

also has fisheries  
Guard is a "mili-  
l times."

on Model," 现代

占岛礁(组图)"  
[Modern Ships]

ference, Foreign

h Shoal (South

*Ryan D. Martinson and Andrew S. Erickson*

## Conclusion. Options for the Definitive Use of U.S. Sea Power in the Gray Zone

BEIJING IS WAGING WHAT SOME Chinese sources term a "war without gun smoke" in the gray zone of maritime East Asia. Already winning in important areas, it could win far more if left unchecked. One of China's greatest advantages thus far is foreign difficulty in understanding and characterizing the situation, let alone responding effectively. With contributions from some of the world's leading subject matter experts, this volume aims to close that gap by elucidating the forces and doctrines driving China's paranaaval expansion. What follows is a brief examination of the U.S. response to Beijing's gray zone coercion, followed by options for how U.S. policymakers can build on successes and remedy failures.<sup>1</sup>

Chinese behavior at sea harms U.S. interests both directly and indirectly. As a seafaring nation, the United States demands maximal access to the world's oceans within the constraints of international law. Actions that impede that access violate U.S. maritime freedom.<sup>2</sup> The People's Republic of China (PRC) harms U.S. interests indirectly when it violates the legitimate maritime freedom and maritime rights of its allies and partners.<sup>3</sup> Such acts devalue Washington's commitments to its friends and shake the foundations of our alliance system—the true source of America's global influence. Moreover, the PRC's efforts to curtail and infringe upon both the maritime freedom of all nations, including

the United States, and the maritime rights of its neighbors undermine the rules-based international order.

Though seldom acknowledged, Washington's efforts to defend its maritime freedom in the Western Pacific have been fairly successful. When China unlawfully draws "fences" around the sea, U.S. warships steam through them. China recognizes the seriousness of America's position and thus far has generally yielded.

However, when it comes to helping its allies safeguard their maritime rights against Chinese encroachments, the United States has a mixed record. Since mid-2006, the PRC has rapidly expanded the frontiers of its control, doing so at the expense of the legitimate maritime rights of American allies and partners. U.S. policies have largely failed to halt China's gray zone expansion. Washington, of course, cannot assume all the blame: after all, the coastal states subject to PRC infringements bear ultimate responsibility for defending their own borders. But because of its unwillingness to play a more direct role in helping its allies assert their legitimate maritime rights, Washington has enabled Beijing's irredentist impulses. Any change in American policy must start here. And the United States has the power to do more.

### Defending Maritime Freedom

The United States does not possess or claim any land west of the Mariana Islands and therefore has no proprietary interest in the outcome of sovereignty disputes in the East and South China seas. However, Beijing's maritime claims do directly threaten U.S. maritime freedom: above all, the freedom to conduct naval operations unhindered wherever international law allows. China seeks to turn the exclusive economic zone (EEZ) into a security zone. It proclaims the prerogative to limit foreign naval activities within its EEZ, imperiling U.S. access to huge sections of ocean within the First Island Chain. China's method for drawing baselines around terrestrial features—the first step in demarcating zones of maritime jurisdiction—also threatens U.S. interests. By treating islands, rocks, and reefs as clusters instead of individual features, Beijing creates far more "Chinese" space than it is legally entitled to claim.

The United States justifiably refuses to allow China's excessive claims to affect its behavior. U.S. Navy special mission ships, for instance, routinely operate in China's EEZ. Ocean surveillance vessels such as the USNS *Impeccable* and the USNS *Victorious* monitor the underwater environment with their powerful towed arrays, collecting intelligence on foreign submarine activities.

Meanwhile, on USNS *Henson* systems and forces exercise this region.<sup>4</sup>

The U.S. Navy conducted for the China's claims. tion operations: where China has open to other states to challenge China's U.S. position based on base at Mischief there now, the may be, it cannot.

