

SOUTH CHINA SEA FREEDOM OF NAVIGATION AND REGIONAL SECURITY: STRATEGIC POLICY ANALYSIS

Policy Analysis for the Department of State, United States of America

I. ISSUE BRIEF

The South China Sea represents a critical theater for U.S. strategic interests in the Indo-Pacific, encompassing freedom of navigation, alliance credibility, rules-based international order preservation, and great power competition with the People's Republic of China. While the United States maintains no territorial claims in the South China Sea, approximately \$3.4 trillion in global trade transits these waters annually,[1] including \$1.9 trillion in U.S. trade,[2] making unimpeded maritime access essential to American economic prosperity and global commercial systems.

The strategic challenge centers on China's expansive maritime claims within the Nine-Dash Line, encompassing approximately 90% of the South China Sea,[3] and Beijing's efforts to establish de facto control through militarized artificial islands, coast guard coercion, and maritime militia operations. The PRC has constructed 3,200 acres of artificial land on seven features in the Spratly Islands since 2013,[4] deploying advanced military infrastructure including 3,000-meter runways capable of accommodating combat aircraft, anti-aircraft missile systems, radar installations, and hardened aircraft shelters.[5] These installations provide forward operating bases extending Chinese power projection capabilities approximately 1,000 kilometers from mainland China,[6] fundamentally altering regional military balance and threatening U.S. operational access.

The legal framework remains contested. The 2016 arbitral tribunal award in *Philippines v. China* under UNCLOS Annex VII conclusively determined that China's Nine-Dash Line lacks legal basis for historic rights to resources,[7] that features including Scarborough Shoal constitute rocks incapable of generating exclusive economic zones under Article 121(3),[8] and that Chinese construction activities violated Philippine sovereign rights.[9] China comprehensively rejected the ruling, declaring it "null and void,"[10] and has continued expanding presence operations including regular coast guard patrols within other claimants' exclusive economic zones, harassment of hydrocarbon exploration activities, and enforcement of unilateral fishing restrictions.[11]

Alliance commitments create direct security stakes. The 1951 Mutual Defense Treaty with the Philippines obligates the United States to respond to armed attacks on Philippine forces, vessels, or aircraft in the Pacific area,[12] explicitly clarified by Secretary of State Pompeo in 2019 to include South China Sea incidents.[13] The 2023 elevation of U.S.-Vietnam relations to Comprehensive Strategic Partnership[14] and expanding defense cooperation with ASEAN

states including Singapore, Indonesia, and Malaysia[15] create additional partnership equities requiring credible U.S. security posture.

Broader strategic implications extend beyond immediate maritime disputes. Chinese success in establishing control over South China Sea waters through coercion and fait accompli would demonstrate that revisionist powers can overturn international law through patient expansion, undermining rules-based order globally. Regional states would face strong incentives to accommodate Chinese preferences rather than rely on international law or American security guarantees, accelerating spheres-of-influence dynamics contrary to U.S. interests in open, accessible regions. The South China Sea serves as a test case for American willingness and capability to uphold international norms against sustained great power challenge.

The fundamental policy challenge lies in preserving freedom of navigation, supporting allied and partner sovereignty claims, upholding international law, and preventing Chinese fait accompli control—while managing escalation risks with a nuclear-armed peer competitor, maintaining focus on higher-priority Taiwan contingency preparation, avoiding overextension of limited military resources, and sustaining domestic political support for Indo-Pacific engagement amid competing global and domestic priorities.

II. STRATEGIC INTERESTS

Primary Interests:

Preservation of freedom of navigation and overflight constitutes the paramount U.S. interest, grounded in both economic necessity and international legal principle. Approximately 21% of global maritime trade by value transits the South China Sea,[16] including energy shipments to treaty allies Japan and South Korea (80% of Japanese oil imports and 82% of South Korean oil imports transit these waters).[17] U.S. naval forces require assured access for transit between the Pacific and Indian Oceans, with the South China Sea representing the most direct route for forces deploying from Pacific bases to Middle East, Persian Gulf, and African contingencies.[18]

Freedom of navigation extends beyond mere transit rights to encompass operational access necessary for effective power projection. Chinese efforts to restrict military activities within exclusive economic zones—through objections to U.S. Freedom of Navigation Operations (FONOPs), interference with U.S. Navy vessels and aircraft conducting routine operations, and assertions that military surveys and exercises require coastal state permission[19]—challenge interpretations of UNCLOS that permit such activities. The United States position, grounded in customary international law and UNCLOS provisions, maintains that exclusive economic zones preserve high seas freedoms for navigation, overflight, and military operations except as specifically limited by the convention.[20] Acquiescence to Chinese restrictive interpretations would fundamentally constrain U.S. naval operations globally, as numerous coastal states might adopt similar positions limiting American operational freedom in their claimed exclusive economic zones.[21]

Secondary Interests:

Alliance credibility and partner confidence represent vital interests directly affecting U.S. security architecture across the Indo-Pacific. The Mutual Defense Treaty with the Philippines creates direct obligations potentially triggered by South China Sea incidents,[22] while the U.S.-Japan Treaty of Mutual Cooperation and Security extends to Japanese-administered territories potentially affected by precedents set in South China Sea disputes.[23] Failure to support allies and partners against Chinese coercion would generate reasonable doubts about American reliability, potentially encouraging autonomous accommodation with Beijing, pursuit of independent nuclear deterrents, or regional realignment contrary to U.S. interests.[24]

The broader alliance network depends substantially on confidence in American commitment and capability. Treaty allies Japan, South Korea, Australia, Thailand, and the Philippines, plus major non-NATO allies including Taiwan, collectively anchor U.S. strategic position in the Indo-Pacific.[25] Partnership relationships with Singapore, Vietnam, Indonesia, Malaysia, and India provide access, intelligence sharing, and operational cooperation essential for sustained presence.[26] Erosion of confidence in U.S. security guarantees would cascade beyond immediate South China Sea disputes, affecting alliance cohesion on North Korea, Taiwan, and other regional contingencies.

