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# A MARITIME OR CONTINENTAL ORDER FOR SOUTHEAST ASIA AND THE SOUTH CHINA SEA?

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*Address by Peter Dutton at Chatham House, London, U.K.,  
16 February 2016*

Since the sixteenth century, Southeast Asia has been open to maritime trade and political engagement, advanced and supported by naval and other military power. Although historical evidence demonstrates that international trade occurred prior to that time, often robustly, at various times Chinese imperial leaders sought to dominate the economic, political, and security elements of the region. During these periods, Southeast Asia fell under the sway of China's vast continental power and whatever naval power-projection capacities emperors built to augment it. At times, to serve the security and stability requirements of the dynasty, Chinese emperors sought to control or curtail regional trade. During these periods, Chinese continental power overwhelmed that of any regional state or combination of states, and therefore the primary locus of strategic action was continental. That is, China's land power and subsidiary naval forces were the primary determiners of the region's economic, political, and security order. With the introduction of superior Western naval technologies in the nineteenth century, however, the locus of strategic power in Southeast Asia shifted to the maritime domain, where it largely has remained since. This shift enabled seapower—eventually joined by power-projection capacities of airpower, space power, and cyber power—to ensure the South China Sea, and Southeast Asia more broadly, remained an integral component of an open, global, liberal, maritime order.

Today, China's land power is once again ascendant in the region in the form of missile, air, space, and cyber forces, augmented by a growing naval capability. Accordingly, the future locus of strategic power in the South China Sea—maritime or continental—is in play. So too may be the degree to which Southeast Asia, and especially continental Southeast Asia, will have freedom to choose trade and engagement policies without Beijing's imprimatur. My central thesis is that China's advances into the South China Sea pose a challenge to the capacity

of naval and other power-projection forces to ensure an open economic and political regional order. In particular, China's island building in the Spratly Islands creates a significant new strategic challenge to the open, global, liberal, maritime order in Southeast Asia.

Many have asked, what are the strategic implications of China's island-building program in the South China Sea, and why has America reinvigorated its freedom-of-navigation program to begin to address it?

Much has been made of American freedom-of-navigation operations in the South China Sea over the past few months. As I see it, the purpose of the U.S. freedom-of-navigation program is to support the maintenance of a rules-based international order at sea. Some Americans assume that this maritime order exists on its own, that the security, economic benefits, and political stability that flow from this order exist without any effort from us, like the oxygen we breathe. This is simply not the case. The maritime order that has promoted global economic growth since 1945 and the peaceful expansion of state interests into the oceans of the world since 1982 is an order that was created and must be tended. This order is expressed through a structure of international law and institutions, such as the UN Convention on the Law of the Sea and the customary law the convention reflects. But law never exists in a vacuum. Law exists because the sovereign authority of states establishes it, and it persists primarily because the power of states reinforces and sustains it. Thus, there is a fundamentally important correlation between law and power. Law cannot exist without power to reinforce it. And power without the limits of law is mere tyranny. This is as true at sea as it is on land. So the purpose of the freedom-of-navigation program, as I see it, is to marry American power with international law in order to reinforce the rights and obligations and the freedoms and duties that comprise international law of the sea.

Do these purposes serve only America's narrow interests? Certainly not. The global maritime system that was created in part through American leadership has produced secure oceans and tremendous growth in trade and national wealth around the world. Nowhere is this truer than in Asia, where several of the world's largest economies reside. True, the rules that govern international behavior in the maritime domain provide great security, stability, and wealth for the United States. But they have served the countries of Asia equally well. The objectives that freedom-of-navigation operations seek to achieve can be summed up in one simple word: access. Free access—that is, free use of the maritime domain, for all countries, to the fullest extent allowed under international law of the sea—is the essential component of an open regional order in every quarter of the globe.

What is the essence of an open regional order? An open regional order is one that is freely accessible to all countries—according to their interests and their capacities—for the purposes of economic and political engagement. An open region is one that is free of the irresistible gravitational pull of any one power. An open region is one in which regional states are free to pursue their economic and political interests and are not bound to accede to the demands of their strongest neighbor. Such freedom from undue political and economic influence is what makes a state truly free.