With these "definitive" use of maritime freedom regardless of China can respond with

Faced with zone coercion, that they leave December 2011 U.S. underwater Subic Bay. Still U.S. resolve to

Nevertheless *Security Strategy* in "continuous" nor "at war."<sup>7</sup> takes further steps in straight battle increase dramatically take further steps

First, it must forces—especially (PAFMM), the

Meanwhile, oceanographic survey ships such as the USNS *Bowditch* and the USNS *Henson* compile foundational marine data that serve as inputs for the systems and models upon which the fleet relies. With these operations, U.S. forces exercise navigational freedoms to serve the nation's security interests in this region.<sup>4</sup>

The U.S. Navy also engages in targeted acts of defiance, operations conducted for the sole purpose of resisting China's excessive claims. Where China's claims are explicit, the Navy sends ships to conduct freedom of navigation operations (FONOPs). These have occurred in the Paracels, for example, where China has attempted to impose sovereignty on waters that should be open to other states. The U.S. Navy has even conducted FONOP-like activities to challenge claims that China has not yet made, preemptively staking out the U.S. position before China erects its next fence. China has built an enormous base at Mischief Reef, a feature not entitled to a territorial sea. By sending ships there now, the United States shows China that no matter how large the base may be, it cannot generate maritime sovereignty.<sup>5</sup>

With these operations, Washington employs what James Cable called the "definitive" use of sea power.<sup>6</sup> The United States acts unilaterally to assert its maritime freedom—indeed, the maritime freedom of all seafaring states—regardless of China's claims, thereby placing Beijing in a passive position. It can respond with violence, or it can acquiesce.

Faced with this stark choice, Beijing has pioneered a third option: gray zone coercion. Chinese coast guard and militia forces track U.S. ships, insist that they leave, and even sometimes physically impede their navigation. In December 2016, a People's Liberation Army Navy (PLAN) ship even seized a U.S. underwater glider in international waters fifty nautical miles northwest of Subic Bay. Still, these incidents remain rare and have utterly failed to dampen U.S. resolve to sail, fly, and operate wherever international law allows.

Nevertheless, this is no cause for complacency. As the 2017 *National Security Strategy of the United States of America* emphasizes, China is engaged in "continuous competition" with the United States—neither fully "at peace" nor "at war."<sup>7</sup> Beijing has not renounced its excessive claims. Indeed, if it takes further steps to "jurisdictionalize" the South China Sea—such as drawing straight baselines in the Spratlys—the potential for friction at sea could increase dramatically. Ensuring freedom of the seas requires Washington to take further steps.

First, it must publicly expose the dangerous actions of China's gray zone forces—especially those of the People's Armed Forces Maritime Militia (PAFMM), the chief antagonist of U.S. ships at sea. To preserve the strategic

initiative, the United States must demonstrate awareness of China's actions. Through coordinated communications, it must reveal to deter.<sup>8</sup> There is no plausible deniability: China's maritime law enforcement forces are clearly national instruments and are increasingly paramilitary in nature. The PAFMM is a state-organized, -developed, and -controlled force operating under a direct military chain of command to conduct Chinese state-sponsored activities. Specifically, the U.S. Navy should develop and implement both a public relations narrative about China's gray zone forces to publicize information now about their true nature, and a crisis response package to ensure that the U.S. government gets out ahead of any Chinese narrative in time of crisis that attempts to portray the United States as the aggressor.

Second, since China's three sea forces (navy/coast guard/maritime militia) are three parts of a larger whole, the United States must deal with them holistically. As part of a coherent, coordinated strategic response, Washington must link the behavior and activities of China's paranaul forces to its interactions with the PLAN. China's navy should not simply be allowed to "bear hug" the U.S. Navy for prestige and best practices as the "good cop" of naval diplomacy while coast guard and militia "bad cops" (some of which the PLAN trains) are held to a different standard of behavior.

The United States must communicate the following, both publicly and privately, to Beijing: Henceforth, the United States expects all three Chinese sea forces—including the PAFMM—to abide at all times by the same internationally recognized standards of law, seamanship, and communications to which U.S. maritime forces adhere, including the International Regulations for Preventing Collisions at Sea and other universal rules of the road. In the interest of safety and accident avoidance, China's coast guard and maritime militia should be expected to adhere to the same Code for Unplanned Encounters at Sea to which the PLAN has explicitly committed itself. The United States should also continue to promote a binding regional code of conduct with robust rules of the road. Any Chinese failure to cooperate in this area should trigger an explicit bottom-up review of activities that the PLAN values, such as participation in future U.S.-hosted Rim of the Pacific exercises.<sup>9</sup>