Upholding rules-based international order serves both normative and strategic interests. The United States has invested seven decades constructing and maintaining international institutions, legal frameworks, and norms that facilitate American global engagement while constraining revisionist powers.[27] UNCLOS, despite U.S. non-ratification, reflects customary international law that the United States has consistently supported and from which America derives substantial benefits including navigational freedoms, continental shelf rights, and legal basis for challenging excessive maritime claims.[28] Chinese disregard for the 2016 arbitral award and continued expansion despite clear international law violations undermine the principle that disputes should be resolved through legal mechanisms rather than coercive *fait accompli*,[29] with implications extending to maritime disputes globally, territorial conflicts in Europe and elsewhere, and the broader question of whether international law constrains great power behavior.

Tertiary Interests:

Preventing emergence of regional hegemony remains a foundational U.S. grand strategic interest articulated across multiple administrations and strategic documents.[30] Chinese control over South China Sea waters would provide significant advantages in any Taiwan contingency scenario—enabling blockade enforcement, complicating U.S. intervention logistics, and providing forward bases for anti-access/area denial operations against American forces.[31] Regional hegemony would grant China dominant influence over Southeast Asian economies (ASEAN collective GDP \$3.6 trillion),[32] leverage over critical supply chains including semiconductors and rare earth elements, and ability to restrict access to markets and resources contrary to U.S. economic interests.

Maintaining competitive technological and operational advantages serves long-term strategic interests. South China Sea operations provide valuable training, intelligence collection on Chinese capabilities and doctrine, testing of U.S. systems in contested environments, and refinement of operational concepts for high-intensity conflict.[33] Continuous presence operations generate intelligence on Chinese command and control, sensor networks,

electronic warfare capabilities, and decision-making processes critical for planning potential Taiwan or broader conflict scenarios.[34]

III. CONSTRAINTS

Military-Operational Constraints:

Geographic disadvantages create significant operational challenges. The South China Sea lies approximately 7,000 nautical miles from major U.S. West Coast bases and 5,000 nautical miles from Hawaii,[35] requiring extended deployment cycles and substantial logistics support for sustained presence operations. Forward bases in Japan (Yokosuka, Sasebo, Kadena), South Korea (multiple installations), and Guam provide closer access but remain vulnerable to Chinese missile strikes in conflict scenarios.[36] The 2023 National Defense Strategy assessment acknowledges that China possesses regional military advantages in scenarios focused on Taiwan or South China Sea contingencies, given proximity, short logistics lines, and concentrated force deployment capabilities.[37]

Chinese anti-access/area denial (A2/AD) capabilities have matured substantially, complicating U.S. power projection. The PLA Rocket Force operates approximately 300 DF-21D anti-ship ballistic missiles (range 1,500km) and 200+ DF-26 intermediate-range ballistic missiles (range 4,000km) capable of targeting U.S. aircraft carriers and surface combatants throughout South China Sea operating areas.[38] Integrated air defense networks centered on S-400 systems (range 400km) and indigenous HQ-9 variants deployed on artificial islands create overlapping coverage zones restricting U.S. air operations.[39] Submarine forces including 12 nuclear-powered attack submarines and 48 diesel-electric submarines, many operating from South China Sea naval bases,[40] threaten U.S. surface vessels and complicate anti-submarine warfare operations in relatively shallow, acoustically complex littoral environments.[41]

Force structure limitations constrain sustained presence operations. The U.S. Navy operates approximately 296 battle force ships as of 2024,[42] well below the 355-ship requirement identified in multiple strategic assessments and far short of the 381-ship optimal fleet size recommended by the 2023 Navigation Plan.[43] The Indo-Pacific theater competes for limited naval assets with Middle East commitments (Fifth Fleet operations), European deterrence requirements (Sixth Fleet), and Western Hemisphere responsibilities.[44] Sustained South China Sea presence operations require continuous carrier strike group rotations, attack submarine deployments, and surface combatant patrols that stress maintenance cycles and reduce readiness for high-intensity conflict scenarios including Taiwan contingencies.[45]

The Taiwan contingency remains the pacing scenario for Indo-Pacific military planning, creating resource allocation tensions.[46] Department of Defense assessments identify Taiwan defense as the most challenging and consequential military scenario in the region,[47] requiring concentration of forces, stockpiles, and operational focus. Extensive South China Sea commitments potentially detract from Taiwan preparation through force diversion, logistics consumption, and operational distraction. However, Chinese South China Sea militarization directly supports Taiwan contingency capabilities by providing forward bases, surveillance coverage, and strategic depth,[48] creating interdependencies between the two scenarios.

