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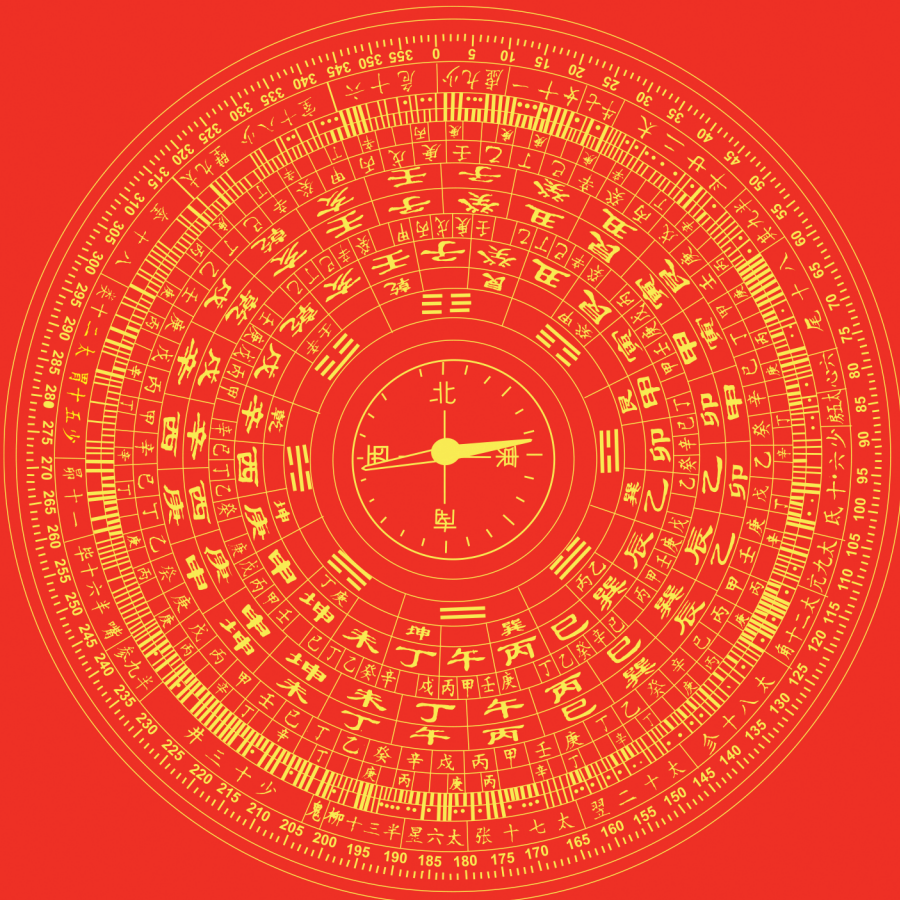
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# 中海

NAVAL WAR COLLEGE  
CHINA MARITIME STUDIES

Number 13

## Beyond the Wall Chinese Far Seas Operations



Peter A. Dutton and Ryan D. Martinson, Editors



# Beyond the Wall

Chinese Far Seas Operations

*Peter A. Dutton and Ryan D. Martinson,  
Editors*

CHINA MARITIME STUDIES INSTITUTE  
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Newport, Rhode Island

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中海

The image features the Chinese characters '中海' (Zhong Hai) written in a bold, expressive cursive calligraphic style. The characters are dark grey or black. The character '中' is on the left, and '海' is on the right. The '海' character is particularly large and dynamic, with a long, sweeping tail stroke that curves downwards and to the right. Two stylized fish are integrated into the composition: one is positioned to the left of the '中' character, and another is positioned below the '海' character, appearing to swim in the water. The background is plain white.







The opinions expressed in this publication are the perspectives of the authors and do not necessarily represent the views of the U.S. Department of Defense or any of its components or the views of the government of the People's Republic of China or any of its components.



## Introduction

*Peter A. Dutton and Ryan D. Martinson*

This volume is the product of a groundbreaking dialogue on sea-lane security held between People's Liberation Army (PLA) Navy and U.S. Navy scholars at the Naval War College in August 2013, with additional material from a related conference, "China's Far Seas Operations," hosted by the China Maritime Studies Institute in May 2012. At that time the political climate in China was uncertain, in the shadow of the Bo Xilai crisis and of the impending transition of power between the Hu and Xi regimes; accordingly the PLA Navy, though invited to participate in the "Far Seas" conference, ultimately declined to do so. This was not entirely surprising. Attempts by various agencies of the U.S. Navy up to that time to engage in discussions to advance maritime cooperation between China and the United States had been met with lukewarm responses at best. But at a maritime security dialogue in Dalian in September 2012 Senior Capt. Zhang Junshe of the PLA Navy Research Institute, a key contributor to this volume and to the success of the academic cooperation between our two institutes, approached Peter Dutton to tell him that everything had changed. China's new leadership wanted the PLA Navy to engage the U.S. Navy actively and to discuss openly all relevant issues, with the aim of advancing cooperation between the two navies. Since that time members of the China Maritime Studies Institute have engaged members of the PLA Navy Research Institute in discussions on a rich variety of maritime topics, leading to advances in understanding between our two institutes and our two navies.

Much has been written about Chinese sea power in the "near seas" of East Asia—those waters located within the chain of islands extending from the Kurils in the north to Sumatra in the south.<sup>1</sup> This volume attempts to broaden the discussion by examining China's efforts to shape its navy to meet new and growing needs beyond Asia, in waters to which it usually refers as the "far seas," or "distant seas."<sup>2</sup> Remote from domestic bases of support, the far seas impose a range of logistical and operational challenges on the PLA Navy. But this distance from the Chinese homeland also provides new opportunities for cooperation with the other navies of the world, creating a much-needed antidote to the growing tensions east of Malacca.

The five missions of the China Maritime Studies Institute—to research, write, advise, teach, and engage—were all advanced through this exchange of scholarship, but none



more so than the engagement portion of its portfolio. The institute engages with the PLA Navy for the purpose of providing the Chief of Naval Operations with an additional pathway to improve the U.S. Navy's understanding of PLA Navy perspectives. The exchange that forms the basis of this volume was rich. Although that exchange cannot be captured in this brief introduction in all its aspects, there are several themes that the papers published here capture especially well. Every author, for instance, takes for granted that a redistribution of power is ongoing that could have profoundly negative consequences for sea-lane security if not carefully managed. Additionally, although there is general agreement that the U.S. Navy will remain dominant in terms of traditional security, it is broadly accepted that the shrinking size of its fleet means it will increasingly need support in stabilizing the global maritime domain from the effects of nontraditional security threats. Finally, there is a general consensus that cooperative U.S.-Chinese naval relations could serve as a basis for improvements not only in maritime security but also in the overall relationship between the United States and China.

To that end, Dale Rielage begins this volume by reflecting on some of the deepest questions facing the U.S. Navy. He assesses that the aforementioned global redistribution of power is brought about primarily by the rise of China rather than any American decline but that nonetheless this redistribution of power has the potential to affect sea-lane security. One major factor in China's growing power is the expansion of its maritime trade, which is dependent on sea-lane security. However, Rielage notes, as power transfers and diffuses among states, maritime trade ironically becomes a vulnerability, in that shipping presents an increasingly attractive target if power shifts lead to conflict. Additionally, the same diffusion of technology that accompanies advances in maritime trade also increases access to technology that can be used to deny use of the seas. Rielage concludes that dealing with the inevitable mistrust between the United States and China in the midst of power change and the PLA Navy's improving capacity is one of the major challenges of our age. To avoid the problems of misperception, he recommends regular communication between navies, maintenance and development of the international legal system, and the development of mechanisms for collective action to support sea-lane security.

Wu Zhengyu's chapter advances the theme of maritime competition introduced by Rielage and focuses attention on the impact of China's maritime development on strategic stability in East Asia. He observes lessons from the previous experiences of similarly situated states in terms of geographical position—that is, states with hybrid land and maritime interests, such as France and Germany, and a large continental state that chose to build maritime power, the Soviet Union. He observes that for many years China's maritime deficiency was an important component of strategic stability in Asia, because there was a natural balance of power and interests between China as a strong continental state and the United States and its maritime allies. However, the recent growth of China's

navy and the development of antiaccess capabilities has upset this balance. Wu observes that to ensure its long-term safety and security China must find an appropriate balance between land and sea power to avoid antagonizing the United States as Beijing pursues its territorial, economic, and security interests in its surrounding seas.

Xu Qiyu is somewhat less concerned about the possibility of accelerating naval rivalry and asserts instead that the historical record suggests that the maritime domain tends not to be especially sensitive to power shifts in the international structure. In support of this contention he observes that throughout the nineteenth and early twentieth centuries even as Germany, France, and Russia vied for power on the European continent, Britain remained the dominant maritime power. Xu concludes that the American position as the dominant maritime power is secure for the foreseeable future but will not be without challenges. A shrinking U.S. Navy will be especially ill prepared to cope with nontraditional security threats and will require cooperation from other naval powers. Xu is optimistic that such multilateral naval cooperation will help to foster a cooperative, or at least collaborative, model of great-power relations. American cooperation in this regard assists China to overcome its own mistrust of U.S. intentions.

Andrew Erickson and Austin Strange and, in the succeeding essay, Zhang Junshe reflect on the antipiracy operations in the Gulf of Aden as a successful example of Chinese cooperation with the international community. Erickson and Strange observe that the PLA Navy takes a cautious approach to the use of force but has become quite innovative in performing the mission. They note that China's initial preference for individual action in coordination with others to perform the tasks associated with suppressing piracy has gradually given way to more direct cooperation. Additionally, the Chinese have conducted a tremendous amount of international engagement through a wide array of port visits. Zhang proudly recounts the PLA Navy's accomplishments in the Gulf of Aden since it first began antipiracy operations in 2008. Like Erickson and Strange, he argues that the Chinese navy's increasingly "close cooperation" with other navies, including the U.S. Navy, has "promoted mutual understanding and mutual trust between the two navies" and advanced "a new type of big power relationship between our two countries."

Six years of antipiracy operations have not been without their challenges for the PLA Navy. One such challenge is logistical support. Christopher Yung tells us that the Chinese are having a robust debate over the question of how to provide logistical support to the PLA Navy's increasing far-seas operations, especially in the Indian Ocean. He assesses that the most logical, and therefore most likely, decision would be to establish dual-use logistics facilities that can support both commercial and military operations. He anticipates that such facilities will use local agents to tap into existing commercial networks and commercial delivery services so as to provide an efficient method of moving required materiel. This model is attractive because dual-use logistics facilities have

a small and light footprint, incur low political costs to China, and would not need to be defended by the Chinese military.

Cai Penghong observes that China's recent determination to expand and protect its overseas interests reflects a significant break with the nation's past internal and continental focuses. He observes that the expansion of China's overseas interests is a natural outcome of its economic rise and that disruption to important sea-lanes would threaten China's economic and political stability. At the same time, he expects China to face competition and pressure from the United States, especially in the western Pacific. China, he asserts, should not back down under this pressure but should actively compete with the United States, without resorting to war. The key that prevents escalation of competition to conflict, Cai says, is that China's overseas interests are, though important, not vital, and that will remain the case for the foreseeable future. Accordingly, Cai believes, cooperative competition is the best strategic approach for China to take.

Jonathan Odom and Wang Xiaoxuan in their respective essays shift the focus of discussion to the rule sets that will best serve the interests of peace and stability in the maritime domain as both countries seek ways to manage competition and expand cooperation. Odom observes that China's current approach to international law of the sea, an approach that seeks to restrict military freedoms of navigation in the near seas, may not serve Chinese interests well as China moves out into the far seas to undertake naval operations there. Without liberalization of its restrictive approach to international law, Odom argues, despite its growing capacity the PLA Navy risks remaining ineffective at protecting its growing overseas resource and commercial interests and at protecting Chinese citizens living abroad from the effects of political instability or natural disasters. Accordingly, in Odom's view, liberalizing its policies regarding freedom of navigation for military purposes would best protect China's interests. Wang seems to agree, to a point. While he believes the international community should "establish the concept of freedom of the seas for all," he is convinced that "self-interested and exclusive control"—a reference, presumably, to American global naval dominance—is the "greatest threat" to sea-lane security. Wang makes little mention of the maritime legal regime, asserting only that the system needs to be improved to support the management of the global maritime environment. Wang's solution is based more on power sharing: joint management of sea-lanes, cooperative international support for sea-lane navigation systems, and an open conversation among coastal states, user states, and maritime powers. Note the difference between the American preference for regulating international behaviors (strengthening rules and laws) and the Chinese preference (strengthening relationships). This is a recurring theme not just in this volume but in many bilateral discussions between the two navies.

Finally, Mark Redden and Phillip Saunders round out the volume with a substantial chapter that tackles the competition/cooperation dynamic in the United States–China relationship at sea. Redden and Saunders circle back to a theme that the beginning chapters address—that if the U.S. Navy and the PLA Navy are able to improve bilateral cooperation substantially, it will have “a significant positive impact on the broader relationship.” They are pessimistic about the bilateral talks under the Military Maritime Consultative Agreement, because the United States focuses on “tactical-level deconfliction procedures” while China seeks to address “broader political-military issues.” (This is the rules/relationship dichotomy returning for a curtain call.) Using this framework, Redden and Saunders address the two perspectives regarding military operations in the exclusive economic zone. They conclude that for the time being the difference between them causes friction but at a manageable level, below a threshold of maximum acceptable operational risk. However, Redden and Saunders are not optimistic that this condition will continue indefinitely and conclude that ultimately “U.S. and Chinese . . . maritime interactions will help shape broader rules and norms of maritime behavior.”

Perhaps, after all, this is the point of continued direct engagement between the U.S. Navy and the PLA Navy. If China’s power continues to rise in the future as it has in recent decades, the history of the twenty-first century will be written in terms of the cooperation or competition between the two powerful states whose interests these navies will have defended. The United States and China will either develop a common approach to maritime security or slip farther toward competition and probably even into conflict. If we hope to avoid the latter future, active, sustained, patient engagement will be required to develop either mutually agreeable rule sets or an improved relationship. As one Chinese participant noted during the conference, a new type of great-power relationship would mean “something completely new, very different from the old US-USSR relationship, but also different from the US-UK relationship. It is a new path that will require more cooperation, understanding, and the development of mutual trust for China and the US to move toward a common goal. The bottom line is that it is like a friendship.” These are lofty words, and indeed the chapters in this volume make clear that both American and Chinese naval experts desire a relationship defined more by cooperation than by competition. The question that remains to be answered, however, is: On what terms?

## Notes

1. Peter Dutton, Andrew S. Erickson, and Ryan Martinson, eds., *China’s Near Seas Combat Capabilities*, China Maritime Study 11 (Newport, R.I.: Naval War College Press, 2014).
2. Nan Li, “The Evolution of China’s Naval Strategy and Capabilities: From ‘Near Coast’ and ‘Near Seas’ to ‘Far Seas,’” *Asian Security* 5, no. 2 (2009), pp. 144–69.



## Multipolarity and the Future of Sea-Lane Security

*Dale C. Rielage*

The trend toward multipolarity represents a significant shift in the balance of power across the international order. It is a fundamental factor that both the United States and China are contemplating as they consider the future. The development of a multipolar global system has become accepted fact among U.S. government leaders. In the most recent *National Military Strategy*, published in 2011, the Department of Defense did not use the word “multipolar” but noted that “changing distribution of power” foretold an “evolution to a ‘multi-nodal’ world.”<sup>1</sup>

The Chinese government has apparently arrived at a similar conclusion. Its 2013 defense white paper states that “global trends toward economic globalization and multi-polarity are intensifying.”<sup>2</sup> In January 2013, the People’s Liberation Army (PLA) deputy chief of the General Staff, Lt. Gen. Qi Jianguo, wrote that “the process of multi-polarity is accelerating.” In outlining China’s future security environment, General Qi observed that “the end of the Cold War opened up a new process of global multi-polarity . . . and the era where one or two great powers ruled the world should be over and will never return. This is an irreversible historical trend.”<sup>3</sup>

True multipolarity, if it comes to pass, would affect the international security environment in many ways. In the maritime domain, a more variegated distribution of power could potentially impact the system of maritime communications that we have taken for granted since the end of World War II. Would such change have a net positive or net negative effect on sea-lane security? What key factors affecting positive or negative change can be identified, and how might they be emphasized or mitigated the better to safeguard sea-lane security?

Two points of context deserve mention. First, a shift to multipolarity does not necessarily mean an absolute decline in the resources or capabilities of the existing powers. In its 2012 report “Global Trends 2030,” the National Intelligence Council aptly referred to multipolarity as a “diffusion of power.”<sup>4</sup> If in most cases decline is relative rather than absolute, today’s powers will likely remain prosperous and capable of consequential action at home and abroad. They will, however, face an increasing number of other states that share this ability. In our future world, very few capabilities will be exclusive to any one nation.

Second, the question of sea-lane security in a multipolar world must be placed in the context of increasing global dependence on maritime trade. Five hundred years ago the approximately thousand vessels trading among the Baltic and Scandinavian states had a total load capacity of about ninety thousand tons. Today, that amount of cargo is off-loaded in the United States from China every sixty-five minutes and could fit comfortably in a single very large containership.<sup>5</sup> In the postwar period, worldwide trade volume has increased an average of 6 percent annually.<sup>6</sup> Economic globalization has allowed hundreds of millions of people to participate in complex economic transactions beyond their local markets, spreading more widely the benefits, costs, and impacts of commerce. The aggregate effect has been a striking increase in the average standard of living. Moreover, increased trade has led to growing global economic integration, which has very important security implications.

Indeed, there is an interesting cause-and-effect question here. Did stable access to the sea-lanes underwrite the economic boom that has driven the trend toward multipolarity, or do growing powers naturally turn to maritime trade? Whether cause or effect, growing use of the seas is not an adjunct to political multipolarity. The diffusion of power that creates multipolarity is in part diffusion of economic power. That diffusion is based on a global trading system that must be fueled by raw materials and must move finished goods to market.

Assuming that multipolarity is built on trade and that trade is built on sea-lane security, the fundamental question becomes: Is multipolarity self-limiting? Will the system at some point threaten one of its core enablers, killing the goose that laid the golden egg?

To answer this question, we need to identify the chief threats to global maritime trade and examine how multipolarity may impact them. These threats can be grouped into three major categories. First, and most significant, is the possibility of transregional conflict. Transregional conflict most commonly involves conflict between great powers, though conflict between significant and distributed coalitions can have the same characteristics. These conflicts spread outside their immediate neighborhoods and often lead to catastrophic disruption of the international trade system. Examples of this type include the Napoleonic Wars, World War I, and World War II. When these conflicts ended, the reconstituted trading system profoundly differed from what had existed before.

Second, use of the sea-lanes is threatened by the much more likely prospect of regional conflict. This involves geographically limited contests between regional states (for example, the War of the Pacific, between Chile and a coalition of Bolivia and Peru) or between a great power and a regional state, such as that between the United States and Iran in 1987 and 1988. In these cases, impact on trade is tied to geography. If the regional



conflict occurs in a key area, a crossroads on the global commons, the local disruption of trade and resource flows can impact the wider system.

Finally, a variety of what we refer to as “nontraditional threats” can complicate or restrict use of the sea-lanes. These include piracy, terrorism from the seas, and criminal activity.

How then is the trend toward multipolarity—or, in other terms, the diffusion of power—likely to impact each of these threats?

Transregional conflict is a high-impact, low-probability event. It is important to recognize that neither multipolar political structure nor economic interdependence is a complete antidote to great-power conflict. The European powers entered the twentieth century having achieved a level of economic and cultural interconnection that would make major war devastating for all the societies involved. They recognized this reality and elected war regardless. In some cases, in fact, the war plans of the European powers sought to leverage the economic system as a weapon in their struggle. Owing to their scale and extent, transregional conflicts jeopardize the viability and structure of the political and economic system itself. Thus, when hostilities cease the players and the rules of the system are invariably altered, though in most cases the system endures.

The presence of several large powers or of multiple alliances in competition increases the chances of a conflict extending beyond a region and potentially across the globe. As John Mearsheimer observes, “there are more great powers in a multipolar system and therefore more opportunities for great powers to fight each other.”<sup>7</sup> With an increased probability of alliance ties crossing regions, the prospect of geographic escalation of conflict becomes acute.

Regional conflict is the most likely and most dangerous threat to sea-lane security. Ironically, the increasing importance of international trade makes that trade an ever more attractive target. The same diffusion of technology that allows more states to produce goods and to use the seas for their economic gain also increases access to the technology to deny use of the seas. Recently, in the United States we have begun referring to these technologies collectively as “antiaccess/area-denial” weapons systems. The concept behind these systems is quite old. Technology, however, has in many cases increased their effectiveness and increased their ease of employment, removing practical barriers to their use. Global trade has made these technologies more widely available. Thus, in a multipolar world a state is more likely to find freedom of navigation in its region militarily significant, to possess the means to impact it, and to decide to employ them in wartime.

Nontraditional threats constitute the third category of threats to sea-lane security. Referring to these issues as “nontraditional” is an interesting comment on our current international order—viewed across the centuries, piracy and other criminal actions at

sea are perhaps the most traditional threats to the sea-lanes. In recent years, these threats have taken new forms. However, at most they can only complicate or restrict our use of the sea-lanes; they cannot deny maritime commerce across a broad area. In most cases, they represent friction within the international maritime system and not threats to its operation. The nonstate actors who carry out these acts are facilitated either by a breakdown in governance ashore—providing havens for piracy and other criminal activity—or, more rarely, by the willful assistance of functioning governments. In most cases, the limited resources and level of sophistication of the attacks put answering them squarely within the capability of most midrange powers.

The irony is that nontraditional threats—by far the least menacing of the three—are the most likely to garner international cooperation. Diffusion of power increases the capacity of states to act against nontraditional threats, while the multipolar system and the absence of a single security provider builds incentive for cooperative action.

To summarize, multipolarity increases the risks to sea-lane security from both trans-regional and regional conflicts but encourages low-cost cooperation against tertiary threats to the system. What deliberate actions, then, can we take to mitigate the risks?

First, we can take measures to minimize the likelihood of naval rivalry between the leading powers. Several years ago, in a chapter of the book *Twenty-First Century Seapower*, PLA colonel Xu Qiyu asked whether the emergence of a rising power necessarily leads to a shift in the balance of power at sea.<sup>8</sup> He concluded that it need not. In his paper for this volume, he suggests that, similarly, the diffusion of power across the international system does not necessarily mean a shift in the power structure at sea. I would agree that a shift in power at sea is not an absolute rule; however, the dynamics that accompany multipolarity make a shift in maritime power structures likely.

The question hinges on whether each of the major trading nations of the world believes it needs a naval force sufficient to guarantee its access to the international sea-lanes. I believe that they do. As rising powers invest in new naval capabilities, they incite concern that protection of trade does not reflect the full extent of their ambitions.

The current proliferation of antiaccess/area-denial weapons, mentioned above, makes this calculus more complex. A nation that seeks to guarantee access to the sea-lanes inherently needs the capability to defeat such weapons. That capability, however, is agnostic—that is, it can be perceived as defending peaceful commerce *and* enabling aggressive action. This technological dynamic encourages competition.

The technology that drives this phenomenon is unlikely to change radically in the next several years. Therefore, preventing naval rivalry is ultimately a problem of perception. Communication between navies is the first and foremost mechanism of shaping perception. These and other confidence-building measures are well worth exploring.

Maintaining and developing the international legal system are collectively a second important action. The current rules-based order has provided stability in the maritime domain. Confidence in that regime reduces the incentive for nations to think of the protection of their maritime interests as first and foremost a naval problem. Dispute-resolution mechanisms offer some chance of binding, nonviolent settlement of maritime disputes. Moreover, a broad respect for norms increases the chance of collective action against violators, preventing maritime security from being a strictly “self-help” project.

This, however, is an area where the trend line is not promising. While the U.S. Navy remains a firm advocate of the United Nations Convention on the Law of the Sea (UNCLOS) as a codification of customary international law, the deep well of skepticism in other parts of the American government has prevented its ratification. In the western Pacific, the apparent refusal of China to state for its claims in the South China Sea a case that is consistent with international law or to accept UNCLOS arbitration with the Philippines fosters a perception within the region that international law is not an effective framework for resolving disputes. The second-order effects need to be countered.

Last, we can continue to develop mechanisms for collective action to support sea-lane security. Aside from the intrinsic value of combating nontraditional threats, collective action of this kind can contribute to traditional security by creating foundations for cooperation. There have been some remarkable successes in this arena, but we should continue to push what is possible. As Andrew Erickson has remarked, we need to “transcend the lowest common denominator.” Time/space-coincident unilateral action, as is often the case in the Gulf of Aden, is not true collective action. We also need to consider whether the cooperation we have seen in the Gulf of Aden can transcend that single region and problem or the success of the effort will spell the end of this maritime cooperation. The relatively low level of capability required to contribute allows a broad coalition. The United States, India, China, and Japan, as trading nations with established or growing naval capacities, should show the way in this process.

In conclusion, true multipolarity, if it comes to pass, will create a world where ensuring the security of the sea-lanes will require deliberate positive action by multiple self-interested nations. It is certain to be a difficult task. It is, however, a compelling and consequential task: our ability to maintain the security of the sea-lanes will determine nothing less than whether the billions of people across the globe will be able to realize their potentials in the years to come.

## Notes

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2. People's Republic of China, *The Diversified Employment of China's Armed Forces* (Beijing: Information Office of the State Council, April 2013).

3. Qi Jianguo, "Unprecedented Great Changing Situation: Understanding and Thoughts on the Global Strategic Situations and Our Country's National Security Environment," *Study Times* [Xuexi Shibao], 21 January 2013.
4. U.S. National Intelligence Council, "Global Trends 2030: Alternative Worlds," *Office of the Director of National Intelligence*, December 2012, [www.dni.gov/](http://www.dni.gov/).
5. Harald Grossman et al., *Maritime Trade and Transport Logistics, Strategy 2030*, trans. Susan Salms-Moss (Hamburg, Ger.: Hamburg Institute of International Economics for Berenberg Bank, 2006), p. 9, available at [www.hwwi.org/](http://www.hwwi.org/).
6. *Ibid.*, p. 11.
7. John J. Mearsheimer, *The Tragedy of Great Power Politics*, updated ed. (New York: W. W. Norton, 2014), chap. 10. This material is separately available at [nationalinterest.org/](http://nationalinterest.org/) under the title "Can China Rise Peacefully?"
8. Xu Qiyu, "Conflict at Sea: How It Happens and How It Can Be Avoided," in *Twenty-First Century Seapower: Cooperation and Conflict at Sea*, ed. Peter Dutton, Robert Ross, and Øystein Tunsjø, Frank Cass Naval Policy and History Series (New York: Routledge, 2012).

## Rimland Powers, Maritime Transformation, and Policy Implications for China

*Wu Zhengyu*

Maritime transformation stands out in history mainly for two reasons. First, history seems to have been very unkind to such transformations. Except for a few ancient cases, no effort at maritime transformation has ever succeeded. Serious attempts at maritime transformation by such great powers as Louis XIV's France, Wilhelm II's Germany, and imperial Russia / the Soviet Union all failed. Second, maritime transformation pursued by modern great powers has without exception led to strategic instability. In the cases of Louis XIV and Wilhelm II, their pursuits ended in hegemonic wars. In the case of imperial Russia / the Soviet Union, such efforts led to strategic tension and rivalry with other great powers. In spite of these ominous precedents, the world is currently witnessing another maritime transformation. This time, the protagonist is the People's Republic of China (PRC). Today, China's turn toward the sea is very much a reality, as evident in the stunning output of its shipbuilding industry, its vast and expanding merchant marine, its growing fishing fleet, and especially its increasingly modern navy.

Though maritime transformation is important in and of itself, to date there has been little scholarship on the subject except for a series of separate case studies. Case studies are indispensable for good scholarship, but they mean little if efforts are not made to identify patterns and extrapolate strategic lessons from the seemingly unique cases. This paper intends to fill this gap by situating China's maritime pursuit within a larger context and drawing conclusions from historical precedents. It first defines maritime transformation, expounds its significance, and points out qualitative differences among the historical cases. The paper then introduces the "rimland" concept and explores the mechanism that led to the historical failures of maritime transformation by the rimland powers. Then, using these historical lessons, the paper clarifies the challenges posed to the balance of power in East Asia by China's pursuit of maritime capabilities. Finally, the paper applies the historical lessons to China today and illustrates the strategic issues that nation must seriously consider if it wants to escape the strategic traps in maritime transformation.

