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## Countering China's Gradual Creation of a Fait Accompli in the South China Sea

### Providing Civilian Air Patrol Capability by Utilizing the U.S.-Japan Alliance

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Increased tensions over China's maritime sovereignty claims in the Western Pacific pose a challenge for the international system. A confrontation between China and Japan in the East China Sea continues mainly between Japan's national coast guard ships and China's government and civilian fishery vessels, but it seems to have reached a kind of moderate stalemate as the two governments have resumed working-level talks aimed at establishing a maritime communication mechanism between Japan and China. While the situation bears watching, U.S. statements reiterating that Article V of the U.S.-Japan Security Treaty, which obligates the United States to defend Japan, applies to the Senkaku islands, as well as the continuous presence of Japan's coast guard and Maritime Self-Defense Forces around the islands, must have played a major role in achieving the current relative stability.

There also is increased tension in the South China Sea where Chinese land reclamation activities are making remarkable progress and "Beijing's intention to exert greater control over the South China Sea appears undiminished."<sup>1</sup> The Association of Southeast Asian Nations (ASEAN) expressed "serious concerns" in the chairman's statement issued after the ASEAN summit meeting on April 27, 2015. However, land reclamation in the South China Sea is a tricky issue because there are no provisions in international law that specifically prohibit any state from pursuing reclamation at sea,<sup>2</sup> and most of the international community does not take a position on the sovereignty of those islands. The strategy adopted by the Xi Jinping administration "does not rely on the use of force. Instead, China is engaged in 'salami-slicing'—using small, incremental actions, none of which by itself is a *casus belli*."<sup>3</sup> That is why the possible responses from the international community including the United States are limited, and land reclamation is expected to make more progress without substantial policy measures to halt it even though China officially mentioned its intention to use facilities on reclaimed land for military purposes.<sup>4</sup>

As a result, we are witnessing, as Vice Admiral Robert Thomas, commander of the U.S. 7th Fleet, depicted, "the Chinese fishing fleet, the Chinese coastguard and the (navy) overmatch their neighbors."<sup>5</sup> This is

<sup>1</sup> Bonnie Glaser, "Conflict in the South China Sea," Council on Foreign Relations, April 2015, <http://www.cfr.org/asia-and-pacific/conflict-south-china-sea/p36377>.

<sup>2</sup> Jay Batongbacal, "Reclamation in the South China Sea: Legal Loopholes, Practical Impacts, CSIS Asia Maritime Transparency Initiative, February 28, 2015, <http://amti.csis.org/reclamation-in-the-south-china-sea-legal-loopholes-practical-impacts/>.

<sup>3</sup> Bonnie Glaser, "Testimony before the U.S.-China Economic and Security Review Commission," Hearing on China's Relations with Southeast Asia, May 13, 2015, [http://www.uscc.gov/sites/default/files/Glaser\\_Written%20Testimony\\_5.13.2015%20Hearing.pdf](http://www.uscc.gov/sites/default/files/Glaser_Written%20Testimony_5.13.2015%20Hearing.pdf).

<sup>4</sup> Bonnie Glaser, "On the Defensive? China Explains Purposes of Land Reclamation in the South China Sea," CSIS Asia Maritime Transparency Initiative, April 20, 2015, <http://amti.csis.org/on-the-defensive-china-explains-purposes-of-land-reclamation-in-the-south-china-sea/>.

<sup>5</sup> Tim Kelly and Nobuhiro Kubo, "U.S. would welcome Japan air patrols in South China Sea," Reuters, January 29 2015, <http://www.reuters.com/article/2015/01/29/us-japan-southchinasea-idUSKBN0L20HV20150129>.

why the United States and Japan are providing patrol boats to the Philippines and Vietnam, but this assistance is not enough for either government to realize a 24/7 presence in the area, which Japan has established around the Senkaku islands.

Admiral Thomas also mentioned the benefits of Japan's possible provision of naval air patrols in the South China Sea, which would certainly help narrow the gap in maritime surveillance between China and other claimants. However, this idea currently does not fit the diplomatic policies of most of the countries concerned, as none of the Southeast Asian countries, nor the United States and Japan, are willing to take steps that could increase the risk of escalation and substantial military-to-military standoffs. If Japan's naval aircraft were to patrol over the South China Sea regularly, we would likely see an increase in "near-misses" between military aircraft of the People's Liberation Army (PLA) and Japan's Self-Defense Forces and possibly accidental conflict.