Alliance and Partnership Constraints:

Mutual Defense Treaty obligations with the Philippines create entanglement risks potentially triggering U.S. military involvement in scenarios not directly aligned with core American interests. The treaty's Article IV language requiring response to "armed attack" in the Pacific area[49] introduces ambiguity regarding thresholds for activation—does coast guard vessel ramming constitute armed attack? Does water cannon employment against civilian vessels trigger treaty obligations? Does seizure of disputed features occupied by Philippine forces activate mutual defense provisions?[50] These ambiguities create risks of either unwanted escalation through automatic involvement in Philippine-Chinese incidents, or alliance credibility damage through perceived American reluctance to honor commitments.

ASEAN institutional limitations constrain multilateral approaches. The ASEAN consensus principle enables Chinese influence through economically dependent members (Cambodia, Laos, Myanmar) to block collective positions supporting U.S. interests or criticizing Chinese activities.[51] The proposed ASEAN-China Code of Conduct, under negotiation since 2002,[52] faces persistent Chinese efforts to include provisions excluding external powers from South China Sea affairs and limiting military activities—language directly contrary to U.S. interests in maintaining operational access.[53] ASEAN's institutional reluctance to choose sides between the United States and China limits the organization's utility as a vehicle for balancing Chinese power,[54] requiring bilateral approaches that may prove less effective than coordinated multilateral frameworks.

Partner capability limitations affect burden-sharing possibilities. ASEAN claimant states possess minimal independent military capacity to resist Chinese coercion—the Philippine Navy operates no submarines and limited surface combatants,[55] Vietnam's forces, while more capable, face overwhelming conventional disadvantage against China,[56] and Malaysia and Indonesia prioritize other security concerns over South China Sea disputes.[57] This asymmetry creates expectations for U.S. security provision rather than genuine burden-sharing, potentially encouraging moral hazard as partners pursue confrontational policies assuming American backing while avoiding necessary defense investments.[58]

Economic Constraints:

China-U.S. economic interdependence creates substantial constraints on confrontational policies. Bilateral trade totaled \$758.4 billion in 2023,[59] making China the third-largest U.S. trading partner after Mexico and Canada. American companies maintain extensive operations and supply chain integration in China, with U.S. foreign direct investment stock exceeding \$123 billion.[60] Critical supply chain dependencies include rare earth elements (78% of U.S. imports from China),[61] active pharmaceutical ingredients (approximately 80% of essential medicines rely on Chinese components),[62] and electronics manufacturing (semiconductors, batteries, consumer electronics).[63]

Economic coercion risks constrain policy options. China has demonstrated willingness to employ economic retaliation against countries challenging its South China Sea positions, including informal trade restrictions against the Philippines (2012 banana exports),[64] against Vietnam (2014 following HD-981 rig deployment),[65] and against Australia (2020-2021 following Canberra's South China Sea criticism and COVID-19 investigation calls).[66] Similar Chinese retaliation against U.S. economic interests could target American companies

operating in China, restrict rare earth element exports, or manipulate supply chains to impose costs on American consumers and businesses.[67]

Fiscal constraints limit defense spending expansion. The U.S. national debt exceeds \$34 trillion (123% of GDP as of 2024),[68] while discretionary spending faces political constraints and competing domestic priorities. The 2024 defense budget of \$886 billion,[69] while substantial in absolute terms, must cover global commitments including European deterrence, Middle East presence, homeland defense, strategic modernization (nuclear triad recapitalization), and emerging domains (space, cyber).[70] Sustained South China Sea operations and force structure expansion necessary for effective Indo-Pacific competition require budgetary increases that face domestic political resistance and opportunity costs relative to alternative spending priorities.[71]

Political-Domestic Constraints:

Public attention and support for South China Sea engagement remain limited and potentially volatile. Public opinion surveys indicate only 38% of Americans view protecting allies in Asia as a "very important" foreign policy goal,[72] while 67% prioritize domestic issues over international engagement.[73] The South China Sea disputes involve complex international law questions, distant geographic locations, and no immediate threats to American homeland security, making sustained public support difficult to maintain absent dramatic incidents.[74]

Congressional consensus on Indo-Pacific strategy, while stronger than other foreign policy areas, remains incomplete. Bipartisan legislation including the Indo-Pacific Strategy Act and Taiwan-related measures demonstrates significant support,[75] but disagreements persist regarding resource allocation, military versus diplomatic emphasis, and appropriate responses to Chinese provocations. Political polarization creates risks of policy reversals following electoral transitions, reducing predictability essential for alliance confidence and strategic planning.[76]

Competing global priorities fragment attention and resources. The Russia-Ukraine war requires sustained U.S. support including military assistance exceeding \$75 billion through 2024,[77] European security commitment through NATO obligations, and diplomatic resources for coalition management. Middle East instabilities including Israeli-Palestinian conflict, Iran nuclear program, and terrorism concerns demand continuous engagement.[78] Domestic challenges including infrastructure needs, healthcare costs, border security, and social policy divisions create political pressure to reduce international commitments.[79] This fragmentation limits bandwidth for sustained South China Sea focus and reduces resources available for comprehensive Indo-Pacific strategy implementation.

