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Key Points

- ◆ China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei have used a wide variety of tactics to protect and advance their maritime territorial claims in the South China Sea. China is the most active user of the nine categories of tactics identified in this paper, with the exception of legal actions, and accounts for more than half of all military and paramilitary actions since 1995.
- ◆ Empirical data support the argument that the 2011 U.S. rebalance to Asia did not spur disruptive behavior in the South China Sea. China became more active in protecting and advancing its claims around 2009, before the rebalance was announced.
- ◆ The unclassified database used in this analysis undercounts military and paramilitary actions, but captures enough activity to provide a representative sample. A classified version that captures more activity would improve the potential to develop the database into an Indications and Warning tool to assist in monitoring and managing tensions in the South China Sea.

An Empirical Analysis of Claimant Tactics in the South China Sea

by Christopher D. Yung and Patrick McNulty

China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei all claim some or all of the land features and maritime territory in the South China Sea. One notable aspect of the South China Sea dispute is that its advocates argue past one another with little reference to a common set of facts. Another is the absence of comprehensive data on the actions claimants have taken to advance or protect their claims. The Center for the Study of Chinese Military Affairs at the National Defense University (NDU) set out to create a comprehensive database documenting the various tactics pursued by South China Sea claimants over an 18-year timeframe (1995–2013). This paper draws upon that data to analyze what tactics South China Sea claimants are employing and to present some potential considerations for U.S. and allied policymakers.

Methodology

The database was constructed using extensive open source searches of actions that South China Sea claimants took to defend or advance their territorial claims, cataloguing more than 1,200 discrete actions between 1995 and 2013.¹ These actions were grouped into 9 categories encompassing 39 separate tactics. The nine categories are paramilitary actions; military actions; economic actions; diplomatic actions, including coalition diplomacy, negotiation, and dispute management; legal actions; informational actions; and administrative actions. The categories and tactics are described in the inset box.

Although the database allows empirical analysis of claimant behavior, it has a number of practical limitations. First, actions included in the database were gleaned from Open Source Center reports identified and translated by U.S. Government analysts; time and manpower limitations did not permit more comprehensive foreign language searches in the media of the claimant countries. Second,

Nine Categories of Tactics

Paramilitary actions (PM) represent the use of law enforcement or other paramilitary organizations to advance a state's claim. These are actions involving use of lethal force (PM1), movement into a disputed territory (PM2), movement in response to the movement of a rival (PM3), reinforcement of a presence already in place (PM4), and movement out of a disputed territory (PM5). *Military actions* (M) capture the use of military forces to advance a state's claim. The associated tactics of this category mirror those of the paramilitary category (M1 to M5).

Economic actions (E) reflect the use of economic statecraft by a state in an attempt to influence its rivals. The specific tactics involved range from imposing sanctions on a rival (E1) and entering into third-party deals to the exclusion of rival claimants (E2) to entering into joint economic or development deals with a rival claimant (E3) and bestowing generous or lucrative economic terms upon a rival as an inducement to agreement (E4).

Diplomatic actions encompass a wide range of activities. For the purposes of this assessment, they were divided into three subcategories. *Coalition diplomacy* (CD) refers to actions by representatives of one of the claimant states to either form coalitions or to prevent their formation by rival claimants in diplomatic settings such as at the ASEAN Defense Ministerial Meeting Plus. *Negotiation actions* (N) refer to actions in which the claimants attempt to advance or protect their territorial claims by either seeking to resolve the dispute through a negotiation/bargaining process or conversely by stalling or obstructing the resolution of the dispute diplomatically. *Dispute management* (DM) describes actions taken by the claimant to lower tensions and infuse stability in a tense security situation. They include recommendations for confidence-building measures and calls for codes of conduct.

Legal actions (L) encompass the range of activities states can take within the legal sphere to protect or advance their territorial claims. These can involve refusing to participate in a legal proceeding (L1), obfuscating, delaying, or making participation in a legal proceeding difficult (L2), vigorously making a state's case in a legal proceeding and forcing a rival claimant to participate (L3), vigorously making a state's case before an international court but not forcing another claimant to participate (L4), and, finally, settling a legal dispute outside of an international court or an international legal proceeding (L5).

Informational actions (I) represent the use of strategic communications to make the case for territorial claims. They range from government spokespeople making statements or press releases (I1) and government spokespeople or organs of the government writing newspaper or journal articles (I2) to the use of experts and other authorities writing in social media (I3).

Administrative actions (A) represent domestic actions undertaken by the state to bureaucratically prepare or to give subordinate municipalities or enforcement units the authorization to take action in protecting the country's territorial claims. Examples include passing a national law setting out a state's maritime territorial boundaries and authorizing the state to protect the maritime territorial claim (A1), assigning responsibility of a local province or municipality to protect the country's maritime territorial claim (A2), and assigning specific responsibility to a local military or paramilitary unit to enforce the maritime territorial laws and rights of the country (A3).

the data are derived from open sources. As numerous commentators have pointed out, claimant countries may seek to keep their actions secret and not report them in the media. A classified version of this analysis would likely produce a larger pool of actions. Third, categorizing actions requires a degree of subjective judgment. China's insistence that the dispute could be resolved only via bilateral negotiations at the 2012 Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting-Plus (ADMM+) in Phnom Penh could be interpreted as a tactic to prevent a coalition from being formed against China or as a sincere effort to negotiate a resolution to the dispute. Finally, the study emphasizes discrete actions rather than ongoing efforts to maintain presence or to exert control over disputed waters or land features. For example, the May 2014 China-Vietnam oil rig standoff (an event not included in the database²) involved dozens of Chinese vessels and scores of collisions, but would generate only a few entries in the database: China's movement of paramilitary and military forces into Vietnam's exclusive economic zone (EEZ), Vietnam's response with its coast guard, and the information campaigns associated with both actions. This approach makes counting more manageable, but means

that the database does not fully depict the magnitude of all claimant military and paramilitary actions.