## The Definition and Significance of Maritime Transformation

Maritime transformation is a tantalizingly fuzzy concept. Everyone seems to understand it, but no one has satisfactorily explained its meaning. This concept seldom appears in monographs on strategy, and the classics of strategy are conspicuously silent on the topic. Today, with the rise of China in the nautical realm, more and more policy analysts and academics have referred to this concept in a variety of analyses and studies. However, almost no effort has been made to define it precisely, and most analysts and academics on the subject have largely treated it as self-evident. In this paper, “maritime transformation” as a strategic concept specifically refers to the process whereby a continental or coastal state shifts its general strategic orientation and systematically redirects resources from land to the seas with the aim of transforming itself from a purely land power to a land/sea hybrid.<sup>1</sup>

Though maritime transformation is a strategic rather than geographic concept, geography is an indispensable factor for it. Maritime transformation does not apply to such states as Britain and Japan, which, largely due to geography, already have a maritime orientation. Only continental or coastal states have the combination of geographic qualifications and strategic necessity to pursue maritime transformation. This explains why the protagonists of maritime transformation throughout history are either continental or coastal states. In theory, many indexes can be employed to evaluate whether a state is pursuing maritime transformation. However, the most important index is the position of the navy in the overall composition of a state’s armed forces. A relatively prominent position indicates a shift in strategic concern from the terrestrial domain to the maritime domain. It also implies that the state can pursue maritime transformation purely for political or strategic reasons, regardless of economic costs.<sup>2</sup>

If as a concept maritime transformation only recently began receiving attention in the field of strategic studies, as a practice it can be traced as far back as ancient times. Persia, Rome, and the Ottoman Empire, to name only the most prominent examples, all pursued maritime transformation at the peak of their power. In general, their pursuits revealed a continentalist approach to sea power, an approach that stands in marked contrast to that of maritime powers in modern Europe. First, all three ancient empires became dominant land powers first, after which, by devoting tremendous resources to developing sea power, they were able to build substantial navies. Second, all three ancient empires achieved command of the Mediterranean or the Arabian Sea, as the case was, mainly by conquering the surrounding lands first. In view of this continentalist approach to sea power, it is no wonder that Halford J. Mackinder invoked these ancient examples to illustrate the inherent superiority of land power over sea power.<sup>3</sup>

After the center of naval competition moved into the Atlantic and beyond, a few great powers—France, Germany, and imperial Russia / the Soviet Union—seriously pursued maritime transformation. Though historians of later times have been disposed to lump all these cases together, there actually existed qualitative differences in terms of impacts on strategic stability between France and Germany as the “rimland” powers and imperial Russia / the Soviet Union as the “heartland” power. The maritime pursuits of imperial Russia / the Soviet Union did not end in catastrophe, though they did lead to strategic tension and rivalry. By contrast, the efforts of Louis XIV’s France and Wilhelm II’s Germany to achieve maritime transformation contributed much to hegemonic wars. Specifically, owing to their geographic situations, France and Germany can be land powers or sea powers but not both simultaneously. Otherwise they would upset the European balance of power, thus threatening the survival of other states.<sup>4</sup>

China, although located on the opposite side of Eurasia, is, like France and Germany, a typical rimland power in geopolitical terms. For many centuries China was a continental power, with a continentalist mentality, in spite of impressive maritime endowments and an honorable maritime heritage.<sup>5</sup> However, in the early part of the twenty-first century China inaugurated vigorous efforts to achieve maritime transformation, efforts most vividly evident in the exponential development of the People’s Liberation Army (PLA) naval forces. China’s ongoing maritime transformation not only marks the redirection of its overall strategic orientation from land to the sea but injects a brand-new factor into the East Asian security environment.<sup>6</sup> During the previous decades, China’s neighboring countries (as well as the United States) had grown accustomed to accepting China as a dominant land power in continental East Asia. However, the situation is changing now, and no one can spell out its strategic implications with confidence.

As mentioned above, maritime transformation pursued by a rimland power tends to have a more negative impact on regional strategic stability than that pursued by the heartland power. In view of this, the prime challenge faced by China today is how to avoid the potential strategic traps involved in maritime transformation, thereby to achieve peaceful development. To achieve this objective, we need first to understand the mechanism that led to the failures of maritime transformation pursued by past rimland powers and, second, to clarify the challenges this pursuit will pose to the East Asian regional security order.

### **Rimland Powers, Maritime Transformation, and the Balance of Power**

To grasp the strategic implications of China’s maritime transformation, we need to begin with the strategic significance of the rimland. After 1945, the dominance of the Cold War in world politics disposed students of strategic studies to focus almost exclusively on the heartland and ignore the strategic value of the rimland. Nevertheless, it is the



rimland rather than the heartland that has been the political, economic, and strategic center of gravity on the Eurasian continent since the sixteenth century. The states of the rimland have been not merely more powerful than the heartland in terms of material and human resources but also the sources of greatest concern to modern great powers. Its significance raises an important question: In modern history, why did maritime transformations pursued by rimland powers (Louis XIV's France and Wilhelm II's Germany) all end in failure? The key to this question lies in the intrinsic logic of the European classical balance of power. This logic consists of two essential factors: the intervention of the dominant maritime power and the grand coalition organized and led by the dominant maritime power.

Throughout history, the supremacy of the dominant maritime power in the system has rested on two pillars: maritime (especially naval) supremacy and the balance of power in the core regions of Eurasia (Europe before 1945, Europe and East Asia now). These two pillars are symbiotic, or interdependent. If the dominant maritime power hopes to keep its overall supremacy in the system, it must have both in its favor.<sup>7</sup> Halford J. Mackinder, the most famous British political geographer in the twentieth century, once indicated that to defeat an insular sea power, a land power had to meet two requirements: it had to be unchallenged on land and had to possess sufficient resources to enable it to construct a powerful fleet. Absent those two conditions, a strongly based insular sea power like Britain would prevail, as evidenced by the British defeat of Napoleon's France.<sup>8</sup> Echoing Mackinder's reasoning, Nicholas J. Spykman, an American political scientist, believed that the first line of defense for the United States lay in the preservation of a balance of power in Europe and Asia. Spykman wrote that "the position of the United States in regard to Europe as a whole" is identical to "the position of Great Britain in regard to the European continent." In light of this, "we have an interest in the European balance as the British have an interest in the continental balance."<sup>9</sup>

The implication of Mackinder's and Spykman's geopolitical reasoning is straightforward: maritime supremacy and the balance of power in the core regions of Eurasia are symbiotic—that is, both conditions must be met. This constitutes the basic motive for the dominant maritime power to intervene intermittently yet regularly into the continental balance of power, especially when there appears a hegemonic threat on the continent.<sup>10</sup> It explains why historically Great Britain always felt compelled to intervene in the continental balance of power and the United States in the twentieth century found it necessary to intervene in two world wars. From the perspective of the dominant maritime power, the most threatening challenger is a rimland power with mixed strategic orientations: primarily a land power with continental aspirations but also making serious efforts to acquire sea power.<sup>11</sup>

A rimland power with great maritime capabilities would pose two kinds of threat. First, with great maritime capabilities a rimland power could directly threaten the leading maritime power with defeat at sea or invasion.<sup>12</sup> In the eighteenth and twentieth centuries, respectively, Louis XIV's France and Wilhelm II's Germany confronted Great Britain with such a scenario. Second, with great maritime capabilities a rimland power would be able to deprive the dominant maritime power of its ability to intervene effectively in the continental balance of power.<sup>13</sup> That would leave the continental balance of power at the mercy of the potential hegemon.

In a fundamental sense, the rimland powers' pursuits of maritime transformation and their struggles for European hegemony failed largely because of the functioning of the European balance-of-power system. The crux of this mechanism was the recurrent interventions by the dominant maritime power into the European continental balance-of-power system before a would-be hegemon could unify the region by coercion.<sup>14</sup> From 1648 to 1945 Great Britain was the leading maritime power, on which the survival of the European balance-of-power system depended on most occasions. Thus, it was regarded as the balancer of the European states system. These interventions usually assumed the form of a grand coalition organized and led by the dominant maritime power against the challenger.<sup>15</sup> It was this sort of intervention by the dominant maritime power that ensured the proper functioning of the European balance-of-power system in modern history. Since there were parallel interests between the dominant maritime power and continental states, the intervention of the dominant maritime power would invariably stimulate these states, especially continental great powers, to rise up against the challengers of the status quo (the balance of power) on the continent.<sup>16</sup> Furthermore, given their economic, financial, and naval supremacy, the leading maritime powers possessed the necessary capabilities to help continental allies not only with naval blockade but also with economic and financial support to maintain their efforts to wage war. This is the essence of the British way of warfare expounded by Sir Basil Liddell Hart.<sup>17</sup>

### **Maritime Transformation and Sino-U.S. Relations**

Like that of Great Britain in modern history, America's position as the dominant power in the world today still hinges fundamentally on preserving the balance of power in the core regions of the Eurasian landmass.<sup>18</sup> Since 1905 America's essential strategic interest in East Asia has been to maintain a balance of power on the opposite shore of the Pacific Ocean. Throughout the twentieth century, the United States pursued this goal with remarkable tenacity. American interest in maintaining a balance of power in East Asia led to all of its wars there: the war against Japan, the Korean War, and the Vietnam War. The essential American interest in East Asia does not lie in any particular configuration. Rather, its overriding concern is with the balance of power per se.<sup>19</sup> Refusal to allow

another power to dominate this region has been a constant of America's foreign policy since it became a great power a century ago. Conforming to classical balance-of-power theory, it has put its weight on the weaker side: China (versus Japan) during World War II, Japan (versus the Soviet Union) at the outset of the Cold War, and China again (versus the Soviet Union) after 1972.<sup>20</sup> American strategic interests in East Asia did not decline with the end of the Cold War; rather, they have increased, because of the region's growing importance.

From a geopolitical perspective, East Asia was inherently imbalanced, with China being the dominant power, and this was the characteristic feature of the East Asian regional system. However, the sphere of influence of imperial China was confined to continental East Asia, never expanding effectively into the littoral seas. There have been various explanations for this conservative attitude toward the seas, but the basic reason lies simply in imperial China's maritime inadequacies.<sup>21</sup> Though imperial China boasted an honorable heritage of maritime activities, it had never developed enough maritime capabilities to allow itself to expand into maritime East Asia. This situation continued into the Cold War years. China's naval development during the Cold War was constrained by U.S. dominance of maritime East Asia and later by internal policy debacles and deterioration of relations with the Soviet Union. For many years, China's deficiency in maritime capabilities has been the foundation of strategic stability in the western Pacific and maritime East Asia.<sup>22</sup> It is for this reason that the United States today stays vigilant against China's maritime transformation, not because China's growing naval forces threaten the American homeland or sea-lane security. American strategic apprehensions today mainly stem from considerations of the consequences of damage from this transformation to the status quo in East Asia and the littoral seas.

From the American perspective, as the dominant land power in continental East Asia, China in its pursuit of maritime capabilities will probably pose two strategic challenges to American involvement and leadership in East Asia and the world. First, the exponential growth of the PLA Navy and its efforts to build a blue-water fleet (including redoubtable submarine forces and amphibious capabilities), combined with powerful land-based antiaccess capabilities, will enable China to undermine the existing strategic stability in East Asia, especially in East Asian littoral seas.<sup>23</sup> Second, China's area-denial capabilities, which comprise naval forces and land-based antiship ballistic and cruise missiles, create serious doubt about U.S. capabilities to intervene effectively into the regional balance of power in East Asia. This doubt will surely rock the American bilateral alliance system in East Asia and undermine its strategic credibility among East Asian allies.<sup>24</sup> Given China's dominance in continental East Asia, maritime transformation would enable it to become powerful enough to upset the existing balance of power in East Asia and the littoral seas, a balance that has depended on China's deficiency in

maritime capabilities. This scenario also means that the United States will probably be confronted by a regional system—including both continental and maritime East Asia—that is closed to American political, economic, and cultural influence. This is absolutely unacceptable in American eyes.

America's growing concern with China's ongoing maritime transformation has much to do with the strategic geography of East Asia.<sup>25</sup> The East Asian littoral seas lie between the continental coastline and the "first island chain," running south from the Japanese archipelago to the Philippines. This expanse of sea is strategically known as the "near seas" of East Asia. From China's perspective, command of the East Asian near seas is both natural, in light of geographic location, and justified, given that most of China's maritime territorial and economic interests are located in this body of water. Command of the near seas not merely involves the struggle for sovereignty over the Diaoyu Islands and the Spratly Islands but also will determine whether mainland China and Taiwan can be finally reunified; it is also needed to ensure the safety and security of China's prosperous eastern coastal lands.<sup>26</sup> These interests contradict in a fundamental sense those of the United States. From the American perspective, the bodies of water bounded by the first island chain are integral to the global order underwritten by U.S. and allied naval power. These waterways convey the lifeblood of economic vitality to all regional economies in East Asia, including China's. To complicate matters, America's East Asian allies—such as Japan, South Korea, and the Philippines—are all located inside or along the first island chain. Losing command of the East Asian near seas would mean the collapse of the American "hub and spoke" alliance system in East Asia.<sup>27</sup> It is this contradiction of interests that causes Americans to be deeply concerned by recent displays of China's naval capabilities.

### **The Policy Implications for China**

Maritime transformation, defined as an attempt by a state to transform itself from a pure land power to a land/sea-hybrid power, is rare in modern history. Only a few states have the qualifications to pursue maritime transformation, and among those that have, none have succeeded. This partly explains why the study of maritime transformation has not received attention by scholars of strategic studies until recently. In light of the few cases of maritime transformation in modern history, what strategic lessons can we draw from them? What are the policy implications for China if it wants to avoid the failures foretold by history? These questions are worth considering, given that China as a rimland power faces strategic deficiencies similar to those of modern France and Germany.

States, like individuals, have natural endowments. This fact explains why the distribution of sea power among nations in the world is so uneven. Alfred T. Mahan devoted the entire introductory section to his first book to elaborating the elements of sea power, and

his conclusion was simple: nautical endowments largely predetermine how much sea power a nation can enjoy.<sup>28</sup> Compared with a landlocked or island country, a land/sea-hybrid power like China generally has certain strategic weaknesses: first, the strategic dilemma between facing the land and facing the sea; second, the dual pressure from both land and sea; and third, deciding how to allocate limited resources to serve the greater national strategy.<sup>29</sup> During the past five centuries, as a result of the unique weaknesses and constraints of being a land/sea-hybrid power, China missed several precious opportunities to develop itself into a powerful modern state. Despite the security and stability of China's land borders in the post-Cold War period, a situation that has allowed China to concentrate its energy and resources on seaborne development, the strategic vulnerabilities of being a land/sea-hybrid power have not absolutely disappeared, once and for all. In fact, to ensure its long-term safety and security, China still has to find the appropriate balance between the land and the sea.

Related to the balance between land and sea, China also needs to reconsider the role of sea power in the world today. One basic motive for China's development of maritime, especially naval, capabilities is to ensure the long-term well-being of the Chinese nation. This is partly inspired by the Chinese understanding of Alfred T. Mahan's classic works.<sup>30</sup> Mahan's arguments about sea power and its influence were mainly founded on the proposition that "travel and traffic by water have always been easier and cheaper than by land." Though railroads had largely displaced water transport in his own time, Mahan maintained that ships still constituted the primary form of carriage for trade and would continue to do so in the future.<sup>31</sup> From this premise, through a series of historical studies, Mahan induced two influential conclusions. First, the maritime economy—namely, production, shipping, and colonies—was the key to national prosperity. Second, the possession of naval supremacy was essential to the protection of national interests related to production, shipping, and colonies.<sup>32</sup> However, Mahan's precepts on the close connection between sea power and the wealth and prosperity of nations were built on the presumption that what had happened in the past was going to occur in the future as well. "Mahan largely looked to the past; he gained his lessons from a study of the past and used the past for analogies."<sup>33</sup> Chinese elites who seek inspiration from Mahan seem to have ignored the historical context of Mahan's "philosophy of sea power."

One major lesson revealed by maritime transformations in history is that the rimland powers' pursuit of maritime capabilities failed largely because of the dual pressure from the dominant maritime power and neighboring states. It was this dual pressure, or balancing against the rimland powers, that led to their final failures. This is largely because there existed common interests between these two kinds of states to prevent the rise of the land/sea-hybrid power located on the rimland. Likewise, as a rimland power, China too has encountered, in its recent pursuit of maritime, especially naval, capabilities a

series of unfavorable or even antagonistic reactions from neighboring states and the United States, the dominant maritime power today. Though these unfavorable responses do not necessarily mean that China should abandon its maritime-dominant development, it does mean that China must take those responses and concerns into serious consideration as it plots the country's future course.

The most important issue facing contemporary China's maritime development is how to overcome the pressure from neighboring states, exemplified clearly in the challenges China has endured in recent years in the East China Sea and the South China Sea. Despite the Chinese government's repeatedly showing no intent to challenge the existing international order, it has faced hostility from other states adjacent to these waters. To complicate matters, China has insisted on dealing with neighboring states over maritime disputes in bilateral, rather than multilateral, settings and has staunchly resisted the involvement of extraregional powers, especially the United States, in its disputes with neighboring states over maritime issues. To dispel effectively suspicion and pressure from neighboring states, China should strive to establish a series of multilateral institutions, with "all hands on deck" throughout the process. In addition to taking initiative in shaping a regionalized system binding China and its neighbors, China probably has to tolerate the participation of outside powers (principally the United States). Without the guarantees of extraregional powers, China simply cannot form any meaningful institutional mechanism with neighboring countries, especially "second level" powers and smaller states.

Another problem that contemporary China's maritime development must overcome is how to deal with pressure from the leading maritime power and system leader, namely, the United States. When China responds to this type of pressure, the issue to which it must pay close attention is creating a type of truly open regionalized and globalized international order, taking into consideration the historically formed core interests of the leading maritime power and system leader. In short, one of the core interests of the leading maritime power and system leader is keeping the Eurasian core regions (especially Europe and East Asia) politically, economically, and culturally open to itself and its various allies and followers. Thus, in the foreseeable future China must not only tolerate the participation of the leading maritime power and system leader in shaping the regional system but establish a truly open ideology. Only by doing this can China effectively lessen, if not eliminate, the strategic distrust regarding its long-term intentions widely held by the United States and neighboring states.

## Notes

1. Except for historical case studies, only one book has focused on maritime transformation, an anthology edited by three scholars from the U.S.

Naval War College. Interestingly, most of its contributors treat the concept of maritime transformation as self-evident and give no precise

- definition of it. See Andrew S. Erickson, Lyle J. Goldstein, and Carnes Lord, eds., *China Goes to Sea: Maritime Transformation in Comparative Historical Perspective* (Annapolis, Md.: Naval Institute Press, 2009).
2. The pursuit of maritime transformation in both the ancient and modern worlds seems always to have been related to the pursuit of power, even hegemony, to which the pursuit of wealth has been subservient. This is especially true of modern great powers that have attempted some kind of maritime transformation. See *ibid.*
  3. Halford J. Mackinder, *Democratic Ideals and Reality* (New York: W. W. Norton, 1962), esp. chaps. 3 and 4.
  4. For French and German pursuits of maritime transformation, see Alan James, *The Navy and Government in Early Modern France, 1572–1661* (London: Boydell, 2004), and Holger H. Herwig, *Luxury Fleet: The Imperial German Navy 1888–1918* (Boston: Allen & Unwin, 1980).
  5. Bernard D. Cole, *The Great Wall at Sea*, 2nd ed. (Annapolis, Md.: Naval Institute Press, 2010), p. 3.
  6. Jakub J. Grygiel, *Great Powers and Geopolitical Change* (Baltimore, Md.: Johns Hopkins Univ. Press, 2006), p. 169.
  7. Ludwig Dehio, *The Precarious Balance* (London: Chatto & Windus, 1963), p. 85.
  8. Mackinder, *Democratic Ideals and Reality*, p. 66.
  9. Nicholas J. Spykman, *America's Strategy in World Politics* (New York: Harcourt, Brace, 1942), p. 124.
  10. Michael Sheehan, *The Balance of Power: History and Practice* (London: Routledge, 1996), p. 115.
  11. Nicholas J. Spykman, *The Geography of the Peace* (New York: Harcourt, Brace, 1944), p. 45.
  12. *Ibid.*
  13. Brian W. Blouet, *Halford Mackinder* (College Station: Texas A&M Univ. Press, 1987), p. 177.
  14. Ludwig Dehio, *Germany and World Politics in the 20th Century* (New York: W. W. Norton, 1959), p. 68.
  15. Mark R. Brawley, *Liberal Leadership* (Ithaca, N.Y.: Cornell Univ. Press, 1993), p. 2.
  16. Dehio, *Precarious Balance*, p. 102.
  17. John J. Mearsheimer, *Liddell Hart and the Weight of History* (Ithaca, N.Y.: Cornell Univ. Press, 1988), p. 17.
  18. Spykman, *America's Strategy in World Politics*, p. 457.
  19. Robyn Lim, *The Geopolitics of East Asia: The Search for Equilibrium* (London: Routledge, 2003), p. 2.
  20. David Gompert, *Sea Power and American Interests in the Western Pacific* (Santa Monica, Calif.: RAND, 2013), p. 78.
  21. Cole, *Great Wall at Sea*, p. 5.
  22. Robert S. Ross, "China's Naval Nationalism," *International Security* 34, no. 2 (2009), p. 80.
  23. Grygiel, *Great Powers and Geopolitical Change*, p. 174.
  24. Kenneth Lieberthal and Wang Jisi, *Addressing U.S.-China Strategic Distrust* (Washington, D.C.: Brookings Institution, 2012), p. 22.
  25. Toshi Yoshihara and James R. Holmes, *Red Star over the Pacific* (Annapolis, Md.: Naval Institute Press, 2010), p. 50.
  26. Gompert, *Sea Power and American Interests in the Western Pacific*, p. 98.
  27. Yoshihara and Holmes, *Red Star over the Pacific*, p. 55.
  28. Alfred T. Mahan, *The Influence of Sea Power upon History 1660–1783* (Boston: Little, Brown, 1890), pp. 25, 28.
  29. Spykman, *Geography of the Peace*, p. 41.
  30. James R. Holmes and Toshi Yoshihara, *Chinese Naval Strategy in the 21st Century* (New York: Routledge, 2008), p. 27.
  31. Mahan, *Influence of Sea Power upon History 1660–1783*, pp. 25–26.
  32. *Ibid.*, pp. 28–29.
  33. William E. Livezey, *Mahan on Sea Power* (Norman: Univ. of Oklahoma Press, 1980), p. 274.



## Multipolar Trends and Sea-Lane Security

*Xu Qiyu*

Given the diffusion of global power exemplified by the association of five major emerging national economies known as BRICS (Brazil, Russia, India, China, and South Africa) and by the “Group of Twenty” (G20), the return of a multipolar international system looks more certain than it did in the previous decade. In the field of international security, many issues are addressed in a multilateral and cooperative way, a marked contrast to the past, in which zero-sum contention between great powers was often the norm. Such changes are bound to impact the international security environment in myriad ways. At a time when navies are working with each other to combat piracy in waters off Somalia, it is natural to wonder to what extent the trend toward multipolarity will affect sea-lane security, which for centuries has been under the guard of the world’s leading sea power.

### **Multipolarity at Sea?**

This question is vital. Many assume that the international power structure is reflected in all aspects of international affairs, including the maritime domain. However, the historical record suggests that maritime issues, particularly maritime security, tend to be not entirely sensitive to shifts in the international power structure.

Many scholars accept that the world in the era prior to the First World War was multipolar. Great Britain, the dominant country during most of the eighteenth century and the nineteenth century, was eclipsed by the United States and Germany in manufacturing. Russia also showed its enormous potential when it began its industrialization. In East Asia, the Middle East, Central Asia, and the whole Western Hemisphere, Britain’s influence relied increasingly on the goodwill of other major powers. However, this multipolar power structure coexisted with Great Britain’s untrammelled supremacy at sea. During the last decades of the nineteenth century Britain was not confronted with any serious challenge at sea, notwithstanding the poor condition and lack of preparedness of the Royal Navy. The French navy, the Royal Navy’s leading competitor in the nineteenth century, was much inferior to it in strength and personnel. The Russian navy, the third-ranking navy in Europe, was notoriously inefficient. During this period the Royal Navy was also occupied with numerous peacetime functions: suppressing native uprisings,

rescuing slaves and ships in distress, stamping out piracy, stopping smugglers, aiding the victims of earthquakes and other disasters, and charting the seas, among many others.<sup>1</sup> In brief, the Royal Navy remained dominant at sea in a period of shifting power and increasing multipolarity. Security of the strategic sea-lanes was indisputably under the control of Britain (“five [strategic] keys that lock up the world,” as Admiral of the Fleet John Fisher put it).<sup>2</sup> Neither traditional challenges (from other states) nor nontraditional challenges could threaten this dominance.

Nor could imperial Germany’s naval expansion challenge it. Although the first decade of the twentieth century witnessed the relative decline of British national power, with both the United States and Germany surpassing it in terms of economic output, Britain’s grasp of naval supremacy proved tenacious. A serious naval race between Britain and Germany lasted almost fourteen years. However, by 1912 it had become clear that Germany had lost the race, and most rational politicians in the Second Reich privately confessed it. In fact, Britain’s control of sea-lane security lasted for more than twenty years after it lost its top place in the international power structure. After that, there was only a very brief period of multipolarity at sea before the United States achieved naval supremacy and became sole custodian of the strategic sea-lanes.

This review of history points to at least two basic implications. First, the emergence of a multipolar international power structure does not necessarily lead to a multipolar structure at sea. To the contrary, such transformation has proved to be difficult and much delayed. In the past two centuries there was only a very brief period of multipolarity in the maritime domain—during the interwar era. Second, sea-lane security relies exclusively on the country whose maritime power dominates the ocean. On the one hand, only such a country has sufficient capacity and credibility to safeguard sea-lane security. On the other hand, since the responsibility of maintaining sea-lane security belonged to the world’s dominant sea power for centuries, such responsibility is treated as a symbol of dominance at sea.

From this perspective, the current realities of sea-lane security will not change in the foreseeable future. The United States will remain the top sea power, in charge of sea-lane security in a broad sense. However, U.S. dominance at sea in a complicated world demands further exploration. Joseph Nye has vividly depicted American power in terms of a “three-dimensional chessboard”: on the military chessboard, the United States undoubtedly retains supremacy; on the economic chessboard, the United States already operates in a multipolar world; and on the chessboard of transnational relations, by which he means the realm of cross-border transactions, no country is in charge.<sup>3</sup> In a similar vein, U.S. dominance at sea, including its dominant position astride the international sea-lanes, could be described as a “two-dimensional chessboard”: on the chessboard of traditional security, the strength, efficiency, and preparedness of the U.S.

Navy indisputably make America the dominant power at sea; on the nontraditional chessboard, U.S. power seems insufficient to address all the security challenges posed by nonstate factors.

### **New Elements That Impact Sea-Lane Security**

Although the contemporary trend toward multipolarity in the international power structure will not lead to a similar trend in the maritime domain, there are some new elements that will impact maritime security, especially sea-lane security.

#### *Rising Stakes*

Dependence on international sea-lanes has increased dramatically since the end of the Cold War, driven by deepening globalization and the rise of a highly integrated world economy. Free and secure sea-lanes have been particularly critical to the expansion of economies in the Asia-Pacific region, facilitating transport of raw materials into this region and of manufactured goods out to the global market.

Among those materials, the most significant resource is energy. Asian oil consumption has risen far more quickly than that of any other region in the world, growing from 17 percent of global daily consumption in 1983 to 31 percent by 2009. China in particular has seen its dependence on foreign oil rise dramatically since it became a net importer of oil in 1993. Another emerging economy, India, has also experienced fast growth in consumption of foreign oil.

The vast majority of oil imported to the Asia-Pacific region is transported by sea, much of it passing through the Strait of Hormuz and the Strait of Malacca. For China, Japan, and the Republic of Korea, 80 to 90 percent of energy imports from the Middle East and Africa pass through the Strait of Malacca and other sea-lanes in Southeast Asia.<sup>4</sup> According to the U.S. Energy Information Administration, about seven million barrels per day of oil and petroleum products (20 percent of world seaborne oil trade) passed through the Strait of Malacca in 1993, but in 2011 trade through Malacca exceeded fifteen million barrels per day (one-third of world seaborne oil trade). Moreover, the Strait of Malacca is also the most important channel for liquefied natural gas (LNG) trade. Roughly half of world LNG trade passed through it in 2011.<sup>5</sup>

In brief, with their rapidly expanding, globally integrated economies, the countries of the Asia-Pacific region have increasing stakes in sea-lane security. This dynamic will inevitably alter the mind-sets of policy makers charged with ensuring the security and prosperity of their respective nations.

### *A Changing Threat Profile*

Another new trend germane to sea-lane security is the changing composition of security threats. Historically, sea-lane security faced multiple threats, but state actors were often the greatest impediments to free passage at sea, particularly in times of crisis and conflict. During the past two decades, however, threats from state actors have declined significantly, while those from nonstate threats have increased.

*Regional Conflicts.* Conflicts between or within littoral countries often pose threats to sea-lane security. The Iran-Iraq War of the 1980s is a recent example of state-state conflict detrimental to the free movement of ships at sea. Threats to sea-lane security from this conflict led to the involvement of the U.S. Navy, which reflagged and escorted neutral Kuwaiti tankers through the Strait of Hormuz in 1987. Indonesia's effort to deal with a separatist movement in the early 2000s is a case of conflict within a littoral state that ultimately threatened international sea-lane security. In 2003, as a part of its campaign against Acehese separatists, the Indonesian government declared parts of the country's territorial waters off Sumatra a maritime exclusion zone, ostensibly to prevent attacks by Islamist separatists in Aceh.<sup>6</sup> The Indonesian government's decision to close Acehese waters to all maritime traffic and foreign-flagged shipping was made reluctantly, but it was absolutely within the sphere of sovereignty.