Since the very earliest days of the American republic, the nation's leaders certainly have seen free economic access to other regions of the world as a vital interest worth defending, with force if necessary. Economic access includes the right to undertake free commercial trade, finance, banking, direct investment, and government-to-government support; in short, free economic access involves the full range of economic activities available to all countries. One objective of the freedom-of-navigation program, therefore, is to ensure the oceans remain open to support the full range of *economic activities* in which countries and their citizens engage.

Imagine the damage that could be done to the economies of smaller states if they were forced to limit their economic policies to the preferences of the region's strongest state. History demonstrates that when one power dominates a region, other states have fewer and fewer political and economic choices. This is especially true when political issues become sharp. Disputes over territory and resources are certainly among those that tend to become sharp. The dominant state will use its economic monopoly to force other states to accept the political outcome it prefers. Thus, a state's freedom to pursue its own economic choices is a component of political independence. Accordingly, as I see it, ensuring free *political access* is a second American vital interest that is also an objective of the freedom-of-navigation program.

Third, ensuring American security and regional maritime stability is also an objective of the freedom-of-navigation program. History has shown that the world never has been stable politically for long, and supporting national security and international stability still requires the influence of naval power, which can only be wielded through access to the oceans. About naval power's ability to address inter-state instability, more than three decades ago the American statesman and ambassador Elliot Richardson stated, "[T]he classical uses of sea power have assumed fresh importance. . . . To back up friends, to warn potential enemies, to neutralize similar deployments by other naval powers, to exert influence in ambiguous situations, to demonstrate resolve through deployment of palpable force—all these are tasks that naval power is uniquely able to perform." Although

that statement was written during the Cold War, it is as relevant to the world we live in today as it was then, and as it was in the generations that preceded it.

Today, there are many ways in which the maritime rights and interests of smaller states in East Asia are threatened. In light of these concerns, Ambassador Richardson's words continue to have meaning as the United States seeks to guarantee free political and economic access in East Asia. To ensure the region's freedom and full American access to the region, the U.S. Navy's freedom-of-navigation program still helps to ensure that the United States can back up friends, warn potential enemies, neutralize military deployments by other powers, exert influence in ambiguous situations, and above all demonstrate resolve. These are especially important attributes of naval power in the highly charged atmosphere of the South China Sea today.

Given the context of military developments in the South China Sea, it should be increasingly clear that free economic access and free political access are underwritten by free security access—in this case, free naval access. In East Asia, where one regional state dominates land power, the presence of naval power ensures the existence of an overall military balance that guarantees an open regional order based on existing international laws, rules, principles, and norms. In short, naval power provides the foundation on which the region's economic and political freedoms rest.

What in East Asia threatens these three freedoms—political, economic, and security—making renewed commitment to the American freedom-of-navigation program all the more important? First, in the South China Sea, China's projection of its national power deeper into the maritime domain challenges the stable balance between land power and sea power that has up until now guaranteed a free, open, stable regional order in East Asia. All countries have a right to enhance national defense, and no one would deny that right to China. But creation of thousands of acres of new islands in the South China Sea—in a region that at least one state other than China claims as its continental shelf—followed by building on those islands the facilities necessary to project military power sufficient to dominate the other five regional claimants is, in my view, a major strategic event that heightens regional instability, threatens to increase the risk of military clashes, and, if not countered, has the tendency to remove the South China Sea from its place as a part of the global maritime commons by turning it into a strategic strait.

China's island-building campaign has heightened regional instability because, by projecting its power farther into the South China Sea and closer to its neighbors, it has weakened the ability of other states to support their territorial and resource zone claims and caused those states to shift their security postures. It is plain that other states in the region are beginning to work together to balance

China's forward military presence in ways that were not occurring before this development. Some may think this balancing is being coordinated or directed by the United States. But balancing behavior against China's power projection would be occurring with or without an American security presence in the region, since smaller states have an interest in maintaining their political and economic independence.