Major Findings

Volume of Actions. Figure 1 provides a graphical representation of the data that the NDU team collected. The data illustrate that China took the most actions to support its claims in the South China Sea from 1995 to 2013 (500). The next most active claimant is the Philippines (303), followed by Vietnam (161), Taiwan (154), Malaysia (70), and Brunei (27). China's high level of activity reflects the wide range of instruments available. China not only used its military and paramilitary forces to pressure its rivals, but also utilized economic actions, legal actions, information actions (also known as strategic communications), and administrative actions. China also takes vigorous diplomatic actions to protect and advance its territorial claims

Military and Paramilitary Actions. Figure 2 confirms a point that many have argued: China is the most active user of military and paramilitary forces to protect and advance its claims. Chinese military and paramilitary actions since 1995 constitute over 50 percent of such actions in the South China Sea. By contrast, the combined military

Figure 1. Total Actions by State by Category, 1995–2013

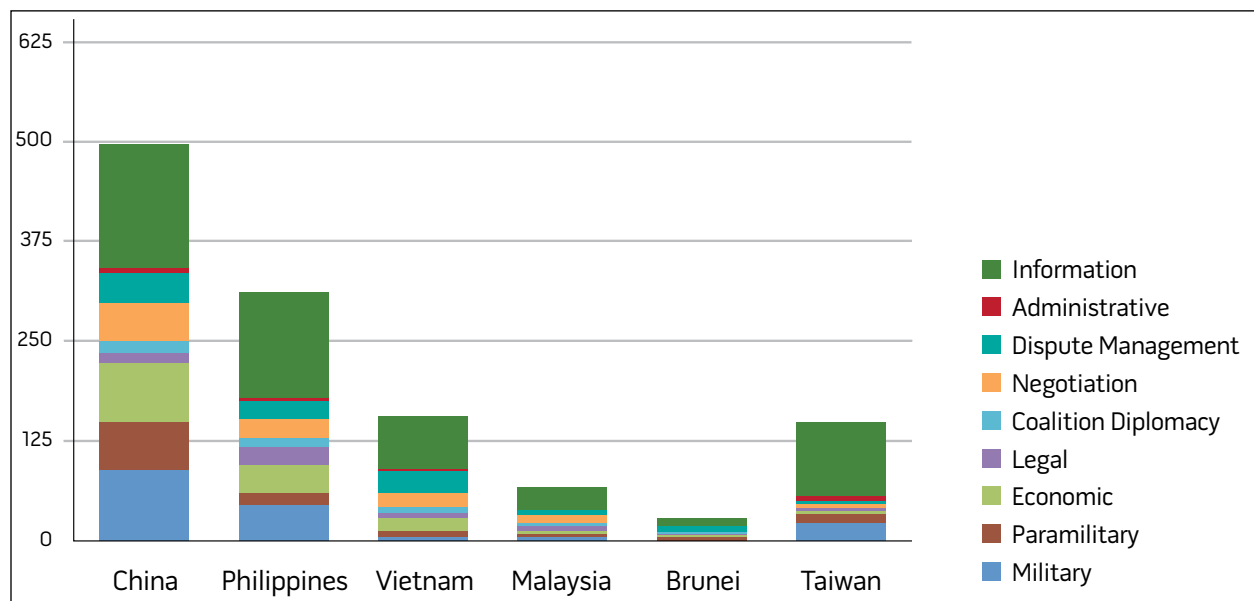
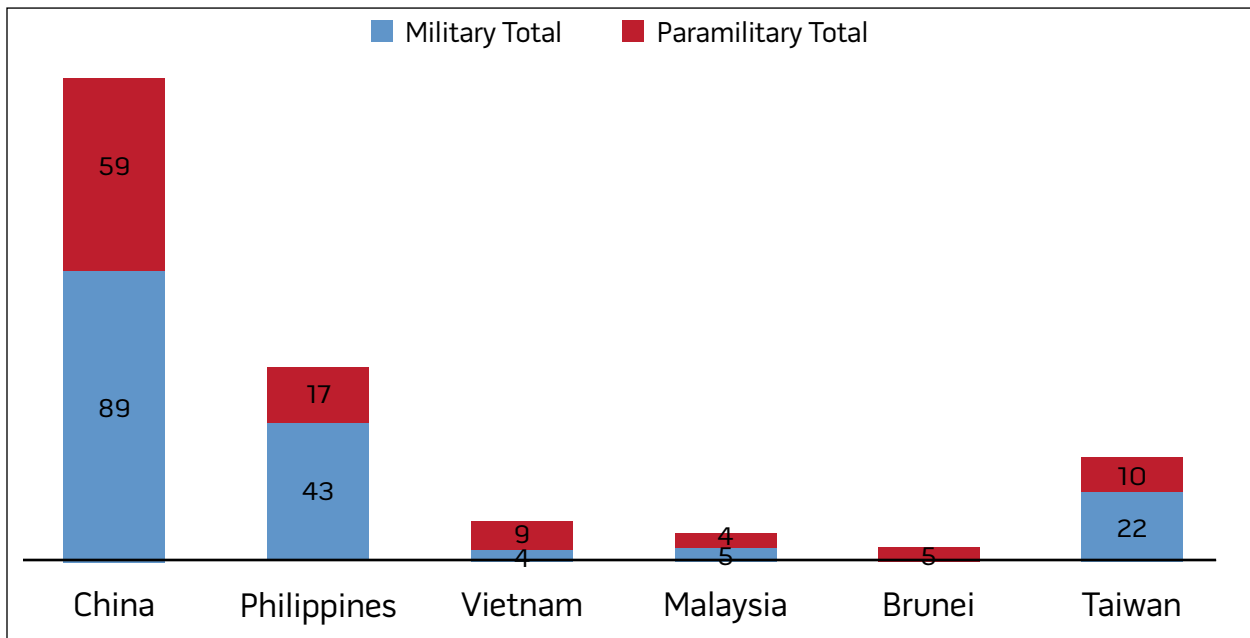