In the future, regional conflicts will continue to threaten to disrupt international sea-lanes. For China, the sea-lane most critical to the country's security is potentially vulnerable to foreign coercive pressure. Some major power might deliberately resort to such a strategy to achieve a goal (perhaps entirely unrelated to the sea-lanes themselves).<sup>7</sup> Moreover, disputes over unresolved territorial and maritime boundaries have the potential to lead to conflict that could disrupt use of the sea-lanes.

*Nonstate Threats.* Natural disasters, piracy (an ancient activity adapted to modern conditions), and terrorism represent nonstate threats to sea-lane security. Tsunamis, earthquakes, cyclones, and other natural disasters can cause serious disruption to use of sea-lanes, usually by damaging coastal infrastructure. Piracy is a growing threat to sea-lane security, particularly in the Indian Ocean; in 2009, this region accounted for over 50 percent of pirate attacks throughout the world.<sup>8</sup> Threats from terrorism have also become increasingly conspicuous, particularly since the 9/11 attack in 2001. The sea-lanes across the Indian Ocean have witnessed several actual and attempted terrorist attacks, including the suicide bombing of the large crude carrier MV *Limburg* in 2002. In China, scholars and others have become worried about possible attacks in the Malacca Strait. Some have even predicted that a suicide-bomb attack on a large oil tanker or LNG carrier could cause a lengthy closure of this crucial choke point.<sup>9</sup>

### *Diversified Tasks and Changing Fleet Sizes*

An increasing variety of threats will inevitably bring a greater diversity of tasks for navies to complete. However, the size of the U.S. Navy's fleet has declined considerably since the end of the Cold War. The collapse of the bipolar superpower balance lowered the demand for large-scale overseas expeditions, large-scale military presence, and strategic strike missions. Meanwhile, the rapid development of key technologies made it possible to retain the navy's efficiency and fighting power despite a much smaller fleet size. Technologies to improve intelligence-gathering capabilities seem to have had the greatest effect in this naval transformation. The phrase "network-centric warfare" encompasses a geographic and organizational decentralization and the use of advanced communication and sensor systems to achieve distant action with minimal need to mass physical forces. The intelligence-technology revolution also brought about unmanned and smart weapon systems, which further reduce the importance of numbers for the navy or indeed any military service.<sup>10</sup> As a result, over the past two decades the U.S. Navy has shrunk to about half the size of the Cold War-era fleet, while achieving growth in its efficiency and fighting power.

However, addressing nontraditional threats at sea is often labor-intensive. At present, the U.S. Navy, a highly advanced, efficient, and powerful "smart navy" (in comparison with the U.S. Navy of the Cold War), is capable of defeating any hostile navy or deterring any potential challenges from other states at sea. But owing to its comparatively limited physical size it is less fit for coping with nontraditional tasks.

At the same time, some countries—including India, China, and other Asian states—are expanding and modernizing their maritime capabilities the better to safeguard their interests at sea. These trends may suggest that a more cooperative model to bolster sea-lane security is increasingly becoming both feasible and necessary.

### *Growing Multilateralism at Sea*

Since the end of the Cold War, multilateral cooperation aimed at enhancing sea-lane security has increased. Although the U.S. Navy still plays an indisputably dominant role in the maritime domain, some tentative steps toward sharing costs and responsibilities have already been taken and have been increasingly accepted and encouraged by the international community, including the United States.

In the Gulf of Aden, cooperative antipiracy and escort initiatives by navies from different countries are eye-catching, but they take place on more or less an ad hoc basis. In the Asia-Pacific region, however, there are several well-developed multilateral mechanisms that successfully address threats and problems through cooperative work. In the case of the Malacca Strait, the littoral states have introduced such initiatives as trilateral coordinated patrols of the straits, code-named the MALSINDO Malacca Strait Coordinated

Patrols. Thailand's later joining in this initiative led to "eyes in the sky" patrols to enhance coordinated aerial surveillance of the straits.<sup>11</sup> The ReCAAP is another multilateral effort to increase sea-lane security across Malacca and other parts of Southeast Asia. This mechanism includes information sharing, capacity building, and practice sharing among member states. It also allows the accession of states and partnership agreements with other organizations outside the region.<sup>12</sup> Such inclusiveness gives ReCAAP more strength to carry out multilateral cooperation in a region with diverse interests and competing needs.

### *Potential Geopolitical Competition and Distrust between Major Powers*

The trend toward multipolarity in the international power structure clearly influences the calculations of the major powers. For example, China, with its expanding overseas interests, has been investing heavily in the safeguarding of the sea-lanes that are so critical to its security and economic development. However, China's rapidly growing strength has triggered the sensitive problem of "power shift." Some major powers, including the United States, have come to view such developments from a perspective of geopolitical competition. China's diplomatic and economic efforts to pursue greater support from certain littoral countries are described as constituting a "string of pearls" strategy, although China itself has never used such a term. While acknowledging that China's purpose is to safeguard the sea-lanes, some scholars, such as Robert Kaplan, still imply that these defensive gestures might not be compatible with U.S. supremacy at sea: "The Chinese have more and more equities to protect in sub-Saharan Africa. . . . To be sure, control and access to sea lines of communication are more important now than during Mahan's years, and American preponderance over such routes may not be destined to continue forever."<sup>13</sup>

When China indicates that the PLA Navy, or PLAN, must be strengthened to address emerging problems at sea, this leads to more worries, although scholars like John J. Mearsheimer have argued that "the most dangerous states in the international system are continental powers with large armies"; naval power is often believed to be more benign than land power.<sup>14</sup> In short, the trend toward multipolarity and the possibility of a "power shift" increase suspicions among some major powers, suspicions that inevitably harm international cooperation on security.

### **A New Approach: Benefits and Problems**

The five elements described above suggest the increasing feasibility of multilateral cooperation on sea-lane security, although the fifth one is basically negative. The benefits of this new approach are obvious enough. In the case of the United States, owing to the declining numbers of vessels, the Navy is facing considerable mission stress. More

international cooperation could not only relieve such stress but also allow the United States to counter threats more comprehensively and efficiently. Moreover, a multilateral approach would enable America to accommodate newly emerging regional powers in regional security structures and help avoid miscalculation.<sup>15</sup> Finally, greater multilateral cooperation, particularly in the realm of nontraditional issues, will not undermine U.S. supremacy at sea. That is, on the “chessboard” of traditional sea power the United States will retain all its advantages.

For China and India, the benefits are also clear. A multilateral approach could effectively relieve many of their concerns regarding sea-lane security. Second, since threats at sea have multiplied in recent decades, an approach that merges contributions from China and India could be more effective in safeguarding sea-lane security. In contributions to order in the maritime commons these two countries could find a more effective way of securing their own interests while not causing unnecessary concern among smaller countries in the region. Third, multilateral cooperation to maintain sea-lane security helps build trust among all the parties involved. The national security adviser of India, Shiv Shankar Menon, has identified sea-lane security as a possible starting point for collective security efforts in the region, noting that the convergence of interests on the issue lends itself to a collaborative approach.<sup>16</sup> Fourth, multilateral cooperation of this type supports a cooperative/collaborative model for great-power relations. This is particularly important for China. Lack of trust between China and the United States continues to be a problem, creating the possibility of miscalculation on both sides. The PLA Navy’s growing capabilities intensify concerns in the United States that China may seek to undermine American dominance at sea, in spite of the huge gap between the two navies. By operating side by side in common causes, the PLA Navy and the U.S. Navy could forge trust, at least at the operational level. Confidence and mutual trust will increase gradually with growth in the frequency and intensity of such cooperative operations. In any case, cooperation on smaller issues can lower the threshold for cooperation on larger, more sensitive ones.

To achieve this goal, important problems must be worked out. The first is the legality and legitimacy of such actions. Multilateral cooperation/collaboration for the purpose of securing the sea-lanes has to be consistent with international law. At present there are few established guidelines or treaties that address this issue directly. Cooperation in the Gulf of Aden sets a good precedent, but this case has yet to be generalized in terms of international law. The second problem involves differing levels of capability. Disparities in the naval capabilities of participating nations will make it difficult to cooperate efficiently and achieve equality among partners. A third problem is differing interests and priorities. Regional powers, external powers, user states, and littoral states all tend to approach sea-lane security from different perspectives. They differ not only in their

respective interests in use of the sea-lanes but also in how they perceive threats and set priorities. The final problem involves territorial disputes and strategic suspicions. Such problems will hamper collective action, particularly among major powers.

### **A Responsible Stakeholder: China and the New Approach**

As mentioned above, China is increasingly dependent on sea-lanes and will benefit from international cooperation at sea. China's naval modernization is driven by "concerns about international terrorist organizations, disruptions to the global economy, protection of the ocean as a 'vehicle for mutual commerce,' protection of China's enterprises overseas, and its dependence on distant supplies of raw materials."<sup>17</sup> Chinese leaders have made it clear that China is a responsible power, and China's involvement in international maritime cooperation reflects this reality. China has supported United Nations Security Council Resolution 1816 by sending naval vessels to patrol the waters off Somalia and by participating in Shared Awareness and Deconfliction (SHADE) meetings. In the Asia-Pacific region, China has joined most regional maritime security mechanisms and has concluded cooperative agreements with the littoral states of the Malacca Strait and with Thailand.

But China should do more in this respect. In a recent book Robert Kaplan criticized China's approach to maritime affairs: "[China] should be concerned mainly with the free movement of trade and the preservation of a peaceful maritime system. But China has not reached that stage of self-confidence yet. When it comes to the sea, it still thinks territorially, like an insecure land power, trying to expand in concentric circles in a manner suggested by Spykman."<sup>18</sup> Maybe he is partly right. At least he points out two essential elements that impede China from playing a more important role in cooperation for sea-lane security.

One is a mind-set shaped largely by history and geography. Historically, China was basically a land power. Geographically or geopolitically, China could be categorized as "land/sea-hybrid power," which means that its attention and resources are prone to distraction from developments on both land and sea. In the contemporary world, China is confronted with a series of disputes over territorial and maritime rights with neighboring countries, which also, without exception, think territorially. So it is difficult for China to think like a maritime power—that is, to concern itself mainly with the free flow of goods at sea and a sustainable global maritime system.

The other important point raised by Kaplan concerns the limitations of China's capabilities at sea. Although the PLA Navy has experienced rapid development in recent years, it is still far from a "blue-water navy." Even if the PLAN's overseas operational capabilities



improve markedly, China will not be able to play a leading role in multilateral maritime cooperation, because of its lack of an overseas base system.

There is also a third factor that prevents China from playing a more important role in sea-lane security—mistrust between China and the United States. America suspects that China's expanding activities and growing capabilities in the maritime domain will eventually challenge U.S. dominance at sea, while China, according to some analysts, is wary of initiatives inspired by the United States and sometimes suspects that America is strengthening its own strategic position in the western Pacific region under the guise of sea-lane security cooperation (in combating terrorism, for example).<sup>19</sup>

To improve China's role in multilateral cooperation for sea-lane security, these impediments must be dealt with. China will likely deal with them in the following ways.

- *More participation.* China will continue to participate in multilateral cooperation, regarding it as the most important approach to safeguarding sea-lane security. As the experience and capacities of the PLAN grow, Chinese operations will be increasingly integrated into collective international operations. If the PLAN is to be effective in that context, its interoperability with navies of foreign partners has to improve.
- *More cooperation with the U.S. Navy.* The link between the PLAN and the U.S. Navy is crucial to the effectiveness of multilateral sea-lane security cooperation. In the foreseeable future, the best settings for collaboration will be overseas regions, where the two countries could both avoid some political sensitivities. In the long run, partnership in the area of sea-lane security will be an important part of military-to-military relations and an important element of “new type of great-power relations” (新型大国关系).
- *More attention to mechanisms.* With regard to the cooperative approach to sea-lane security, China will likely pay more attention to the mechanisms that support such cooperation. So far, China has been more a follower in maritime security cooperation than an initiator. As its experience and capabilities improve, however, China will be more active in this respect. It will pay attention to the following goals: inclusivity and flexibility, respect for sovereignty, effectiveness and efficiency, and full use of the existing mechanism.

## Notes

1. The Royal Navy's status and role in maritime security of the late nineteenth century are briefly but vividly explored in Arthur J. Marder, *From the Dreadnought to Scapa Flow* (1961–70, 1978; repr. Annapolis, Md.: Naval Institute Press, 2013), vol. 1, pp. 6–10.
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  12. Joshua Ho, "Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre," *Marine Policy* 33 (2009), pp. 432–33.
  13. Robert D. Kaplan, *The Revenge of Geography: What the Map Tells Us about Coming Conflicts and the Battle against Fate* (New York: Random House, 2012), p. 222.
  14. John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton, 2001), p. 135.
  15. Henry et al., *Sea-Lanes to Asia*, pp. 40–41.
  16. *Ibid.*, p. 40. [Menon was replaced in May 2014 by Ajit Kumar Doval.—Ed.]
  17. Peter A. Dutton, "Charting a Course: US-China Cooperation at Sea," *China Security* 5, no. 1 (Winter 2009), p. 15.
  18. Kaplan, *Revenge of Geography*, p. 215.
  19. Henry et al., *Sea-Lanes to Asia*, p. 46.

## Chinese Cooperation to Protect Sea-Lane Security

### Antipiracy Operations in the Gulf of Aden

*Andrew S. Erickson and Austin M. Strange*

Antipiracy efforts in the Gulf of Aden represent a successful example of cooperation between China and the international community to achieve sea-lane security far from China's shores. Over the past six years, Chinese naval ships and personnel joined elements of over forty other navies in the fight against Somali piracy. This represents the first time that the People's Republic of China has deployed naval forces operationally (as opposed to representationally) beyond its immediate maritime borders. The People's Liberation Army Navy (PLAN) antipiracy escort task forces, typically composed of one or more guided-missile frigates and destroyers and a supply ship, have escorted ships from China and other nations in armed convoys since the inaugural escort task force departed China on 26 December 2008. At the mission's sixth anniversary at the end of 2014, fifteen thousand personnel in nineteen PLAN task forces had escorted nearly six thousand merchant ships—roughly half of them foreign—in eight hundred batches. The task forces had “performed deliveries of eight vessels released by pirates, rescued and aided eight vessels under attack[,] . . . saved forty-three vessels from the chase of pirates,” and rendered other assistance to five vessels.<sup>1</sup>

Despite earlier signals that China might halt its contributions, PLAN antipiracy operations in the Gulf of Aden continue uninterrupted and are likely to persist for the foreseeable future. “So far,” the commander of the PLAN, Adm. Wu Shengli, told one of the authors in September 2014, “There is no end in sight for the mission.”<sup>2</sup> On 12 November 2014 the United Nations Security Council (UNSC) extended its mandate for state navies to fight piracy off Somalia until 12 November 2015.<sup>3</sup> Already likely to continue contributions, on the strength of policies and past practice, the PLAN became almost certain to do so following the announcement in late 2014 that the navy of China's East Asian rival Japan, the Japan Maritime Self-Defense Force, would soon take command of a major international antipiracy coalition.<sup>4</sup>

## Understanding China's Antipiracy Operations: Rules of Engagement

China's conduct of antipiracy operations in the Gulf of Aden is undergirded by robust and explicit international-law authorities. The United Nations Convention on the Law of the Sea (UNCLOS) clearly authorizes foreign navies to fight piracy outside a coastal state's territorial sea. The UNSC initially passed several relevant resolutions (UNSCRs) under Chapter VII of the UN Charter throughout 2008 to construct a legal basis for international antipiracy. One of six resolutions mentioning Somali piracy during that year, UNSCR 1801, noted international concern with Somali piracy.<sup>5</sup> UNSCR 1816 initially authorized a six-month window in which navies were to use "all necessary means" to repress piracy in Somalia's territorial waters.<sup>6</sup> Later that year, UNSCRs 1838 and 1844 affirmed international concern over Somali pirates, while UNSCR 1846 explicitly mentioned the initial invitation by the Somali Transitional Federal Government (TFG) for international assistance as well as subsequent calls for UNSCR 1816 to be extended.<sup>7</sup> UNSCR 1851 officially extended the right for navies to fight piracy in Somali waters by twelve months beginning 2 December 2008, the date that UNSCR 1846 was passed, and authorized international navies to pursue pirates from the Gulf of Aden to the shores of Somalia and—if conditions warranted—to engage in related activities "in Somalia" itself.<sup>8</sup> Since then, the UNSC has passed subsequent resolutions renewing in twelve-month increments the international community's authority to repress Somali piracy.<sup>9</sup> Renewals have been preceded by letters from the TFG (now the Federal Government of Somalia [FGS]) to the UNSC calling explicitly for such action.

China consistently proceeds with great care in taking actions that might be viewed as violations of other states' sovereignty. In addition to the UN mandates, Beijing first obtained an explicit invitation to participate in antipiracy operations near Somalia from Mogadishu's ambassador to China, Ahmed Awil.<sup>10</sup> It subsequently emphasized that international assistance "should be based on the wishes of the [Somali] Government."<sup>11</sup> Combined, these hard assurances constitute the legal mortar of the PLAN's continued antipiracy operations off the coast of Somalia.

The PLAN has pledged a cautious approach to use of force, limited to defense of its ships and vessels under its escort. Nonetheless, China's antipiracy operations have gradually become more expansive and innovative. While initially PLAN task forces escorted only mainland China-, Hong Kong-, and Taiwan-flagged merchant vessels, China has become increasingly willing to provide recourse for foreign-flagged ships; over half the vessels escorted to date have in fact been foreign flagged. The explicit objective is not to search actively for pirates and engage in combat with them but rather to escort ships and thus deter pirates from attacking them in the first place. PLAN forces will not "take the initiative to search for captured vessels and personnel at sea and carry out armed rescues."<sup>12</sup> Senior Capt. Ma Luping, director of the Navy Operational Bureau of the

PLA General Staff, states that PLAN forces will not “normally” enter another nation’s territorial seas (i.e., within the internationally recognized twelve-nautical-mile limit) to chase pirates.<sup>13</sup> While PLAN antipiracy forces have ventured into Somali waters and even briefly landed on Somali shores to rescue hostages, there is no explicit evidence that the PLAN has failed to honor the spirit of this pledge. Upon the initial deployment in December 2008, Rear Adm. Du Jingcheng, the escort task force commander at the time, stated that PLAN ships would “independently conduct escort missions” and avoid landing on Somali shores.<sup>14</sup> Another senior Chinese military official has remarked, “For us to use force is a very complex matter[;] . . . it is not just a simple question based on an operational requirement. . . . There are political questions—and these are not issues dealt with by military commanders alone. Our warships off Somalia are very well aware of this. We are fully prepared to use force, but we do not take that step lightly.”<sup>15</sup>

Cautious rules of engagement imposed on the PLAN reflect China’s desire to minimize risks associated with political and legal issues that would arise as a result of engaging suspected pirates. A lack of viable legal options for prosecution and the possibility of negative political ramifications, particularly in the Muslim world, disincentivize China from combating pirates directly. Additionally, killing pirates could put unwanted targets on the backs of PLAN vessels or Chinese-flagged commercial ships if pirates sought revenge.<sup>16</sup>

Of course, caution does not necessarily equate to low impact. PLAN antipiracy task forces in the Gulf of Aden have adapted to the needs of specific situations while technically operating within the operational confines described above. For example, in November 2010 the vessel *Taiankou*, owned by the China Overseas Shipping Company, was attacked by four Somali pirates. The twenty-one crewmen on board evaded capture by hiding in the security cabin. Special Forces from the destroyer *Xuzhou*, in the region for antipiracy missions, were dispatched via helicopter and speedboat. PLAN antipiracy forces appeared ready to engage, posting snipers and launching flares, flash-bangs, and percussion grenades to warn any potential pirates still present as they boarded.<sup>17</sup> After searching the ship thoroughly, the PLAN forces reported that no pirates had been found on the ship and proceeded to free the sailors.<sup>18</sup> In 2012, the frigate *Changzhou* of the twelfth escort task force dispatched Special Forces soldiers who briefly landed on Somali shores to extract freed hostages from Taiwanese fishing vessel *Shiuh-fu*.<sup>19</sup> Despite somewhat rigid rules of engagement, the above instances reflect a capacity to react effectively to unscripted situations. This emphasis is also ever present in PLAN antipiracy training, which has focused on raising the ability of PLAN crewmen to react to unforeseen circumstances.<sup>20</sup>

The PLAN has managed to improve operationally within its given rules of engagement.<sup>21</sup> However, this is not to say that PLAN leaders are, on balance, completely satisfied with

antipiracy operations in the Gulf of Aden. For example, key legal deficiencies prevent China from dealing more effectively with the problem of piracy. One issue is that of detaining suspected pirates. China's antipiracy operations, though the largest of any independent deployer in the Gulf of Aden, have never resulted in the detention of a suspected pirate and serve only to deter attacks.<sup>22</sup> The PLAN and other navies face formidable obstacles in this regard, such as accurately identifying pirates at sea, obtaining photographic evidence, securing witnesses to piracy crimes, and collecting evidence from victimized ships.<sup>23</sup> More broadly, China and states committed to eradicating piracy frequently emphasize that the true fight is not on the water but on Somali soil, where persistently failed governance and abysmal economic prospects lead otherwise helpless Somalis, many of whom were initially commercial fishermen, to engage in piracy. Gen. Chen Bingde, then the PLA Chief of Staff, suggested in 2011 that "for counter-piracy campaigns to be effective, we should probably move beyond the ocean and crush their bases on the land."<sup>24</sup> That said, there are no indications that China, without the explicit mandate of the UN or support of the FGS, would undertake measures similar to air raids conducted by EU NAVFOR in 2013 to uproot piracy bases on land.

### **Cooperation with Other Militaries and the Diplomatic Element of Antipiracy Operations**

Beijing has achieved noteworthy cooperation with the United States and other states in the conduct of its antipiracy operations. This is especially remarkable since the majority of international navies contributing to the fight against Somali piracy do so under the command of multilateral mechanisms, while those of China and some other countries, such as India and Russia, coordinate with counterparts in the region but operate autonomously. The primary multilateral antipiracy forces in the region are known as "the Three Forces": Combined Maritime Forces Combined Task Force 151 (CTF-151), led by the United States; Operation OCEAN SHIELD (previously Operation ALLIED PROTECTOR), led by the North Atlantic Treaty Organization (NATO); and Operation ATALANTA, led by the European Union Naval Force (EU NAVFOR).

From the outset, while the autonomous navies have conducted antipiracy operations in ways fundamentally different from those of the Three Forces, the PLAN has been "ready to exchange information and cooperate with the warships of other countries in fighting Somalian pirates."<sup>25</sup> At the time of the first deployment, the deployment commander, Adm. Du Jingcheng, stated that the PLAN would "not accept the command of other countries or regional organizations" but was willing to "facilitate exchanges of information with escort naval vessels from other countries."<sup>26</sup> This statement has held true: the PLAN has gradually increased communications with vessels from the United States and over twenty other countries and has conducted several shipboard exchanges of

commanding officers and with CTF-151 staff.<sup>27</sup> In recent years a voluntary, multinational antipiracy coordination mechanism known as Shared Awareness and Deconfliction (SHADE) has facilitated tighter integration of the antipiracy operations of multilateral and independent naval actors, including China, which continues to make meaningful contributions to SHADE.

To date, the willingness of the PLAN and other independent navies to synchronize their antipiracy operations through the SHADE mechanism has been a bright spot for the international fight against piracy. While China was denied chairmanship of SHADE in 2009, both the international community and China have proactively sought to enhance the PLAN's role in the mechanism. Specifically, China participates in SHADE's Convoy Coordination Working Group, which coordinates escort schedules between navies such as those of China, India, Japan, and South Korea.<sup>28</sup> SHADE is ultimately chaired by Western-centric naval forces; however, China likely prefers to cooperate with it because of its voluntary and multilateral nature, whereas other multilateral forces, such as CTF-151, are commanded by the United States. Also, there are potential security barriers to more direct integration between China and traditional navies in the region; SHADE provides an innovative, low-sensitivity platform that has facilitated important breakthroughs in maritime nontraditional security cooperation between China and Western states. There are indeed signs of growing teamwork and cooperation; reportedly the PLAN deployed antipiracy forces south of the Bab el Mandeb to help fill gaps in patrol left by the Three Forces.<sup>29</sup> In summary, while SHADE highlights the major differences in approaches to dealing with the piracy problem, it also demonstrates a successful formula, one involving the mutual support and tolerance of different preferences that are needed to foster more institutionalized engagement between China and Western naval forces.

China has also attempted to coordinate with other navies in the fight against piracy in various ways other than SHADE. In 2009 it called for apportioning the Gulf of Aden and surrounding waterways into zones that each navy would protect independently, though the notion never came to fruition.<sup>30</sup> The PLAN has regularly visited and hosted other naval task forces, including, as noted, periodic shipboard exchanges with the commanders of CTF-151, NATO, and EU NAVFOR. PLAN antipiracy forces have conducted joint exercises with a diverse cohort of international partners, including Pakistan, Russia, South Korea, and the United States. A 2010 article in *Modern Navy* recapitulated the PLAN's underlying approach to international antipiracy cooperation: "While insisting on 'self-direction' [以我为主] [when] conducting escorts, China's navy [also] is actively expanding international maritime military exchanges and cooperation [and] gradually establishing and exploring escort methods and mechanisms with relevant countries."<sup>31</sup>

China has been true to its word in this regard and has engaged in various forms of international antipiracy cooperation. For instance, the PLAN previously assigned a surface

vessel to help monitor the Internationally Recommended Transit Corridor jointly with CTF-151 forces and has escorted a total of eight UN World Food Programme vessels.<sup>32</sup> In 2012, 2013, and 2014, China engaged with the U.S. Navy in joint antipiracy exercises in the Gulf of Aden, even amid considerable strategic tension in East Asia between Beijing and other Asian capitals, many of them U.S. security partners.<sup>33</sup>

Beyond its high-seas piracy deterrence and ship-protection patrols, China has effectively leveraged this six-year far-seas antipiracy mission to conduct wide-ranging naval diplomacy. This is significant because China's deployment and associated activities have allowed it to be a "responsible stakeholder" in international society, particularly in the area of maritime nontraditional security.<sup>34</sup> When it escorted World Food Programme vessels into Somali ports, China ceased being the only permanent UNSC member not to have done so. Similarly, China's willingness to escort thousands of foreign commercial vessels, coupled with the PLAN's frequent exchanges and coordination with other navies in the region, has paid important dividends for the PLAN's image as a capable and peaceful contributor to security in the maritime commons. Finally, just as Beijing faces domestic pressure to protect its citizens overseas effectively, the PLAN's deployment sends a signal to the rest of the world that China is capable of protecting its perpetually expanding assets throughout the world and ready to do so.

### **Implications for Future Chinese Antipiracy Operations in the Far Seas**

What lessons might we take from China's Gulf of Aden experience that might be applied to future antipiracy missions in the far seas? First, from the above discussion, it seems essential for the international community to supply an authoritative legal framework that supports international antipiracy and other nontraditional security activities of China and other states. Robust legal institutions not only make Beijing more comfortable with deploying forces beyond East Asia but in some cases they may pressure China to provide maritime security in proportion to its growing capabilities in the maritime arena. Second, China appears open to progressively increasing cooperation with other navies in ways that still allow it to characterize its contributions as independent to domestic and foreign audiences. While it might still be difficult to integrate the PLAN directly into U.S.-led multilateral naval security mechanisms, owing to a conflux of ideological, operational, and security barriers, the navies of America and China can look for approaches that are perhaps less expeditious but nevertheless of value. Admittedly, future far-seas PLAN nontraditional security missions, including antipiracy deployments, must confront potentially limiting internal tension between decisions to undertake such operations and what some consider more pressing needs closer to home.<sup>35</sup> For instance, Ma Xiaojun, a professor in the Central Party School's International Strategic Studies Institute, states in reference to the Gulf of Aden mission,



Another kind of objective is to do things in a sound and practical way, doing whatever we can according to our capability. If you truly have the capability to do long-term escort duty off the east coast of Africa, why do you not first subdue the South China Sea pirates? The international community, especially ASEAN [Association of Southeast Asian Nations], hopes more that China will make more effort to crack down on pirates in the South China Sea region. This possibility is more realistic.<sup>36</sup>

But if China is to participate in global antipiracy operations, the Gulf of Aden experience teaches us that it is likely to do so in its own way. China will likely continue to be cautious about its use-of-force policies, especially where the sovereign prerogatives of other states may come into play. This will limit the extent to which Chinese naval forces will be willing to compel, rather than simply enhance, security. Nonetheless, the Gulf of Aden demonstrates that the Chinese approach to antipiracy can make an effective contribution to international efforts. Additionally, as Chinese naval forces become more experienced in dealing with unscripted situations, they are likely to continue to become even more effective at managing piracy within the strict limits imposed by their rules of engagement. With these caveats in mind, there is every reason to believe that in future piracy hot spots—such as the Gulf of Guinea—China will be an active partner, able to make meaningful contributions to improving maritime security.

