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US Strategy in the South China Sea: Five Pillars for a Proposed Trump Plan

By Joseph Chinyong Liow

Synopsis

Many analysts have lamented the lack of strategic vision in the Trump administration's approach to the South China Sea. Such a strategy can be crafted on five pillars: international law; deterrence; incentives; diplomatic engagement and keeping an ASEAN focus.

Commentary

UNDER PRESIDENT Donald Trump, the United States has become a distracted power. Ongoing investigations into alleged Russian involvement in last year's presidential election cast a long shadow over the presidency, and healthcare policy has become a war of attrition within the president's own party. Meanwhile, rumblings of discontent fed by rumours of impending resignations (and actual dismissals) hardly inspire confidence. This has disrupted the administration's ability to think strategically about global affairs. America's position of leadership has suffered as a result.

In Southeast Asia, this is evident in how discussions on the US role in regional affairs tend to centre myopically on one thing: freedom of navigation operations, or FONOPS, in the South China Sea. To be sure FONOPS are an important function of an increased US naval presence in the region, a vital expression of American commitment. The US Navy is reportedly on course for 900 ship hours in the South China Sea in 2017, up from a previous peak of 700 towards the end of the Obama administration. At this rate, there is on average more than two US navy vessels in the South China Sea on any given day.

Cart Before the Horse

But to talk FONOPS without accompanying conversations on strategy is to put the proverbial cart before the horse; ubiquitous naval vessels plying the South China Sea do not a strategy make. Domestic distractions aside, this absence of strategy begs the deeper question: just how important is the South China Sea for the US?

The inconvenient truth is that American interests in and commitment to the wider Southeast Asian region has been a matter of debate in Washington's corridors of power since the withdrawal from Vietnam in 1973. Moreover, even if there is consensus (which there isn't) that the South China Sea is a matter of American national interest, the ensuing question would be how much of a priority it is in the larger scheme of American foreign policy preoccupations.

Here numbers, unfortunately, don't lie. The US spent US \$425 million over five years on the Maritime Security Initiative designed to boost the maritime capabilities of Southeast Asian partners. In comparison, it spends more than \$10 billion a year alone on Afghanistan. In other words, it is a matter of degree, not principle.

None of this is to suggest the US should downgrade the South China Sea in its order of priorities. On the contrary, there are sufficient reasons for Washington to still take seriously its role in the South China Sea as a non-claimant but interested party.

Quite apart from the potential oil and natural gas deposits in the South China Sea, which obviously would be of interest not just to the US, at stake is the principle of freedom of navigation in a body of water through which a significant amount of commercial shipping passes to drive the economies of important trading partners. The American political and military leadership recognise this with their common refrain: "The US will fly, sail, and operate wherever international law allows."

Second, it has always been a strategic objective of the US to prevent domination of any given region by a single power. That this logic should inform American interest in the South China Sea should be self-evident. Third, although President Trump has downplayed the merits of international trade, over time it will be hard for him to ignore the economic dynamism and prosperity of the East Asian region, or to deny that partaking of this dynamism and prosperity will be very much in the vital interest of "America First".

Parameters for a US Strategy

So, with all this at stake, what should a comprehensive US South China Sea strategy look like? Here are some thoughts on possible parameters.

Founded on international law

First, the administration should elaborate an approach that is predicated on international law. International law provides the vantage from which FONOPS and, in the event of any declaration of an ADIZ (Air Defence Identification Zone) by any claimant state, overflight operations can and should be conducted. Statements underscoring the importance of unimpeded access to global commons must be repeated, and when necessary, backed up by action.

At the same time, Washington should be mindful of its own checkered history with international law. The US has yet to ratify UNCLOS – the United Nations Convention on the Law of the Sea - that it maintains forms the legal bedrock governing competing South China Sea claims. The US is also not party to the Rome Statute of the International Criminal Court despite playing an instrumental role in crafting it. The US has also never been willing to submit itself to the International Court of Justice even though it has appeared before it on several occasions.