International Law Constraints:

U.S. non-ratification of UNCLOS creates legal and diplomatic complications despite American adherence to its provisions as customary international law.[80] The United States remains among few major powers not party to UNCLOS (others include Turkey, Syria, Libya, and Venezuela),[81] limiting American standing to invoke treaty provisions in disputes and reducing diplomatic leverage when advocating for rules-based order. China regularly highlights U.S. non-ratification when dismissing American criticism of Chinese maritime claims,[82] undermining messaging effectiveness.

Freedom of Navigation Operations (FONOPs) face legal complexities and interpretation disputes. While the United States conducts FONOPs globally to challenge excessive maritime claims by numerous countries (not exclusively China),[83] operational practice creates ambiguities. FONOPs challenge specific legal claims through precisely defined operations, but public messaging often conflates general presence operations with formal FONOPs,[84] reducing clarity and potentially weakening legal foundations. Some allies and partners, including India and Indonesia, themselves maintain maritime claims that U.S. FONOPs occasionally challenge,[85] creating tensions within partnerships theoretically aligned against Chinese expansion.

IV. POLICY OPTIONS

Option A: Maximum Pressure Through Confrontational Containment

Implement comprehensive strategy treating South China Sea as decisive theater for U.S.-China competition. Substantially increase freedom of navigation operations from current 9-12 annual transits[86] to weekly operations including carrier strike group transits through contested waters, regular bomber overflights of artificial islands, and surface combatant operations within 12 nautical miles of all Chinese-occupied features. Expand military cooperation with all claimant states through arms sales, joint exercises, intelligence sharing, and security assistance programs. Establish permanent U.S. military presence in the Philippines through basing agreements beyond current Enhanced Defense Cooperation Agreement sites,[87] and pursue similar arrangements with Vietnam. Implement economic pressure through targeted sanctions on Chinese entities involved in South China Sea militarization (China Communications Construction Company, China National Offshore Oil Corporation),[88] restriction of Chinese access to maritime technology and offshore drilling equipment, and secondary sanctions threatening international companies cooperating with Chinese South China Sea operations. Pursue formal UNCLOS ratification enabling direct U.S. legal standing in maritime disputes and potential Annex VII arbitration against Chinese claims. Establish multilateral coalition explicitly committed to South China Sea freedom including Quad members (U.S., Japan, India, Australia) plus European partners conducting regular combined naval operations.

Assessment: Maximizes pressure on Chinese expansion and demonstrates strongest possible U.S. commitment to regional order and alliance obligations. Increased operational tempo imposes costs on Chinese forces through continuous monitoring requirements and heightened readiness, while expanded partner cooperation enhances collective capabilities and burden-sharing. Economic sanctions directly target entities responsible for militarization, creating accountability and potential deterrence against further expansion. UNCLOS ratification would strengthen legal position substantially. However, generates near-certain Chinese escalatory responses including potential kinetic incidents during close encounters at sea (comparable to 2001 EP-3 collision),[89] economic retaliation against U.S. companies and export restrictions on critical materials, acceleration of South China Sea militarization to consolidate positions before additional U.S. pressure, and broader deterioration of U.S.-China relations affecting cooperation on climate change, North Korea, pandemic response, and other shared challenges. Substantial resource requirements strain Navy force structure already operating at high tempo, diverting assets and attention from Taiwan contingency preparation. Risk of alliance entrapment through Philippine or Vietnamese incidents triggering U.S. involvement in conflicts not directly aligned with core interests. Domestic political sustainability questionable absent major triggering incident given public prioritization of

domestic issues and limited South China Sea salience. International coalition building limited by European reluctance for sustained Indo-Pacific military presence and Indian resistance to formal alliance structures.[90]

Option B: Strategic Disengagement Through Offshore Balancing

Reduce direct U.S. military involvement in South China Sea disputes while maintaining broader Indo-Pacific presence and focusing resources on Taiwan deterrence and first island chain defense. Decrease FONOP frequency to minimal levels sufficient to maintain legal precedent without routine provocation. Shift primary responsibility for South China Sea security to regional states through enhanced security assistance, arms sales, and military training while avoiding direct U.S. operational involvement in disputed waters except for clearly established international law violations (freedom of navigation in territorial seas or exclusive economic zones claimed by allies). Clarify that Mutual Defense Treaty with Philippines applies only to Philippine territory recognized under international law, excluding disputed features in Spratly Islands lacking clear sovereignty determination. Pursue diplomatic engagement with China on South China Sea issues, exploring potential agreements limiting militarization, establishing incident prevention mechanisms, and developing resource-sharing frameworks that acknowledge realities of Chinese presence while preserving some claimant state rights. Concentrate U.S. military resources on Taiwan contingency preparation, including expanded presence in Japan and Guam, stockpile pre-positioning, and advanced capability development (long-range precision fires, undersea warfare systems, space-based ISR).