Indeed, during the years between about 1996 and 2009, as China's economy was growing at annual rates often in the double digits, China's relationship with its Southeast Asian neighbors was quite strong. China actively engaged its neighbors economically and politically, but did not make any moves that challenged their security or their ability to maintain their island and resource claims. By 2009 that began to change, and from 2012 to the present Chinese advances steadily undermined both regional stability and the capacity of smaller states to maintain their claims to islands and resources in the South China Sea. Although all parties to the South China Sea disputes have built up existing islands to some degree, China's island building is orders of magnitude greater than other states' similar activities. Additionally, no other state has built large islands where no island previously existed at all. A final distinction is also very important. Coming from the largest power in the neighborhood by far, China's actions have disproportionate effects. For these reasons, I reject the apologists who say China's island building is no different from the activities of its neighbors. On the contrary, China's island building in the Spratly Islands is the prime action that fundamentally changed regional political and security dynamics.

Some commentators focus on the statement by President Xi Jinping during his 2015 visit to Washington that China has no plan to militarize its newly built islands and their purpose is primarily to support civilian uses of the regional seas. We should all be looking forward to Chinese-provided public goods, but in the meantime remain clear-eyed about the military implications of the newly built islands. As a *Financial Times* article recently pointed out, "China has stepped up its construction of runways in the South China Sea since President Xi Jinping visited Washington in September, underscoring how U.S. efforts to counter China's assertive stance there appear to be having little effect. Satellite images of Subi Reef and Mischief Reef . . . suggest that Beijing will soon complete two runways that will join a newly operational landing strip on a third reef called Fiery Cross in the contested waters."

There are reports that the People's Liberation Army (PLA) maintains artillery vehicles on the newly constructed islands. However, whether or not China further militarizes those islands, the construction on them of facilities capable of supporting military operations—which in some cases has already been completed and in others remains under way—gives China the capacity to militarize the

southern portion of the South China Sea rapidly. As the recent commercial test flights demonstrated, the islands can have fighter aircraft on them within about two hours. Thus, promises not to militarize the islands further are insufficient to undo the existing damage to regional stability.

In addition to causing regional instability, China's island building weakens tactical stability during times of crisis and creates a critical new strategic dynamic in the South China Sea. Concerning the tactical situation, consider the EP-3 crisis in 2001 or the USNS *Impeccable* crisis in 2009. During each of these crises there was a reasonable buffer between the crisis itself and the possibility that one side or the other would use military force to resolve the issue. That buffer existed in part because in East Asia Chinese national defense capabilities were largely continental and American defense capabilities remained largely at sea. That calculus already has shifted somewhat as China deploys its naval forces more consistently farther from its shores. That calculus will change appreciably if China further militarizes the islands with missiles and airpower designed to deny access to the waters of the southern half of the South China Sea, as it is apparent the PLA can do within a short time.

How would crisis-management calculations about escalation and the use of force change if Chinese sea-denial assets were placed on the newly built islands? Military forces on small islands are similar to naval forces on platforms at sea, in that they are vulnerable to first use of force by other military forces in the region. Accordingly, in any crisis in the South China Sea between China and another country's naval forces, each side would receive a benefit from the first use of force, since such preemption reduces tactical vulnerability. This dynamic was set in motion by China's decision to build islands with military facilities on them. The effect of that decision—even if unintended—is to narrow the margin for tactical de-escalation in some future crisis. Thus, the political and military buffer between crisis and clash, or even conflict, is, in my view, narrowed dangerously.

Concerning the new strategic dynamic, China's island building has the tendency to turn the South China Sea into a strategic strait. In essence, it presents a situation for naval power much like a long Strait of Hormuz. How does the South China Sea, a body of water at least six hundred nautical miles wide, become a strait? If the Chinese place sea-denial military capabilities on the reclaimed islands, the South China Sea becomes a body of water that can be controlled from the land territory of a single country. When Chinese bases remained in the northern part of the South China Sea, it was clear they were defensive in nature and posed less of a threat to free movement of seapower in the South China Sea. But the new bases China has built on islands in the southern part of the South China Sea have military-sized runways, substantial port facilities, radar platforms, and space to accommodate military forces. The logical conclusion to draw from the

addition of these facilities to China's preexisting mainland bases is that the country seeks the capability to dominate the waters of the South China Sea at will. Building the islands is therefore, in my view, a significant strategic event. These actions leave the potential for the South China Sea to become a Chinese strait rather than an open component of the global maritime commons.