These are of course not deal breakers, and at least on UNCLOS the US has by and large adhered to its principles. But they do cast a pale shadow over America's moral leadership and authority to comment on the sanctity of the rules-based international order. Suffice to say, China seldom passes up an opportunity to remind them of this.

Deterrence and non-military measures

If international law forms the first prong of a comprehensive strategy, deterrence should be the second.

Following the 12 July 2016 Arbitral Tribunal award the Philippines won against Chinese claims in the South China Sea, some have suggested that because the legal status of features in the Spratly Islands chain of the South China Sea have been clarified, there is less need for FONOPS. This view implies the award has been accepted by all concerned. This, as we know, is not the case.

Furthermore, this view also disregards the deterrence value of FONOPS, which is a necessary if imperfect tool to dissuade claimant states from prosecuting their claims via military means. To that end, the US Navy should continue to maintain a robust yet carefully calibrated presence in the region.

But deterrence should not be limited to FONOPS, or indeed, to military measures alone. Non-military measures are equally pertinent. For this reason, it is imperative that the naval presence is synchronised with economic and diplomatic measures, lest the impression is created that the US is just as culpable for the "militarisation" of the South China Sea.

The economic toolkit, in particular, has been grossly under-explored, let alone utilised. It is striking, for instance, how the Obama administration's Lower Mekong Initiative, designed to enhance the economic potential of the Lower Mekong sub-region, started with a bang but has since been reduced to a whimper.

The point is that not only is economic policy useful as a form of deterrence (think: sanctions), if expressed as investments commensurate with the size of the American economy; for all of China's advances, the US remains one of the two largest economies in the world and dominant in technology. While this will demonstrate the reliability of the US as an important economic partner for Southeast Asia, it will, in turn, afford the US added leverage in multilateral discussions on regional security issues.

Ultimately, whether we are talking about military or non-military deterrence, the US

must be clear about the costs it is prepared to impose in response to specific actions by any party in the South China Sea, and demonstrate the necessary resolve to dispel any attendant ambiguity. Nothing less than US credibility is at stake.

Incentives for restraint

Third, incentivisation. Deterrence can co-exist with cooperation, so while it is necessary to impose costs on adventurism in the South China Sea in order for deterrence to be effective, it is equally necessary that clear incentives for restraint are factored in.

A useful way to think about this is to consider coupling issues like the South China Sea with wider efforts currently underway to re-examine the Sino-US bilateral economic and trade relationship. This coupling would be done in a strategic manner, not for purposes of using the South China Sea as leverage or a bargaining chip, as some regional parties fear, but rather to provide China incentives to preserve the status quo in the South China Sea without compromising American interests or touching upon the sensitivities of sovereignty claims. Realistically however, this would require President Trump to adopt a more sophisticated, far-sighted view on trade and (domestic) economic policy than he is currently inclined.

Diplomatic engagement

Which brings me to the fourth point – hastening of diplomatic engagement. While it is well and good that elected officials from the Trump cabinet publicly iterate reassuring statements, exchanges at the level of senior officials with Southeast Asian counterparts still need to be enhanced. Because the devil is always in the detail, diplomatic engagement will reinforce reassurance messages with important corresponding discussions on practical policy measures.

Unfortunately, there is at present a discernible slowdown in interactions at the senior officials level between the US and its regional partners given the considerable number of offices that remain unfilled across the Trump administration.

Keep ASEAN central

Finally, the US should be mindful that any approach to the South China Sea should not get ahead of ASEAN. What this means is that Washington's crafting of any policy on the South China Sea would be served by some measure of consultation with ASEAN states. By engaging Southeast Asian counterparts in this manner, Washington would also be sending the right signals that as a non-claimant external major power interested and involved in regional security issues, it is prepared to listen to and consider Southeast Asian perspectives.

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