Figure 2. Military and Paramilitary Actions by State, 1995–2013



and paramilitary actions by other claimants roughly equal those of China. This analysis is based solely on unclassified data; classified data would likely reveal many more military and paramilitary actions, a point confirmed when presenting this data to international audiences.³

Information Actions. Information actions are relatively inexpensive, and thus all claimant countries have the ability to compete in this domain. China, however, uses information actions more frequently than any other claimant. During the 1995–2013 timeframe, China used strategic communications some 156 times. While the Philippines and Vietnam also actively used press statements, the media, and social media to shape domestic and international public opinion during this period (133 and 66 actions, respectively), China’s other rival claimants made less use of this instrument: Taiwan (93), Malaysia (28), and Brunei (10). Information actions are the most frequently used tactic and accompany almost every other recorded tactical action. The large volume of Chinese information actions likely reflects the fact that China has a well-developed and centralized propaganda apparatus and a strong desire to demonstrate that it is defending its sovereignty.

Economic Actions. Given the importance of economics in the Asia-Pacific region, it should not be surprising that economic actions make up part of the toolkit that claimant countries use to advance or protect their claims. China was the greatest user of economic actions to advance and protect its territorial claims (75 actions). Vietnam and the Philippines were competitors in this arena (16 and 36 actions, respectively), while Malaysia and Brunei rarely used these instruments of influence (3 and 2 times, respectively). Economic actions can involve positive inducements for a rival claimant to comply with a state’s interests. One example is the Joint Marine Seismic Undertaking (JMSU) agreement signed by China, the Philippines, and Vietnam in March 2005. As signatories, the three countries agreed to conduct joint research into petroleum resource potential as part of efforts to turn the disputed area into a zone of peace, stability, cooperation, and joint development in accordance with the 1982 United Nations Convention on Law of the Sea and the 2002 Declaration on the Conduct of Parties in the South China Sea.⁴

The Chinese government provided a number of economic inducements to get the Philippines to agree. After complaining about the bilateral nature of the agreement for 6 months, Vietnam ultimately joined. The JMSU could have served as a foundation for joint exploitation of South China Sea resources, but it unraveled when the government of then-President Gloria Macapagal-Arroyo came under fierce criticism from opponents in the Philippine legislature, causing the government to withdraw from the deal. China had offered generous economic inducements for the Philippines and Vietnam to agree to the JMSU, but once the agreement ended all of the parties quickly reverted to negative behavior and imposed economic sanctions. Vietnam also immediately initiated discussions and agreements with third-country oil companies from outside Southeast Asia.

Legal Actions. Because the legal system can empower weaker countries, it is not surprising that the Philippines has vigorously pursued the use of international courts, international arbitration, and other international legal venues to argue its case. As figure 1 illustrates, the Philippines made greater use of legal tactics to protect its claims (21 instances) than China (12 instances). China's basic approach has been defensive, denying that the International Court of Justice, International Tribunal on Law of the Sea, or any other legal court has jurisdiction to rule on sovereignty disputes in the South China Sea. The Philippines not only submitted its claim to the International Tribunal on the Law of the Sea in China's absence, but also has cooperated with the International Court of Justice to select a group of highly qualified legal officers as arbitrators. China has attempted to lobby for its case in the informational sphere by publishing its position in legal journals.⁵

Diplomatic Actions. Because diplomacy represents the most direct path to conveying a state's foreign policy objectives to others, it plays a central role in advancing or protecting a state's position on territorial claims. The NDU database divides diplomatic actions into three distinct categories: "Coalition Diplomacy," involving the formation of coalitions to support a claimant's position

or the breaking up of the coalitions of rivals; "Negotiations," involving bargaining to advance one's position or a refusal to negotiate; and "Dispute Management," involving efforts to defuse tensions via confidence-building measures or codes of conduct. To assess diplomatic tactics in-depth, the database examined claimant actions in diplomatic venues such as the ADMM+ and negotiations on the Declaration on the Conduct of Parties and a potential Code of Conduct governing behavior in the South China Sea.

A number of key patterns emerged. First, it was clear that both Vietnam and the Philippines sought to bring in regional institutions such as ASEAN to help manage the South China Sea dispute and that China insisted on resolving disputes bilaterally, a position that favors stronger powers. China was quite vigorous in attempting to break up coalitions being formed by its rivals; it refused to engage in multilateral negotiations, and agreed in principle on confidence-building measures but remained unwilling to sign a binding code of conduct. Vietnam and the Philippines sought to build coalitions with the other ASEAN member states to strengthen their bargaining position with China. China sought to break up these coalitions by refusing to engage in multilateral negotiations and by offering generous economic incentives to some ASEAN states (for example, Cambodia) to obstruct multilateral diplomatic initiatives.⁶ China also appealed to the "us versus them" aspect of the dispute by insisting that U.S. offers to broker a deal would complicate the issue and would not result in a resolution.⁷