## Notes

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## Chinese/U.S. Naval Cooperation on Counterpiracy and Escort Missions

*Zhang Junshe*

More than 70 percent of the globe is covered by water. With the deepening of economic globalization, global seaborne trade continues to expand. As the arteries connecting the world, seas and oceans are becoming more important than ever. The security of sea lines of communication (SLOCs) has never attracted more attention from the international community. SLOC security is a world issue and a global challenge, transcending the domain of state or region.

### **PLA Navy Counterpiracy and Escort Missions**

On 2 June 2008, the United Nations Security Council passed Resolution 1816, giving foreign warships the right to enter Somali waters “for the purpose of repressing acts of piracy and armed robbery at sea” by “all necessary means.” To fulfill its international obligations, on 26 December 2008 China dispatched three warships—*Haikou* (hull number 171), *Wuhan* (hull number 169), and the supply ship *Weishanhu* (hull number 887)—to the Gulf of Aden. The ships embarked a team of Special Forces operators from the People’s Liberation Army (PLA) Navy Marine Corps, equipped with attack helicopters.

Since then, China has maintained a three-ship flotilla of two warships and one supply ship in the Gulf of Aden, assigning ships from the three fleets to the area on a three-month basis. As of August 2013, the Chinese navy had dispatched fifteen naval flotillas, a total of forty warships and thirty-two helicopters, to waters off Somalia to carry out escort missions. PLA Navy warships have provided protection for more than six thousand merchant ships, half of which were foreign ships, including four United Nations World Food Programme (WFP) ships. In addition, PLA Navy warships have provided assistance to tens of foreign ships in trouble, recovered four ships released by pirates, and saved more than twenty foreign ships from pursuit by pirates.

### **Chinese/U.S. Naval Cooperation on Counterpiracy and Escort Missions**

The international community has made joint efforts to deal with the issue of piracy around Somalia. The military response to pirate attacks has brought about a rare show

of unity among countries. Numerous countries have sent vessels, aircraft, and personnel whose primary mission is to conduct antipiracy activities. They are assigned to the following missions: OCEAN SHIELD (the North Atlantic Treaty Organization [NATO] and partner states), ATALANTA (the European Union [EU] and partner states), Combined Task Force 151 (CTF-151), and the independent missions of Russia, China, the Republic of Korea (ROK), India, Malaysia, and others. About forty warships from twenty nations are currently carrying out underway counterpiracy and escort missions. Increased policing efforts by Somali government authorities on land combined with the efforts of international naval vessels at sea have reportedly contributed to a drop in pirate attacks in the Gulf of Aden from eighty-six a year to about thirty, forcing pirates to shift their attention to other areas in the wider Indian Ocean.

The PLA Navy escort task forces have achieved close cooperation with other navies and organizations. PLA Navy escort task forces have maintained smooth communications with other navies in the areas of joint escort, information sharing, operation coordination, and liaison. They have conducted joint escorts with their Russian counterparts, carried out joint antipiracy exercises with naval ships of the United States, the ROK, and Pakistan, and have coordinated with the EU to protect WFP ships. The PLA Navy has exchanged commander boarding visits with task forces from the EU, NATO, Combined Maritime Forces, the ROK, Japan, and Singapore. It has exchanged officers for onboard observations with the navy of the Netherlands. Countries of CTF-151 share information with China and other countries during the monthly Shared Awareness and Deconfliction meetings, a mechanism established in December 2008. China also takes an active part in the conferences of the Contact Group on Piracy off the Coast of Somalia.

As mentioned above, the Chinese and U.S. navies have cooperated well during their counterpiracy missions in the Gulf of Aden and waters of Somalia. The two navies have carried out information sharing, operational coordination, and exchanges of visits by task force commanders. On 25 August 2013, they conducted a two-day joint counterpiracy exercise involving the U.S. Navy guided-missile destroyer USS *Mason* (DDG 87), the Chinese destroyer *Harbin* (hull number 112), and the Chinese auxiliary replenishment oiler *Weishanhu*. The Chinese oiler played the role of a pirated vessel as crew members from *Mason* and *Harbin* conducted a combined visit, board, search, and seizure drill that included a night boarding. Simulated medical emergencies and hostage scenarios required the sailors to work together to provide a coordinated response. In addition, the crews demonstrated synchronized maneuver techniques during a live-fire proficiency exercise, engaging an inflatable target with the five-inch Mark 45 lightweight guns and 3.9-inch ENG deck guns. The exercise marked a significant milestone with the landing of helicopters on board each other's ships.

This joint exercise represented a big step beyond the first counterpiracy exercise between U.S. Fifth Fleet and the Chinese navy conducted near the Horn of Africa in September 2012. The 2012 exercise, which involved USS *Winston S. Churchill* (DDG 81) and the Chinese frigate *Yi Yang* (hull number 548), lasted about six hours and was limited to a basic visit, board, search, and secure exercise, follow-on discussion, and crew lunch.

The August 2013 joint exercise promoted mutual understanding and mutual trust between the two navies. *Mason's* commanding officer, Cdr. D. Wilson Marks, was reported as saying that throughout the week's mission, he was struck by how similarly the two navies operated: "What my crew found out is they are sailors like we are, practicing many of the same techniques as they confronted the same challenges, he said."<sup>1</sup>

After concluding the counterpiracy exercise with the Chinese navy, members of the Fifth Fleet expressed hope that it would lay the groundwork for closer cooperation in ensuring freedom of movement in the Gulf of Aden, other regional waters, and beyond.

"The U.S. Navy and People's Liberation Army (Navy) share a common interest in preserving legitimate mariners' access to, and secure use of, the maritime domain by deterring, disrupting and suppressing piracy," said Vice Adm. John Miller, commander, U.S. Naval Forces Central Command (NAVCENT), U.S. Fifth Fleet, Combined Maritime Forces.

"Both regional and global security environments call for practical cooperation between navies, and this exercise demonstrates a cooperative effort by the U.S. and China to address common maritime security challenges."<sup>2</sup>

The fruitful cooperation between our two navies in the Gulf of Aden is an important step toward building a new type of military-to-military relationship that is commensurate with a new type of big-power relationship between our two countries.

## Notes

- The discussion herein reflects only the author's personal views.
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## Chinese Overseas Basing Requirements for the Twenty-First Century

*Christopher D. Yung*

In the thirty-five years since inaugurating its “Reform and Opening” policy, China has become increasingly intertwined with the world outside its borders. China is currently the world’s largest trading nation, relying heavily both on foreign supplies of raw materials for and on foreign consumers of its manufactured products.<sup>1</sup> Chinese firms, answering the call of the government to “Go Out” (走出去), are expanding their overseas investments, and Chinese citizens are traveling the world in ever greater numbers in search of business, education, and pleasure. Though generally positive, these developments have increased the country’s vulnerability to events beyond its control.

Chinese leaders recognize the increasing challenges of safeguarding overseas interests. However, official Chinese policy rejects the type of initiatives that would enable the country to meet these new needs better—namely, overseas basing of People’s Liberation Army (PLA) forces. In recent years, growing numbers of Chinese commentators have expressed views favoring revision of this traditional policy, suggesting that in due time China will have no choice but to take steps to enhance its far-seas support capabilities. This public discussion likely reflects a debate among Chinese policy makers about how best to protect the country’s expanding overseas interests. If China ultimately does change its long-standing policy eschewing permanent overseas presence, what basing model is it likely to choose? This paper will present six possible overseas basing models and discuss them in the context of current People’s Republic of China (PRC) foreign-policy principles and objectives. It will then assess which overseas basing model is most congruent with Chinese interests and draw conclusions about what these facilities will look like and how they will operate.

### **China’s Growing Overseas Economic and Security Interests**

Economic data from the past ten to fifteen years highlight China’s increasing transnational economic interests. Statistical data from the African Development Bank, the Chinese Ministry of Commerce (MOFCOM), and the United Nations illustrate China’s increased trade and foreign direct investment in Africa.<sup>2</sup> Chinese trade with Africa grew more than tenfold during the 2000–10 period (from U.S.\$10 billion in 2000 to U.S.\$127

billion in 2010). This makes China the largest trade partner with that continent. MOFCOM reports that China's direct investment in Africa "rocketed" from U.S.\$490 million in 2003 to U.S.\$9.33 billion in 2009. MOFCOM has also reported that of all the Chinese companies that invested abroad in 2010, 22 percent invested in Africa. The bulk of these investments went to manufacturing sectors, followed by distribution, farming, fishery, and construction. The data also reveal China's increasing dependence on petroleum and raw materials from the Middle East and Africa.<sup>3</sup> The Council on Foreign Relations reports that China imports more than half its crude oil from the Middle East and receives an estimated one-third of its oil imports from Africa. Its largest African suppliers of oil are now Angola, Sudan, the Republic of the Congo, Equatorial Guinea, and Nigeria. Lastly, the number of Chinese expatriates residing in underdeveloped countries, particularly in sub-Saharan Africa, has grown dramatically in the past two decades. Erica Downs of the Brookings Institution has estimated that the number of Chinese expatriates living and working abroad, a sizable number of them in Africa, increased from 3.5 million in 2005 to 5.5 million in 2011.<sup>4</sup> As the number of Chinese expatriates continues to increase, the Chinese government will feel a growing responsibility to protect them during periods of political instability.<sup>5</sup>

### Public Discussion of Overseas Bases

Despite official PRC policy, which is to deny the need for overseas bases, there is no question that within China the issue of overseas basing and the stationing of PLA troops abroad is being energetically discussed. A review of the open press in China reveals that there is an unofficial line of thought suggesting the need for overseas facilities.

Shen Dingli, a professor and well-known columnist in China, lays out the commonly accepted rationale for establishing overseas bases: "Setting up overseas military bases is not an idea we have to shun; on the contrary, it is our right. Bases established by other countries appear to be used to protect their overseas rights and interests. As long as the bases are set up in line with international laws and regulations, they are legal ones. But if the bases are established to harm other countries, their existence becomes illegal and they are likely to be opposed by other countries."<sup>6</sup> Shen argues that

there are three international relations we need to tackle with when building overseas military bases. First, the relations between base troops and the host countries. It is possible to set up military bases as long as the establishment is in line with the host countries' interests. Second, the relationship between the base troops and the countries neighboring to the host country. If the base troops can maintain regional stability, it will be probably welcomed by all the countries in the region. Third, the relationship between the big countries in the world. The establishment of the troop bases is sensitive to those big countries which have already set up bases abroad.<sup>7</sup>

Liu Zhongmin, the director of Middle East Studies at the Shanghai International Studies University, further develops these arguments.

China also needs to make the international community aware of the fact that overseas bases are needed for two purposes: China's own interests and the country's assumption of more international responsibilities. There is no need to conceal these goals. . . . Some countries expect China to undertake more international responsibilities but object to China's plans for overseas bases, which are necessary for bearing such responsibilities. This is unreasonable. Keeping silent is no good for removing doubts. For China, the best choice is to put the establishment of overseas bases on the agenda as soon as possible, and carry out the necessary communications with relevant countries.<sup>8</sup>

Dai Xu, a retired PLA Air Force officer who writes frequently on military and national security issues, has outlined selection criteria to determine which region and country should host this facility: "First, we must choose a region where our strategic interests are important and concentrated and then select a country that has a friendly, solid relationship with us. Not only can our overseas commercial fleets obtain timely replenishment once we have this kind of base, but our commercial interests in the countries and regions around our base will also have a stable support point."<sup>9</sup>

## Six Models of Basing

From the above sampling of the writings of important Chinese commentators, it seems likely that Chinese policy makers recognize the merits of overseas basing and probable that they are weighing options for establishing a more fixed presence abroad. If China ultimately elects to establish overseas facilities, what are they likely to look like? There are, generally speaking, six models from which to choose.

### *The "Pit Stop" Model*

The "pit stop" model is very similar to China's current approach to supporting overseas operations. It represents an effort to maintain military presence abroad without establishing permanent facilities in other countries. Chinese official policy argues the PLA Navy (PLAN) does not require permanent access to naval facilities or bases in support of "out of area" operations. In a 2010 *China Daily* article, Rear Adm. Zhang Deshun, then Deputy Chief of Staff of the PLAN, stated, "We have no agenda to set up military establishments, or threaten establishments of other nations overseas."<sup>10</sup> He indicated that the PLAN "has no plans, nor is there a necessity to establish overseas military bases." Other senior PLAN officials have expressed similar views on the subject. Senior Capt. Yan Baojian, a naval commander in the South China Sea Fleet, indicates that the navy can operate overseas and conduct its "out of area" missions without any military base on foreign soil. He further explains that "the naval force can work extensively with China's business operations worldwide for military supplies, in addition to [obtaining materiel

from] advanced supply ships.”<sup>11</sup> Additionally, in an earlier article, published in January 2010, Rear Admiral Zhang noted the PLAN should continue using commercial supply points to obtain rest and entertainment, food, and water; conduct maintenance on equipment and ships; and obtain medical treatment.<sup>12</sup>

The “pit stop” model has the following characteristics: its arrangements are ad hoc; it does not involve signing access agreements or status-of-forces agreements with the host nation, PLA personnel having the status only of tourists; services rendered are seen entirely as commercial transactions; and ships and personnel are given only temporary access.

### *“Lean Colonial” Network*

A “lean colonial” network includes highly specialized bases scattered remotely throughout the world following the establishment of colonies. Nations primarily develop this model to fulfill political needs rather than to increase military capabilities. The network usually comprises bases within a few days’ sailing distance of each other, but these bases are usually not able to resist seaborne attack. Historically, nations build these bases to enhance commercial ties with host governments and the local economies of host nations, to provide commercial bases to exploit the economic opportunities of foreign countries, and to give the impression to a domestic and international audience of a global presence. In short, the larger purpose of this model is to further economic and political interests; therefore, equipping these facilities with military capabilities is seen as unnecessary.

Imperial Germany’s Pacific base network best illustrates this concept. Germany’s colonies stretched from mainland China to New Guinea. Initially, trading companies helped to develop Germany’s overseas possessions, without German government support.<sup>13</sup> Yet as commercial interests developed, the German government started to provide financial support to these colonies.<sup>14</sup> These facilities eventually could be relied on to replenish and resupply German naval units operating in the Far East, thereby extending Germany’s military capability in Asia. Germany viewed these facilities more as sources of pride and commerce rather than as viable territorial possessions.<sup>15</sup> A “lean colonial” facility is entirely civilian in nature, largely unprotected by a country’s military, largely maintained by state-sanctioned commercial enterprises, and able to provide “hotel” or support-like services for military forces operating abroad.

### *“Dual-Use Logistics Facility”*

Most favorable Chinese commentary on overseas basing highlights the importance of a secure and stable supply source for Chinese out-of-area operations. Rear Adm. Yin Zhuo, the most prominent of these advocates, indicated in a December 2010 radio

interview that China needs a permanent naval base overseas to resupply its ships contributing to the multinational antipiracy flotilla in the Gulf of Aden. “I believe that a relatively stable, relatively solid base for resupply and repair would be appropriate,” Admiral Yin said. “Such a base would provide a steady source of fresh fruit, vegetables and water, along with facilities for communications, ship repair, rest and recreation, and medical evacuation of injured personnel.”<sup>16</sup>

The retired air force officer Dai Xu made similar points in a February 2009 article: “In order to fulfill its responsibilities to the world, China cannot simply maintain friendly wishes and symbolic gestures. It needs to have power adequate to protect world peace before it will be able to shoulder its international responsibilities effectively and develop a good image. The fulfillment of this duty requires a specific supply facility for the provision of support.”<sup>17</sup> Why is this the case? “Following the bold appearance of China taking on international responsibilities by [the Gulf of Aden deployment], this type of escorting and peacekeeping task will become a regular duty. How to execute these tasks in ever wider sea areas with even lower costs and over longer periods of time is bound to become a practical issue that will have to be dealt with by strategic decision-making departments.”<sup>18</sup> If China ultimately decides to pursue one or more overseas supply bases, it will need to decide the scope, nature, and character of these facilities. As the name implies, this approach involves establishing facilities abroad that serve both commercial and military purposes.

#### *The “String of Pearls” Model*

First articulated in a 2004 Booz Allen Hamilton report for the Department of Defense Office of Net Assessment, the “string of pearls” basing model remains one of the best-known overseas-facility concepts attributed to China.<sup>19</sup> According to this model, China seeks to expand its influence in the Indian Ocean through the covert and gradual establishment of military facilities on commercial sites. The word “covert” is used advisedly; part of China’s plan would be to develop these facilities secretly, in order not to elicit alarm from regional countries. These facilities could be used, first, to assure access to energy supplies and raw materials; second, to exert Chinese political influence in and eventually to dominate the Indian Ocean region; and third, to deter the United States and India from interdicting Chinese shipping from the Persian Gulf. At the time of the Booz Allen Hamilton report’s publication, some evidence suggested China was directly involved in the construction of naval bases in Burma, had funded construction activities in Pakistan, and had invested in facilities in Sri Lanka and Bangladesh.<sup>20</sup>

Other defense analysts later applied this concept to their assessments of China’s grand strategy. In 2006, the U.S. Army War College’s Strategic Studies Institute published a report that asserted,

Each “pearl” in the “string of pearls” is a nexus of Chinese geopolitical influence or military presence. Hainan Island, with recently upgraded military facilities, is a “pearl.” An upgraded airstrip on Woody Island, located in the Paracel archipelago three hundred nautical miles east of Vietnam, is a “pearl.” A container shipping facility in Chittagong, Bangladesh, is a “pearl.” Construction of a deep water port in Sittwe, Myanmar, is a “pearl,” as is the construction of a navy base in Gwadar, Pakistan. . . . The “pearls” extend from the coast of mainland China through the littorals of the South China Sea, the Strait of Malacca, across the Indian Ocean, and on to the littorals of the Arabian Sea and Persian Gulf.<sup>21</sup>

Some assessments, many coming out of Indian think tanks and defense organizations, state unequivocally that China is in fact pursuing a “string of pearls” strategy of which the objective is to dominate the Indian Ocean region.<sup>22</sup>

### *“Warehouse” Model*

The “warehouse” model, developed by the British in the interwar period, demonstrates a fifth potential way for a naval power to maintain a fleet far from its home ports. In the interwar years, the British, after considering their economic situation and war plans, decided that a few ports with large oil supplies and fully capable repair facilities would best maintain their Far East Fleet. The British chose Singapore as their main logistics hub, but with war-fighting contingencies in mind rather than logistical reasons.<sup>23</sup> This rationale ultimately came back to haunt the British when Singapore fell in 1942. The Russians pursued a similar approach in the 1970s when they signed access agreements with the Egyptians for permanent access to a well-stocked, comprehensive base in Alexandria.

A “warehouse” model has the following characteristics: one or two large facilities located overseas; comprehensive services or “one-stop shopping,” including replenishment, ship or aircraft repair, and services; and the trappings of a full-fledged military base, including ordnance storage, troop berthing, training facilities, and permanently stationed vessels.

### *“Model USA”*

The current American logistics model is often considered the gold standard for supporting military operations abroad. The territorial network consists of multiple large bases that support U.S. naval and air forces and a large number of minor base/port agreements that allow for flexible resupply operations. In addition to established infrastructure, the United States maintains the largest fleet of auxiliary ships in the world. This gives the U.S. Navy unprecedented capability to resupply ships while under way and also allows for sea-based logistics to support ground operations. In addition to thirty-plus naval bases and naval support facilities, the Military Sealift Command has ninety-nine ships in active service that support fleet operations.<sup>24</sup> Currently, the United States has a significant base of operations in every major ocean and sea and thus has a logistics system that can support operations anywhere in the world.

## PRC Foreign and Defense Policy Considerations

Which of the above models is most congruent with Chinese foreign-policy principles and objectives? To answer this question, it is useful to consider the impact each model would have on important aspects of current policy. China's foreign-policy behavior has remained relatively stable since the start of the Deng reform era. China has generally attempted to focus on a few themes.<sup>25</sup> First, China portrays itself as above hegemonic and imperialistic behavior. Thus, it rejects such past imperialist practices as establishing colonies, occupying huge tracts of host-nation land, or placing large numbers of troops in foreign countries. From the Chinese point of view, its policy is both principled and nonthreatening to neighboring countries. Second, China eschews interference in the internal affairs of other states. This principle too militates against establishing overseas bases or maintaining large numbers of troops abroad. Third, China has long been cognizant of the realities of the international system. Since the early 1990s it has striven to walk a delicate line, that of assuming greater status and power while avoiding confrontation with the United States. The "peaceful rise" theory and the concept of a "New Type of Great-Power Relationship" embody this aim.<sup>26</sup>

With these overarching foreign policy principles in mind, the Chinese leadership must formulate policies and create military capabilities that address emerging threats abroad. Given the anticolonialism fundamental to China's approach to foreign policy, we can rule out, at least for the near to middle term, the possibility that it will opt for a "lean colonial" network, "Model USA," or the "warehouse" model—all of which would require establishing control over foreign territory and permanently stationing large numbers of PLA personnel abroad.

Among the remaining three models, which would best enable China to achieve its overseas objectives?

At present, China's relatively modest overseas operations—connected with counterpiracy in the Gulf of Aden—are already placing stress on the country's logistical and support system. The current "pit stop" model, with its frequent rotations of task forces, its reliance on foreign commercial transactions to perform routine maintenance and repair, and its absence of access agreements, is proving an extremely inefficient and ineffective way of supporting military operations. Interviews with high-ranking PLA officers reveal that the Chinese themselves recognize this.<sup>27</sup> Moreover, given reliance on foreign partners for facility security, institutionalization of the "pit stop" model would probably entail an unacceptable degree of risk.

Accordingly, the "dual use" and "string of pearls" models both would represent significant improvement over the "pit stop" model. Moreover, they would not involve major

revision to fundamental principles guiding Chinese foreign policy (see table 1). The next section will discuss in detail their comparative strengths and weaknesses.

**Table 1.** *PRC Considerations When Choosing an Overseas Basing Model*

	"Pit Stop" Model	"Lean Colonial" Network	"Dual-Use Logistics Facility"	"String of Pearls" Model	"Ware- house" Model	"Model USA"
Significantly threatens China's peaceful rise image?	No	No	No	No	Yes	Yes
Poses a risk to China's relationship with host nation?	No	No	No	No	Yes	Yes
Neighboring countries feel threatened?	No	Yes	No	No	Yes	Yes
Helps China address a wide range of military contingencies?	No	No	Yes	Yes	Yes	Yes
Helps China protect its overseas economic interests?	No	No	Yes	Yes	Yes	Yes
Relatively inexpensive to execute?	No	Yes	No	No	No	No
Likely to satisfy the expectations of ordinary Chinese citizens?	No	No	Yes	Yes	Yes	Yes
Would be grossly objectionable to the U.S.?	No	No	No	No	Yes	Yes
Well protected against external attack?	No	No	No	No	Yes	Yes
Are required transportation assets limited?	Yes	Yes	No	No	Yes	No



## The “Dual-Use Logistics Facility” versus the “String of Pearls”

The “dual-use logistics facility” and “string of pearls” models share many similarities. China would use facilities of either sort for both commercial and military purposes to support power projection farther from its shores. The philosophy behind how China intended to use such facilities would distinguish the two. The “dual-use logistics facility” model implies that China would use the facilities as forward operating logistics platforms from which it could support nontraditional security operations, possibly including special forces operations ashore, to combat terrorists and other threats to China’s overseas interests and citizens. The “string of pearls” model, by contrast, would have China developing overseas facilities covertly, with the intent to use these facilities ultimately to engage in major combat operations with India. The best way to determine which model the Chinese are likely to pursue is to examine thoroughly the physical evidence and the current characteristics of China’s overseas military operations.

Past analyses have demonstrated that there is very limited evidence of Chinese military use of the “string of pearls” sites.<sup>28</sup> To cross-check these conclusions, this paper examines the physical evidence to see to what extent “string of pearls” port facilities have military utility. To be sure, any port facility has some military utility. However, whether these facilities could support PLAN forces in the kinds of missions and tasks that the “string of pearls” model assumes is another question. In short, are the current facilities on the Coco Islands, Hambantota, Chittagong, and Gwadar capable of supporting PLAN major combat operations in the Indian Ocean region?

Bases supporting major military operations require certain physical features. Table 2, drawn from U.S. requirements for such facilities, provides a general framework for understanding what Chinese overseas bases would have to look like to be in line with the “string of pearls” model.<sup>29</sup>

A close examination of the features of one of China’s major naval bases—Zhanjiang Naval Base, in Guangdong Province—reveals that it meets most of these requirements, suggesting that the Chinese employ a similar standard for base facilities.<sup>30</sup>

Among “string of pearls” sites, only Chittagong meets most of the criteria listed.<sup>31</sup> Thus far, then, there is little physical evidence to suggest that the candidate “string of pearls” sites are being prepared by the Chinese for future major combat operations in the Indian Ocean / South Asia area.<sup>32</sup>

It is also useful to examine current PLAN and PLA operational patterns of behavior to discern whether the Chinese military is “preparing the battle space.” Examination of the ports and facilities the PLA is currently using to support its operations in the Gulf of Aden shows that China is already developing a network of facilities and bases to support its logistics operations.<sup>33</sup> However, these sites do not involve any of the purported “string

**Table 2.** *Defense Department Criteria for Commercial Port Support for Major Military Operations*

<b>Recommended Port Infrastructure</b>
3 berthing spaces 1,000 linear feet each
Minimum water depth of 35 feet
30–45 acres of open storage
4 rail off-loading spurs of 1,000 feet of straight track each
4 rail/truck end ramps
Gatehouse/security
Access to port-owned interchange yard to support switching 2 trains per day
Suitable area to land/service helos (~5 acres)
2 container handlers
Adequate interior roadways to port facilities
Office space with adequate utilities and communication service
Processing area for 30 trucks
Wash rack that meets U.S. Dept. of Agriculture requirements
<b>Terminal Access</b>
Close proximity (<10 mi) to interstate highway system
Access to at least one major commercial rail carrier
Water channel access width of 500 feet and depth of 35 feet
Access to commercial rail interchange yard (if port-owned facilities are inadequate)

of pearls” sites. The ports that China uses most to support its counterpiracy operations include Salalah, Aden, Djibouti, and Karachi. To date, there is no evidence of a long-term basing agreement between the PLAN and any of its host nations. Furthermore, the Chinese make only limited use of these facilities. In many instances, China dispatches a single replenishment ship, which restocks its own stores and then replenishes the remainder of the naval task force at sea. When other PLAN vessels pull into port, the duration of the visit is usually no longer than a few days.

For ship replenishment, the PLAN currently relies on commercial facilities in countries that would be decidedly neutral should China and India become engaged in a shooting war. This behavior does not reflect the behavior of a country preparing for major conflict. If China wanted to pursue a more significant basing relationship with a host country, it would most likely repeatedly visit a single military site to accustom its forces to working with an ally against an identified adversary. Finally, the number of forces involved in each of these out-of-area deployments remains too paltry (from three to five ships) to signify a PLAN preparing for major combat against India.<sup>34</sup>

## No Clear Strategic Rationale for a “String of Pearls” Strategy

An assessment of the strategic rationale for a “string of pearls” strategy strongly suggests that China would not pursue this approach. First, to pursue the “string of pearls” strategy openly, the PLAN would need to abandon supposed covert activities in South Asian commercial ports and then openly and continuously build up its military forces there. In the process, China would risk the “peaceful rise” image it has studiously cultivated for many years. Unquestionably, were China secretly conducting such activity, sooner or later it would have to reveal its true intentions by openly building up its forces at these “string of pearls” sites. This type of buildup would require a long lead time. China would therefore have to sacrifice its “peaceful rise” image long before it was ready to dominate the Indian Ocean and take on India in a conventional conflict. Second, because of geographical constraints, if China stationed naval and air forces at the “string of pearls” sites, these forces would be highly vulnerable to Indian air and missile attacks. Some Indian analysts have pointed out that Chinese naval and air forces would find themselves consistently at a numerical disadvantage to the Indian military, which could, because of the closer proximity of its own main bases, more easily concentrate its forces.<sup>35</sup> Third, the stationing of Chinese military forces at the “string of pearls” sites would isolate these forces at great distances from China—making them unavailable for a hypothetical maritime conflict with the United States or one of China’s other rivals in East Asia.

More fundamentally, analysis of Chinese discussion of the country’s overseas interests reveals that nontraditional security threats currently have top priority. Barring a major shift in Chinese assessment of the international security environment, this hierarchy of interests is likely to remain in place for some time. Therefore, we can assume that consideration of overseas facilities will focus on the following military missions: protection of citizens and property abroad; noncombatant evacuation operations, humanitarian assistance, and disaster relief; counterpiracy and the protection of sea lines of communication; and counterterrorism, as well as, possibly, counterinsurgency operations.