Nonetheless, it seems that Admiral Thomas's comment got to the heart of the matter in two important ways. First, patrol aircraft will definitely play a critical role as a force multiplier for those countries with a relatively smaller number of ships. The patrol boats of the Philippines and Vietnam can be deployed much more effectively with wider and timely surveillance coverage provided by patrol aircraft. Second, Japan and the United States will be able to play a key role in terms of capacity building, particularly in light of Japan's decision last year to relax restrictions on arms exports. The recent summit meeting between President Barack Obama and Prime Minister Shinzo Abe generated momentum for U.S.-Japan cooperation in this area, and a joint vision statement for the U.S.-Japan alliance issued on April 28, 2015, notes that both countries will "work more closely on issues including maritime security, and to partner with other countries that share our aspirations, in the region and beyond."<sup>6</sup> New guidelines for U.S.-Japan defense cooperation issued on April 27, 2015, also explicitly stipulate that both countries will cooperate on maritime security and "Partner Capacity Building."<sup>7</sup>

Both U.S. secretary of defense Ashton Carter and Japanese minister of defense Gen Nakatani noted the importance of capacity building and multilateral cooperation in the maritime sphere in remarks at the recent Shangri-La Dialogue at the end of May. Secretary Carter referenced the peaceful resolution of conflicts, regional institutions, alliances and partnerships, capacity building, and developing habits of cooperation as guiding principles for the Asia-Pacific region and also announced a "Southeast Asia Maritime Security Initiative" as a means toward those ends.<sup>8</sup> Defense Minister Nakatani introduced the "Shangri-La Dialogue Initiative," which includes the enhancement of maritime domain awareness as well as intelligence, surveillance and reconnaissance (ISR) capabilities of ASEAN countries.<sup>9</sup>

There are various options to tackle the issue of Chinese land reclamation in the South China Sea, but it is important to avoid actions that could escalate tensions. Developing the capabilities of regional countries will be most effective in solving the problem over the long term, and multilateral cooperation will be the key to success. Based on these circumstances, it might be beneficial for relevant governments to consider a concept for multilateral maritime patrols, introduced notionally here as the "Asian Multi-role Patrol Aircraft Coalition (AMPAC)." Key elements are as follows:

<sup>6</sup> White House, "U.S.-Japan Joint Vision Statement," April 28, 2015, <https://www.whitehouse.gov/the-press-office/2015/04/28/us-japan-joint-vision-statement>.

<sup>7</sup> Ministry of Defense (Japan), "The Guidelines for Japan-U.S. Defense Cooperation," April 27, 2015, [http://www.mod.go.jp/e/d\\_act/anpo/pdf/shishin\\_20150427e.pdf](http://www.mod.go.jp/e/d_act/anpo/pdf/shishin_20150427e.pdf).

<sup>8</sup> Secretary of Defense Ash Carter, "A Regional Security Architecture Where Everyone Rises" (speech at IISS Shangri-La Dialogue, Singapore, May 30, 2015), <http://www.defense.gov/Speeches/Speech.aspx?SpeechID=1945>.

<sup>9</sup> Minister of Defense Gen Nakatani, "New Forms of Security Collaboration in Asia: Gen Nakatani" (speech at IISS Shangri-La Dialogue, Singapore, May 30, 2015), <http://www.iiss.org/en/events/shangri%20la%20dialogue/archive/shangri-la-dialogue-2015-862b/plenary2-a5ab/nakatani-ecb0>.