Actions Linked to Military and Paramilitary Capabilities. One initial hypothesis was that the types of tactics employed by claimants would vary according to the extent of the capabilities of the maritime forces associated with the rival claimants or, in other words, the power that claimants can bring to bear in the South China Sea. Claimants can be divided into three groups: highly capable forces (China, with a sizable navy and coast guard able to project power far from its shores, sustain its force for prolonged periods of time, and surge additional numbers of vessels into a conflict situation);

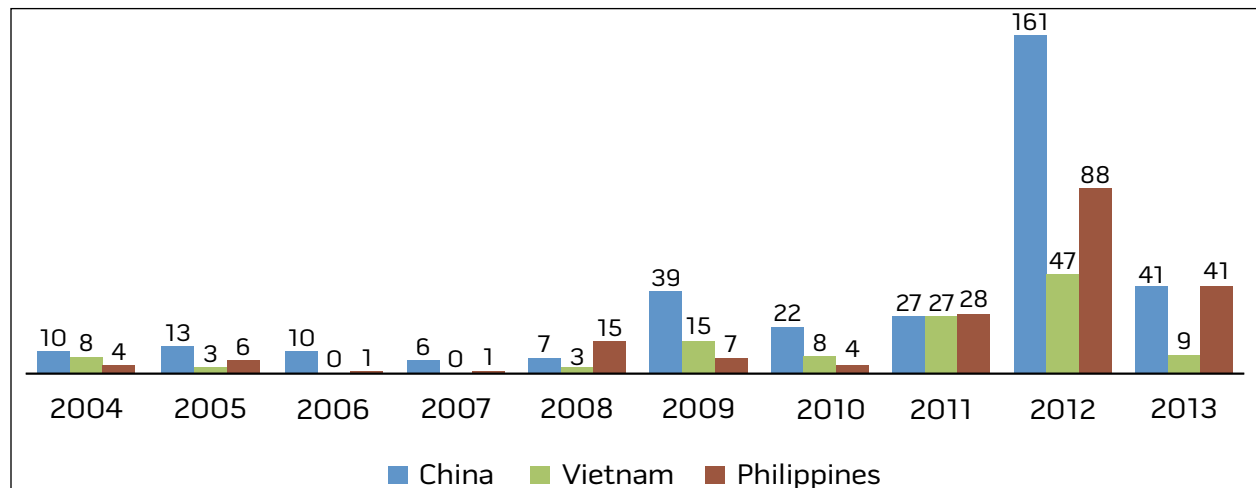
medium capability forces (Vietnam, the Philippines, Malaysia, and Taiwan, each with either a navy or a coast guard able to provide modest protection for littoral areas for a short duration); and limited capability forces (Brunei, with a small number of naval and coast guard forces able to provide only minimal protection for a short period of time).⁸ Research confirmed that the tactics employed by claimants vary according to the capabilities of their armed forces and law enforcement agencies. The country with the most capable naval and coast guard forces (China) was most willing to employ military and paramilitary forces, insisted on bilateral negotiations, was less reliant on legal actions and multilateral approaches to resolving the dispute, and was most insistent on leaving outside powers and organizations out of the dispute resolution process. By contrast, the country with the smallest maritime armed forces (Brunei) was least willing to use military and paramilitary tactics, relied heavily on multilateral organizations to represent its positions, adopted a “lay low” approach to the dispute, and did not use vigorous legal tactics to protect its claims. Countries with medium capability forces employed both bilateral and multilateral approaches, sometimes used military and paramilitary forces (not as much as China, however), relied more heavily on legal means to protect their claims, and sought to bring in outside powers to influ-

ence or counterbalance China. Despite its rather sizable maritime territorial claim, Taiwan behaved in accordance with its medium capability force. The one exception is Malaysia, whose medium capability force and “lay low” strategy more closely resembled the behavior of a limited capability force claimant such as Brunei.

Origins of Heightened Tensions in the South China Sea. Chinese and American experts disagree on the origins of heightened tensions over maritime territorial disputes in the South China Sea. The Chinese blame the Obama administration’s rebalance to Asia policy for increasing regional tensions and encouraging rival claimants to take actions to challenge Chinese claims. Chinese experts argue that China is simply responding to the irresponsible actions of other claimants. Many U.S. experts deny that the rebalance is the root cause of the tensions in the South China Sea, and argue that China moved from its decade-long “charm offensive” to a more aggressive posture in early 2009.⁹ Some analysts argue that the conclusion of China’s 2008 Olympics was a green light for the Chinese military and law enforcement agencies to start acting more vigorously in support of China’s claims.¹⁰

Figure 3 shows the number of actions undertaken by China from 2004 to 2013 and illustrates that China’s actions to support its claims spiked during the 2008–2009 timeframe. This suggests that the U.S. rebalance to Asia

Figure 3. Total Actions by China, Vietnam, and the Philippines, 2004–2013



is not the source of tensions in the South China Sea since the rebalance policy was not formally announced until late 2011.¹¹ At the same time, there is some evidence to suggest that China's claim that it was responding to provocative actions by others is not entirely without merit. Figure 3 also shows increases in Philippine actions in support of its South China Sea claims in 2008, which exceed those of China in the same year. These spikes are not as large as the jump in Chinese actions in 2009, but demonstrate that the Philippines became more active at approximately the same time. However, a detailed examination suggests that increased Philippine actions in 2008 were mostly related to domestic debates about the Joint Marine Seismic Undertaking agreement and did not cause China's increased activity.

Taiwan. One surprising finding is Taiwan's active defense of its maritime territorial claims. The total actions Taiwan undertook in defense of its claims rivaled Vietnam and exceeded Malaysia and Brunei. Taiwan used military and paramilitary assets to defend its claims, but made much less use of legal and diplomatic instruments than its rivals. Taiwan's ambiguous international legal status limits its ability to defend its interests in many diplomatic and legal venues.