## The Specific Characteristics of a “Dual-Use Logistics Facility”

On the basis of the foregoing analysis, it is clear that the Chinese are most likely to pursue the “dual-use logistics facility” model. If China does adopt it, what would this approach to overseas support look like? Information gleaned from interviews with professional logisticians and military operators who have experience operating in similar “dual-use facilities” in the Asia-Pacific region provide some insights.<sup>36</sup>

Chinese logistics needs will depend on what types of missions the PLA undertakes to advance its interests. Assuming a focus on nontraditional security threats, logisticians interviewed for this study arrived at the following conclusions:<sup>37</sup>

- Overseas facilities are unlikely to be heavily engaged in warehousing activities. Instead the facility would likely focus on developing robust and redundant distribution networks to replace damaged parts easily and quickly.
- Facilities will most likely develop relationships with local agents, who would work with commercial vendors like DHL or FedEx and local logistics assets (through husbanding agents) to move materiel.
- Facilities would likely involve light footprints (a hundred to five hundred personnel).
- Bases are likely to involve a network that incorporates a division of labor among a few smaller installations (air operations, ship support, coordination of all logistics support, etc.).
- The operating and political conditions under which the facility will be run are likely to be extremely constraining. The host country, for example, might not authorize a port visit until forty-eight hours prior.
- A military base would not need to install sensitive communications or other types of equipment (weapon systems or radars), since the Chinese could perform these functions at commercial facilities. However, the PLA would need to ensure access to these facilities by its technicians.

## Conclusion

China is likely to expand PLA missions and overseas deployments to protect its growing economic and political interests abroad. To support these missions effectively, China will eventually need to consider establishing some kind of overseas military presence. Six possible alternate basing and facilities models exist, but on examination of these options in light of a Chinese foreign and domestic policy filter, only two of the models—a “string of pearls” model and a “dual-use logistics facility”—are compatible with Chinese foreign-policy goals and could provide the support necessary genuinely to protect China’s overseas interests.

From the physical evidence, it is reasonable to conclude, first, that there is minimal physical evidence to suggest that the facilities being developed in Hambantota, Gwadar, and the Coco Islands will be used to encircle India and support a PLA effort to conduct conventional war in South Asia; and second, that the operational patterns of behavior of the PLAN in the Gulf of Aden and in the Indian Ocean do not suggest China is “preparing the battle space” for a conflict in that area. The argument for the “string of pearls” is rejected because, given what is known about Chinese foreign-policy and national-security interests, such a strategic calculus appears very unlikely.

Accordingly, if and when the PRC decides to establish overseas bases, it will most likely pursue a “dual-use logistics facility” model. China’s overseas bases will be characterized less by warehousing functions and more by a web of regional distribution relationships between the base and suppliers. This type of facility will involve a light footprint of Chinese personnel on the base, will require a distinct division of labor between logistics hubs in the overseas facilities system, will likely involve heavy use of local husbanding agents, and will be characterized by dual-use activities.

At such time as China establishes overseas bases or finalizes long-term access agreements to overseas military facilities, the United States–China relationship will surely be tested. This development would provide both opportunities for military and security cooperation and challenges to the political influence of the United States and its partners in South Asia, and possibly outside the region as well. China’s increasing presence in the Indian Ocean should not be viewed as an attempt to encircle India. Instead, China is extending its reach into the Indian Ocean region and the Persian Gulf area to protect its growing interests abroad.

## Notes

This chapter is drawn from a larger study on the subject of Chinese overseas basing and facilities requirements published by National Defense University Press in the China Strategic Perspective series.

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## China's Evolving Overseas Interests and Peaceful Competition

*Cai Penghong*

The first phase of efforts to locate flight MH370 ended on 30 April 2014. During this nearly two-month period, China deployed eighteen naval vessels, thirteen aircraft, twenty-one satellites, sixty-six merchant ships, and twenty fishing boats to search 1.3 million square kilometers of maritime space in the southern Indian Ocean.<sup>1</sup> The operations, which stretched from the South China Sea and the Strait of Malacca to the southern reaches of the Indian Ocean, represented an unprecedented case of Chinese maritime forces conducting large-scale missions in distant waters.

The People's Liberation Army (PLA) Navy and the other forces involved in these far-seas operations were tasked with protecting China's overseas national interests, actually a new concept in China's political dictionary. The concept of overseas national interests reflects a break with earlier discourse on China's national interests. In Mao's time, China had a revolutionary mission to expand ideology. Now, the country is preoccupied with concerns for access to natural resources, the safety of overseas nationals, and the security of overseas investments.

This paper will begin by defining the scope of China's overseas national interests and discussing the primary external threats to these interests. It will then examine the basic principles that will guide China's approach to managing and mitigating these threats and present three possible paths that China may follow in the mid-to-long term: the free-rider strategy, peaceful competition, and military diplomacy. The paper will conclude by arguing that the peaceful-competition approach is most likely to accord with traditional Chinese foreign policy principles and place the country in the best position to safeguard its expanding overseas interests.

### **The Scope of China's Overseas National Interests**

China has traditionally conceived of diplomacy as an extension of domestic politics. Thus, the concept of overseas national interests in the Chinese context should be considered as a continuation of domestic policy by diplomatic means. That is, Chinese efforts abroad serve domestic development.

In my view, it is useful to divide China's overseas interests into the following three categories: national political interests, national economic interests, and overseas Chinese citizens' interests.

Overseas political interests stem from the need for the Party to strengthen its ruling status and the socialist political system at home.<sup>2</sup> These interests are closely connected with the external political environment, China's political status therein, and the country's role in the process of shaping the international order. As a rising power seeking political influence and attractiveness (谋求政治影响力和吸引力), China recognizes the importance of working with other states to build new international mechanisms such as the BRICS, the Shanghai Cooperation Organization, and the Conference on Interaction and Confidence-Building Measures in Asia (CICA).<sup>3</sup> President Xi Jinping and his team have resolved to make China a strong power. China can achieve this goal only if it is accepted by other countries, big and small, remote and proximal. Achieving global acceptance will be beneficial to consolidating the Party's ruling status at home. The United States should respect China's core interests that involve its political system.<sup>4</sup> This is a vital part of the new model of major-power relations proposed for China and the United States. In Xi's view,

China and the United States must find a new path—one that is different from the inevitable confrontation and conflict between the major countries of the past. “And that is to say the two sides must work together to build a new model of major country relationship based on nonconflict, nonconfrontation, mutual respect and win/win cooperation for the benefit of the Chinese and American peoples, and people elsewhere in the world.”<sup>5</sup>

In the economic realm, China's overseas national interests include both commercial and security interests. Since the early 1980s China has carried out a policy of opening up to the world, and this has led to growth in economic interests abroad. These include export trade, imports of raw materials, overseas investment, and overseas tourism. In particular, China's economic development has depended on selling Chinese manufactures to overseas markets, meeting internal demand for energy and other economic inputs, and pursuing returns from regional and global investments.

The Chinese government also feels responsible for the safety of Chinese nationals living and working abroad. Citizens who are working outside China have the right to ask the government in Beijing to protect them from attacks. In the last ten years this cohort has increased dramatically, creating a new sense of responsibility for the Chinese government. Whether Chinese citizens are treated fairly while living abroad is regarded not only as a domestic matter but also as a barometer gauging the extent to which China is respected in the world. Thus, concerns for their safety and respect have become regarded as important elements of China's overseas interests.

## Potential Threats to China's Overseas Interests

Concern for the security of China's overseas interests began almost fifteen years ago, when China initiated its "going out" strategy (走出去战略). The first two or three decades of the new century are expected to be a period of both new opportunity for peace and development and also of complication, contradiction, and possibly turbulence.

A major source of potential threats to China's overseas political and security interests is political rhetoric from Western critics, who suggest that China is translating its rising power into increasing assertiveness. Tensions arising from territorial disputes and traditional anticommunist ideology or hostile forces (敌对势力) threaten stability around China's border. China is depicted as a menace, despite its clear desire to contribute to global peace and security. China, like any other country, makes efforts to develop defensive weapons systems. However, its systems are labeled as "antiaccess/area-denial," or "A2/AD," weapons, descriptions that depict them as threatening to American ships. The menacing rhetoric of some American hawks is extremely counterproductive. It undermines China's ability to play a constructive role in regional and global settings. The remarks by the Chinese foreign minister at the ASEAN Regional Forum on 23 July 2010, though they have been described by Western commentators as "assertive," received the support of people all around the country.<sup>6</sup>

International terrorism, including Islamic fundamentalism and Pan-Turkism, also threatens China's overseas interests. Terrorism has increasingly become "a matter of prime importance" for national security as China presses ahead with its modernization drive. After the Cold War and the disintegration of the Soviet Union, Central Asia became a power vacuum, creating conditions for the reemergence of terrorism. Moreover, Central Asia lies along a belt of national/religious friction and conflict that extends from the Balkans through the Caucasus, especially Chechnya, and Afghanistan. This belt is a traditional "silk route" connecting China with Central Asia and Europe, particularly the Caspian Sea oil resources that China demands.

Overseas threats to economic interests constitute the second challenge China will confront in the next decade or more. Economic interests are extremely important, because they are foundational to many other national interests. Military power, for instance, rests on the foundation of a strong economy.

To sustain development, China needs secure sea-lanes and unfettered freedom of navigation. China now is the second-largest economy and the world's largest trading power. China's rapid economic growth has come to depend heavily on imported raw materials, especially oil. Secure sea lines of communication are vital to the shipment of China's export and import trade. Any disruption of the sea-lanes or strategic straits like the Strait of Malacca or the Strait of Hormuz would threaten China's economic development and

hamper realization of the “China Dream.”<sup>7</sup> Oil imports have increased dramatically since 1993, when China first became a net oil importer. In 2011, China imported about 5.1 million barrels per day of crude oil.<sup>8</sup> Oil imports now constitute roughly 20 percent of China’s total oil consumption per year. About 40 percent of China’s total oil imports need to pass through the Strait of Hormuz. Any disruption to commercial shipping there or along any other strategically important strait would be hard for China to endure.

Seaborne commerce is now equivalent to over 10 percent of China’s gross domestic product. Despite the importance of trade to China’s economy, China does not have the capacity to protect its commercial vessels in the event of a conflict. To be sure, China has handled, and will continue to handle, low-level threats to its seaborne commerce. Piracy, for instance, will remain a threat but can be mitigated, because it is a common target. But some activities conducted by naval ships of the United States, India, and Japan cause anxiety for China, because Chinese ships, commercial and naval, are sometimes stalked in the economically vital western Pacific and Indian Ocean. The Philippines is increasingly becoming a source of uncertainty. The United States supports its deliberately provocative actions against China and has cooperated with it to set up special stations to monitor China’s ships—developments harmful to China’s interests but that must nevertheless be tolerated. In April 2014, President Obama visited four Asian countries, including the Philippines. This trip appears to have been an effort to compensate for his absence from Southeast Asia during the government shutdown in 2013. It signaled American commitment to protect its allies in Asia. The Philippines and the United States signed a new ten-year “enhanced defense agreement” that allows American forces back to Philippine military bases and facilities, including airfields and seaports. This move has a very serious geopolitical consequence for China: China must now confront the threat posed by strengthened American military surveillance of China’s naval ships and the sea-lanes of the South China Sea.

China also faces threats to its overseas investments. As a newcomer to overseas investment and a state with strong impetus to invest overseas, China has been forced to seek out investment opportunities in countries with unstable political environments, with all the risks this entails. For instance, the Libya revolt, which erupted in early 2011, was a disaster for Chinese investments there. Iran is another risky location in which China has investments in oil fields. Some Chinese oil companies are desperate to do business there, but the future remains unstable. Indeed, China is now experiencing a huge loss in Iran because of the National Defense Authorization Act for fiscal year 2012, a new sanction against Iran that also impacts other countries’ financial institutions and banks, including their operations in the United States.<sup>9</sup>

To what extent is China able to handle these challenges? At present China does not have enough capacity to safeguard its overseas interests. China’s political and economic

interests abroad are insecure. In the age of globalization, the challenges of coordinating political and security interests with commercial interests are harder to overcome. International financial crises have increased the intensity of political and commercial competition among countries, particularly between emerging economies and developed economies. In the view of some Chinese experts, the United States is an envious, declining power and seems bent on putting up a last-ditch struggle for its survival.<sup>10</sup> They have argued that the final struggle made by an injured tiger is the most fearsome and threatening. Others, however, have different points of view, regarding the United States as the most benign empire ever to have existed.<sup>11</sup> The ten-year fight against terrorism and the 2008 financial crisis have had an adverse effect on the American economy, but its hard power remains unrivaled, and its soft power will continue to be strong enough to attract almost all countries.

New China (i.e., the People's Republic of China, or PRC) has existed for sixty-five years. During this time, China's conceptions about national interests have gone through different stages. In early periods after the founding of the PRC, China was more concerned with protecting political power and securing the country from foreign invasion. Now China does not expect a great-power war to take place in the near future. With that judgment, China, therefore, currently emphasizes economic development. In the next decade or more China will continue to experience dramatic growth. To enable this economic growth, China needs to take steps to maintain a favorable strategic environment. China will meet challenges and difficulties that threaten its national interests. If China cannot handle these challenges well, it will face the possibility of economic stagnation or perhaps even some unexpected crisis that will cause grave harm to its interests and lead to political instability. Obviously, these are not outcomes China wishes to see.

### **China's Policy Options**

To some, China appears to be an influential country capable of being a regional and global power. However, given its geographic position facing the Pacific Ocean and given that China's territory remains divided by the Taiwan Strait, China is vulnerable. As China rises, its overseas interests will continue to expand. China's foreign policy must adjust with the changing situation. The next decade will be an important period for China's foreign policy and diplomatic strategy. How is China likely to respond?

First, China's foreign policy will strictly follow the Party's strategy. In 2021, China will mark the hundredth anniversary of the founding of the Chinese Communist Party. That will be a significant event for China, because the first Chinese dream is expected to be realized in that year.<sup>12</sup> China's diplomacy will seek to advance the Chinese dream.

Second, China's foreign policy will keep pace with internal development. This means that it will need to consider how best to serve domestic reform and opening up, with particular concern for how to ensure development interests and achieve the goal of building a moderately prosperous society. China is developing quickly and has made many noteworthy achievements, but China's diplomacy will remain moderate and humble. China still has a long way to go to catch up to the level of the United States and other Western countries.

Third, China will seek out ways to play a constructive role in the changing regional and global architecture. China will continue to maintain that the world is undergoing profound and complex change and that peace, development, cooperation, and win-win outcomes have gathered momentum. However, China will make sure to protect national interests during this period of change.

These principles will serve as a basic guide for China as it considers how to make foreign policy serve its evolving overseas interests and its internal interests. As a rising country, China will encounter competition and pressure from the current hegemon, which, to advance its own national interests, particularly in the western Pacific, will adopt any means to limit China's expansion—notwithstanding its many friendly remarks.

In the future, China will need to make a decision about which approach will best enable it to deal with these threats and serve China's development interests. There are three likely models. Ultimately, which model China selects will depend on the strategic vision of China's new leadership. The first possible approach is to continue employing the "free rider" strategy. During the last thirty years, China has gained a lot from the free-rider approach. Therefore, it will likely continue this approach to safeguard its overseas interests. Doing so will encourage China to go farther in its cooperation with the United States and other Western states. Among the advantages of this approach is that China will not become a rival to the United States and will encounter less resistance from outside in its modernization process. The disadvantage is that the free-rider approach will require China to make some concessions in the areas of core interests and overseas interests.

Peaceful competition through smart diplomacy is a second possible approach. This is a less cooperative approach than option number one, but it still may be regarded as peaceful—acknowledging, though, that peace does not necessarily mean that there will be no competition or dispute. Peaceful competition is a possible scenario for big powers that have different approaches to dealing with politics and regional and global affairs but whose differences do not constitute grounds for war. Both sides have acknowledged the need to deter weapons of mass destruction, particularly nuclear weapons. For this approach to work, both sides need to be rational, recognizing the undesirability of war. All

states have their strengths. How to use these strengths to pursue national interests is an art. States must, through fair competition, use their strengths to find opportunities for cooperation and to advance their national interests.

The third possible approach would be to increase support for military diplomacy. Some misunderstand Hu Jintao's "new historic missions" to mean military preparations for ensuring overseas interests. They therefore advocate that the Chinese military should follow China's expanding overseas interests—that is, wherever Chinese citizens and Chinese interests exist, the Chinese army should be present (国家的利益延伸到什么地方, 我们的军队就要保护到什么地方).<sup>13</sup> China, like many other countries, cannot send its military wherever it wants. Instead, it must conduct military and smart diplomacy to improve its relations with others. Indeed, both military forces and diplomats serve the same mission, to protect and serve China's interests. China's diplomacy should play an important role in helping the PLA to be pragmatic and cooperative, expanding the PLA's participation in regional and international security organizations, consulting regularly with major powers and neighboring countries to exchange military activities, and enhancing maritime escort operations.

The PLA's strategic thinking—adherence to the principles of being just, reasonable, comprehensive, and balanced; standing for effective disarmament and arms control; and endeavoring to maintain global strategic stability—is basically consistent with China's diplomatic thinking. Sometimes the diplomatic environment constrains naval operations at sea, but at other times the navy's operational thinking may exert some pressure on diplomacy. The problem is that China lacks adequate mechanisms to coordinate actions of different government departments. China's recent establishment of the National Security Commission (NSC) will give the top leadership greater direct control over security affairs, enabling President Xi Jinping to coordinate better the civilian and military sides of the foreign and security apparatus. If China decides to pursue this approach, both the military side and the diplomatic side must enhance communication and understanding. That is, the military side needs to consider the diplomatic situation, and the diplomats should understand the military dimensions of national security. The coordinative and consultative relationships are essential in peacetime, because each must play a role in implementing grand strategy.

The expansion of China's overseas interests is a natural outcome of China's economic rise. Chinese statesmen say that China's rise will deviate from traditional patterns in which rising powers have tended to pursue hegemony. I believe that if China develops to the point that it is really accepted as a benign power, it will achieve hegemonic status. President Xi maintains that China should always be a student, willing to learn from the experiences of others.<sup>14</sup> In my view, China will continue in this modest spirit, remaining open to study the approaches of advanced countries. China's pursuit of overseas interests

will undoubtedly encounter resistance, not only from the current hegemon but also from an array of countries associated with the hegemon, whether allies, old partners, or new partners. Therefore, to become a prosperous, developed country, China must be a democratic, harmonious, and stable country, and its diplomacy must also adhere to these principles. Only in this way will China contribute to global peace. Therefore, in my view, peaceful competition is the most preferable approach.

### **Peaceful Competition and China's Overseas Interests**

China consistently states that it pursues an independent foreign policy of peace and independent development. This belief in independence at the heart of PRC identity is a powerful factor influencing which approach the country's leadership is likely to adopt. As some have argued, China cannot continue taking the free-rider approach, because it reduces the country's freedom of action. According to this view, China, as a great power, cannot always rely on other powers for its survival. Moreover, following in the wake of others can only reduce China's own influence. Therefore, given China's preference for independence, we can foresee that China will eventually abandon the free-rider approach to safeguarding its overseas interests.

Peaceful competition, then, is the most rational approach for China to adopt. The approach is peaceful but accepts the likelihood of disputes and quarrels with other states. Peaceful competition reflects a mainstream value in the international society—that is, shunning the use of military force and making states that do use force pay a price for their actions. Peaceful competition is realistic, because big powers like the United States and China lack the resolve to use military force against each other. They understand that both sides would suffer intolerable loss in the event of a military clash.

### **Conclusion**

China's overseas interests include ensuring access to energy resources and foreign markets, protecting the safety of overseas Chinese, and advancing political interests at home. China's overseas interests, while expanding and facing some unexpected threats, are not vital and probably will not become vital but will remain very important in the foreseeable future. Moreover, for some time to come Beijing will lack the capacity to control the environment beyond China's border and will find it particularly hard to manage the situation in the far-sea regions. As a great country learning from others, China needs time for learning and understanding advanced civilizations and, in particular, generally recognized and established international practices and laws. China's policy is to abide by international law and refrain from using military force. China will continue to seek resources domestically and globally, and because China will choose to remain a part of the current international system, its actions will not challenge the international community



by ignoring current international laws and regulations. To safeguard China's overseas interests better, however, China's foreign policy will need to change. The concept of national interest is not a fixed attribute; Chinese policy must change as its interests evolve. There are several options open to China, but ultimately cooperative competition best accords with Chinese principles, aims, and interests.

How will Chinese desires to safeguard overseas interests affect China's maritime strategy? President Xi has repeatedly expressed his desire to build China into a maritime power. While chairing a group study session of the Political Bureau of the Communist Party of China Central Committee to discuss a maritime great-power "roadmap," Xi highlighted the importance of protecting the country's maritime interests.<sup>15</sup> However, his first priority will undoubtedly remain ensuring the stability of the internal order.<sup>16</sup>

## Notes

- The opinions expressed herein are solely those of the author and do not necessarily represent the views of the Shanghai Institutes for International Studies.
1. "Foreign Ministry Spokesperson Qin Gang's Remarks on the Malaysian Side's Statement on the MH370 Flight Incident," *Ministry of Foreign Affairs of the People's Republic of China*, 2 May 2014, [www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/t1152034.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1152034.shtml).
  2. Hu Jintao stressed that diplomacy conducted well is an important element for enhancing the Party's capacity to rule ("胡锦涛强调, 做好外交工作, ... 是加强党的执政能力建设的重要内容"). "The Tenth Meeting of Diplomats in Residence Abroad Held in Beijing," *People's Daily*, 30 August 2004, [www.people.com.cn/GB/14576/14554/2751683.html](http://www.people.com.cn/GB/14576/14554/2751683.html).
  3. BRICS is a grouping of the fast-growing economies of Brazil, Russia, India, China, and South Africa. China was the host of the fourth summit of CICA, held in Shanghai on 21 May 2014.
  4. Xi Jinping remarks, "We should respect each other's core interests and major concerns"; "Xi Jinping's Speech (Full Text) in the US Friendship Groups Welcome Luncheon," *Ministry of Foreign Affairs of the People's Republic of China*, 16 February 2012, [www.fmprc.gov.cn/mfa\\_chn/ziliao\\_611306/zyjh\\_611308/t905507.shtml](http://www.fmprc.gov.cn/mfa_chn/ziliao_611306/zyjh_611308/t905507.shtml). As China's State Councilor Yang Jiechi declared after the Sunnylands summit in 2013, "Having respect for each other" means that the United States and China should "respect each other's social system and development road, respect each other's core interests and significant concerns." This author wonders whether the United States would accept that definition.
  5. Xi Jinping's remarks when meeting President Obama in California, 8 June 2013, available at [www.whitehouse.gov/](http://www.whitehouse.gov/).
  6. Most Chinese praised Foreign Minister (now State Councilor) Yang Jiechi for his steadfast refutation of then-secretary Clinton's remarks critical of Chinese policy in the South China Sea. Many believe that American interests lie on the other side of the Pacific Ocean and therefore were surprised at her remarks, interpreting them as a signal that the United States might be in the process of changing its South China Sea policy. Even retired PLA officers known for hard-line views praised Yang's performance.
  7. The goal of the "China Dream" is to bring about economic prosperity and national renewal and to advance the Chinese people's well-being.
  8. See the *U.S. Energy Information Administration*, [www.eia.gov](http://www.eia.gov).
  9. According to official statistics, in 2010 Chinese-contracted investment in Iran totaled \$120 billion. See Wang Peng, "Sanctioning Iran Influences China," *China's Chemical Industry*, 1 December 2011, p. 5.
  10. Zhang Hong, "Noise Cannot Deter China from Marching Forward," *People's Daily* (overseas version), 1 March 2014, [gb.cri.cn/42071/2014/03/01/222554443284.htm](http://gb.cri.cn/42071/2014/03/01/222554443284.htm). See also 龙永图 [Long Yongtu], "China's Rise Makes the Whole World Envious," *Sohu*, 12 August 2013, [business.sohu.com/20130812/n383983951.shtml](http://business.sohu.com/20130812/n383983951.shtml) (Long is the former vice minister of commerce), and 刘志标 [Liu Zhibiao], "Cool Thinking: The Complicated Situation China Faces in Its Peaceful Rise," *中国教育报* [China Education], 2 May 2008, p. 3 (Liu is dean of Economy College, Nanjing University).

11. 张沅生 [Zhang Tuosheng], interview, *World Knowledge*, no. 9 (2010).
12. The second dream will come true in 2049, when the People's Republic of China celebrates its centenary.
13. Luo Yuan, quoted in "New Era: China's Global Role and Multiple Challenges," [www.News.cn, news.xinhuanet.com/observation/2011-03/09/c\\_121164897\\_3.htm](http://www.News.cn/news.xinhuanet.com/observation/2011-03/09/c_121164897_3.htm).
14. "Xi Jinping Holds Discussion with Foreign Experts, Stressing That China Should Always Be a Great Country Learning from Others," *People's Daily*, 24 May 2014, p. 1.
15. Wang Qian and Zhang Yunbi, "President Xi Vows to Protect Maritime Interests," *China Daily*, 1 August 2013.
16. From the NSC conference held in Beijing on 15 April 2014, one can easily discern Xi's preference for internal over external issues.

## Freedom of the “Far Seas”?

### A Maritime Dilemma for China

*Jonathan G. Odom*

For more than a decade, China has challenged U.S. military operations and activities in and over the waters of East Asia.<sup>1</sup> As China has attempted to restrict those activities through national legislation, military operations, civilian law-enforcement patrols, diplomatic protests, and public statements, the matter has also been repeatedly discussed during official dialogues and in academic forums. Some American commentators have pointed out that a rising China would benefit in the future if it embraced the full scope of rights, freedoms, and uses of the sea guaranteed to all nations under international law.<sup>2</sup> Such unsolicited assurances offered by voices of one nation to the ears of another, however, might be negatively interpreted as “You will thank me later,” with all the associated implications.

Over the past few years, this author has participated in episodic discussions of this issue with Chinese representatives, sometimes in an official capacity with Chinese military delegations and on other occasions in a personal capacity with Chinese academics. During one official event, the author was called on to provide an explanation of the U.S. government’s perspective on the legal basis for military activities beyond the territorial seas of any coastal state. After that presentation, one of the military officers of the Chinese delegation approached the author during the subsequent coffee break and joked that he wanted to hire the author to argue China’s position. This quip reflected a professional compliment shared between two brothers in arms who each have a responsibility to act in what they consider to be the best interest of their respective nations. It also showed that respectful individuals are willing to listen to perspectives that might differ from what they had assumed to be the only acceptable one.

In other, unofficial conferences and workshops that have included Chinese maritime-law experts, this author has provided substantive presentations about the U.S. Freedom of Navigation Policy. A core component of these presentations has been to identify and dispel a series of common myths about that policy. Dispelling some of these myths has answered some of the Chinese participants’ questions before they even had a chance to

ask them. Ultimately, some of these Chinese maritime-law experts came to realize that a rising China should well consider some of the merits of the American perspective on matters of law of the sea, as the substance of that position could benefit China now and in the future. In short, some of the national interests of the United States and China might not be as divergent on these matters as some in China had assumed. The People's Republic of China (PRC) currently faces a major dilemma—it must reconcile long-standing adherence to a restrictive maritime regime in the “near seas” with expanding interests in the “far seas” that would be better served by a much more liberal approach.<sup>3</sup>

### China's Maritime Perspective

The sixty-five-year history of the PRC reveals a state with a deeply ambivalent attitude toward maritime freedom. If anything, the PRC has taken positions reflective of a coastal-state mind-set. For example, China wants to be able to draw straight baselines along its entire coastline and claim the resulting—very extensive—enclosed waters as off limits to the ships of other nations.<sup>4</sup> Additionally, China wants to be able to draw straight baselines around the Paracel Islands and the Diaoyu Islands and claim even more internal waters.<sup>5</sup> Although China has never fully clarified the meaning of its “nine-dashed line,” at least one Chinese official has made comments suggesting that China wants “indisputable sovereignty” over the waters within the South China Sea.<sup>6</sup> China prefers that foreign warships not have the right of innocent passage in China's territorial sea.<sup>7</sup> China also wants to control security in its contiguous zone.<sup>8</sup> China wishes that it enjoyed sovereignty of its exclusive economic zone (EEZ) equivalent to that which it enjoys over its territorial seas and internal waters.<sup>9</sup> China also wishes that it enjoyed a legally protected and enforceable security interest in its EEZ.<sup>10</sup> Finally, China would prefer to enjoy two-hundred-nautical-mile territorial seas;<sup>11</sup> that other states enjoyed only a limited freedom of passage through its EEZ;<sup>12</sup> and that other states were prohibited from conducting military activities in its EEZ.<sup>13</sup> Taken together, these national preferences show that China desires to control all foreign activities, especially foreign military activities, within much of what it calls its “near seas” (*jinhai*).<sup>14</sup>

To effectuate control of those “near seas,” China leverages all instruments of national power, including the law.<sup>15</sup> Over the past fifteen years, China has been developing a strategic concept it calls “legal warfare.” At a 1996 Beijing seminar on international law, then-president Jiang Zemin urged, “Our leaders and cadres, especially those of high rank, ought to take note of international law and enhance their skills in applying it. . . . We must be adept at *using international law as ‘a weapon’* to defend the interests of our state and maintain national pride.”<sup>16</sup> Since 2003, the People's Liberation Army (PLA) has been operationalizing the concept of legal warfare.<sup>17</sup>

Consistent with President Jiang's call to use international law as a weapon, one of the PLA's official textbooks defines legal warfare to include "activities conducted by *using the law as the weapon* and through measures and methods such as legal deterrence, legal attack, legal counterattack, legal restraint, legal sanctions, and legal protections."<sup>18</sup> The textbook further discusses "legal restraint" in terms of "shrink[ing] enemy's political space" and "restrain[ing] and limit[ing] enemy's combat operations"—implying that China should use law to restrain the actions of other nations geospatially, as in the maritime and air domains.<sup>19</sup>

While China's concept of legal warfare devotes significant attention to the law of armed conflict, the PLA textbook on legal warfare expressly notes that the concept also involves the "international laws of . . . the ocean."<sup>20</sup> Additionally, the textbook specifically identifies domestic maritime laws, such as China's Law on the Territorial Sea and Contiguous Zone, which also serve as the "armory of legal warfare."<sup>21</sup>

The net result is that China has developed and maintains a comprehensive network of restrictive maritime claims spanning all of its maritime zones.<sup>22</sup> In fact, China is one of only seven nations in the world that has adopted a "full house" of restrictive maritime claims.<sup>23</sup> This employment of legal warfare is composed of restrictive national laws and regulations, coupled with a restrictive interpretation of international law.