Assessment: Reduces escalation risks, conserves limited military resources for highest-priority Taiwan scenario, and decreases probability of unwanted U.S. involvement in peripheral disputes not directly affecting core interests. Acknowledges military realities that China possesses regional conventional advantages in South China Sea scenarios given proximity and concentrated forces, making sustained U.S. military competition in those specific waters potentially inefficient relative to alternative approaches. Shifts burden appropriately to regional states with direct territorial stakes, potentially incentivizing increased partner defense spending and capability development. Diplomatic engagement creates possibilities for crisis management mechanisms and partial constraints on worst Chinese behaviors. However, fundamentally abandons U.S. leadership role in defending rules-based order and international law in the region, creating demonstration effect that revisionist powers can achieve objectives through patient coercion. Alliance credibility severely damaged, with reasonable Philippine and Vietnamese concerns that U.S. commitments are unreliable, potentially triggering accommodation with China, pursuit of independent nuclear deterrents by Japan and South Korea, or regional realignment fundamentally contrary to U.S. interests. Freedom of navigation principles undermined if U.S. effectively acquiesces to Chinese restrictions on military activities in exclusive economic zones, establishing precedent applicable globally and constraining future U.S. naval operations. Chinese interpretation likely views disengagement as strategic victory, encouraging expansion beyond South China Sea into East China Sea (Senkaku/Diaoyu disputes affecting Japan) and potentially emboldening Taiwan reunification scenarios. Regional states likely conclude that U.S. power is declining and accommodation with China inevitable, accelerating bandwagoning behavior.[91] Domestic political risks if perceived as "losing" South China Sea to China, potentially generating partisan criticism and constraining future administrations' policy flexibility.

Option C: Calibrated Competition With Selective Escalation Dominance

Maintain persistent but measured U.S. military presence through regular FONOPs (current 9-12 annual operations),^[92] routine carrier strike group transits, and continuous attack submarine deployments ensuring Chinese awareness of American presence without gratuitous provocation. Implement tiered response framework: minimal responses to routine Chinese activities (coast guard patrols, fishing vessel presence), measured responses to coercive activities against partners (diplomatic protests, temporary FONOP increase, intelligence sharing with affected claimants), and robust responses to threshold violations (kinetic actions against partner forces, seizure of additional features, exclusion zone declarations) including potential joint operations with affected partners and enhanced military cooperation. Strengthen alliance and partner capabilities through focused security assistance emphasizing asymmetric capabilities (submarines, coastal defense cruise missiles, maritime domain awareness systems, cyber defense) enabling credible deterrence without requiring conventional parity. Pursue economic diversification and supply chain resilience reducing American vulnerability to Chinese economic coercion through reshoring critical industries, friend-shoring supply chains to allied countries, and strategic stockpiling of essential materials. Develop limited diplomatic mechanisms with China for crisis management including military-to-military hotlines, incident reporting procedures modeled on Incidents at Sea Agreement with Soviet Union,^[93] and confidence-building measures reducing miscalculation risks. Maintain flexibility for either escalation or de-escalation depending on Chinese behavior and broader strategic context, avoiding rigid commitments that reduce options.

Assessment: Balances competing imperatives of deterring Chinese expansion, preserving alliance credibility, upholding international law, and managing escalation risks within sustainable resource constraints. Tiered response framework creates clear signaling of U.S. red lines while avoiding automatic escalation for routine activities, maintaining escalation dominance through demonstrated willingness to match Chinese actions with proportional responses. Partner capability enhancement through asymmetric systems provides cost-effective burden-sharing enabling regional states to impose meaningful costs on Chinese coercion without requiring unsustainable U.S. force structure expansion. Economic diversification addresses critical vulnerability reducing Chinese leverage and creating resilience against retaliation. Crisis management mechanisms reduce miscalculation risks while preserving operational flexibility. Approach sustainable within current force structure and budget constraints while maintaining strategic presence. However, carries moderate escalation risks through cumulative provocations and potential for miscalculation during close encounters. Chinese response likely includes continued incremental expansion through "salami-slicing" tactics below response thresholds,^[94] gradually consolidating control through patient accumulation of facts on ground. Effectiveness depends on accurate threshold identification—setting red lines too high enables extensive Chinese expansion before triggering responses, while setting thresholds too low risks frequent escalation. Alliance management challenges remain as partners may desire more robust U.S. involvement than calibrated approach provides, creating recurring credibility questions. Domestic political vulnerability if Chinese expansion continues despite U.S. efforts, potentially generating criticism that approach is insufficiently forceful.

Option D: Rules-Based Multilateralism With Legal-Diplomatic Emphasis

Prioritize international law mechanisms, institutional frameworks, and diplomatic coalition-building over military approaches. Pursue U.S. UNCLOS ratification through renewed Senate engagement, enabling direct American legal standing in maritime disputes and potential initiation of arbitration against Chinese excessive claims under Annex VII procedures. Establish comprehensive multilateral framework for South China Sea governance including all claimants plus major stakeholders (U.S., Japan, India, Australia, EU), modeled on Antarctic Treaty System or Arctic Council, creating institutional mechanisms for dispute resolution, environmental protection, resource management, and incident prevention. Substantially increase diplomatic resources devoted to South China Sea issues through expanded State Department programs, USAID development assistance conditional on international law compliance, and public diplomacy emphasizing Chinese violations and U.S. commitment to rules-based order. Support claimant states' legal strategies including technical assistance for potential arbitration cases, intelligence sharing for documentation of Chinese violations, and diplomatic backing in international forums. Reduce military presence operations to minimal levels necessary for maintaining freedom of navigation legal precedents, emphasizing that disputes should be resolved through legal and diplomatic rather than military means. Pursue economic engagement with China including potential joint development frameworks for hydrocarbon resources if structured to preserve international law principles and not prejudice sovereignty claims.