Action-Reaction in South China Sea Claimant Actions. The data show that one claimant's action usually generates a response from others, a finding in accordance with the social science literature.¹² The response is usually within the same category and in an action-reaction manner, with positive actions generating positive responses and negative actions generating negative responses. This dynamic can generate a chain reaction of negative responses to the original action that persists for some time.

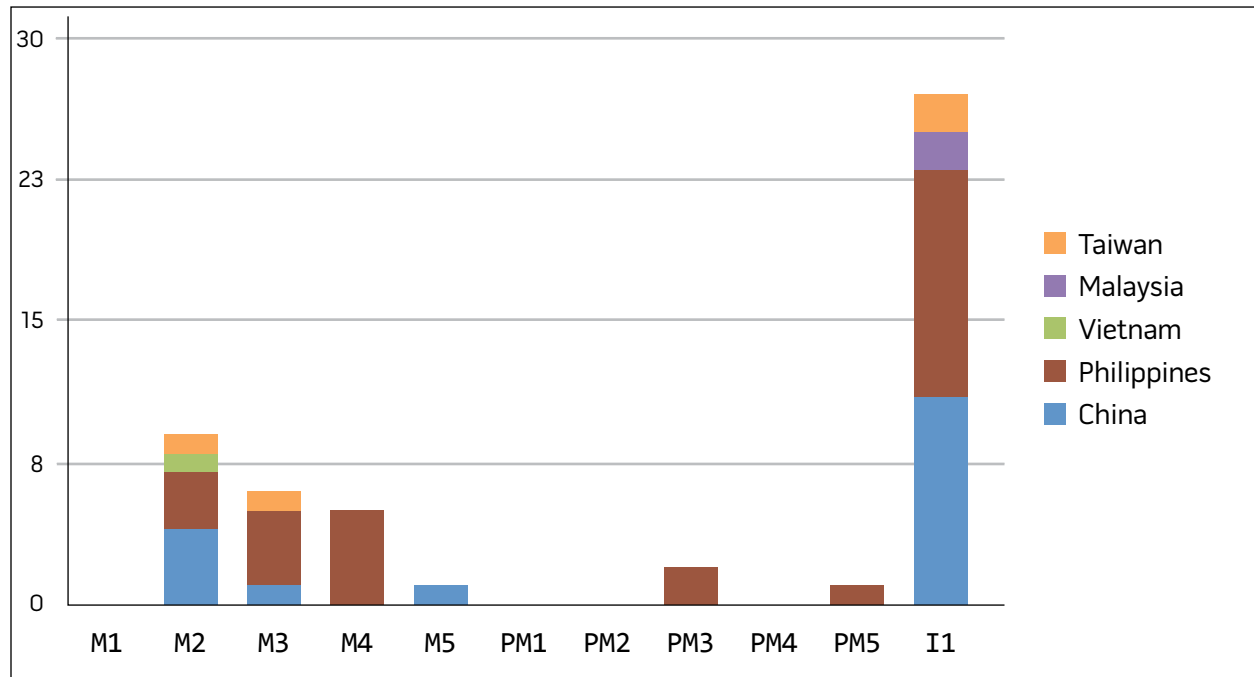
The most obvious example of action-reaction behavior is the ongoing legal battle between the Philippines and China over the submission of claims to the International Tribunal on Law of the Sea. The Philippines' use of this legal instrument was met by China's denial that the court had any jurisdiction in the matter. A second example is the use of military and paramilitary force. As figures 4 and 5 illustrate, Mischief Reef and Scar-

borough Shoal represented prolonged efforts by both the Chinese and Philippine sides to wear out the other through increased military or paramilitary activity and by responding to the other's actions with greater intensity. As figure 5 illustrates, China's greater capacity eventually overwhelmed the Philippines. As these examples demonstrate, most of the action-reaction dynamics identified were negative actions undertaken by one of the claimants followed by a negative reaction by a rival with a potential to escalate. Although some positive action-reaction dynamics were identified (for example, the use of economic inducements) in the research, these activities were rarer than negative actions.

Responses Tend to Remain within the Same Category. Another interesting finding is that once an action takes place, actions and reactions tend to remain within the same tactical category. There is little evidence of horizontal escalation. If the Philippines files suit against China in an international court, China's responses tend to remain within the legal sphere. An economic action, whether positive or negative, tends to generate responses within the economic domain. The main exception to this rule, mentioned previously, is that many actions are accompanied by an information campaign.

Another exception is when one claimant takes a serious military or paramilitary action, and the response by a rival begins a process of vertical escalation. In this case, claimants do employ tactics outside the military or paramilitary domain. Research showed some horizontal escalation. One interpretation is that once serious military and paramilitary actions and responses begin, claimants have a strong incentive to use all instruments of power to compel the other side to acquiesce. In other words, if a crisis escalates to a high level, the gloves come off. Another interpretation is that a horizontal escalation in tactics may begin early in a tense standoff but that outside observers may not observe the dynamic. By the time military and paramilitary forces are engaged in a crisis setting, the use of other elements of power is more apparent. In theory, such activities should be researchable. However, NDU found that data and reporting have not been precise enough to

Figure 4. Mischief Reef Data, January–October 1995



See inset box for key.

track the cause and effect of related tactics early enough in a campaign leading to a crisis.