Strategic use of legal warfare in China's "near seas," however, raises several questions. Is this a proper use of law, particularly international law? What, if any, risk does this strategic approach pose to China's overall national interests? Does this impact the maritime rule set that governs China's "far seas" operations? To answer these questions, it is useful first to consider the nature and characteristics of the established international legal order that frames the maritime rule set.

### **The Rules-Based International Order**

While early PRC legal experts derided the existing international legal order as "bourgeois," modern Chinese legal scholars now tend to recognize the importance of all nations, including China, being led to "understand and abide by the rules of the international community."<sup>24</sup> At the same time, senior Chinese officials have indicated a desire to make the existing international legal order—presumably including the maritime rule set—"fairer."<sup>25</sup>

While fairness is an admirable and desirable characteristic in many situations, it is also an ambiguous and subjective concept often assessed in the self-interested eye of the beholder. Thus, a more objective and realistic goal of all nations would instead be to uphold, support, and promote a "just" international order.<sup>26</sup> Although the ideals of fairness and justness can sometimes lead to similar results, there are objective characteristics of

the existing rules-based international order that help ensure its justness. They include the following.

### *Multisource*

The body of international law, including the law of the sea, underpinning the existing international legal order is derived from more than one source. Of the possible sources of international law, conventional law and customary law are generally recognized as the most important.<sup>27</sup> Much of the law of the sea is derived from the text of the United Nations Convention on the Law of the Sea (UNCLOS), but a significant portion is derived from customary law.

In many ways, customary international law is a reflection of world history. For centuries, nations have enjoyed freedom of the seas beyond the territorial seas of any coastal state.<sup>28</sup> These freedoms have included, for example, the collecting of intelligence and the conducting of surveillance by militaries.<sup>29</sup> In the three decades since the negotiation of UNCLOS and its establishment of the EEZ as a new, economic-focused maritime zone, naval forces of the world have continued to conduct noneconomic activities in and over the EEZs of coastal states. Consequently, the overwhelming majority of states either have openly supported this freedom of the seas or have taken no state action (i.e., national law or regulation) to restrict foreign military activities in their respective EEZs.<sup>30</sup>

### *Multiagreement*

The body of international law, including the law of the sea, is derived from more than one treaty or convention. UNCLOS is not the only source of conventional law that forms the maritime rule set. Another set of obligations arises from the Convention on the International Regulations for Preventing Collisions at Sea (the COLREGs).<sup>31</sup> As one of the most widely joined international conventions, COLREG obligates member nations to ensure that their vessels—both government and flagged vessels alike—operate safely at sea through adherence to a detailed regime of specific safety rules.<sup>32</sup>

The U.S. government has demonstrated its respect for the portion of the maritime rule set derived from the COLREGs in multiple ways, such as codifying those legal obligations into national laws and regulations;<sup>33</sup> directing U.S. Navy and Coast Guard personnel to follow them;<sup>34</sup> imposing civil penalties against civilian mariners of U.S.-flagged, nongovernment vessels who violate them;<sup>35</sup> setting a leadership expectation that commanders at sea will follow them;<sup>36</sup> instituting a robust educational and training program for its Navy officers;<sup>37</sup> and holding Navy commanders and personnel to account for violations.<sup>38</sup>

### *Intent*

The existing international legal order emphasizes respect for the intent of applicable treaties and conventions. The rules of treaty interpretation state that the terms of a treaty should be given their “ordinary meaning.”<sup>39</sup> If the text of the treaty is “ambiguous or obscure,” then “supplementary means of interpretation” may be consulted.<sup>40</sup> Such supplementary means include “the preparatory work of the treaty” and “the circumstances” of the treaty’s conclusion.

Requiring nations to respect the intended meaning of treaties is understandable and prudent. Otherwise, one nation or a discrete minority of nations could—after the fact—upset the will of the majority of states parties to a convention by unilaterally imposing that minority’s self-interests and, in effect, renegotiating the original bargain long after the parties have all left the bargaining table.

No formal preparatory work was ever published for UNCLOS. Other resources of the negotiating history of UNCLOS, however, have been compiled and should be consulted in ascertaining the intent of words, phrases, and rules that might arguably be ambiguous or obscure. These resources include the comprehensive commentary compiled by the Center for Oceans Law and Policy at the University of Virginia’s School of Law.<sup>41</sup> These commentaries show, for example, that the EEZ concept was intended to accommodate a trend among some coastal states to expand the breadth of their territorial seas to control more economic resources.<sup>42</sup> They also record that the nations negotiating the text of UNCLOS considered and deliberately rejected the effort by a group of nations to incorporate a coastal-state “security interest” into the EEZ regime.<sup>43</sup> Both of these points are significant in understanding what UNCLOS says—and does not say—about the authority of coastal states to restrict foreign military activities.<sup>44</sup>

### *Context*

The existing international legal order respects the context of applicable treaties and conventions. The rules of treaty interpretation state, “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty *in their context* and in the light of its object and purpose.”<sup>45</sup> In other words, a nation must not interpret the words and terminology of a treaty out of context. On a more practical level, licensed attorneys know they must never argue the law out of its proper context, lest they instantly lose credibility in the courtroom.<sup>46</sup>

This principle has been violated by some coastal states seeking to limit military activities within the EEZ. For example, some have argued that foreign military activities in a coastal state’s EEZ violate UNCLOS, on the grounds that such activities are not a “peaceful use” of the ocean or intended for a “peaceful purpose.”<sup>47</sup> These two phrases “peaceful use” and “peaceful purpose,” however, are found outside the section of UNCLOS focused

on the EEZ regime and also apply to the high seas.<sup>48</sup> Additionally, one of these UNCLOS articles makes clear that “peaceful” simply means to follow the purpose of Article 2(4) of the United Nations (UN) Charter and refrain from the threat or use of force. These two broad-brush, aspirational references to “peaceful” do not summarily trump the intricate legal regime deliberately established by the convention in its entirety. Moreover, any reasonable person who reads these UNCLOS provisions in their proper context would know that these two “peaceful” references were never intended to bar all military activities in the EEZ, much less all military activities on the high seas. Otherwise, all nations would in effect be prohibited from having deployable militaries.

### *Multilateral Bargained Package*

The body of law underpinning the existing international legal order, especially the portion of the maritime rule set reflected in UNCLOS, reflects a bargained compromise among many nations. Since taking nearly a decade to negotiate, UNCLOS has been signed and ratified by 162 of the 193 member states of the United Nations. Some of these states parties are coastal states, some are maritime states, and some have interests from both perspectives. The convention reflects a grand bargain among all the states that had seats at the bargaining table, including the United States and the PRC.<sup>49</sup> As in any bargain, no nation at the UNCLOS negotiations received in the deal everything it wanted.

At the final session of the Third UN Conference on the Law of the Sea, President Tommy T. B. Koh identified several observations shared among the negotiators that highlight the nature of the bargained deal. One observation was that no individual nation was “fully satisfied” with the UNCLOS bargain, as it had been structured to accommodate competing interests.<sup>50</sup> Another observation was that the convention was a “package” deal; nations were not allowed to follow selectively certain provisions while disregarding others. In short, no compromise is perfect. The only sense in which an agreement can be perfect is that one nation receives everything it wants, and then it is perfect for only that nation—which sounds a lot like the “unequal treaties” of the nineteenth century that the PRC has forever scorned.<sup>51</sup>

### *Transparency*

As the UN secretary-general stated in 2004, the rule of law requires measures to ensure “legal transparency.”<sup>52</sup> While he was referring to domestic rule of law, international law too depends on transparency, in its own special way. Because international law is a consent-based regime, nations cannot provide informed consent to the official actions of other nations if those actions and their legal justifications are not transparent. This sequential process, requiring transparency, is what underlies the long-accepted “persistent objector” concept of customary international law.<sup>53</sup>



The United States supports transparency about matters involving the international legal order, including the maritime rule set. Evidence of the U.S. government's transparency on law-of-the-sea matters includes the publication of its article-by-article UNCLOS "commentary";<sup>54</sup> its *Maritime Claims Reference Manual*;<sup>55</sup> its annual freedom-of-navigation reports;<sup>56</sup> and the *Commander's Handbook on the Law of Naval Operations*.<sup>57</sup> All these official U.S. publications are freely available on the Internet.

### *Consistency*

As the Reverend Desmond Tutu of South Africa once opined, "If we want international law to hold any meaning," the international community must begin by ensuring that international law is "applied uniformly across all countries."<sup>58</sup> In terms of the international law of the sea, the president of the International Tribunal for the Law of the Sea has reminded the UN General Assembly about the importance of "ensuring uniform and consistent application of the United Nations Convention on the Law of the Sea."<sup>59</sup> Similarly, the legal adviser to the United Nations has also emphasized "the importance of uniform and consistent application" of UNCLOS.<sup>60</sup>

Uniform application and interpretation of international law arguably include two elements: first, that the body of law applies equally to all nations, and second, that each nation is internally consistent in its application of the rules of that body of law. In a speech at the Shangri-La Dialogue in June 2010, then-Secretary of Defense Robert Gates highlighted the importance of this precept with an interesting choice of words—a "just international order that emphasizes rights and responsibilities of nations and fidelity to the rule of law."<sup>61</sup> By definition, "fidelity" means a state of continuous faithfulness or loyalty.<sup>62</sup> In terms of international law and relations, "fidelity" could mean faithful and consistent following of a particular rule set not only when it promotes the nation's interests but also when that same rule set might arguably undermine the nation's interests.

The U.S. commitment to this concept of uniformity and consistency in the maritime rule set has been doubted by some foreign commentators. For example, retired rear admiral and military strategist Yang Yi from China has asked, "Just imagine if China were to send submarines into an American Exclusive Economic Zone. America's reaction would be even more intense, and it would be all over the major news media."<sup>63</sup> Admiral Yang's assumption, however, is mistaken. As recent as the summers of 2009 and 2010, the United States has not challenged the right of Russian air and maritime forces to operate in and over the American EEZ.<sup>64</sup> More recently, the issue arose again regarding potential military operations by the Iranian navy near the United States. When the commander of the Iranian navy threatened to conduct operations off the U.S. coast, a Pentagon spokesman publicly stated, "We've been pushing freedom of the seas for years and the Iranian navy can go wherever it wants."<sup>65</sup> Most recently, the Department of Defense reported

that China had conducted naval activities in the EEZ around Guam and Hawaii but emphasized that “the United States considers the PLA Navy activities in its EEZ to be lawful.”<sup>66</sup> Such words and actions are those of a nation that honestly believes in its legal position on matters involving the law of the sea, to the extent that it does not challenge the right of other nations to exercise those same rights and freedoms within its own maritime zones.

### **China’s Expanding Maritime Interests**

To say that China’s relations with the rest of the world have changed in the past several decades would be a gross understatement. Since the late 1970s, PRC leaders such as Deng Xiaoping and his successors have transformed China’s inward-looking and inefficient economic system into one that leverages the full productive potentials of its massive population. With vision and foresight, they have put the nation on a path of economic success, and the industries and corporations of other nations have begun to choose China increasingly as their preferred hub for manufacturing. The collective result is that China and its people have derived tremendous benefits from the country’s participation in the global economy.

China’s economic ascendance, however, has not come without costs and challenges. Like the United States in its industrial age of the late 1800s and Japan in the 1920s and 1930s, China depends heavily on its ability to obtain raw materials and energy to fuel its growing industries. The energy resources located within China’s borders are insufficient to sustain the nation’s needs. Since the beginning of the new millennium, China’s leaders have had the foresight to recognize that China must look outward for additional sources of energy and not to limit that search to the immediate neighborhood of Northeast Asia. Instead, China has turned to distant locations like Africa, Oceania, and South America, establishing beneficial relationships with nations in these regions with abundant natural resources.

These developing relationships between a rising China and these resource-rich nations are presumably unlike the one-sided relationships that China decries in the “unequal treaty” era of the past. Instead, the PRC and its representatives have sought to ensure that these relationships are not exploitative in nature but rather multidimensional and beneficial to each state party involved. For example, the PRC has invested heavily in improving the infrastructure of many of these nations. Additionally, Chinese corporations have sent many highly skilled employees to these distant nations to support and train the host-nation workforces. As a result, a once-isolated Chinese nation and its people are becoming integrated into the global community. With such global integration, however, China’s people and interests abroad are subject to more risk and as a result need protection.

In addition, China, like every nation in the global economy, is heavily dependent on international commercial shipping. China's shipping industry both exports its products to the world and imports raw materials and energy. Advances in the information age have made world communications virtually instantaneous. Sheer physics, however, prohibits similar advances in transportation. Ship transits can take days and sometimes weeks, depending on the port of destination. Problems at any port or choke point along the way can jeopardize the flow of resources and goods, to the detriment of both China and other nations. Threats to China's global shipping interest could impede its economic success.

Meanwhile, China's dependence on international shipping places it at the mercy of its geographic location. China does not enjoy the geographic endowments of the United States—that is, two borders composed of thousands of miles of coastline and adjacent maritime zones. Moreover, even with the one lengthy coastline it does enjoy, it lacks the maximum potential maritime zones afforded under UNCLOS; transmaritime neighbors like North Korea, South Korea, Japan, and Vietnam are also entitled to share in the limited maritime space in the Yellow Sea, East China Sea, and South China Sea corridors.

Perhaps the greatest geographic challenge in the maritime domain for China, however, is the limited number of choke points through which vessels and aircraft can ingress into and egress from the region en route to and from mainland China ports. To the north is the Sea of Japan, as well as the straits between the islands of Japan. To the southeast are the sea-lanes through the archipelagic state of the Philippines. To the south, through the South China Sea, are the sea-lanes through Indonesia, the other archipelagic state of the region. Finally, also to the south are the Straits of Singapore and Malacca. In recent years, PLA military strategists have agonized over strategic vulnerabilities within “the first island chain” and “second island chain.”<sup>67</sup> Also worth considering, however, is that the existence of these potential choke points makes it necessary for Chinese military and commercial vessels not only to depart China's “near seas” but also to operate freely in the “far seas.”

### **China's Maritime Dilemma**

One of the benefits of China's rapidly expanding economy is that the nation has been able to invest heavily in its military, including in its naval forces. The role those naval forces will play in promoting, preserving, and protecting China's people and its interests around the world is driven partly by the capabilities developed by those forces. At a certain point, however, technological capabilities become less determinative, and the policies governing how China will operate those forces in particular maritime areas are likely to determine the trajectory of China's rise.

As noted, China's military cannot protect all of China's people and interests just by operating in China's "near seas"; it must operate in China's "far seas." Therefore, a nation once focused almost exclusively on coastal-state interests now recognizes that it has increasing user-state interests in the "far seas." China is steaming closer and closer to a potential dilemma: making the right choice could help ensure its economic rise, but making the wrong one could impede or slow down continued success.

Consider the following hypothetical situations. What if other nations in the world decided to follow China's lead and enact restrictive claims over all of their maritime zones? More specifically, what if many of the African nations decided, on the basis of a "security interest" as coastal states, to restrict the ability of China's naval forces to secure the sea lines of communication near the African coast? What if all of China's South China Sea neighbors, or East China Sea neighbors, or Yellow Sea neighbors decided to enact comparably restrictive regimes in their maritime zones? What if Japan decided to enact straight baselines around all its islands, regardless of size, and to claim the waters within the baselines as internal waters? As China seeks to use its national maritime laws as a "weapon" to protect its interests, the world could see an "arms race" wherein other coastal states in East Asia see no option other than to employ the law as their weapon of choice. What would China do? How would it react?

Essentially, China would have three options, depicted in the figure.

China could uphold the existing restrictions in its "near seas" and comply with all restrictions by coastal states in its "far seas" operations, regardless of the nature and extent of those restrictions. That is, China could ask permission from or provide notification to each of these coastal states when its naval forces need to pass through each state's territorial sea or conduct operations in and over its EEZ. This approach would be consistent with what China demands in its own maritime zones; if consistently practiced, it could generate some trust for China in the international community. The drawback, however, is that some of these coastal states might deny permission or aggressively oppose China's operations when notified. Alternatively, coastal states could initially grant permission to Chinese requests or not oppose them at the time but later decide to withdraw that consent.

If China did not diplomatically or operationally challenge those improper restrictions, it would be conceding that in certain sections of the "far seas" China's military forces could not protect its national interests.

A second option would be to uphold the existing restrictions in the "near seas" and challenge excessive restrictions by coastal states on China's "far seas" operations. The disadvantage of this approach is that China would draw international criticism that it was hypocritical or following a double standard. For example, China has already drawn some

*Potential Positions for China's "Near Seas" and "Far Seas" Operations*

		China's "Far Seas" Operations	
		Restrictive Position	Liberal Position
China's "Near Seas" Operations	Restrictive Position	<p><b>Positives:</b> Increased control to protect security interests near China's coast; increased trust within international community for China's consistent position, but any inconsistent actions would damage that trust</p> <p><b>Negatives:</b> Minimal respect for existing international legal order; reduced mobility for PLA to protect China's interests abroad</p>	<p><b>Positives:</b> Increased control to protect security interests near China's coast; increased mobility for PLA to protect China's interests abroad</p> <p><b>Negatives:</b> Increased mistrust within international community for China's inconsistent position; minimal respect for existing international legal order</p>
	Liberal Position	<p><b>NOT A VIABLE OPTION</b></p>	<p><b>Positives:</b> Maximum respect for existing international legal order; increased mobility for PLA to protect China's interests abroad; increased trust within international community for China's consistent position</p> <p><b>Negatives:</b> Reduced control to protect security interests near China's coast</p>

criticism because it challenges the U.S. military freedom to conduct activities in and over China's EEZ, whereas China is known to conduct military activities in and over the EEZs of other nations.<sup>68</sup> As China seeks to build confidence among other nations that it is truly committed to "peaceful development," such duplicitous behavior could generate mistrust and doubt from other nations at a critical moment in history.<sup>69</sup>

A third option would be for China to relax its existing restrictions in its "near seas" and challenge excessive restrictions by coastal states on its "far seas" operations. This approach would uphold the characteristics of the existing international legal order: respecting all sources and instruments of international law, as well as the intent, context, bargained compromise, transparency, and consistency of the existing maritime rule set. It also would enable China's military forces to conduct its "far seas" operations effectively and secure its interests around the globe.

From an analysis of these options, it is reasonable to conclude that China's national interests would be best protected if it adopted a consistent, liberal position on maritime freedom. However, the potential loss of control in the "near seas" will remain a big obstacle for Chinese policy makers as they consider this option. How have the United States and other countries balanced the competing interests of freedom and security?

### **The Coexistence of Maritime Security and Freedom**

As outlined above, the one perceived risk for China of adopting a consistent, liberal position on maritime freedom is the lessening of control to protect security interests in its "near seas." That risk, however, can be mitigated via lawful means in the existing rules-based order.

Make no mistake—a nation may identify security interests in waters adjacent to its land territory. For example, in a region proximate to American territory (i.e., the Arctic), the United States has stated that it has "broad and fundamental national security interests."<sup>70</sup> At the same time, however, the U.S. document *Arctic Region Policy* opens with an overarching caveat that this policy "shall be implemented in a manner consistent . . . with customary international law as recognized by the United States, including with respect to the law of the sea." Regarding security interests of coastal states, the negotiating history of UNCLOS is clear: though a handful of nations attempted to insert a reference to the coastal state's security interests in the "due regard" clause of the EEZ, that effort was roundly defeated during the negotiations.<sup>71</sup> Thus, states such as the United States and China may have security interests in and over the waters adjacent to their respective land territories, but they must find ways to protect those security interests legally, without violating the maritime freedom of other nations.

One proper way for a coastal state to preserve its security interest without violating the maritime freedoms of other states is to exercise its own freedoms. Of note, the freedoms of navigation and overflight and other internationally lawful uses of the sea reflected in UNCLOS are afforded to "all States," including to coastal states.<sup>72</sup> Just as a foreign military vessel or aircraft may conduct operations or activities in and over the EEZ of a coastal state, so too may that coastal state intercept foreign military vessels and aircraft operating in those same areas.<sup>73</sup> Consequently, the U.S. military maintains and occasionally exercises the right to intercept foreign military vessels and aircraft, like those from Russia, that are conducting operations in and over the U.S. maritime zones. At the same time, the United States is committed to a just international order that emphasizes not only the rights of nations but also their responsibilities.<sup>74</sup> Such responsibilities include the obligation of all states to exercise "due regard" for foreign vessels and aircraft exercising their lawful freedoms and uses in and over a coastal state's EEZ. The negotiating history of UNCLOS shows that the standard of due regard requires all states "to refrain

from activities that interfere with the exercise of” other states’ freedoms.<sup>75</sup> In particular, this means nations must comply with other safety obligations, such as those reflected in the COLREGs, and other internationally developed safety and communications standards, such as the Code for Unplanned Encounters at Sea (CUES). In short, freedom of navigation and safety of navigation go hand in hand. Therefore, the freedoms of a nation are at risk when a coastal state authorizes, or fails to punish the masters and crews of its government and flagged vessels for, unsafe navigational practices that jeopardize the lives, property, and freedom of navigation of vessels and aircraft from other states.

The existing maritime rule set was not dictated by any single nation but rather was developed by the community of nations in a fair, just, and orderly process over an extended period of history. That is, the maritime rule set was developed deliberately and fairly by the community of nations over more than a decade of negotiations. The customary-law component of the maritime rule set was developed over decades—for some rules, over centuries. Together, this international rule set incorporated the interests of coastal states and user states, large states and small states, and struck a balance between maritime freedom and maritime security.<sup>76</sup> There is one maritime rule set that applies equally to all nations beyond their territories. Therefore, every nation must adhere to that rule set consistently and uniformly, including in its maritime zones, in the maritime zones of other coastal states, and on the high seas. Otherwise, there is truly no international legal order.

## Notes

1. Examples of China’s challenges to U.S. military activities in and over the waters of East Asia include the following: On 1 April 2001, a PRC PLA Air Force fighter collided with a U.S. Navy EP-3 approximately fifty miles southeast of Hainan Island; Elisabeth Rosenthal and David E. Sanger, “U.S. Plane in China after It Collides with Chinese Jet,” *New York Times*, 2 April 2001. On 9 March 2009, one PLA Navy ship, two PRC government civilian vessels, and two PRC-flagged fishing vessels surrounded the surveillance ship USNS *Impeccable* (T-AGOS 23) approximately seventy-five miles south of Hainan Island; “U.S. Accuses the Chinese of Harassing Naval Vessel,” *New York Times*, 9 March 2009. In June 2010, when the U.S. military announced plans to conduct combined exercises with Republic of Korea (ROK) forces in the Yellow Sea to demonstrate the strength of the U.S.-ROK alliance following the Democratic People’s Republic of Korea’s unprovoked sinking of ROKS *Cheonan*, a spokesman for the PRC’s Ministry of Foreign Affairs (MFA) stated, “We firmly oppose foreign military vessels and planes conducting activities in the Yellow Sea and China’s coastal waters that undermine China’s security interests”; Patrick Goodenough, “China Bristles at Prospect of U.S. Aircraft Carrier in the Yellow Sea,” *CNSNews.com*, 12 July 2010.
2. See, e.g., Peter Dutton, *Scouting, Signaling, and Gatekeeping: Chinese Naval Operations in Japanese Waters and the International Law Implications*, China Maritime Study 2 (Newport, R.I.: Naval War College Press, February 2009), p. 27; Patrick J. Neher, Raul A. Pedrozo, and J. Ashley Roach, *In Defense of High Seas Freedoms*, RSIS Commentaries (Singapore: S. Rajaratnam School of International Studies, 24 March 2009); and James Kraska, “Sovereignty at Sea,” *Survival* 51 (June–July 2009), p. 17.
3. “Near seas” and “far seas” are not internationally recognized terms but rather phrases used by China in its maritime strategy literature; see Nan Li, “The Evolution of China’s Naval Strategy and Capabilities: From ‘Near Coast’ and ‘Near Seas’ to ‘Far Seas,’” *Asian Security* 5, no. 3 (1 May 2009). Therefore, throughout this paper both phrases will be given in quotation marks, to denote that status.
4. Law on the Territorial Sea and Contiguous Zone (promulgated by the Standing Committee of the National People’s Congress, 25 February 1992,

- effective 25 February 1992) [hereafter Law on the Territorial Sea and Contiguous Zone], art. 2. See *Declaration of the Government of the People's Republic of China on the Baselines of the Territorial Sea* (15 May 1996) [hereafter *Declaration on the Baselines of the Territorial Sea*], available at [www.un.org/](http://www.un.org/).
5. For the Paracels, see *Declaration on the Baselines of the Territorial Sea*. For the Diaoyus, see *Statement of the Government of the People's Republic of China on the Baselines of the Territorial Sea of Diaoyu Dao and Its Affiliated Islands* (10 September 2012).
  6. See, e.g., "China Warns on South China Sea Oil," *Economic Times*, 15 September 2011, quoting an MFA spokesperson: "I would like to reaffirm that China enjoys indisputable sovereignty over the South China Sea and the island[s]" [emphasis added]. For meaning of the nine-dashed line, see Permanent Mission of the PRC to H.E. Mr. Ban Ki-moon, Secretary-General, United Nations, 7 May 2009, available at [www.un.org/](http://www.un.org/).
  7. See Tao Cheng, "Communist China and the Law of the Sea," *American Journal of International Law* 63 (1969). See also Yann-Huei "Billy" Song, "China and the Military Use of the Ocean," *Ocean Development and International Law* 21 (1990), p. 216; *Declaration on the Baselines of the Territorial Sea*; Law on the Territorial Sea and Contiguous Zone, arts. 2, 6; Jeanette Greenfield, *China and the Law of the Sea, Air, and Environment* (Germantown, Md.: Sijthoff & Noordhoff, 1979), pp. 38–39; Michael Carr, "China and the Law of the Sea Convention," *Australian Journal of Chinese Affairs* 9 (1983), pp. 35–36; and Zhiguo Gao, "China and the Law of the Sea," in *Freedom of Seas, Passage Rights, and the 1982 Law of the Sea Convention*, ed. Myron H. Nordquist, Tommy K. B. Koh, and John Norton Moore (Boston: Martinus Nijhoff, 2009), pp. 273, 284–85. Of note, at the time Gao wrote this chapter he was the executive director of the China Institute for Marine Affairs, a research arm of China's State Oceanic Administration. Currently Gao is a judge on the International Tribunal for the Law of the Sea.
  8. Law on the Territorial Sea and Contiguous Zone, art. 2; Carr, "China and the Law of the Sea Convention," p. 41.
  9. See, e.g., "Violation of China's Sovereignty Never Allowed," [ChinaDaily.com.cn](http://ChinaDaily.com.cn), 10 March 2009. For more information on the USNS *Impeccable* incident, see generally Jonathan G. Odom, "The True 'Lies' of the *Impeccable* Incident: What Really Happened, Who Disregarded International Law, and Why Every Nation (Outside of China) Should Be Concerned," *Michigan State Journal of International Law* 18 (2010), p. 411.
  10. See "Spokesman Zhu Bangzao Gives Full Account of the Collision between US and Chinese Military Planes," *Xinhua*, 4 April 2001, available at [wcm.fmprc.gov.cn/pub/eng/topics/3755/3756/3778/t19301.htm](http://wcm.fmprc.gov.cn/pub/eng/topics/3755/3756/3778/t19301.htm).
  11. Greenfield, *China and the Law of the Sea, Air, and Environment*, p. 56; Carr, "China and the Law of the Sea Convention," pp. 35–36.
  12. See, e.g., "Violation of China's Sovereignty Never Allowed"; and Huang Zuoping, "Troubled Waters," *Beijing Review*, 7 June 2009.
  13. Ma Zhaoxu, MFA spokesperson, at a regular press conference, 10 March 2009. See also "China Opposes Any Military Acts in Its Exclusive Economic Zone without Permission," *Xinhua*, 26 November 2010, and Huang Zuoping, "Troubled Waters."
  14. Qin Gang, MFA spokesperson, at a regular press conference, 8 July 2010; Rear Adm. Zhang Huachen, deputy commander of the East Sea Fleet, quoted in Michael D. Swaine and M. Taylor Fravel, "China's Assertive Behavior, Part Two: The Maritime Periphery," *China Leadership Monitor* 35 (Summer 2011). For a thorough discussion of China's use of the phrase "near seas" in its defense strategy, see Nan Li, "Evolution of China's Naval Strategy and Capabilities."
  15. Another example is China's technological development and military buildup of antiaccess and area-denial capabilities along its mainland coast. For a summary of those capabilities, see U.S. Defense Dept., *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China* (Washington, D.C.: 2011), pp. 28–29.
  16. Dong Wang, *China's Unequal Treaties: Narrating National History* (Lanham, Md.: Lexington Books, 2005), p. 128 [emphasis added]. See also "Jiang Zemin Urges International Law Studies," *Xinhua*, 9 December 1996.
  17. U.S. Defense Dept., *Annual Report to Congress*, 2011, p. 26.
  18. Song Yunxia, ed., *Under Informatized Conditions: Legal Warfare* (Beijing: Military Science, 2007), p. 7 [emphasis added]. See also Jin Hongbing, "Legal Warfare: Sharp Tool to Seize the Opportunity to Grab the Initiative," *Renmin Haijun* [People's Navy], 29 May 2006.
  19. Song Yunxia, *Under Informatized Conditions*, p. 124.
  20. *Ibid.*, p. 23.
  21. *Ibid.*, p. 24.
  22. *Ibid.*



