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A U.S. Option Playbook for Contingency Planning to Reclaim Scarborough Shoal

The South China Sea has become a flashpoint for conflict in Asia. This is due, in large part, to the gradual and coercive control exerted by China over the land features, sea, and airspace of this strategic waterway linking Southeast and East Asia. China has done so by (1) employing maritime law enforcement and maritime militia vessels to assert administrative control over disputed territory and waters within its Nine-Dash Line—a vague area delineated by China as constituting the country’s claims over virtually all the land features and maritime area of the South China Sea—and (2) denying the use of this area to other claimants, such as the Philippines, Malaysia, Vietnam, Brunei, and Taiwan.¹ China appears to calculate that using such nonmilitary assets as coast guard vessels, maritime militia, and other civilian maritime actors while keeping People’s Liberation Army Navy surface ships over the horizon will enable it to achieve its strategic goals while minimizing the risk of further escalation.² This strategy has arguably been quite effective.

In addition to consolidating control of the South China Sea using maritime assets, China initiated in 2013 the most ambitious island-building campaign in history—dredging more than 3,000 acres of land on seven disputed features in the Spratly Island chain and hundreds of acres more in the Paracels and then building dual-use civil-military facilities on them.³ China has since built large airstrips, hangers, radar facilities, and military barracks to support military deployments and has deployed surface-to-air and anti-ship missiles on some of the features.⁴ The scale and rapidity with which China has constructed and militarized these islands is unprecedented and caught the United States and its allies and partners off guard. It has also enhanced concern that new reclamation activities would further harm regional stability and negatively harm the marine ecosystem.⁵

Scarborough Shoal—a small, high-tide elevation about 140 miles west of the Philippines—is one of the features at the heart of ongoing tensions in the South China Sea. The shoal may seem to some observers to be a small reef in the middle of the sea with little intrinsic value for the United States. However, it represents one of the most consequential fault lines of Chinese territorial aggression in the South China Sea and is of major symbolic importance for the United States and its treaty ally, the Philippines.⁶ The shoal lies in an isolated northeast quadrant of the disputed Spratly Islands.⁷ If China were to dredge Scarborough with its new “island-maker” dredger, now the largest in Asia, and build dual-use facilities capable of hosting military operations, it would be considered a game changer for the region.⁸ Not only would it hold at risk Metro Manila and Philippine military bases on the western part of mainland Philippines (some of which station U.S. troops) from a far

closer range than China’s three largest artificial islands in the Spratlys, it would also significantly enhance China’s ability to patrol an air defense identification zone if it chose to unveil one in the future. To consolidate control of the feature in even less time, China could choose less-destabilizing options, such as constructing a small ocean-monitoring station or fishing wharf with radar and communication devices—which could nonetheless extend China’s reconnaissance capabilities and create a foothold for larger island-building there in the future. Either action—major dredging or small-scale construction—could be done rather quickly and would greatly upset the delicate status quo in the South China Sea. For these reasons, and from Beijing’s perspective, Scarborough Shoal is one of the most coveted pieces of territory that China might decide is an easy target for consolidation. The United States and the Philippines need to start thinking more seriously about how they might prevent such a scenario from ever taking place.

Consideration of History and Alliance Politics

Material considerations aside, Scarborough Shoal represents a litmus test for the U.S.-Philippine alliance—a key treaty alliance formed in 1951, in part, to prevent the spread of communism and protect regional stability after World War II. The feature is so important that, during my visit to Manila in the fall of 2018 to conduct interviews, numerous Filipino defense officials suggested that allowing Scarborough to be dredged by China would be the “death knell” of the alliance.⁹ Scarborough Shoal represents a powerful symbol in the collective consciousness

of Filipino policymakers. In particular, it is a barometer of U.S. willingness to come to the aid of the Philippines and push back against unilateral Chinese territorial expansion. Scarborough's proximity to the Philippine mainland and the fact that it lies within the Philippines' exclusive economic zone increases the feature's importance. Beyond the value of the asset itself, however, is the significance of what the loss of more territory to China would mean for U.S. and Philippine credibility within a larger struggle against Chinese coercion in the region.