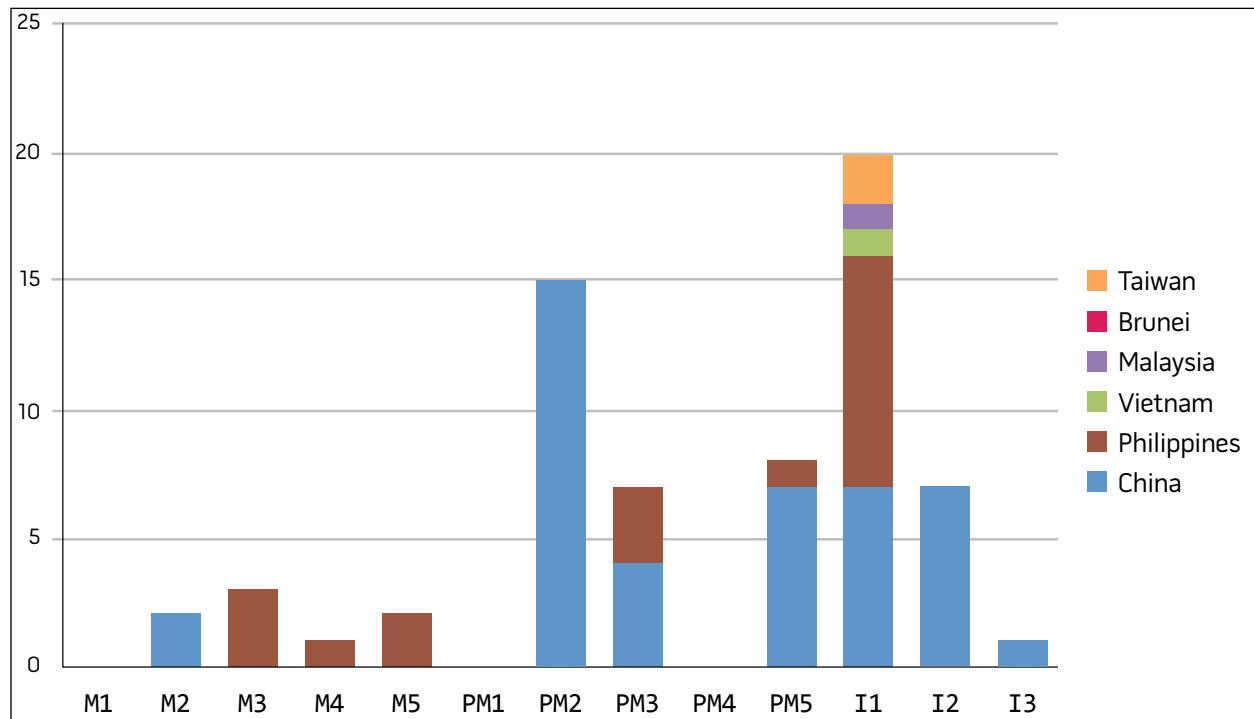
Changes in China’s Capabilities and the Mischief Reef and Scarborough Shoal Cases. Figures 4 and 5 compare the standoffs between the Philippines and China at Mischief Reef in 1995 and at Scarborough Shoal in 2012. Over this period, China significantly expanded its naval and paramilitary capabilities, increasing its ability to project power and maintain presence throughout the South China Sea.¹³ In the Mischief Reef incident—in which Chinese troops occupied the shoal, well within the 200-nautical-mile EEZ of the Philippines, and then constructed three structures purportedly to house fishermen—a naval confrontation ensued.¹⁴ In the Scarborough Shoal incident, a confrontation between China and the Philippines began when two Chinese law enforcement vessels, six Chinese fishing boats, and a Philippine navy ship were involved in a standoff at the shoal. When the Philippine navy tried to stop Chinese fishermen from making off with sharks, clams, and rare corals poached from the area, the Chinese maritime surveillance ships

intervened, leading to a diplomatic standoff that lasted several months.¹⁵

The first observation, based on analysis of the NDU database, is that in the Mischief Reef case, China relied on naval forces and did not employ paramilitary forces during the dispute. In the Scarborough Shoal case, China made extensive use of its paramilitary forces and much smaller use of its military. The second observation is that at Mischief Reef there was relative balance between Chinese and Philippine forces. In the Scarborough Shoal case, China was able to overwhelm the Philippines and can be considered the victor in the crisis. A third observation is that other claimants were much more active in the Mischief Reef case than in the Scarborough Shoal case. Both Vietnam and Taiwan took advantage of the crisis to move forces and reinforce their occupied territories.

Although not apparent from the data, another distinction is the pattern of de-escalation. In the Mischief Reef incident, China engaged in robust diplomacy with the Philippines, and Chinese diplomats and media strongly signaled the need to de-escalate and end the

Figure 5. Scarborough Shoal Data, April–December 2012



See inset box for key.

crisis. China’s foreign ministry spokespeople used conciliatory language (for example, stressing international law as the basis for resolving the dispute).¹⁶ In the Scarborough Shoal case, China did not signal a desire to de-escalate and end the crisis.¹⁷ De-escalation occurred only after the direct intervention of the United States, which offered to serve as a go between for the two countries. Both countries agreed to remove their paramilitary and military ships, but China subsequently redeployed maritime surveillance ships to block Philippine access to the shoal. It has maintained a presence there ever since.¹⁸

Implications for U.S. Policy

The findings suggest a number of policy implications. First, China is using broad and varied instruments of influence and coercion to affect the decision calculus of its rivals. This suggests the need for an equally nuanced policy response from the United States and more effective interagency coordination and planning than has been the case in the past.

Second, the U.S. rebalance to Asia is not the source of heightened regional tensions over maritime sovereignty disputes, which predate the announcement of the rebalance. The empirical data used in this study do not support Chinese arguments that the rebalance has encouraged rival claimants to undertake provocative actions. The unclassified nature of the NDU database makes it a useful public diplomacy tool that U.S. policymakers can use to refute the Chinese narrative in both public and private discussions.