23. Only six other nations in the world have a “full house” of excessive maritime claims: Bangladesh, Burma, India, Iran, North Korea, and Pakistan. See U.S. Defense Dept., *Maritime Claims Reference Manual*, DOD 2005.1-M (Washington, D.C.: 2005).
24. Wang Zonglai and Hu Bin, “China’s Reform and Opening-Up and International Law,” *Chinese Journal of International Law* 9 (2010), p. 193. For the “bourgeois” legal order, Jerome A. Cohen and Hungdah Chiu, *People’s China and International Law: A Documentary Study* (Princeton, N.J.: Princeton Univ. Press, 1974), vol. 1, p. 29.
25. In general, China has indicated its intent to work within existing international systems. For example, in a 2007 report President Hu Jintao stated that China would “work to make the international order fairer and more equitable,” implicitly affirming that China would work within the existing international legal order: Evan Medeiros, *China’s International Behavior: Activism, Opportunism, and Diversification* (Santa Monica, Calif.: RAND, 2009), p. 49 (quoting Hu Jintao). Similarly, the assistant minister of foreign affairs, Shen Guofang, stated in a 2007 speech that “China should enhance its ability to determine the agenda and its ability to make use of the rules by playing a substantive role in all kinds of consultations and the writing of international rules. It should show even more initiative in participating in international affairs and in building the multilateral system”; *ibid.*, p. 42 (quoting Shen Guofeng).
26. *National Security Strategy* (Washington, D.C.: White House, May 2010), p. 12, available at [www.whitehouse.gov/](http://www.whitehouse.gov/).
27. Ian Brownlie, *Principles of Public International Law*, 6th ed. (Oxford, U.K.: Clarendon, 2003), p. 5; Lori Fisler Damrosch et al., *International Law: Case and Materials*, 4th ed. (St. Paul, Minn.: West Group, 2001), p. 59. For possible sources, Statute of the International Court of Justice, 26 June 1945, art. 38, available at [treaties.un.org/](http://treaties.un.org/).
28. See William J. Clinton, “Message from the President of the United States: Letter of Transmittal,” Senate Treaty Document 103-39, 1994, pp. 3–4, repr. U.S. State Dept., *Dispatch Supplement 1* (Washington, D.C.: Bureau of Public Affairs, 1995), vol. 6; see also J. Ashley Roach and Robert W. Smith, *Excessive Maritime Claims*, International Law Studies 66 (Newport, R.I.: Naval War College, 1994), p. 242.
29. Clinton, “Message from the President of the United States,” p. 16.
30. See U.S. Defense Dept., *Maritime Claims Reference Manual*.
31. Convention on the International Regulations for Preventing Collisions at Sea (COLREGS), 20 October 1972, 28 UST 3459, 1050 UNTS 16, as amended by Amendments to the International Regulations for Preventing Collisions at Sea, 19 November 1981, 35 UST 575, 1323 UNTS 353.
32. It is worth noting that unlike some international treaties and conventions, such as UNCLOS, there is no exception or exemption in the COLREGS for sovereign immune vessels.
33. Title 33, U.S. Code (USC), secs. 1601–606.
34. U.S. Navy Dept., *U.S. Navy Regulations* (Washington, D.C.: 1990), art. 1139; U.S. Homeland Security Dept., *U.S. Coast Guard Regulations*, COMDTINST M5000.3B (Washington, D.C.: 1992).
35. 33 USC 1608 and 46 USC 2301.
36. “Interview Transcript: Admiral Gary Roughead,” *Financial Times*, 18 January 2011.
37. U.S. Navy Dept., *Navigation, Seamanship, & Ship Handling*, course material (Newport, R.I.: Surface Warfare Officers School).
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## SLOC Security and International Cooperation

*Wang Xiaoxuan*

**I**t gives me great pleasure to attend this workshop on the security of sea lines of communication (SLOCs). I would like to thank the Naval War College for this opportunity.

The arteries connecting all of the world's continents, seas, and oceans have become more important than ever. However, we are now facing a number of problems involving SLOC security. It is necessary, then, that we discuss and respond to these challenges. I'd like to share some of my views with you on this topic.

### *What Are the Threats to SLOC Security?*

Threats to SLOC security can be categorized as either natural or man-made. Natural threats refer to bad hydrological and weather conditions and all other natural risks. These include hurricanes and tsunamis. Man-made threats comprise a variety of actions, such as various types of naval blockades and embargoes; threats and attacks launched by terrorist groups, pirates, and armed robbers against ships and navigational aids; and accidents (e.g., collisions).

There is a saying, "When confronted with natural disasters, man can react and survive; but man-made sin is unforgivable." We do not fear maritime threats or risks from nature. Human beings have a naturally adventurous spirit and are capable of avoiding natural disasters. With scientific and technological developments in such areas as shipbuilding, navigation, hydrometeorological observation, and forecasting, these capabilities will continue to improve. However, when confronted with man-made security threats to SLOCs, the international community needs to find an effective response.

### *Why We Need to Eliminate Exclusive Control of the Straits and Passageways*

There are 130 navigable straits in the world, and forty of these are major passageways of international navigation. These straits are of great importance in the political, economic, and military sense and therefore are vital to the strategic interests of sea powers.

Both history and reality show that the concept of self-interested and exclusive control, and the conflicting SLOC security strategies it has spawned, has brought great disaster to mankind. This, in fact, has become the greatest threat to SLOCs. Therefore, I suggest

that the international community make joint efforts to eliminate this “control and anti-control” threat to SLOC security.

The first step toward this end should be to establish the concept of freedom of the sea for all and to develop and manage SLOCs jointly. Doing so will pave the way for sustainable development of the world economy and promote the well-being of all human beings. It will also be in line with the natural property of the seas as a medium of communication between the peoples of the world.

Second, the international society should begin research on SLOC navigation support systems. This would lay the groundwork for establishing reliable navigation supporting systems and regulations based on a security guarantee jointly provided by the coastal states, user states, and maritime powers. Thus, the free navigation of all the SLOCs would be ensured around the clock, without bias or barrier, and with certain expectations of support.

Finally, military exchanges and dialogues between the coastal states, user states, and maritime powers need to be further enhanced. Military-to-military confidence-building mechanisms based on equality, mutual benefit, and respect need to be established as a way to promote international cooperation, realize complementary advantages, and contribute to SLOC security.

#### *How to React to Regional Unrest, Maritime Terrorism, and Piracy*

Regional unrest, maritime terrorism, and piracy frequently threaten SLOCs. Response to them is vital to SLOC security. The international society needs to use political, diplomatic, military, and legal methods and means to manage and control crimes stemming from regional unrest and conflict and from maritime terrorism and piracy.

First of all, the social origins of regional unrest and conflicts, maritime terrorism, and piracy should be eliminated. The international society should strive to resolve the basic welfare issues of the people living in the world’s underdeveloped regions and work to alleviate world hunger and poverty.

Second, the international maritime security environments need comprehensive management. The United Nations and its specific offices, such as the International Maritime Organization, should make more efforts to maintain global maritime security and enhance SLOC security, recognizing them as issues influencing international peace and security. The regional organizations should also be encouraged to play more important roles in security, including providing security shelters for SLOCs in certain sea areas. International maritime laws and marine commercial law systems should be improved to provide legal and system support for management of the global maritime security environments.

Third, “a common but different responsibility system for international maritime security” should be set up. Efforts need to be made to distinguish the responsibilities and obligations of flag nations and port nations, coastal states and users, and regional states and sea powers for maintaining ship safety and security.

Fourth, nations need to perfect their maritime control systems and strengthen their maritime forces.

Finally, I would like to say that China’s economy heavily depends on the development of foreign trade. The shipping industry shoulders the biggest burden of transporting products and resources to and from China. According to statistics, 80 percent of our foreign trade by value and 90 percent by weight is transported by marine shipping. The rapid development of China’s foreign trade and the continuous growth of China’s shipping market have integrated China with the rest of the world. We increasingly pay attention to the safety and security not only of Chinese ships but also of the other ships of the world. Working to maintain the safety and security of sea lines of communication must rely on long-term efforts from all members of international society—no individual country or handful of countries can succeed in doing it. We look forward to seeing more effective cooperation between our two countries as part of a common effort to ensure the safety and security of strategic sea lines of communication.





## The U.S.-Chinese Maritime Dynamic Catalyst for Cooperation or Confrontation?

*Mark Redden and Dr. Phillip C. Saunders*

The United States and China have a complex, multifaceted, and ambiguous relationship wherein substantial and expanding areas of cooperation coexist with ongoing strategic tensions and mutual suspicions. China's rising economic and military power raises concern in the United States about how a stronger China will behave. Chinese leaders describe a "trust deficit" that impedes bilateral cooperation; some of them believe the United States is encircling China and seeking to contain its rise. Mutual suspicions and the competitive elements of the relationship have deepened in the last few years.<sup>1</sup> One specific manifestation of these competitive dynamics involves disputes and incidents when U.S. and Chinese military forces are operating in proximity in the western Pacific, and especially when American aircraft and ships are operating in China's exclusive economic zone (EEZ).

Over the last fifteen years, a number of high-profile incidents involving American surveillance and military survey platforms operating within China's EEZ have highlighted this issue. These include the April 2001 collision between a U.S. Navy EP-3 aircraft and a People's Liberation Army (PLA) Navy Air Force J-8 fighter, the USNS *Bowditch* incidents in March 2001 and September 2002, the USNS *Impeccable* and *Victorious* incidents in 2009, and a December 2013 incident where a People's Liberation Army Navy (PLAN) ship cut in front of USS *Cowpens* while the Chinese aircraft carrier *Liaoning* was conducting operations. All involved aggressive maneuvers by PLAN or paramilitary (Fisheries Law Enforcement Command and State Oceanic Administration) forces operating close to U.S. surveillance and military survey platforms to deter the American assets from conducting their missions. The incidents occurred within China's EEZ, which is international waters and airspace. Chinese intercepts of U.S. military and military-associated units operating within China's EEZ are routine, but the provocative and dangerous nature of these episodes makes them stand out. In the EP-3 incident, the Chinese pilot's maneuvers resulted in a collision that damaged the U.S. EP-3 and resulted in the loss of the Chinese aircraft and its pilot. Each incident raised tensions between the two militaries

and damaged military-military cooperation. The disputes have become ongoing sources of friction in the military-to-military relationship.

These episodes have occurred despite a number of tactical- and higher-level mechanisms designed to reduce the chances of dangerous encounters between American and Chinese units. Both countries are party to schemes that have codified “rules of the road” and have established communication protocols intended to minimize the risks arising when air and maritime units operate in proximity to each other. A number of formal military-to-military dialogue regimes provide venues to address and rectify the causes of such incidents. Given that mechanisms exist to prevent dangerous interactions, why do they still occur? Is it due to shortcomings in the protocols, or is it an issue of compliance? If it is a compliance issue, what motivates China to deviate from established international rules and norms? Whatever the cause of the problem, could new or different procedures or policies help avoid future incidents?

Operational air and maritime interactions between U.S. and Chinese military forces may appear to be a relatively minor issue, but the ambiguous blend of cooperation and competition in the United States–China relationship gives them disproportionate weight in shaping the course of future relations. Similar interactions between American and Soviet forces during the Cold War occurred in the context of a global political and military confrontation, a circumstance very different from today’s more positive United States–China relationship. In that earlier, adversarial context, both the United States and the Soviet Union endured the loss of aircraft and more than a hundred airmen, in addition to damage to ships, as an inevitable part of the Cold War military competition. Even so, the risks of incidents escalating into a broader conflict and a desire to reduce the operational risks of air and maritime interactions eventually led both sides to seek agreement on rules and norms for managing dangerous interactions. The result was the 1972 Incidents at Sea Agreement (INCSEA), which provided tactical procedures and an arbitration mechanism that proved invaluable in reducing the number and severity of confrontations between U.S. and Soviet forces.

The United States and China enjoy a much more positive relationship, one that includes substantial areas of economic, political, and security cooperation. The two countries are not global rivals or antagonists. Both sides have strong incentives to seek a positive future, and senior political leaders in both countries have articulated the importance of cooperative bilateral relations. If the U.S. and Chinese militaries can substantially improve operational cooperation at the bilateral, regional, and global levels, this would have a significant positive impact on the broader relationship. Conversely, if competition and rivalry at the operational level intensify, the repercussions could have a negative impact that goes well beyond military-to-military relations. In that context, a collision or

incident that resulted in significant loss of life could be amplified to have a much larger negative impact on the broader relationship.

### **Existing Norms and Rules for Maritime and Air Interactions**

A first step in identifying why risky incidents are occurring between American and Chinese military and paramilitary units is to determine whether shortcomings exist in the protocols designed to prevent such incidents. In addition to higher-level formal security dialogues, such as the Strategic Security Dialogue and Defense Consultative Talks, there are at least three maritime regimes that provide means to control interactions between U.S. and Chinese units. On the bilateral level there is the Military Maritime Consultative Agreement (MMCA), an initiative formalized in 1998 “to reduce the chances of confrontation between the two militaries in the air and on the sea.”<sup>2</sup> MMCA’s periodic working-group sessions, attended primarily by senior field-grade and junior flag-rank officers, in many ways mirror the INCSEA working-group format. A key difference is that MMCA is “vaguer, lacking the detailed ‘rules of the road’ provisions found in the earlier accord.”<sup>3</sup> This has produced differing expectations of what MMCA can and should achieve. For the United States, the focus is primarily on the development of tactical-level deconfliction procedures; for China, MMCA is a venue to address broader political-military issues.

In addition to MMCA, the United States and China participate in two multilateral protocols designed to deconflict maritime operations. The first is the Code for Unplanned Encounters at Sea (CUES), a product of the Western Pacific Naval Symposium (WPNS).<sup>4</sup> CUES “offers a means by which navies may develop mutually rewarding international cooperation and transparency and provide leadership and broad-based involvement in establishing international standards in relation to the use of the sea.”<sup>5</sup> CUES offers “safety measures and a means to limit mutual interference, to limit uncertainty, and to facilitate communication when naval ships or naval aircraft encounter each other in an unplanned manner.”<sup>6</sup> CUES is voluntary in nature and does not carry the same authority as an international treaty or agreement; as such, it is not legally binding on participating countries. CUES also suffers from lack of an arbitration mechanism. CUES specifically states that “the WPNS will not arbitrate disputes arising from incidents between naval ships or naval aircraft or from the use of CUES.”<sup>7</sup> Responsibility for arbitration is left to the individual states.

The other relevant maritime program is the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs). Promulgated by the International Maritime Organization, COLREGs are international maritime rules of the road designed to eliminate collisions between vessels operating on the high seas. It carries legal authorities not contained within WPNS or CUES.

For the air domain, the situation is more problematic. Universally agreed and codified procedures covering interactions of military aircraft in international airspace do not exist. International Civil Aviation Organization (ICAO) rules are explicitly formulated for the civil aviation sector and also address interactions between civil and state aircraft (defined as military, customs, and police aircraft).<sup>8</sup> ICAO procedures for aircraft intercepts only cover state aircraft intercepts of civil aircraft; no ICAO provisions address state-state interactions of aircraft in international airspace.

What does exist is a community of practice developed over decades that provides a precedent for potential use in the U.S./Chinese situation. The case of the United States and Soviet Union / Russia, particularly following INCSEA implementation, offers a good example. “Due regard for the safety of forces” is a fundamental tenet by which NATO countries and Russia operate when their military aircraft are in proximity. The need for due regard is most acute in situations where smaller, maneuverable fighter-type aircraft operate in proximity to larger, less maneuverable platforms (a situation typical of intercepts of surveillance aircraft and representative of the vast majority of United States–China air interactions). American officials have occasionally commented on the aggressive nature of Chinese intercepts of U.S. aircraft, but the sheer number of U.S. flights and stated intercepts conducted without incident or comment indicates some degree of acknowledgment and use of the basic tenets of professional airmanship and due regard on the part of PLA Navy Air Force units and their pilots.<sup>9</sup>

Despite their individual limitations, MMCA, CUES, and COLREGs, taken as a whole, provide sufficient clarity to prevent dangerous encounters in the maritime domain by military and other state assets. The three programs yield a robust set of overlapping rules and procedures that mitigate shortfalls in the individual programs. They produce a comprehensive, interconnected set of controls that in principle provide the United States and China satisfactory tools to deconflict maritime operations. The air domain is less codified, but a community of practice and a history of compliance with due regard on the part of the Chinese demonstrate that deconflicted operations can be conducted here as well. The problem lies not with the rules (for maritime operations) or history of practice (for air operations) but rather in the motivations that sometimes drive the Chinese to noncompliance with their provisions. Understanding these motivations requires a deeper look at the two countries’ perspectives on surveillance operations.<sup>10</sup>

From the American standpoint, military operations (more specifically surveillance operations) within China’s EEZ are part of a broader military strategy toward China. The United States seeks to increase cooperation with China and its rapidly improving military, while simultaneously shaping Chinese choices and preparing for the possibility of a negative relationship. The impetus for this approach comes from the marked growth in China’s comprehensive national power and limited transparency about China’s

future military capabilities and strategic intent. Given this lack of transparency, a robust surveillance and monitoring program focused on understanding the capabilities and, to the degree possible, the intent of a potential military rival is a reasonable response. Surveillance and survey operations improve clarity, reduce uncertainty and ambiguity, and thus work toward reducing risk in a relationship. For the U.S. military, this logic is an ingrained part of an organizational culture reinforced by decades of similar operations against the Soviet military during the Cold War, although surveillance operations are by no means associated only with adversarial relationships. Such operations, from the U.S. perspective, are both appropriate and legitimate, based as they are on customary international law and the standard interpretation of such key international legal regimes as the United Nations Convention on the Law of the Sea (UNCLOS).

The Chinese perspective on surveillance operations in its EEZ is influenced by China's geostrategic focus, view of potential threats, and mind-set shaped by a history of foreign intervention. For much of the period since the People's Republic was established in 1949, Chinese leaders had a continental focus. Outside of Taiwan contingencies, potential threats from the Soviet Union and India dominated Chinese strategic thought and military planning. With the emergence of the Taiwan independence movement, economic development of China's southeast coast, and changes in the global geopolitical environment starting in the 1990s, China shifted its strategic military focus away from continental defense and toward defense of its maritime and air approaches in the western Pacific. These approaches, in and through China's EEZ, were now considered more critical to the nation's security than they had been before.

Territorial integrity and sovereignty carry significant weight in the political psyche of Chinese leaders and of the population writ large. One legacy of China's "century of humiliation"—a period in the nineteenth and early twentieth centuries marked by frequent foreign intervention—is an acute sensitivity to real or perceived threats to Chinese sovereignty. U.S. surveillance operations in China's EEZ are interpreted in this context, as encroachments on Chinese sovereignty and threats to national security. The Chinese have instituted a multifaceted response, which includes harassment of select U.S. military assets, legal maneuverings (promoting a different interpretation of portions of UNCLOS and applying domestic laws to these air and maritime regions), and a strategic communications campaign with domestic and international components. The Chinese argue that American surveillance operations in the western Pacific are not consistent with a cooperative, mutually beneficial bilateral relationship and are a relic of an adversarial Cold War mentality that has no place in the present United States–China relationship.

The contrast in perspectives could not be starker. For the United States, surveillance and military survey operations are routine, nonthreatening, legal, and appropriate. For

China, they are hostile, threatening, illegal, and inappropriate. China's harassment of U.S. naval vessels and aircraft conducting surveillance and survey operations is intended to reinforce these concerns and produce a change in American behavior by raising the costs and risks of such operations. This is a classic example of what Thomas Schelling described as a "threat that leaves something to chance," where one actor uses the possibility of an accident or incident as a means of shaping and deterring the other actor's unwanted behavior.<sup>11</sup> China views the United States as more concerned than China about the safety of its personnel (and thus more risk averse), and it regards the risk of a collision or incident escalating into a major conflict as limited and acceptable. As one PLA officer stated in a dialogue with American counterparts in Beijing in March 2011, "We care about the safety of our people, but we care about national security more." This logic explains Chinese willingness to disregard established rules and norms for maritime and air interactions and the ineffectiveness of appeals to mutual concern for the safety of sailors and airmen.

### **Factors behind the U.S.-Soviet INCSEA Agreement**

Despite the very different political context of U.S.-Chinese relations, the example of how the United States and Soviet Union handled this issue may provide insight into the factors that prompt states to decide to manage dangerous air and maritime interactions. Military incidents began during the concluding days of World War II and remained prominent features of the Cold War until the implementation of INCSEA in 1972. Over this period, dangerous interactions between U.S. and Soviet forces had two distinct phases, demarcated by changes in the power-projection capabilities and operational patterns of Soviet military forces. The first phase (1945–60) was dominated by interactions within the air domain.<sup>12</sup> Air incidents were direct results of U.S. intelligence initiatives to monitor Soviet military developments during a period of increasing Cold War tension. American collection operations included both photo- and electronic-intelligence missions conducted along the periphery of the Soviet Union and, for a period of time, within Soviet airspace. Additional U.S.-Soviet incidents came about as a result of the Korean War.<sup>13</sup> In total, more than a hundred American and Soviet airmen were lost as a result of these incidents.<sup>14</sup> Maritime interactions were less prominent during this phase, owing to the coastal nature of the Soviet navy and the limitations of its overall capabilities, which were significantly inferior to those of the U.S. Navy. By the early 1960s the balance between air and maritime incidents began to shift toward a greater number of dangerous maritime encounters. This dynamic was driven by enhanced Soviet navy capabilities (including the introduction of intelligence collection ships, known as AGIs, into the Soviet inventory starting in the 1950s), more out-of-area deployments, and increased Soviet maritime commercial activity (including a large Soviet fishing fleet

operating near the United States and increased Soviet merchant activity to and from Cuba).<sup>15</sup> The eventual elimination of direct overflights of Soviet territory by U.S. aircraft and the growing relevance and use of space-based reconnaissance assets contributed to the decreased frequency and severity of air incidents.

The general pattern of increasingly dangerous maritime interactions continued throughout the 1960s, growing proportionally with the expanding reach and capabilities of the Soviet navy. Growing concern over the severity and escalatory potential of these incidents eventually led the United States to propose talks with the Soviets to address the problem and seek resolution. Initial efforts were rebuffed, but American statements of concern were among a number of factors that led to a marked downturn in the number of maritime incidents starting in late 1968 and lasting throughout 1969.<sup>16</sup> This positive development proved short-lived, as the pace of dangerous and provocative interactions increased again in 1970. Starting with the Soviet navy's OKEAN 70 exercise, a large-scale exercise involving over two hundred Soviet vessels in multiple locations participating in simulated war-fighting scenarios, harassment incidents, aggressive maneuvering, and intelligence-collection operations by both countries were once again on the rise.<sup>17</sup> However, rather unexpectedly (from the American perspective), in late 1970 the Soviets finally acceded to U.S. desires to discuss these incidents at sea.<sup>18</sup>

Three issues motivated both sides to seek agreement: heightened concern over the escalation potential of future incidents, a growing parallelism in the nature and scope of each side's surveillance operations, and a burgeoning détente between the United States and Soviet Union. While there is insufficient information to determine the precise weighting of these factors in driving the two sides toward mutual restraint, available evidence suggests that escalation control was likely the most important. Mutual restraint was especially important given the zero-sum and global nature of U.S.-Soviet geopolitical competition (occurring against a backdrop of rapidly expanding nuclear arsenals), a competition that produced a tightly coupled system wherein an incident in one area could escalate into a broader confrontation or provoke a response in a different geographic or functional area. By the early 1970s the United States and the Soviets had developed a shared appreciation of the potential negative consequences of military incidents, including the risk of escalation to the nuclear level. These parallel interests developed despite the ideological struggle between the United States and the Soviet Union and associated intense military competition.

A number of factors contributed, in turn, to a common understanding of the escalation potential. First was the shift from air incidents to maritime incidents. Despite the seriousness of the air incidents in the 1940s and 1950s, both sides appear to have concluded that their escalation potential was minimal. Air incidents typically involved a small number of aircraft operating in known geographic locations. Moreover, pilots on

both sides were under direct and constant command of ground controllers. These conditions allowed both sides time for rational decision making, which reduced the escalation potential. However, as both sides came to realize in the late 1960s and early 1970s, these conditions did not necessarily apply in the more crowded maritime domain. The previously mentioned OKEAN 70 exercise demonstrated the potential for large concentrations of U.S. and Soviet maritime forces to operate close to each other. Individual incidents, which were growing in frequency and severity throughout the run-up to INCSEA, might not remain isolated but could instead spill over and draw in nearby military forces. Tactical and operational dynamics in the maritime domain could produce rapid escalation that decision makers on both sides might not be able to control. Moreover, the expanded global presence of the Soviet navy meant that such incidents might occur anywhere in the world. Increasingly, the key for the United States and Soviet Union was not in isolating incidents but in developing means to prevent them.

The rise of concerns about maritime incidents was exacerbated by the expanding combat power of the Soviet navy, which increased the potential escalation consequences and may have emboldened the Soviet navy during encounters with the U.S. Navy. At the same time, David Winkler cites this narrowed gap in capabilities as a factor allowing the Soviet navy to engage in INCSEA negotiations on a more even footing.<sup>19</sup>

A third issue heightening concern about escalation was Soviet trepidation over the ability of inexperienced ship commanders to operate in proximity to U.S. Navy units when deployed far from home. During INCSEA negotiations, a Soviet interpreter stated privately that “Soviet naval leaders worried that some of these young officers did not possess the maturity or the ship-handling skills required for command, and this could lead to undesirable consequences.”<sup>20</sup> The interpreter went on to state that “this underlying concern explained the Soviet decision to accept the long-standing American offer to implement some controls.”<sup>21</sup> These three issues heightened Soviet concerns that a maritime incident could escalate into an unwanted broader confrontation or conflict.

At the same time, growing parallelism in the surveillance operations conducted by both countries and the *détente* of the early 1970s demonstrated that mutual military restraint could produce tangible benefits. In the early phases of the Cold War the United States possessed a decided advantage in the ability to collect air and maritime intelligence. The United States had access to an extensive network of European and Asian bases, while Soviet basing options were constrained. The coastal nature of the Soviet navy precluded it from conducting extended, out-of-area intelligence missions against the United States or its military forces. This dynamic began to change in the late 1950s and early 1960s, owing primarily to increasing Soviet inventories of AGIs and Tu-95 Bear aircraft. Soviet intelligence-collection missions off both coasts of the United States, within North American air-defense identification zones, and against U.S. maritime forces deployed



around the world became commonplace in the run-up to INCSEA, and in many ways they mirrored U.S. intelligence-collection missions. The Soviet collection missions presumably provided valuable intelligence on American military capabilities and intentions. However, the Soviet forces conducting these missions were just as vulnerable to U.S. harassment as were American surveillance units operating in and around the Soviet Union and against Soviet forces in distant areas. Increased parity in the scope and nature of each side's intelligence-collection missions and the mutual vulnerability of collection assets produced a common interest in behavioral norms that reduced operational risk while allowing both sides to continue valuable collection activities.

The final major causal factor favoring agreement between the United States and Soviet Union was a modest improvement developing in the broader political relationship between the countries. The period of INCSEA negotiations saw the signing of the Nuclear Non-Proliferation Treaty and agreement between the United States and the Soviet Union to begin bilateral discussions on nuclear arms limitations. An agreement covering incidents at sea followed these breakthroughs and contributed to this positive political momentum.

Winkler highlights two lesser but not insignificant issues that may also have contributed to Soviet interest in INCSEA. First was the vulnerability of the expanding Soviet commercial fleet. Despite its vast increase in quantity and quality in the 1960s, the Soviet navy still lacked the ability to deter the U.S. Navy from monitoring, tracking, and potentially interdicting Soviet commercial vessels around the world. Codifying norms of behavior in international waters and airspace would afford the Soviets some degree of protection from potential harassment by U.S. forces. The Soviet navy may also have derived domestic benefit from INCSEA, in the form of service prestige and political influence, as a result of its formal relationship with the U.S. Navy. As the only branch of the Soviet military to have such contact with its American counterpart, it could lay claim to being a nominal equal to the U.S. Navy, bolstering its position vis-à-vis the other branches of the Soviet military in the competition for resources.