Third, the United States must maintain a clear ability and resolve to deny China's gray zone forces the ability to impede the legitimate operations of U.S. forces. Washington must clarify beyond doubt that it will simply not tolerate any attempt to interfere with or compromise the safety, operations, or mission accomplishment of any U.S. government vessel. U.S. officials must clearly communicate the consequences of unacceptable Chinese behavior. The U.S.

military sho  
China's para  
these admor

Finally, 1  
(ROE) and  
poses. It wo  
clear that ce  
it would giv  
selves from  
his chapter i  
dence, and s  
an armed att  
nature of th  
that unaccep  
obstruction  
ments that i  
ruptive activ  
and civilian  
advance of a

## Defending

The majority  
directly invo  
itime rights  
ing the challe  
definitive ac  
waters to ass  
sels to assert  
sends law en  
vessels in the

The Unit  
behavior. It b  
ing the marit  
tool most vu  
mats warn th  
Meanwhile, 1  
embody, thes



military should simultaneously seek to develop nonlethal options to counter China's paranaul forces at the tactical level, so that it can respond effectively if these admonitions fail.

Finally, the United States should consider enhanced rules of engagement (ROE) and communicate this intention to China. This would serve two purposes. It would deter the employment of China's gray zone forces by making clear that certain Chinese actions would be counterproductive. Additionally, it would give commanding officers the authority necessary to defend themselves from Chinese gray zone aggression. As Jonathan Odom makes clear in his chapter in this volume, the United Nations charter, international jurisprudence, and state practice stipulate that an action qualifies as a use of force or an armed attack based on the nature of personnel's activities more than on the nature of the personnel themselves. The United States should make it plain that unacceptable Chinese actions will activate ROE, that harassment and/or obstruction will trigger removal or neutralization of a threat, and that any elements that ignore repeated warnings by U.S. Navy vessels to desist from disruptive activities may be subject to lethal force. Moreover, senior commanders and civilian authorities should review existing ROE and other authorities in advance of any crisis.<sup>10</sup>

### Defending the Maritime Rights of Allies

The majority of China's gray zone activities discussed in this volume do not directly involve U.S. maritime freedom. Rather, they infringe upon the maritime rights of China's neighbors, most of whom are far weaker and are losing the challenges in the gray zone. Here China has made great headway with definitive actions of its own. It dispatches patrol ships to others' sovereign waters to assert its right to be there. It empowers survey ships and fishing vessels to assert its right to exploit marine resources in other states' EEZs, and it sends law enforcement and militia to harass the legitimate activities of foreign vessels in their own waters.

The United States has not stood entirely aloof from Beijing's bullying behavior. It has sought to help its allies and partners. However, when supporting the maritime rights of other states, Washington has largely relied on the tool most vulnerable to gray zone trickery: coercive diplomacy.<sup>11</sup> U.S. diplomats warn their Chinese counterparts of a reaction if some red line is crossed. Meanwhile, the U.S. military sends forces to trouble spots to back up, or embody, these threats.

As Michael Mazarr points out, coercive diplomacy can achieve some of the most important U.S. aims. Coercive diplomacy likely convinced the PRC not to press its blockade of the Second Thomas Shoal in 2014. It probably deterred more escalatory PRC activities around the Senkakus in early 2013. It may have worked to convince the PRC not to develop Scarborough Reef in 2016. However, because of the nature of gray zone contention, coercive diplomacy cannot halt most of the elements of China's seaward expansion.

When supporting allies and/or partners, the United States almost entirely eschews the definitive use of sea power; that is, it seldom directly helps other states to assert their own legitimate maritime rights. The United States provides them with equipment and shares intelligence, but U.S. forces are generally not out with them on the front lines. For Washington to help stem allied losses to China in the gray zone, that would have to change.

### Acting Definitively in the East and South China Seas

When crafting policies to help allies counter Beijing's expansion, the U.S. military can do much more than communicate threats. Although capacity building or other indirect efforts to support allies confronting China at sea are extremely important, the military is not limited to such actions. If this contest matters to the United States, American forces must play a much more direct role in helping allies defend their maritime rights and ensuring that any settlement of disputes is by peaceful, legal means rather than Chinese coercion. That is, American sea power must also be employed in its "definitive" form in the gray zone between war and peace.<sup>12</sup>

What might that look like? When China intimidates allies sailing to legally claimed land features, U.S. Navy ships could sail with them. When Chinese coast guard forces harass Japanese or Philippine fishermen or survey teams in legally claimed waters, the United States could send warships to protect them. When Chinese fishermen poach fish, turtles, and giant clams in Philippine jurisdictional waters, U.S. forces could help apprehend them. Exhibit C-1 outlines a range of definitive actions the United States might take to help allies assert their legitimate maritime rights.