Third, the data suggest that the one area of competition where China does not enjoy an advantage is in the legal sphere. This is surprising given the Chinese emphasis on lawfare and the “Three Warfares” in its strategic literature.¹⁹ The Philippines has been more active in using legal tactics, and China has been in a reactive mode. The United States should not alter its policy of remaining neutral over the content of the sovereignty disputes. However, since legal venues offer one means of resolving these disputes peacefully, the United States might consider encouraging China’s maritime rivals to

bring their claims before international courts. The United States might also consider aligning its South China Sea policy more clearly on the basis of international law. The Department of State's recent publication of its legal interpretation of the South China Sea claims is a step in this direction.²⁰

Fourth, China appears to have foresworn the use of lethal force for now and is carefully calibrating its coercive acts so as not to invite U.S. interference and to avoid the creation of an anti-China regional coalition. The fact that China has not used lethal force in the South China Sea since 1988 is significant. This suggests that Beijing is attempting to keep its actions beneath a threshold that invites adverse political or military responses. China may be engaging in a "status quo plus" approach to maritime territorial dispute management, maintaining the status quo until a rival acts to advance its territorial claims, and then responding vigorously to leave its rival in a disadvantaged position. The United States might respond by making greater efforts to build the capacity of its allies and partners through foreign military sales, combined exercises, other military exchanges and training, and by thinking through what the thresholds should be in responding to aggressive Chinese actions with tougher U.S. policy actions.

Fifth, the data illustrate that ASEAN plays an important role for all the claimants in the South China Sea dispute. The smaller claimants use the association as a venue to voice their positions on the dispute; the medium-size claimants use it as a rallying point to form a unified coalition against China; and China uses it and the ASEAN Regional Forum meetings to divide its rivals diplomatically and to portray itself as willing to pursue peaceful resolution of the disputes. For U.S. policy regarding the South China Sea territorial disputes, ASEAN is going to play some kind of role. The NDU research focused on diplomatic tactics shows that China is actively attempting to break up coalitions and forming coalitions of its own. These findings strongly suggest that deft U.S. leadership and involvement in diplomacy

related to ASEAN gatherings can help amplify the costs of aggressive Chinese behavior.

Directions for Future Research

This paper illustrates the value of a database on claimant tactics; NDU is currently working to update and expand the coverage of the database. One analytic direction would be to identify actions that trigger escalation into a crisis and thereby gain a deeper understanding of escalation dynamics by creating a detailed chronology of military, paramilitary, and other actions associated with the Mischief Reef or Scarborough Shoal crises. Second, it would be interesting to explore correlations between claimant actions and seasonal or political calendars. Is there a relationship between national elections or power transitions and provocative tactics to assert maritime claims? Are fishermen more active or more likely to be harassed by the coast guards or law enforcement agencies of other claimants at certain times of the year? Third, are military or paramilitary confrontations more likely to occur near recorded boundaries, EEZs, or other territorial markers of the claimants? Fourth, are the tactics actually employed by individual claimants consistent with their national strategies?

The current unclassified database has several advantages. The authors have been able to brief the findings to U.S. think tanks and academic conferences and to claimant embassies, foreign think tanks, and foreign military research institutes. The fact that the data and analysis are unclassified makes them useful in strategic communications efforts to transmit the U.S. foreign policy message. The data and analysis also have the potential to support conversations or dialogues between rival claimants and other interested parties. Although this unclassified database clearly does not capture all of the actions taking place in the South China Sea, audiences nevertheless believe it is a sufficiently robust sample to be representative and useful.

Conclusion

Empirical analysis of the South China Sea maritime territorial disputes reveals that rival claimants use a wide

range of tactics to advance or protect their claims. China has been the most active and prolific user of tactics as well as the most prone to use military and paramilitary forces. However, with the exception of Malaysia and Brunei, the other claimants have also been willing to use military and paramilitary forces to protect their claims.

One important note is that the 1995–2013 time-frame marked a period of relative restraint in the South China Sea dispute, with most countries (including China) seeking to avoid the use of lethal force or escalation into a shooting war. China appears to have a self-imposed upper limit on how much coercion it will use to protect its interests, but it is unclear how long this limit will remain in place. Some of China's rivals also appear to have self-imposed limits on the tactics they employ. Although the Philippines has engaged in an aggressive use of international law to protect its claims against China, other claimants, such as Vietnam, have been reluctant to follow suit. Malaysia and Brunei have also been reluctant to use military and paramilitary instruments to assert their claims in the South China Sea.

Another larger conclusion is that actions and reactions usually stay in the same domain, accompanied by information actions to justify the tactics employed and reiterate territorial claims. The exception is when military/paramilitary action/reaction dynamics generate a crisis that attracts public attention. At that point, claimants begin to employ horizontal escalation and use tactics from other categories.

The current unclassified database has considerable value as a tool to inform and support U.S. policy, as a strategic engagement instrument, and as a platform for discussions with Asian countries about the South China Sea. However, a classified version might improve fidelity by capturing more claimant military and paramilitary activity, thereby permitting more detailed analysis of crisis and escalation dynamics.

Feedback from U.S. Government officials also suggests that the NDU database could be refined to become a useful Indications and Warning tool. Future refinements might include identifying actions likely to

trigger a crisis or conflict, exploring crisis and escalation dynamics, improving the ability to capture and analyze military and paramilitary presence, and examining seasonal or domestic political influences on claimant behavior.