Assessment: Emphasizes American comparative advantages in institutional frameworks, legal expertise, and diplomatic coalition-building rather than military competition in China's near abroad where Beijing possesses geographic advantages. UNCLOS ratification would substantially strengthen U.S. legal and diplomatic position, addressing longstanding credibility gap. Multilateral institutional approach creates transparency, reduces bilateral confrontation dynamics, and establishes rule-based procedures for managing disputes. Lower military profile reduces escalation risks and avoids resource-intensive competition. Economic engagement creates potential positive-sum outcomes and stakeholder dynamics incentivizing Chinese moderation. However, fundamentally misdiagnoses nature of challenge—China has demonstrated comprehensive disregard for international law through rejection of 2016 arbitral award and continued expansion despite clear legal violations, suggesting legal-diplomatic approaches insufficient absent credible deterrent backing. Multilateral institutions require Chinese participation and consent, which Beijing has consistently resisted when frameworks constrain its freedom of action. UNCLOS ratification faces persistent Senate opposition and provides no enforcement mechanisms beyond those already available to current parties. Reduced military presence interpreted by allies as American retreat, severely damaging credibility and encouraging accommodation with China. Regional states likely conclude U.S. unwilling to support partners against Chinese pressure, accelerating bandwagoning. Approach cedes initiative to China, enabling continued expansion while U.S. pursues slow-moving diplomatic processes. Chinese strategy explicitly combines legal arguments with military fait accompli,[95] suggesting legal-only response inadequate for preventing territorial and jurisdictional consolidation.

V. RISK ASSESSMENT AND RECOMMENDED COURSE OF ACTION

Recommended Strategy: Option C – Calibrated Competition With Selective Escalation Dominance

This approach optimally balances U.S. strategic imperatives given constraints and competitive dynamics. The strategy acknowledges that the South China Sea, while important, remains subordinate to Taiwan as the pacing scenario for Indo-Pacific military planning,[96] requiring resource allocation prioritizing preparation for that most consequential contingency. Simultaneously, South China Sea developments directly affect Taiwan scenarios through forward basing, surveillance coverage, and demonstration effects regarding U.S. commitment and capability,[97] preventing complete separation of the two theaters.

Calibrated competition aligns with broader grand strategic requirements for sustainable long-term competition with China across multiple domains and regions. The Department of Defense characterizes China as the "pacing challenge" requiring integrated approaches combining military, economic, technological, and diplomatic elements over sustained timeframes.[98] Resource-intensive maximum pressure approaches risk exhaustion and overextension, while disengagement approaches cede critical interests and undermine alliance architecture essential for effective competition. Selective escalation provides sustainable middle path demonstrating resolve while managing costs.

Implementation Framework:

Military-Operational Component:

Maintain Freedom of Navigation Operations at current baseline frequency (9-12 annual operations) ensuring legal precedent preservation and continuous challenge to excessive Chinese maritime claims.[99] FONOPs should be precisely defined, legally grounded operations challenging specific claims through carefully planned transits, avoiding conflation with general presence operations. Conduct operations transparently with public announcements and legal rationale statements, enhancing deterrent effect and international law messaging.

Sustain routine carrier strike group presence through rotational deployments ensuring continuous Indo-Pacific theater coverage while managing strain on force structure. The U.S. Navy's optimized Indo-Pacific force posture should maintain 60% of naval assets in the region,[100] requiring approximately 4-5 carrier strike groups rotating through Western Pacific, South China Sea, and Indian Ocean areas. Deployments should emphasize unpredictability regarding timing and routing, complicating Chinese tracking while maintaining strategic presence.

Expand attack submarine deployments prioritizing South China Sea operations for intelligence collection, surveillance of Chinese naval activities, and demonstration of undersea warfare capabilities where U.S. maintains decisive qualitative advantages.[101] Los Angeles, Virginia, and future SSN(X) class submarines provide persistent presence without surface visibility, complicating Chinese anti-access strategies and ensuring credible power projection capability even within contested areas.

Implement tiered response framework with clearly defined thresholds and proportional escalation options:

- **Tier 1 (Routine Activities):** Chinese coast guard patrols, fishing vessel presence, surveillance operations in international waters receive minimal response—diplomatic noting, intelligence collection, continuation of scheduled U.S. operations without

specific reaction. Avoids exhausting responses to routine activities while maintaining awareness.

- **Tier 2 (Coercive Activities):** Harassment of allied/partner vessels, interference with legitimate economic activities (hydrocarbon exploration, fishing), water cannon employment, dangerous intercepts of U.S. military aircraft/vessels trigger measured responses including diplomatic protests with specific documentation, temporary FONOP frequency increase in affected areas, enhanced intelligence sharing with affected partners including real-time maritime domain awareness, public statements highlighting Chinese coercion and international law violations, and coordination with allies for joint diplomatic messaging.
- **Tier 3 (Threshold Violations):** Kinetic actions against partner military forces, seizure of additional occupied features, declaration of exclusion zones with enforcement, or direct attacks on U.S. forces trigger robust responses including potential joint operations with affected partners (combined patrols, exercises in affected areas), substantial FONOP increase with allied participation, enhanced military cooperation agreements and arms sales acceleration, economic measures targeting specific Chinese entities responsible, and public commitment to support partner security within international law frameworks.