Scarborough is not enumerated specifically as territory under Philippine jurisdiction that would trigger a U.S. response under the 1951 Mutual Defense Treaty (MDT) between the United States and the Philippines. This is in contrast to, for example, the Senkaku Islands, which U.S. President Barack Obama recognized in 2014 would fall under the U.S.-Japanese MDT because of Japan's demonstration of administrative control.¹⁰ But as Filipino maritime law scholar Jay Batongbacal points out, the U.S. government treated Scarborough separately from other Philippine sovereignty claims in the South China Sea, such as the Spratly Islands.¹¹ In the 1930s, the U.S. Departments of State, War, and Commerce determined that Scarborough Shoal had been transferred to the United States from Spain through the Treaty of Washington; therefore, upon the Philippines' independence in 1946, the Shoal was interpreted to be part of Philippine territory. Furthermore, up until the early 1990s, for example, the area was used frequently as a firing range for the Philippine and U.S. navies, and the Philippines generally exerted intermittent administrative control over the shoal. The shoal had also been home to one of the Philippines' richest fishing areas in the South China Sea, with Filipino fishermen frequenting the

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lagoon. According to Batongbacal, the shoal is "one of the oldest known fishing grounds of the Philippines, from its awakening as an independent nation-state."¹² Therefore, although Scarborough has not yet been mentioned specifically as territory falling under the U.S.-Philippine MDT, the interpretation throughout history strongly suggests that the shoal is an "island feature under the jurisdiction" of the Philippines,¹³ which elevates its status and significance within the U.S.-Philippine alliance.

Concern over Chinese intentions for Scarborough Shoal changed dramatically in 2012, when China wrested control over the shoal after a prolonged standoff with the Philippine Navy and Coast Guard.¹⁴ Since then, China has essentially blocked or heavily curtailed Filipinos' fishing near the shoal and has permanently stationed as many as six coast guard vessels near the area.¹⁵ Apparently to show the Philippines who controls access, China assiduously

guards fishing activities in the shoal and even steals catch from Filipino fishermen from time to time.¹⁶

Although Chinese President Xi Jinping has reportedly assured Filipino President Rodrigo Duterte that China does not intend to change the status quo of Scarborough, such a promise is only as good as the current China-Philippines rapprochement—the effectiveness of which will last as long as Duterte maintains his accommodating approach to Beijing.¹⁷ In other words, China could, in a matter of days, reverse course and begin to dredge the disputed feature, and the Philippines could do little to stop it. In the words of Duterte, the Philippines would be militarily “helpless” in stopping China from militarizing the South China Sea.¹⁸

In light of recent oblique assurances that the United States would be a “good ally” to the Philippines if China invaded Philippine-occupied features in the Spratlys, it is time to revisit possible joint U.S.-Philippine options in the event that China undertakes irreversible actions to alter

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the status quo of Scarborough Shoal.¹⁹ Before China shifts strategies by dredging, the United States should begin thinking through strategies to preempt such a course of action and should initiate discussions on contingencies with its ally, the Philippines.

A Graduated Response to China Deciding to Change the Status Quo of Scarborough Shoal

In this section, I imagine a situation in which U.S. or allied countries obtain intelligence that China is preparing to make Scarborough Shoal into an artificial island or somehow change the status quo of the feature through construction activities, and the Philippines has requested assistance from the United States. I seek to outline a menu of responses that the United States can take to dissuade China from carrying out such activities.²⁰ In this scenario, initial intelligence could suggest, for example, that Chinese survey vessels have deployed near the feature—a precursor to dredging or construction activity—as U.S. Chief of Naval Operations John Richardson revealed to be the case in March 2016.²¹ If such survey activity was followed by dredging vehicles deployed to the area, this would serve as the starting point for a coordinated and decisive response.

I propose three sets of response options—*pre-crisis*, *during-crisis*, and *long-term* responses—that the United States can take to significantly mitigate the possibility of China undertaking such an action or, if deterrence fails, to impose costs that may prevent Chinese leaders from contemplating such actions in the future.

Pre-Crisis Responses

There are signals that the United States and the Philippines could send before the scenario outlined earlier even commences. The first U.S. response could involve a public statement by U.S. officials that any attempt by China to unilaterally change the status quo in the South China Sea, *including Scarborough Shoal*, would be regarded as a threat to regional security and be met with a coordinated U.S.-Philippine response. A second, and related, action would be to make public statements—either by a U.S. head of state or secretary of defense during bilateral meetings with Filipino counterparts—reaffirming that any attack on Philippine armed forces, public vessels, or aircraft in the Pacific, *including Scarborough Shoal*, would fall under Article V of the U.S.-Philippine MDT, as other analysts have suggested.²² While U.S. Secretary of State Mike Pompeo’s pledge in February 2019 that the MDT covers an armed attack against Philippine forces, public vessels, and aircraft in the South China Sea, U.S. leaders could go a step further by specifying Scarborough in the MDT.²³ The goal for both of these pre-crisis responses would be to include Scarborough Shoal as an example of territory that would prompt U.S. consultation with the Philippines under the MDT framework without predetermining what military actions would proceed such consultations. For an example of the deterrent effect of U.S. public statements regarding MDT obligations, one need look no further than President Obama’s joint statement with Prime Minister Shinzō Abe of Japan in April 2014, which specified that the Senkaku Islands were covered in the U.S.-Japanese MDT.²⁴