The U.S. military would need to formulate a gray zone doctrine for definitive actions. In most cases, the mere presence of a U.S. Navy surface combatant ship should be enough to keep the jackals at bay. But there are many other rungs on the escalation ladder. If necessary, ramming and bumping—techniques that Chinese paranaul forces have used with coercive effect—can

#### Exhibit C-1. ' Their Maritim

Marit
Sovereign accc and reefs
Sovereignty to waters
Sovereignty to resources in th
Sovereignty to their own wate
Sovereign righ their seabed re
Sovereignty to in their own w

likewise be er  
devices and w  
sonnel should  
lethal force if r

To be sure  
metry—betwe  
that the Unite  
hulls with U.S.  
sor. Ultimately  
ing badly on t  
overwatch for  
portray Ameri  
ments, and a g  
the global com

Asymmetr  
comes to count

Exhibit C-1. "Definitive" U.S. Actions to Help Allies Assert Their Maritime Rights

Maritime Rights of Allies	"Definitive" U.S. Action
Sovereign access to their offshore rocks and reefs	Escort allies' vessels; if necessary, use nonlethal means to protect them
Sovereignty to fish within their own waters	Escort allies' vessels; if necessary, use nonlethal means to protect them
Sovereignty to explore and exploit seabed resources in their own waters	Escort allies' vessels; if necessary, use nonlethal means to protect them
Sovereignty to prevent poaching within their own waters	Help allies arrest and charge Chinese poachers; protect allies' constabulary vessels from Chinese harassment
Sovereign right to prevent foreign theft of their seabed resources	Help allies board Chinese ships and charge Chinese companies for operating illegally in allies' waters; protect allies' constabulary vessels from Chinese harassment
Sovereignty to conduct military exercises in their own waters	Conduct joint exercises with allies in their waters

likewise be employed by U.S. ships. Other nonlethal means such as sonic devices and water cannon may also have a place in the new toolbox. U.S. personnel should also be prepared to defend themselves and their ships with lethal force if necessary.

To be sure, there exists a mismatch—to use Peter Dutton's term, an asymmetry—between China's huge and varied set of gray zone tools and the assets that the United States has at its disposal. Confronting Chinese white and blue hulls with U.S. gray hulls could risk presenting the United States as the aggressor. Ultimately, however, it would depend on the situation. Rather than reflecting badly on the national character, the image of a U.S. destroyer standing overwatch for Filipino fishermen as they operate in their own waters would portray America as protector of the vulnerable, a country true to its commitments, and a guarantor of the international rules-based order in a vital part of the global commons.

Asymmetries in force structure could, however, present problems when it comes to countering illegal PRC activities in allies' legally claimed waters. Such

constabulary actions would risk the image of U.S. warships bullying defenseless Chinese fishermen. As an alternative, U.S. Navy forces could sail with Philippine law enforcement forces, protecting them from Chinese paranaul intimidation. There is also a role here for the U.S. Coast Guard (USCG). As a key component of the U.S. armed forces, the USCG should be appropriately funded and empowered to help the Philippines maintain order within its jurisdictional waters. With the USCG's Shiprider program, there already exists a precedent for the service to help other states cope with rampant poaching and other lawlessness.

In sum, while it may be too late to roll back the gains China has made since 2006, the United States can help its allies prevent future expansion.<sup>13</sup> It can do this through a combination of exercising deterrence (where possible) and using U.S. sea power in its definitive form to help allies assert their legitimate maritime rights. As Tomohisa Takei indicates in his chapter, these operations should occur immediately in response to new axes of PRC expansion, what he calls "preliminary activities." Bonnie Glaser and Matthew Funairole have done excellent work showing what these preliminary activities might look like in the South China Sea. Katsuya Yamamoto has done the same for the East China Sea. But there is more work to be done.