### **Comparison between U.S.-Soviet and U.S.-Chinese Military Encounters**

As noted, the U.S.-Soviet Cold War relationship and the contemporary U.S.-Chinese relationship are very different, most notably in the absence of a global zero-sum competition between the United States and China and a much lower risk of military incidents escalating into broader conflicts. Notwithstanding, the potential economic and political consequences of U.S.-Chinese incidents are more pronounced than in the Cold War case. Nevertheless, there is value in examining similarities and differences between the two cases with an eye to how they affect incentives and behavior. We focus on six factors: perceived risk of escalation, the degree of parallelism in surveillance operations, the

political context of military competition, the relative capabilities of the respective militaries, interservice rivalry and civil-military relations, and the importance of commercial shipping.

*Perceived Risk of Escalation.* Judged objectively in context of the broad U.S.-Chinese relationship, the dangerous military encounters considered in this paper have a much lower risk of escalating into a broader military conflict (much less a nuclear conflict) than did U.S.-Soviet incidents during the Cold War. U.S.-Chinese air and maritime incidents have been much less severe, whether measured in terms of loss of life, loss of aircraft, or damage to ships. There is no clear trend toward increasing severity of incidents. (Open-source information does not permit a judgment about trends in the frequency of incidents or close calls.) Maritime incidents involving China have a somewhat different character, in that there are fewer navy-to-navy incidents and more interactions involving Chinese paramilitary assets. The relatively limited losses make the risks in the current situation more tolerable to China.

Geographic differences also reduce escalation risk. At present, dangerous U.S.-Chinese military interactions are geographically limited, occurring mainly in China's EEZ or nearby waters (e.g., the Yellow Sea). Conversely, interactions between the U.S. and Chinese navies in distant waters, such as during counterpiracy operations in the Gulf of Aden, have been cooperative and professional. This contrasts with Cold War incidents, which were initially limited to areas around the Soviet Union but became global as the Soviet navy's exercises and operational deployments expanded and were equally contentious in all areas. The underlying Cold War political competition, the clash of ideologies, and the struggle for dominance between two opposed political systems had no geographic bounds. It is unclear whether top Chinese civilian and military leaders share Soviet concern about the increased escalation risks caused by inexperienced commanders and crews operating in distant waters. The cautious, step-by-step approach the PLAN has taken to extraregional deployments may reflect concern about the quality of naval commanders, but thus far the pace and scope of deployments have been limited enough to allow handpicking of captains and crews.<sup>22</sup> If PLAN extraregional deployments increase significantly, there may be more concern about proficiency of, and the potential for less control (and thus greater escalation risk) over, naval assets deployed far from China's coasts. But at present, these deployments are in cooperative settings where the risk of dangerous incidents with the American military is minimal.

Common concerns about the risks of escalation (and the importance of reducing that risk) do not presently exist in the U.S.-Chinese situation to the degree necessary to induce mutual restraint. Not only are the number and severity of current incidents much less than in the Cold War, but American concern about the potential for escalation is much more pronounced than it is for the Chinese. However, in addition to traditional

issues of escalation, both the United States and China have much to lose if a military incident turns into a major bilateral political issue that damages U.S.-Chinese economic and international cooperation. Nevertheless, the Chinese appear to judge that this risk too is acceptably small.<sup>23</sup>

*Parallelism in Surveillance Operations.* Although China has and employs air and naval surveillance assets, it has only a limited ability to duplicate U.S. maritime and air surveillance operations and lacks the ability to monitor American maritime activities on a global basis. This mismatch in operational capabilities means the United States benefits more than does China from the lack of restrictions on such activities and that China sees limited value in accepting U.S. surveillance activities in its EEZ, because it is less able to undertake parallel, reciprocal operations that might yield equal dividends. This mismatch hinders the ability of both sides to reach consensus on the legitimacy and appropriateness of the operations.

*Political Context of Military Competition.* This category consists of three elements: the nature of the military-to-military relationship, the influence of nationalism on security decision making, and the ability of the respective militaries to address operational issues separate from broader political considerations. In terms of the “mil-to-mil” relationship, the United States–China case has more cooperative elements than the United States–Soviet Union relationship. There is no Cold War parallel to such cooperative U.S. Navy/PLAN endeavors as counterpiracy operations in the Gulf of Aden, joint exercises, port visits, or personnel exchanges. This cooperation is a potential foundation on which to pursue agreement over military encounters on the high seas and in international airspace. Although both the United States and China seek to maintain a stable relationship, most observers see the competitive elements of the relationship as increasing faster than the cooperative side. The opposite was true in the U.S.-Soviet relationship before INCSEA, where détente encouraged a new emphasis on cooperating in pursuit of common interests (such as nonproliferation) and finding ways of managing competition.

Nationalism, with its potential impact on decision makers, also differs greatly between the two cases. In the U.S.-Chinese situation, perceived American encroachments on Chinese sovereignty have produced nationalistic calls from the Chinese public and military for tougher responses. This pressure provides the PLA and Chinese decision makers incentives to take hard rhetorical positions on the issue and makes compromise more difficult. The Cold War produced a very different dynamic, with Soviet leadership more concerned about the potential for inducing a “rally around the flag” sentiment within the American population as a result of its harassment activities.<sup>24</sup> In that case, the potential influence of nationalism on domestic populations favored compromise.

Regarding the ability to separate military and political issues, China has been unwilling to decouple the specific military issue of EEZ operations from overarching political issues. Unlike the Soviets, China remains steadfast in linking specific military issues to the broader political context; this has made it impossible for the MMCA to agree on operational procedures that work around underlying political disputes. This may partly be a function of the importance of sovereignty in the Chinese context. The issue is not more or less effective counterintelligence; rather, it is tied up with Chinese conceptions of the importance of sovereignty and the PLA's special role in defending that sovereignty. Chinese strategic culture favors a top-down approach to security issues. Chinese officials repeatedly emphasize that a mutually beneficial political environment is a precondition for dealing with contentious military issues.<sup>25</sup> The United States, its perceptions colored by experience during the Cold War, believes that a bottom-up approach focused on common interests remains viable and that solutions to difficult military problems can be achieved despite broader, irresolvable political disputes.

*Relative Military Capabilities.* With its naval modernization efforts and development of shore-based antiaccess/area-denial (A2/AD) capabilities, China is reducing the U.S. military advantage, but this effect is geographically limited to waters near China. The PLAN's shift from a purely coastal navy to a force with more-potent regional capabilities mirrors the increased Soviet emphasis on maritime capabilities starting in the 1950s.<sup>26</sup> The current situation roughly resembles the Cold War circa the early 1960s, with a somewhat more active Chinese regional naval presence. Improvements in PLAN capabilities have not created the relative balance that existed between the U.S. and Soviet navies in the immediate run-up to INCSEA.

*Interservice Rivalry and Civil-Military Relations.* The INCSEA agreement arguably raised the Soviet navy's status and clout in interservice politics and was compatible with the civilian emphasis on détente. However, it is not clear that the PLAN and Chinese paramilitary forces would derive similar benefits from an agreement. The opposite is likely true: the frontline role of the navy and paramilitary forces in defending Chinese sovereignty is a source of clout in interservice debates, generates public support, and justifies increased resources for naval modernization.

*Importance of Commercial Shipping.* China is much more dependent on ocean-borne commerce than the Soviet Union ever was. China's foreign trade was 47 percent of gross domestic product in 2012, and China has become the world's largest exporter and second-largest importer.<sup>27</sup> Some 80–90 percent of this trade is carried by ship.<sup>28</sup> Chinese writers acknowledge the potential vulnerability of Chinese merchant shipping (and of China-bound third-party shipping) to piracy, terrorist action against choke points, or interdiction. Chinese national-security writings acknowledge that PLAN capabilities are insufficient to protect Chinese sea lines of communication and cite this as a strategic

vulnerability. However, the United States does not monitor and track Chinese commercial vessels as it did Soviet vessels, and the American policy emphasis on freedom of navigation means the U.S. Navy does not harass or threaten Chinese merchant ships.

The three most important factors that contributed to Soviet interest in an INCSEA agreement (concerns about escalation risk, broadly parallel air and maritime intelligence and surveillance operations, and warming political relations) do not presently exist in the U.S.-Chinese situation to the degree necessary to induce mutual restraint in maritime and air interactions within China's EEZs and nearby waters. The interservice and civil-military benefits the Soviet navy derived from negotiating an INCSEA agreement with its American counterpart are absent (or even reversed) in the China case. The narrow geographic focus of U.S. operational disputes with China and the limited scope of Chinese out-of-area and surveillance operations also pose challenges for creating parallel interests that support operational restraint. Some of these factors are likely to change over the next ten to fifteen years as Chinese global economic interests and naval modernization efforts produce a larger, more capable PLAN that is more active inside and outside the region. However, waiting for Chinese interests and attitudes to change is not an attractive solution, given the potential for a military incident to damage bilateral relations badly.

There are also some positive factors that were absent in the U.S./Soviet Cold War case. First, the U.S.-Chinese relationship has many more positive and cooperative elements, including deep economic interdependence, a degree of strategic cooperation on global and regional security issues, and extensive social, educational, cultural, and societal ties. Both countries have a lot to lose if military competition intensifies and damages this cooperation. Second, the United States and China are not engaged in a global, zero-sum ideological competition; bilateral disputes are narrower and more functionally or geographically focused. The limited geographic scope of disputes may provide opportunities for creative approaches. Third, China is more integrated into the global economy and more dependent on maritime trade than the Soviet Union ever was; this produces common interests in freedom of navigation, protecting maritime commerce, and keeping sea lines of communication open (even if the two countries disagree about some aspects). Fourth, China is more concerned about projecting a positive and cooperative international image.

### **The Chinese Calculus on EEZ Issues**

The foregoing analysis suggests that American policy makers cannot mechanically apply lessons from negotiating the INCSEA agreement with the Soviet Union to current

disputes with China over air and maritime operations. If the problem is selective Chinese noncompliance with international rules and norms in order to advance national-security interests, American policy makers need to understand the underlying Chinese policy calculus, how it may change over time, and potential means of influencing that calculus to produce different behavior. Otherwise, disparities in risk calculations and the lack of parallel interests are likely to embolden the PLA and Chinese paramilitary forces to continue aggressive behavior within China's EEZ.

While the Cold War factors may be of only limited use in the present U.S.-Chinese situation, it may still be possible to structure parallel interests in ways that support mutual restraint. The primary hurdle is China's perceived sovereignty and national-security concern stemming from the U.S. operations in its EEZ. Assuming the United States will continue these operations, the success of any initiative will depend on reducing or offsetting this concern. Doing so will require approaches that either moderate Chinese sovereignty and security concerns or offset them by raising the weight of other strategic factors in the overall Chinese decision-making calculus on EEZ military operations. (The Chinese calculus is also likely to change independently over time as the nation's overseas interests continue to grow and PLA operational activities expand.)

On the basis of Chinese policy objectives, official statements, patterns of behavior, and logical inferences based on specific military surveillance operations, our analysis identifies seven decision-making variables. In addition to the sovereignty/security concerns discussed above, the variables are intelligence/counterintelligence, geostrategic political considerations, PLA domestic factors, global-commons access, escalation control, and impact on United States-China relations. Although an ideal model should indicate the relative weights of these factors, that would be difficult, because of the opaqueness of Chinese decision making. We therefore employ a simple binary model (see the table) that identifies variables and examines whether they offset or reinforce China's sovereignty concerns.

*Intelligence/Counterintelligence.* This variable captures how formal international rules and informal norms of behavior affect China's ability to gather needed strategic and tactical intelligence and to limit the ability of potential adversaries to collect intelligence. The ideal circumstance for China would involve permissive rules for Chinese operations and restrictive rules for others' operations in China's EEZ or other sensitive areas. PLA officers have expressed particular concern about U.S. efforts to use air and naval surveillance to collect "battlefield intelligence" on PLA capabilities and the operational environment in the western Pacific. Given the gap in American and Chinese military capabilities, the PLA has strong incentives to deny the U.S. technical intelligence on such systems as submarines, air defenses, and advanced electronic-warfare systems. At the same time, China needs to collect information on the military capabilities of potential

*Variables in China's Calculus on EEZ Activities*

Variable	Impact on Chinese Sovereignty/ Security Concerns	Relative Weight
<b>Sovereignty concerns</b>	Same	High
<b>Intelligence/counterintelligence</b>	Reinforces	Medium
<b>Geostrategic political considerations</b>		
U.S. role in Asia	Reinforces	Medium
Stable external environment	Moderates	High, but EEZ operations have limited impact
Shape rules and norms	Reinforces	Low
Positive Chinese image	Moderates	Medium, but EEZ operations have limited impact
<b>PLA domestic factors</b>	Mixed	High
<b>Global-commons access</b>	Moderates	High, but EEZ operations have limited impact
<b>Escalation control</b>	Moderates	High, but EEZ operations have limited impact
<b>U.S.-Chinese relations</b>	Moderates	High, but EEZ operations have limited impact

adversaries and on the operational environment, including in disputed waters and in the EEZs of other countries. This need will likely grow over time as PLAN operational activity increases and expands in geographic scope.

*Geostrategic Considerations.* This variable encompasses at least four aspects. The first involves China's attitude toward the American strategic role in Asia. Despite Chinese assurances that it accepts the United States as an "Asia-Pacific power" and does not oppose U.S. alliances "if they are not aimed against China," many Western analysts believe that China's long-term objective is to erode American influence in Asia. Successful Chinese efforts to constrain the U.S. military's ability to operate in an A2/AD environment could reduce U.S. regional influence and loosen bonds between the United States and its regional allies and partners. This would enhance China's ability to achieve its regional objectives, including favorable settlement of territorial disputes in the South and East China Seas.

A second consideration involves China's need for a stable external environment that allows a continued focus on domestic economic and social development. China values cooperative external relationships and a positive public image as helping ensure that external issues do not disrupt internal progress. Aggressive efforts to challenge U.S. military operations in the western Pacific risk unsettling the regional security environment and reducing China's ability to focus on internal development.

A third consideration involves China's broad desire to shape international rules and norms. China has benefited immeasurably from most of the rules and norms in the current international system, but some Chinese leaders and scholars want to modify some existing rules and norms to serve Chinese interests better. Efforts to articulate and enforce China's position on what military operations are appropriate and legal within EEZs are consistent with this perspective.

A fourth consideration involves China's efforts to project a positive international image as a responsible power that is making positive contributions to regional and global security. Actions that damage this image or that portray China as a disruptive power that will challenge or threaten international stability are viewed negatively.

*Domestic Factors.* An aggressive posture by the PLAN and Chinese maritime paramilitary forces against U.S. operations in China's EEZs plays well with nationalistic elements of the Chinese decision-making hierarchy. This can bolster the relative importance of the PLAN in comparison with the other branches of the PLA, affording it greater opportunity in the competition for resources. Nevertheless, the PLAN also seeks to show that it can protect China's overseas interests and safeguard Chinese economic development as part of the "new historic missions." Some of these missions require cooperation with foreign militaries, including the U.S. Navy.

*Global-Commons Access.* Assured access to the global economy for resources and markets is an absolute necessity for continued Chinese economic growth and development. Given how much of China's trade is seaborne, the PLAN is likely to place increasing emphasis on "far seas" operations to protect China's sea lines of communication against a range of state and nonstate (piracy, terrorism) threats. Chinese attempts to deny the American military access to select portions of the western Pacific air and maritime domains sets a precedent that may be applied to restrict China's future access as well.

*Escalation Control.* China shares an interest in preventing dangerous air and maritime encounters with U.S. military assets from escalating into a broader conflict, but as noted, Chinese leaders and officers tend to regard the risk of such escalation as limited and manageable.<sup>29</sup> So long as Chinese decision makers view escalation risks as limited, this factor will have limited weight in the Chinese decision-making calculus.

*Relations with the United States.* A constructive relationship with the United States is important for China's continued economic development and ability to achieve its national objectives. However, despite the damage the 2001 EP-3 incident did to bilateral relations, Chinese civilian and military leaders tend to regard as minimal the risk of a military incident escalating to the point where it does irreparable damage to bilateral relations.



## Alternative Futures

The importance of sovereignty and other variables detailed in the above decision-making model highlights a number of ways in which the Chinese policy calculus might change over time. China's integration into the world economy is creating new Chinese economic interests around the world, many of them heavily dependent on uninterrupted maritime commerce. The growing presence of PRC investment, workers, and students around the world creates concrete interests that may be threatened by political instability or natural disasters. Chinese naval modernization efforts are also producing a larger, more capable PLAN that is more active inside and outside the region. Over time, this combination of expanding interests and improving capabilities may produce a considerable change in the Chinese policy calculus, including in Chinese perspectives on maritime interactions generally and EEZ operations specifically.

One way of thinking about the potential impact of U.S.-Chinese maritime interactions is to consider how both countries weight their political, economic, and military interests. This approach yields a range of alternative futures for United States–China maritime relations; we consider three illustrative examples below.

### *A Cooperative Maritime Future*

This path would be driven by the dominance in the decision-making calculus of both countries of political and economic issues over military issues. General alignment of American and Chinese political and economic interests could drive both sides to establish an acceptable *modus vivendi* for EEZ military operations. Military concerns would be seen as an obstacle to the more important benefits realizable through economic and political cooperation. Eventual resolution of the EEZ issue would pave the way for more-cooperative military-to-military relations aligned with the positive political and economic character of the overall relationship. Four distinct cooperative relationships are possible, depending on the degree of compatibility between American and Chinese political and economic interests and the degree to which cooperation in these areas shapes national security and military considerations:

- *Benign maritime partnering*: American and Chinese maritime forces actively cooperate to resolve issues affecting common interests. These collaborative efforts advance broader interests of the international community in areas such as counterpiracy operations, humanitarian affairs and disaster relief, and commitment to keeping sea lines of communication open. The geographic scope of such cooperation is driven by the global distribution of Chinese interests and by the Chinese military capacity to operate in distant regions.

- *Assertive partnering*: Similar to the option above, except that the United States and China are much more willing to initiate cooperative actions that do not necessarily benefit all international actors. Critics complain that U.S.-Chinese cooperation has the look of a maritime “G-2.”
- *Limited partnering*: This would involve a degree of maritime partnering significantly lower than in the first two options. Strong economic/commercial interests compel some form of resolution of the military EEZ operations issue, but the convergence of political interests allows only a limited degree of maritime cooperation.
- *Passive partnering*: Relatively small overlap of political and economic/commercial interests and weak trust constrain active maritime cooperation. However, there is sufficient convergence on interests that one country “permits” unilateral actions by the other in pursuit of its maritime objectives.

### *An Ambivalent Maritime Future*

This future implies a more equal weighting of economic, political, and military interests in each side’s decision-making calculus. The United States and China continue to “muddle through,” with no definitive solution to the EEZ military operations issue. Maritime military/national-security issues between the United States and China periodically arise, but political and economic common interests in preserving cooperation are sufficient to keep crises in check. This future might include a geographic differentiation of maritime interactions, with competitive dynamics dominating in the western Pacific but greater cooperation in more-distant regions (where PLA power-projection capabilities are greatly diminished). The fundamental question is whether this arrangement would be politically viable over the long term. As PLA capabilities improve, the competitive aspect prominent in the western Pacific might spread and inhibit cooperation in other areas. The ambivalent political relationship and limited political basis for military cooperation suggest that a major military incident could push relations in an antagonistic direction.

### *An Antagonistic Maritime Future*

This future is one where military/national-security concerns weigh more heavily in the decision-making calculus and common economic and political interests are insufficient to produce cooperation. The competitive aspect of the military relationship becomes increasingly dominant, though there may be geographic variation due to the limitations of the PLA’s global power-projection capabilities. While incentives may still exist for cooperative maritime endeavors in areas outside the western Pacific, the highly competitive aspects of the military relationship in the waters closer to China would overwhelm them. This could become a new “Cold War at sea” with a greatly elevated probability of crisis escalation and heightened operational risk for both countries. In a more antagonistic

relationship, the military necessity for the United States to conduct operations in China's EEZ would likely increase, despite the heightened risks of confrontation and escalation. To the degree that the Chinese continue harassment of U.S. military forces operating in international waters in the western Pacific, the United States might look, in conjunction with regional allies, to pursue similar measures against PLA forces operating in the EEZs of other states.

A cooperative maritime future likely requires the development of a United States–China *modus vivendi* on the issue of EEZ operations, but a range of solutions is imaginable. Some options might involve China converging on U.S. perspectives, as a China with expanding global interests and a more active military sees less value in restrictions on what militaries can do in other EEZs. A PLA officer suggested in June 2013 that China might respond to U.S. reconnaissance activities by “sending ships and planes to the U.S. EEZ,” acknowledging that China has already done so “a few times.”<sup>30</sup> China's recent military activities within the EEZs of other countries—including naval activity around Guam and Hawaii—suggest that Chinese naval operations are becoming more parallel to American operations.<sup>31</sup> It is also possible to imagine a more transparent and cooperative China, such that the United States feels less need to conduct surveillance in China's EEZ. The nature of the *modus vivendi* is likely to have a significant impact on how other maritime powers interpret UNCLOS with respect to EEZ military operations. Chinese compliance with more generally agreed-on norms of maritime behavior might compel the handful of countries (especially India and Brazil) with restrictive interpretations to modify their stances to align more closely with the interpretations held by the United States and most other countries. Conversely, American acceptance of strong limitations on EEZ surveillance operations may induce a broader sense of hyperterritoriality with respect to maritime boundaries, whereby operations in any country's EEZ are treated in a restrictive manner akin to the regime of the territorial sea. In this case, restrictive interpretations of UNCLOS may become more widespread, heightening the chance of conflict between other countries.

## Conclusion

The continuing pattern of dangerous U.S.–Chinese air and maritime incidents in China's EEZ is not the product of a lack of clear international rules and norms. Rather, it is the result of China's restrictive interpretation of what military activities are allowed inside its EEZ and its willingness to violate established rules and norms to uphold that interpretation. It is not self-evident that this is a major problem. Current American operations are not producing unacceptable levels of operational risk or causing excessive damage to bilateral relations.

Nevertheless, it is not clear that this tolerable status quo will continue indefinitely. China has the ability to increase significantly the level of harassment of U.S. assets; a “threat that leaves something to chance” may produce a collision or accident that causes significant loss of life, with unpredictable consequences that seriously disrupt important economic and political aspects of the relationship. Moreover, in the future China may expand its definition of “unacceptable” military activities in ways that constrain U.S. operations. One PLA National Defense University officer has argued that “China sees the maritime area as part of its defensive perimeter” and “will try to stop U.S. military operations that it views as a threat to its national security.”<sup>32</sup> Conversely, if China follows the Soviet pattern—which is by no means guaranteed—its expanded naval capabilities and operational deployments may eventually produce more parallelism in intelligence operations and greater interest in reducing operational risks through mutual restraint. China’s April 2013 proposal to establish U.S.-Chinese working groups on military confidence-building measures produced a memorandum of understanding (MOU) on “rules of behavior for safety of air and maritime encounters,” announced by President Xi and President Barack Obama in November 2014. The MOU draws on international rules including UNCLOS, COLREGs, CUES, and ICAO; calls for an annual assessment meeting under the MMCA to exchange papers on operational safety and review air and maritime encounters; and is designed to include annexes governing surface-to-surface encounters (approved in 2014) and air-to-air encounters (to be approved in 2015).<sup>33</sup> The bilateral agreement is a good step forward, but the test will be where and how consistently the PLA applies these rules. If China tries to define all its EEZ claims as “territorial waters” and the PLA operates by the agreed rules only on the high seas or in the EEZs of other countries, the agreement will be unlikely to have much positive effect in stabilizing U.S.-Chinese relations.

Regardless of how the United States and China ultimately resolve their dispute over operations in EEZs and which alternate maritime future emerges, it is clear that American and Chinese actions and maritime interactions will help shape broader rules and norms of maritime behavior. This raises the question whether a restrictive interpretation of permissible EEZ operations is really in China’s best interest. Are the short-term, tactical benefits that might be realized worth the long-term strategic costs that may be incurred? Even leaving aside the potential for a military incident or accident that damages long-term Sino-U.S. relations, it is not clear that a stronger China with global economic and security interests should favor restrictive rules on military operations inside EEZs.

## Notes

1. See Kenneth Lieberthal and Wang Jisi, *Addressing U.S./China Strategic Distrust*, John L. Thornton China Center Monograph Series, no. 4

(Washington, D.C.: Brookings Institution, March 2012).

2. Kevin L. Pollpeter, *U.S./China Security Management: Assessing the Military-to-Military Relationship*, MG-143-AF (Santa Monica, Calif.: RAND, 2004), pp. 20–21.
3. Kurt M. Campbell and Richard Weitz, “The Limits of U.S./China Military Cooperation: Lessons from 1995–1999,” *Washington Quarterly* 29, no. 1 (Winter 2005–2006), p. 174.
4. CUES was originally proposed in June 2003 as the “Code for Unplanned Encounters at Sea, Review Supplement.” A revised version was adopted by the Western Pacific Naval Symposium in April 2014, as the “Code for Unplanned Encounters at Sea,” version 1.0, 22 April 2014, [news.usni.org/](http://news.usni.org/). References in the text are to the 2014 document, which is similar to the 2003 draft.
5. *Ibid.*, sec. 1.1.2.
6. *Ibid.*
7. *Ibid.*, sec. 1.6.1.
8. Peter A. Dutton, “*Caelum Liberum*: Air Defense Identification Zones outside Sovereign Airspace,” *American Journal of International Law* 103 (2009), p. 692.
9. See, for instance, comments by former Secretary of Defense Donald H. Rumsfeld in *ibid.*, p. 706.
10. For purposes of this paper, surveillance operations include military survey operations.
11. Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, Mass.: Harvard Univ. Press, 1981), chap. 8; Schelling, *Arms and Influence* (New Haven, Conn.: Yale Univ. Press, 1966), chap. 3.
12. David Winkler, *Cold War at Sea: High-Seas Confrontation between the United States and the Soviet Union* (Annapolis, Md.: Naval Institute Press, 2000).
13. *Ibid.*, p. 14.
14. *Ibid.*, p. 7.
15. *Ibid.*, pp. 28–40.
16. *Ibid.*, p. 68.
17. *Ibid.*, p. 63.
18. *Ibid.*, p. 68.
19. *Ibid.*, p. xx.
20. *Ibid.*, p. 91.
21. *Ibid.*
22. The PLAN requires participation in a fourteen-day training program at the Naval Command College in Nanjing for commanders headed to the Gulf of Aden for counterpiracy operations.
23. Given that decision making in China is complex and involves a multitude of actors and organizations, each with its own motivations and interests, it is far from certain that there is a unified Chinese view of escalation potential and risk to the broader bilateral relationship.
24. Winkler, *Cold War at Sea*, p. xx.
25. However, in a March 2012 dialogue, one PLA officer suggested that China needs to place greater emphasis on “bottom up” approaches to help manage competitive dynamics.
26. For a persuasive argument that great powers tend to develop blue-water naval capabilities, see Peter M. Swartz, “Rising Powers and Naval Power,” in *The Chinese Navy: Expanding Capabilities, Evolving Roles*, ed. Phillip C. Saunders et al. (Washington, D.C.: National Defense Univ. Press, 2011), pp. 1–22.
27. See Dai Daohua, “Implications of China’s Declining Foreign Trade Dependence,” Bank of China (Hong Kong) Ltd. *Economic Review* (March 2013). Dai argues that because of the appreciation of China’s currency since 2005, this figure understates China’s trade dependence.
28. For estimates, see “Sea Change in Thinking about China’s Navy,” *China Daily*, 23 April 2009, and Bernard Cole, *Great Wall at Sea*, 2nd ed. (Annapolis, Md.: Naval Institute Press, 2010). In 2009, six of the world’s ten busiest ports were in China; see United Nations, *Review of Maritime Transport, 2009* (New York: United Nations Conference on Trade and Development, 2009).
29. Chinese military officers and analysts also see the potential for escalation of incidents and accidents in the Taiwan Strait as limited; this view reduces their assessment of the practical value of cross-strait confidence-building measures. See Phillip C. Saunders, *Project Strait Talk: Security and Stability in the Taiwan Strait* (Monterey, Calif.: Monterey Institute of International Studies, Center for Nonproliferation Studies, 27 July 2000), and Bonnie Glaser, *Building Trust across the Taiwan Strait: A Role for Military Confidence-Building Measures*, Freeman Chair Report (Washington, D.C.: Center for Strategic and International Studies, January 2010), available at [csis.org/](http://csis.org/).
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31. U.S. Defense Dept., *Military and Security Developments Involving the People’s Republic of China 2013*, Annual Report to Congress (Washington, D.C.: [2009]), p. 39, available at [www.defense.gov/](http://www.defense.gov/).
32. Author’s discussion with officer at the PLA National Defense University in March 2012.

33. "Memorandum of Understanding between the Department of Defense of the United States of America and the Ministry of National Defense of the People's Republic of China Regarding the

Rules of Behavior for Safety of Air and Maritime Encounters," 12 November 2014, [insidedefense.com/](http://insidedefense.com/).

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