership ended, and the win-sets of the two countries drifted apart.

The Aquino administration reached a point where a negotiated settlement with China was most unlikely. The pattern of bullying-paranoia intensified due to friction between coastguards and fishing fleets, with a clear imbalance in favour of China. Tensions increased further due to the legal dispute in the UN Permanent Court of Arbitration and Aquino’s strengthening of ties with the USA under Obama, when the double structural asymmetry became prominent once again.

Duterte has pursued another twist in foreign policy. Speeches and ‘speech acts’ like his presence at the launch of the Belt and Road Initiative in Beijing have set the tone of his ambitions, but his controversial statements make him a somewhat unpredictable player in the international arena. His rapprochement with China will certainly run up against internal limits as the Philippines are essentially a US-friendly society, and many military leaders and politicians are suspicious of China’s intentions. Nevertheless, the growth of Chinese FDI can work in Duterte’s favour, not only by improving infrastructure, but also by increasing the flow of businessmen, the strengthening of tourism, and investment in renewable energy.

If Duterte manages to soften his rupture with the USA, especially with a Trump administration which is less concerned with human rights, and combine Japan’s military cooperation with traditional American aid rather than swap one for the other, there is a window of possible benefits for the Philippines. It will gain considerable economic benefits from continuing to fish in the SCS, Chinese investment, and possibly receiving a portion of the royalties from the exploitation of energy resources. The cost would be the tacit recognition of China’s de facto possession of most of the islands, with Japanese and American support helping to keep the remaining few islands under Philippine control.