Explicitly including Scarborough arguably presents greater costs for the United States than for the Philippines, which has long sought assurances that its claims in the

South China Sea fall under the MDT. Even as recently as December 2018, the Philippine defense secretary proposed “re-evaluating” the MDT, presumably to extract U.S. concessions to consider Philippine claims in the South China Sea under a revised agreement.²⁵ As the security guarantor of the Philippines, the United States would have to accept greater costs because it would, in essence, be explicitly expanding the scope of territory that it would publicly declare to be willing to deploy troops to fight and die to protect. However, the costs of diplomatic signaling are significantly less than the costs in blood, treasure, and potential loss of the alliance itself if China were to commence activities to change the status of Scarborough Shoal.

During-Crisis Responses

If peacetime deterrence looked to be failing, the U.S. military could take a range of graduated actions to prevent China from following through with building new facilities or dredging new land on Scarborough Shoal. (As noted earlier, a precondition of any military response would be that the Philippines has asked for assistance from the U.S. military.) First, the U.S. military could be prepared to rapidly respond with quiet acts of deterrence—such as those demonstrated during the U.S. Air Force flyover of Scarborough with A-10 Warthogs in April 2016, when it appeared that China was putting reclamation assets in place.²⁶ Although that flyover might have been effective, the U.S. Air Force and Navy could build a much more robust set of posture deployments over longer periods of time to credibly show U.S. commitment to upholding the status quo of Scarborough. Such deployments could include unmanned naval and air systems, for example.

The benefits of these types of actions are that they convey U.S. and Philippine commitment to deploy assets locally to deter further Chinese activities, but they do so in a relatively nonprovocative fashion. The potential costs include an accident at sea near the point of dispute, which could lead to inadvertent escalation, or the danger that the Chinese could call the United States' bluff and proceed as planned, forcing the U.S. military to employ more-assertive measures.

Were such quiet acts of deterrence to fail, U.S. leaders could commence discussions with their Filipino counterparts on contingencies, such as a naval and air blockade. Among all the options considered in this paper, this response undoubtedly presents the greatest potential for a major armed military clash with China and thus should be considered as one of the last options during the dispute. However, because the stakes involve preventing a meaningful piece of allied territory from irrevocably falling into the hands of the Chinese and because of Philippine concerns that losing such territory could bring about the end of the alliance itself, this step should be considered within a spectrum of U.S. responses.

The United States could also consider a range of immediate but distant (i.e., not local) cost-imposing responses, such as levying economic sanctions against Chinese engineering firms engaged in dredging activities; announcing joint military activities with other claimant states with a direct stake in the South China Sea disputes, such as Vietnam; or undertaking other second-front deterrence activities, such as increasing the U.S. naval presence in the Taiwan Straits, as a signal of U.S. resolve to other U.S. security commitments in the region. On the issue of sanctions, there is an increasing body of literature suggesting that

targeted U.S. sanctions can be both effective and a flexible means of statecraft to achieve desired ends.²⁷ For sanctions to be effective, however, it is imperative that all aspects of the U.S. government, including the Treasury Department, the State Department, and the White House, are on board with the proposed measures. And Chinese entities with a stake in the South China Sea should be vetted and proposed well in advance of any punitive sanctions.

Long-Term Responses

Finally, the United States could consider long-term responses calibrated to bolster deterrence against Chinese coercion and breaks from the status quo in the South China Sea. First, U.S. leaders could work proactively with the Philippine Department of Foreign Affairs to voice concerns in international forums—such the East Asia Summit, the Association of Southeast Asian Nations, the Group of 7, and the United Nations—about Chinese militarization and coercion in the South China Sea. At such forums, the United States and the Philippines could highlight the 2016 ruling of the Permanent Court of Arbitration regarding China's responsibility to allow Filipino fishermen unimpeded access to Scarborough Shoal, to protect the marine environment in Scarborough, and to respect the Philippines' rights to exploit the living and nonliving resources in its exclusive economic zone.²⁸

Second, acting under the Enhanced Defense Cooperation Agreement, the United States could prioritize the construction of naval and air facilities at Cesar Basa Air Base—which is the closest to Scarborough of the five U.S.-Philippine joint bases—to set the conditions for greater and more-efficient access to the base during contingencies.

Ideally, such construction would involve pre-positioning a greater array of munitions, fuel, and logistics storage, as well as communications and radar facilities.