Notes

¹The Center for the Study of Chinese Military Affairs research team conducted two open source searches to build the database. The first search involved an open source search using the six claimant countries and “South China Sea” as search terms. The team also collected data for Singapore, Indonesia, and the Association of Southeast Asian Nations, but these data were not analyzed in this paper. The second search involved targeted searches on case studies addressing major incidents, such as military and paramilitary cases (Mischief Reef and Scarborough Shoal), an economic case (the Joint Marine Seismic Undertaking agreement among China, the Philippines, and Vietnam), and legal cases (the 2009 submission of claims to the United Nations Commission on Limitations of the Continental Shelf and 2013 Philippine submission of a claim to the International Tribunal on Law of the Sea).

²The data collection effort for this analysis was concluded in 2013. Since that time, the claimants have undertaken additional actions that were not collected or analyzed in the database. These include recent attempts at land reclamation, commercial development of occupied land features, and the spring 2014 confrontation between China and Vietnam when China placed an oil rig within Vietnam's exclusive economic zone and surrounded it with law enforcement and naval vessels. These activities will be assessed in follow-on efforts to analyze claimant tactics in the South China Sea.

³The data have been presented at China's National Defense University and National Institute for South China Sea Studies, the Washington embassy of the Socialist Republic of Vietnam, and Japan's National Institute for Defense Studies.

⁴“Philippines, China, Vietnam to Conduct Joint Marine Seismic Research in South China Sea,” *People's Daily*, March 15, 2005, available at <en.people.cn/200503/15/eng20050315_176845.html>.

⁵Gao Zhiguo, “The Nine-Dashline in the South China Sea: History, Status, and Implications,” *American Journal of International Law* 107, no. 1 (January 2013).

⁶Irwin Loy, “ASEAN Concludes, Exposing S. China Sea Rifts,” VOA News, July 13, 2012, accessed at <www.voanews.com/content/South-China-Sea-rifts-exposed-as-ASEAN-meeting-concludes/1404171.html>. Additionally, interviews with selected Southeast Asian diplomats confirmed this to be the case.

⁷Hao Zhou, “PRC FM Says China Not in Row with ASEAN,” *Global Times*, July 7, 2012.

⁸Felix K. Chang, “China's Naval Rise and the South China Sea: An Operational Assessment,” *Orbis* 56, no. 1 (Winter 2012), available at <www.fpri.org/articles/2012/01/chinas-naval-rise-and-south-china-sea-operational-assessment>.

⁹For an overview of U.S. and Chinese interpretations, see Phillip C. Saunders, “China's Role in Asia: Attractive or Assertive?” in *International Relations of Asia*, ed. David Shambaugh and Michael Yahuda, 2nd ed. (Lanham, MD: Rowman and Littlefield, 2014), 160–166. Also see Andrew Scobell and Scott W. Harold, “An ‘Assertive’ China? Insights from Interviews,” *Asian Security* 9, no. 2 (May–August 2013), 111–131.

¹⁰ Yasuhiro Matsuda, *How to Understand China's Assertiveness Since 2009: Hypothesis and Policy Implications* (Washington, DC: Center for Strategic and International Studies, 2014), 5, available at <http://csis.org/files/publication/140422_Matsuda_ChinasAssertiveness.pdf>.

¹¹ See Phillip C. Saunders, *The Rebalance to Asia: U.S.-China Relations and Regional Security*, INSS Strategic Forum 281 (Washington, DC: NDU Press, 2013); and David J. Berteau, Michael J. Green, and Zack Cooper, *Assessing the Asia-Pacific Rebalance* (Washington, DC: Center for Strategic and International Studies, 2014).

¹² The best-known academic work on this subject is Robert Axelrod, *The Evolution of Cooperation* (Cambridge, MA: Basic Books, 1984). Also see Robert Axelrod, *The Complexity of Cooperation: Agent-Based Models of Competition and Collaboration* (Princeton: Princeton University Press, 1997).

¹³ See Andrew Erickson, "Navy Intel Charts Chinese Sea Change: Office of Naval Intel Releases First Unclassified Report in Six Years," *China Analysis from Original Sources*, available at <www.AndrewErickson.com/2015/04/navy-intel-charts-Chinese-sea-change-office-of-naval-intelligence-releases-first-unclassified-plan-report-in-six-years>. See also Chang.

¹⁴ Christopher C. Joyner, "The Spratly Islands Dispute in the South China Sea: Problems, Policies, and Prospects for Diplomatic Accommodation," in *Investigating Confidence Building Measures in the Asia Pacific Region*, Report No. 28, ed. Ranjeet K. Singh (Washington, DC: Henry L. Stimson Center, 1999), 73, available at <www.stimson.org/images/uploads/research-pdfs/cbmapspratly.pdf>.

¹⁵ Jane Perlez, "Philippines and China Ease Tensions in Rift at Sea," *New York Times*, June 18, 2012, available at <www.nytimes.com/2012/06/19/world/asia/beijing-and-manila-ease-tensions-in-south-china-sea.html>.

¹⁶ Christopher Chung, "Southeast Asia and the South China Sea Dispute," in *Security and International Politics in the South China Sea*, ed. Sam Bateman and Ralf Emmers (New York: Routledge, 2008), 99.

¹⁷ Perlez.

¹⁸ Ibid.

¹⁹ On the subject of Chinese use of legal warfare and the concept of "Three Warfares," see Peter A. Dutton, testimony before the U.S.-China Economic and Security Review Commission, *China's View of Sovereignty and Methods of Access Control*, February 27, 2008, available at <www.uscc.gov/sites/default/files/08_02_27_dutton_statement.pdf>. Also see Dean Cheng, *Winning Without Fighting: Chinese Legal Warfare*, Heritage Foundation Backgrounder #2692 (Washington, DC: The Heritage Foundation, May 21, 2012). For Chinese writing on the subject, see Jin Hongbin, "Legal Warfare:

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