1. **“Coalition” (Operating Body):** It would be desirable for the governments of the Philippines and Vietnam, with the participation of relevant partner countries, to jointly establish a civilian (nonmilitary) institution to conduct maritime and other patrol operations. “AMPAC” must be distinguished from their respective militaries, and the objectives should be limited to serving civilian needs, including maritime patrol and other surveillance operations such as those for Humanitarian Assistance and Disaster Relief (HA/DR), antipiracy, and antitrafficking. Staffing needs, including command and control structures, could be provided in large part by militaries, and the headquarters for AMPAC could reside within a military base. The partner countries, such as the United States and Japan, may also need to contribute in terms of staffing, and this is why the AMPAC should be regarded as a multilateral initiative. This concept might somewhat resemble the “Eyes in the Sky (EiS)” initiative launched by Indonesia, Malaysia, Singapore, and Thailand in 2005, though EiS basically consists of combined maritime air patrols by militaries of several countries and therefore is interpreted as a form of military cooperation.
2. **Main Platform:** Japan’s Maritime Self-Defense Forces (MSDF) currently own over 70 P-3C maritime patrol aircraft, which are scheduled to be retired gradually after planned service years. It might be beneficial for the relevant countries to utilize those precious old P-3Cs, downgraded and stripped of military capabilities (such as antisubmarine capability), for the “coalition” instead of simply scrapping them.
3. **Operational/Technical Capability:** The AMPAC needs to have both technical/maintenance and operational capabilities. The Ministry of Defense of Japan and the MSDF may be able to carry out capacity-building projects for AMPAC in this area, utilizing groups of retired MSDF officers. The U.S. Navy and the MSDF may need to coordinate with private industry such as Lockheed Martin and Kawasaki Heavy Industries (KHI) to develop appropriate technical frameworks for downgrading the aircraft, particularly mission computers and maintenance postures. It might be logical for KHI, as the nearest depot-level maintenance contractor, to participate in the overall maintenance cycle of AMPAC aircraft. As for operational capability, the United States and other partnership countries such as Australia might support capacity-building initiatives for AMPAC.
4. **Financing:** By designing AMPAC as a civilian institution, it would be eligible for Official Development Assistance (ODA). Japan recently reviewed its ODA charter and introduced a new “Development Cooperation Charter,” which expands Japan’s ODA contributions to security-related fields.<sup>10</sup> Even if Japan donates P-3Cs, financial resources would be required for operations and maintenance. Recipient countries would ideally bear those operational costs, but some ODA might be critical in realizing this concept. If Japan, the United States, Australia, and other partner countries can provide this kind of assistance, this concept will be even more feasible.
5. **Multiple Roles and Possible Expansion:** As stated above, the mission of AMPAC should not be limited to maritime patrol since even downgraded (demilitarized) P-3C aircraft would maintain optical sensors including Synthetic Aperture Radar (SAR) capability with profound communication links. There are many other potential uses for those capabilities in the area surrounding the South China Sea. In particular, the AHA Center, ASEAN’s coordinating center for humanitarian assistance and disaster relief, could utilize such communication links in case of a natural disaster. Information sharing through air patrols in the South China Sea could also facilitate future antipiracy cooperation

<sup>10</sup> Section III (1)B(b) of the Development Cooperation Charter (<http://www.mofa.go.jp/mofaj/files/000067701.pdf>) stipulates: “In case the armed forces or members of the armed forces in recipient countries are involved in development cooperation for non-military purposes such as public welfare or disaster-relief purposes, such cases will be considered on a case-by-case basis in light of their substantive relevance.”

based on the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia, or the ReCAAP initiative. Taking into account the long operational radius of the P-3C aircraft, AMPAC should be open to participation by other countries in the region such as Thailand, Cambodia, Laos, Malaysia, Brunei, Indonesia, and even Myanmar.

The AMPAC concept can be characterized by its (a) relatively low cost, (b) multilateral and transparent nature, (c) potential contributions not only to maritime patrol capabilities in the South China Sea but to many other regional issues, and (d) clear role for the U.S.-Japan alliance in terms of capacity building. However, AMPAC also presents many challenges that would necessitate close coordination between and within the governments of participating countries. For example, though the overall cost for Japan will not be so burdensome if you can exclude the purchase price of aircraft, necessary maintenance and downgrading costs for Japanese P-3Cs may discourage Japan from participating in this initiative. In addition, regional governments such as the Philippines and Vietnam would have to make some tough political decisions that would signify a tougher stance against China. Further, downgrading P-3C aircraft would require the United States to thoroughly examine various issues including International Traffic in Arms Regulations (ITAR), which basically require U.S. congressional approval for providing defense equipment to foreign countries.

Possible Chinese reactions to this concept should also be taken into consideration. For example, China might establish a new Air Defense Identification Zone (ADIZ) over the South China Sea or dispatch the PLA air force to challenge AMPAC aircraft, increasing the risk of escalation. But as long as AMPAC remains a civilian concept, Chinese responses would presumably be limited and easier to manage by participating countries. However, a range of policy measures would have to be in place to account for responses to AMPAC that could be potentially destabilizing. The aforementioned guidelines for U.S.-Japan cooperation and defense policy reform measures in Japan currently being debated in the parliament will enable a much broader spectrum of regional security cooperation for these circumstances.

Lastly, as the Center for Strategic and International Studies stipulates in its “Federated Defense” concept,<sup>11</sup> “at a time when the United States and many of its allies and partners are reluctant to increase defense and security spending, working together is of paramount importance.” The multinational nature of the AMPAC concept could make it a perfect manifestation of the “federated defense approach” and help “knit together an Asian security community that is searching for deeper regional integration.”

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<sup>11</sup> Michael J. Green, Kathleen H. Hicks, and Zack Cooper, *Federated Defense in Asia* (Washington, DC: CSIS, December 2014), [http://csis.org/files/publication/141120\\_Green\\_FederatedDefenseAsia\\_Web.pdf](http://csis.org/files/publication/141120_Green_FederatedDefenseAsia_Web.pdf).