Third, during annual U.S.-Philippine Balikatan exercises, U.S. and Philippine troops could include contingencies that hone interoperability and deterrence capabilities in a scenario that involves a foreign country employing coercive activities, such as an amphibious assault, on Philippine-claimed features in disputed waters.

Finally, the United States could pursue (1) new security assistance programs for countries on the front lines of Chinese coercion and (2) talks with new partners on military exercises in the region. Presumably, Chinese land reclamation activities on Scarborough Shoal would only heighten concern over China's long-term intentions and prompt regional countries to become more willing to seek outside assistance to bolster their own defenses. Therefore, the United States would be in a position to leverage existing alliance relationships to build new partnerships centered around military, intelligence, and diplomatic exchanges and capacity-building.

Conclusion

Acting Philippine Supreme Court Chief Justice Antonio Carpio has called on the Philippine government to ask the United States and the Association of Southeast Asian Nations to make Scarborough Shoal an "official red line."²⁹ Based on my research and travels to the region, it is time

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for the United States and its allies to (1) get serious about the idea that China might one day decide to make an artificial island out of Scarborough and (2) contemplate what that would mean for Chinese control in the South China Sea and the potential for reputational damage to the United States and the U.S.-Philippine alliance. Prioritizing the status quo of Scarborough Shoal over other disputed areas in the South China Sea might be a prudent and necessary move for both the United States and the Philippines.

Notes

¹ Beech, 2018. On the history of the Nine-Dash Line, see Beech, 2016.

² Morris, 2017.

³ Asia Maritime Transparency Initiative, 2017a, 2017b.

⁴ Macias, 2018.

⁵ Asner, 2017. *Land reclamation* in this paper connotes the process of creating new land from the ocean, riverbeds, or lake beds where no land previously existed. It does not imply a claim to land that previously existed and that a nation seeks to take back.

⁶ Panda, 2016.

⁷ Shugart, 2016.

⁸ Zhao, 2018.

⁹ Senior Filipino officials from the Philippine Department of National Defense and the armed forces, interview with the author, February 14–15, 2018.

¹⁰ Panda, 2017.

¹¹ Batongbacal, 2014.

¹² Batongbacal, 2014.

¹³ Permanent Court of Arbitration, 2016.

¹⁴ Romero, 2017.

¹⁵ Placido, 2018; Ongcal, 2018.

¹⁶ “Chinese Coast Guard Take Pinoy Fishermen’s Catch in Scarborough Shoal,” 2018.

¹⁷ “Beijing Assured Manila of No Plan to Alter Scarborough Shoal, Philippines’ Top Diplomat Says,” 2017.

¹⁸ “Philippines Powerless to Stop Beijing’s Militarisation of South China Sea, President Duterte Says,” 2018.

¹⁹ “US Defense Exec to PH: We’ll Be Your Good Ally in Disputed Sea,” 2018.

²⁰ This paper and its response options constitute an expanded example from a longer work that explores how the United States could gain competitive advantage in the gray zone (Morris et al., 2019). That report offers a menu of response options for coercive aggression below the threshold of major war, particularly as they relate to Russian and Chinese gray zone activities.

²¹ “US Navy Chief Warns of New Chinese Activity Around South China Sea Shoal,” 2016.

²² Glaser and Poling, 2018.

²³ Lema and Morales, 2019.

²⁴ White House, Office of the Press Secretary, 2014.

²⁵ Santos, 2018.

²⁶ Cooper and Douglas, 2016.

²⁷ See, for example, Ahn and Ludema, 2017; Blackwill and Harris, 2016.

²⁸ Permanent Court of Arbitration, 2016.

²⁹ Mangosing, 2018.

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About This Perspective

Scarborough Shoal is a small, high-tide feature about 140 miles west of the Philippines, yet it represents one of the most consequential fault lines of Chinese territorial aggression in the South China Sea. In addition to being important for Philippine fishing and marine ecology, Scarborough Shoal is of major symbolic importance for the United States and its treaty ally, the Philippines. If China were to dredge the feature and build dual-use military facilities there, as it has done with several other features in the South China Sea, that would have major implications for peace and stability in the region and would put U.S. troops and Philippine territory at risk in a conflict with China. In this paper, the author proposes a graduated menu of response options for the United States to consider in the event that China undertakes irreversible actions to alter the status quo of Scarborough Shoal. In particular, the author considers three sets of response options—pre-crisis, during-crisis, and long-term responses—that the United States can take to significantly mitigate the possibility of China taking this step or, if deterrence fails, to impose costs that may prevent Chinese leaders from contemplating such actions in the future.

This paper represents the views of the author and is partly informed by ongoing RAND Corporation work on gray zone challenges in Asia.

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