This tiered framework provides escalation dominance—U.S. maintains initiative to match and exceed Chinese escalation at each level while avoiding automatic responses that reduce flexibility. Clear thresholds create deterrence through predictable consequences while preserving options for de-escalation when Chinese behavior moderates.

Alliance and Partnership Component:

Strengthen Philippine alliance through focused capability enhancement emphasizing maritime domain awareness, coastal defense, and asymmetric systems. Priority capabilities should include:

- Long-range coastal defense cruise missiles (potential Naval Strike Missile or similar systems, range 185km+) creating credible threats to Chinese vessels operating in Philippine exclusive economic zone, raising costs of coercion.
- Submarine acquisition program (potentially 3-6 diesel-electric submarines over 15 years) providing sea denial capabilities and reducing conventional disadvantage.[102]
- Maritime domain awareness systems including radar networks, unmanned surface/aerial vehicles, and satellite access through U.S. information-sharing arrangements.
- Coast guard capability enhancement through offshore patrol vessel transfers and training programs.

Clarify Mutual Defense Treaty scope through joint declaratory policy specifying that treaty applies to: (a) attacks on Philippine armed forces, public vessels, or aircraft anywhere in the South China Sea, (b) attacks on Philippine-occupied features in the Spratly Islands regardless of sovereignty disputes, (c) attempts to seize by force features currently under Philippine control including Second Thomas Shoal. Simultaneously clarify that treaty does not commit U.S. to offensive operations for seizure of Chinese-occupied features or automatic involvement in Philippines-initiated military actions. This clarity enhances deterrence while managing entrapment risks.

Deepen Vietnam Comprehensive Strategic Partnership through selective defense cooperation within Vietnamese "no alliances" constraints. Focus areas include:

- Expanded naval cooperation through regular port visits (Cam Ranh Bay), bilateral exercises emphasizing anti-submarine warfare and maritime security, and potential submarine crew training programs.
- Maritime domain awareness enhancement through intelligence sharing, satellite imagery access, and surveillance system cooperation.
- Defense industrial cooperation including potential licensed production of selected systems in Vietnam, creating sustainable capabilities while building bilateral ties.

Critical limitation: Respect Vietnamese strategic autonomy and avoid pressuring Hanoi toward formal alliance arrangements that would trigger Chinese retaliation and contradict Vietnamese domestic political requirements. Vietnam's value as partner derives from independent balancing behavior; excessive U.S. pressure risks undermining that autonomy.

Expand security cooperation with Indonesia, Malaysia, and Singapore through tailored approaches recognizing diverse interests:

- Indonesia: Emphasize maritime security cooperation, counterterrorism, and humanitarian assistance/disaster relief rather than explicit South China Sea positioning given Indonesian preference for ASEAN-centrism and non-alignment.[103] Provide maritime domain awareness support for monitoring Chinese activities near Natuna Islands.
- Malaysia: Focus on defense industrial cooperation, military training programs, and intelligence sharing while acknowledging Malaysian economic dependencies on China and preference for quiet diplomacy over confrontational approaches.
- Singapore: Leverage existing robust defense cooperation through enhanced logistics support, expanded U.S. military rotational presence, intelligence sharing, and advanced capability cooperation (F-35 integration, cyber defense).

Economic Component:

Accelerate supply chain diversification reducing American vulnerability to Chinese economic coercion through comprehensive reshoring and friend-shoring strategies. Priority areas include:

- Rare earth elements: Develop domestic mining and processing capabilities (Mountain Pass facility expansion),[104] establish stockpile reserves for critical materials, and create guaranteed purchase agreements with allied suppliers (Australia, Canada).
- Semiconductors: Implement CHIPS Act funding (\$52.7 billion)[105] for domestic fabrication facilities, strengthen partnerships with Taiwan, South Korea, and Japan for advanced node production, and diversify supply chains across trusted partners.
- Pharmaceuticals: Reshore active pharmaceutical ingredient production for essential medicines, create strategic national stockpile for critical medications, and establish quality standards preferencing allied suppliers.
- Battery technology: Support domestic and allied battery production capacity through Inflation Reduction Act incentives,[106] reducing dependence on Chinese battery supply chains critical for electric vehicles and energy storage.

Develop economic tools for imposing costs on South China Sea militarization without comprehensive trade war escalation. Targeted approaches include:

Entity-specific sanctions on Chinese companies directly involved in artificial island construction (China Communications Construction Company)[107] and militarization activities, restricting access to U.S. financial system and technology.

- Export controls on maritime domain awareness technology, offshore drilling equipment, and advanced sensors that could enhance Chinese South China Sea capabilities.
- Investment restrictions through Committee on Foreign Investment in the United States (CFIUS) review of Chinese investments in U.S. maritime technology, satellite systems, and relevant dual-use sectors.

These targeted measures impose accountability while avoiding broader economic decoupling that would damage U.S. economic interests and prove domestically unsustainable.