Why do I say the South China Sea is in danger of becoming a *strategic* strait? The South China Sea has global strategic importance as part of the maritime commons because fully 50 percent of global maritime commerce passes through it, as do 90 percent of East Asian energy imports. The South China Sea is therefore a key artery sustaining the global economy. Additionally, it is a major east-west pipeline for the flow of forces from the Pacific Ocean to the Indian Ocean and vice versa. If, during a time of political disagreement between China and other countries, the waterways of the South China Sea were threatened with closure, this would dampen seriously the ability of naval forces to—as Ambassador Richardson put it—back up friends, warn potential enemies, and exert influence.

This new reality in the South China Sea creates a new zone of competition between China and the United States, and requires the United States to behave differently. That is, the United States must demonstrate more openly and actively its resolve to use naval power to keep the region's waters open and thereby to continue to underwrite the region's economic and political freedoms.

What can be done to address the changes in the South China Sea? And will any American action be effective in changing the tide of growing Chinese power in the South China Sea?

There are at least four broad policy responses the United States can lead to improve the regional strategic trends in our favor. We can strengthen our own regional force posture; we can build the capacity of other regional states to support their own interests; we can reenergize like-minded states to reinforce the political, legal, and institutional power of the global maritime system; and we can undertake operational activities in the South China Sea to signal American determination to remain a meaningful part of an open regional order.

Will these policies be effective? If success depends on preventing Chinese advancement into the South China Sea, then our efforts probably will not be effective. The Chinese have demonstrated willingness to gain strategic space through nonmilitarized coercion, backed up by significant military and naval power, taking advantage of the fact that no party wants open conflict and leveraging the power of the great economic benefits China can bestow. These are hard forces to counter.

However, preventing Chinese advancement should not be the measure of success. The United States need not and should not undertake a containment

strategy. Therefore the United States does not need to dominate Southeast Asia or the South China Sea. It needs only to prevent China from doing so. Such a strategy might be termed an access strategy—one that seeks to preserve economic and political access underwritten by access for security purposes. Thus, if the objective is defined as maintaining access to—in Ambassador Richardson’s words—ensure seapower’s ability to back up friends, warn potential enemies, neutralize similar deployments by other naval powers, exert influence in ambiguous situations, and demonstrate resolve through deployment of palpable force, then it is my view that the United States can develop affordable, effective policies.

Nonetheless, this is not a light undertaking. The United States already has policies that support some activities in each of the four categories mentioned above. Whether the nation chooses to do more is a matter that must be addressed systematically through the political process, because it will involve serious trade-offs among domestic priorities and security concerns. The kind of strategic competition needed to maintain the maritime character of a major region of the globe is costly. Therefore we should engage in it only after a systematic review of our national interests, our specific objectives, the risks involved in various policy choices, and our policy trade-offs. The United States faces a strategic choice. We can compete to retain the maritime character of the region, or we can adapt to the reality of a region dominated by continental power. In my view, the open, global, liberal, maritime order that the United States helps lead is worth defending, since it has brought unprecedented wealth, political freedom, and security.

The American freedom-of-navigation program is a nonthreatening and neutral demonstration that our country will not shirk this duty. But it is just a very small start of what must be an overarching strategy with clear goals and objectives centered on maintaining political, economic, and security access. The most important objective will be to demonstrate that the United States will not retreat from the South China Sea, even as China advances. We must accept that a new zone of friction exists—and perhaps even create friction there when necessary to advance our own interests. Such friction will be necessary at times to reinforce the critical link that exists between power and law—a link that gives life and meaning to the law.

In closing, global maritime access and the security it provides, unlike the air we breathe, do not just exist as a state of nature. They must be established and then regularized through laws and institutions that support them. And then . . . they must be defended through political, economic, and military means when challenged.

PETER DUTTON

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