Diplomatic-Legal Component:

Pursue selective UNCLOS ratification strategy recognizing Senate opposition. Rather than comprehensive ratification push likely to fail given persistent conservative opposition to treaty constraints on U.S. sovereignty,[108] consider alternative approaches:

- Explore potential accession with reservations or declarations preserving U.S. positions on specific issues (military activities in exclusive economic zones, intelligence gathering, compulsory dispute resolution), though legal acceptability of such reservations remains contested.[109]
- Emphasize that U.S. adheres to UNCLOS provisions as customary international law even without formal ratification, strengthening diplomatic messaging while acknowledging political constraints.
- Support allied and partner UNCLOS-based legal strategies including technical assistance for potential arbitration cases and diplomatic backing in international forums.

If UNCLOS ratification proves impossible, develop alternative legal frameworks for South China Sea governance:

- Negotiate incident prevention agreement with China modeled on 1972 U.S.-Soviet Incidents at Sea Agreement,[110] establishing procedures for avoiding dangerous encounters between naval vessels and aircraft. Build on existing 2014 Code for Unplanned Encounters at Sea (CUES) memorandum[111] with more detailed implementation.
- Establish crisis communication mechanisms including military-to-military hotlines, annual bilateral dialogues on maritime security, and notification procedures for major exercises or deployments.
- Develop multilateral maritime security cooperation frameworks through existing mechanisms (ADMM-Plus, ASEAN Regional Forum, East Asia Summit) emphasizing functional cooperation (search and rescue, environmental protection, humanitarian assistance) rather than explicit security alignments that trigger Chinese opposition.

Maintain diplomatic coalition-building emphasizing shared interests in freedom of navigation and rules-based order:

- Strengthen Quad coordination (U.S., Japan, India, Australia) on Indo-Pacific maritime security through regular dialogues, combined exercises, and coordinated diplomatic messaging. Avoid explicit anti-China framing that triggers Indian resistance to formal alliance structures, instead emphasizing positive agenda of regional stability and international law.[112]
- Engage European partners through expanded naval presence cooperation (UK, France, Germany freedom of navigation transits), intelligence sharing, and coordinated positions at international forums. European involvement raises costs of Chinese coercion by demonstrating broader international opposition beyond regional actors.[113]
- Support ASEAN-led mechanisms while managing expectations given consensus constraints. Pursue "ASEAN-plus" approaches where possible (U.S.-ASEAN maritime exercises, infrastructure development cooperation) that build relationships without requiring full consensus.

Risk Mitigation:

Escalation risks require continuous assessment and crisis management capabilities. The Department of Defense should maintain robust crisis action planning for South China Sea scenarios including:

- Detailed operational plans for potential incidents (vessel collisions, aircraft intercepts, fishing vessel harassment, allied force defense) with pre-approved response options enabling rapid decision-making.
- Regular tabletop exercises involving interagency participants (State, Defense, NSC, Intelligence Community) testing crisis response procedures and identifying decision points.
- Strategic communication planning ensuring consistent messaging during crises, coordinating with allies and partners, and avoiding inflammatory rhetoric that complicates de-escalation while maintaining firmness on principles.

Alliance management challenges require sustained diplomatic engagement preventing expectations gaps:

- Regular bilateral dialogues with Philippines and Vietnam explicitly discussing scenarios, response options, and capability requirements, ensuring mutual understanding of commitments and limitations.
- Transparent communication regarding U.S. force posture, operational tempo, and strategic priorities, managing partner expectations about American responses to specific incidents.
- Coordination mechanisms for crisis scenarios ensuring allied input into U.S. decision-making while preserving American strategic autonomy and avoiding entrapment through automatic involvement in partner-initiated actions.

Resource sustainability requires careful force structure management:

- Prioritize South China Sea operations within broader Indo-Pacific resource allocation, recognizing Taiwan contingency preparation as pacing requirement and first island chain defense as critical theater.
- Advocate for necessary force structure expansion (355+ ship Navy) through budget requests emphasizing Indo-Pacific requirements and strategic competition imperatives, while implementing interim measures maximizing current force effectiveness through optimized deployment cycles, forward stationing, and allied burden-sharing.
- Develop cost-effective presence approaches including rotational deployments from forward bases, allied facility access reducing transit times, and unmanned systems supplementing manned platforms for routine presence operations.

Domestic political sustainability requires strategic communication emphasizing American interests:

- Public messaging should emphasize economic stakes (\$1.9 trillion U.S. trade), alliance commitments protecting treaty partners, and rules-based order principles enabling American global engagement rather than abstract international law arguments or remote territorial disputes.
- Congressional engagement through regular classified briefings, testimony emphasizing Chinese challenge and U.S. strategic approach, and bipartisan consultation on major policy decisions.
- Avoid partisan politicization of South China Sea policy through emphasis on strategic continuity across administrations and bipartisan support for Indo-Pacific engagement.

This comprehensive framework preserves vital U.S. interests in freedom of navigation, alliance credibility, and rules-based order while managing escalation risks, resource constraints, and domestic political requirements. The approach provides sustainable basis for long-term strategic competition with China in the maritime domain, demonstrating American commitment to regional order without overextension or unnecessary provocation. Calibrated competition creates space for potential Chinese moderation while maintaining capabilities and partnerships for effective response to continued expansion, optimizing across competing imperatives within available means.[114]

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