### Assessing Risk

Critics of more direct U.S. involvement might counter that Washington lacks the resources to directly compete in East Asia's maritime disputes. This is a legitimate concern. After all, Beijing has hundreds of coast guard cutters and perhaps thousands of militia vessels at its disposal. At any given time, the United States may only have available a handful of naval combatants, one or two coast guard cutters, and no maritime militia. These numbers, however, do not accurately reflect the balance of power in the gray zone.

China's paranaul forces are very busy. Aside from "maritime rights protection," Chinese coast guardsmen have many legitimate tasks to perform. For most Chinese militiamen, fishing is their first vocation. To maintain all its new footholds in the East and South China seas, Beijing needs large numbers of ships at sea at all times. This both taxes the fleet and is very expensive. Moreover, as the Hai Yang Shi You (HYSY) 981 incident showed, one imbroglio can pin down dozens of vessels.

The United States and its allies do not need to prevail as in a traditional armed conflict. All they need to do is boldly resist China's expansion, such

that Beijing decides means to pursue interests would be

In the short actions of its own Chinese response neighbors. Beijing Nations states and drive other states mately force Chir

Beijing does r res and risk der: has carefully avoi China's feeble resj 2016. Consider th 981 in 2014. Chir Moreover, great j cially in the nucle U.S. and Soviet fo Therefore, the Ur erance for risk.

Though the 1 power that Wash itary tool will sit alone will not gi especially its sea s time rights of Ar agents of PRC ex incrementally in in freedom of th tem for the benef

### Notes

1. Drawing on th gestions design and benefits. F an option—alb



that Beijing decides to align its claims with international law and adopt gentler means to pursue them. Ultimately, the goal is for China to recognize that its interests would be better served by a more cooperative approach.

In the short term, China may respond with more assertive gray zone actions of its own. But there exist inherent constraints on the intensity of any Chinese response: if it is to be secure, China must reasonably get along with its neighbors. Beijing is sensitive to pressure from Association of Southeast Asian Nations states and key trading partners. If China acts too aggressively, it will drive other states into the camp of rival great powers. This prospect will ultimately force China to pull its punches.

Beijing does not want war. Conflict would jeopardize four decades of progress and risk derailing the "great rejuvenation" of the Chinese nation. Beijing has carefully avoided armed conflict, even with much weaker states. Witness China's feeble response to Indonesia's use of force against Chinese fishermen in 2016. Consider the PRC's restraint in the face of Vietnamese assaults on HYSY 981 in 2014. China certainly does not want a conflict with the United States. Moreover, great power wars do not ignite because of incidents at sea, especially in the nuclear age. This is one of the key lessons of the Cold War, where U.S. and Soviet forces regularly "scratched paint" on, above, and below the sea. Therefore, the United States and its allies can and should embrace a higher tolerance for risk.

Though the U.S. armed forces represent just one instrument of national power that Washington can leverage to support its East Asian allies, the military tool will sit at the heart of any successful strategy. Coercive diplomacy alone will not give our allies the support that they need. The U.S. military, especially its sea services, can and should work directly to help assert the maritime rights of American allies, who for too long have stood alone against the agents of PRC expansion. Only then can Beijing be prevented from winning incrementally in the gray zone at the expense of its neighbors, of U.S. interests in freedom of the seas, and of the laws that underwrite the international system for the benefit of all.

## Notes

1. Drawing on the chapter authors' contributions, the editors now offer potential suggestions designed to help policymakers assess possible options and weigh their costs and benefits. Failing to respond further to Beijing's gray zone expansionism is itself an option—albeit one with significant harmful repercussions, as we explain. Nothing

- suggested here represents the personal views of any chapter author or the policies or estimates of the U.S. Navy or any other organization of the U.S. government.
2. Here we define "maritime freedom" to include all of the rights, freedoms, and lawful uses of the sea and airspace guaranteed to user states. This freedom is based upon the United Nations Convention on the Law of the Sea and customary international law.
  3. Here we define "maritime rights" to include both the sovereignty guaranteed to coastal states within their territorial sea and sovereignty resource-related rights (e.g., fish, oil, natural gas, minerals) guaranteed to coastal states within their EEZs. These rights are based upon the United Nations Convention on the Law of the Sea and customary international law.
  4. The distinction between FONOPs and "routine operations to exercise navigational freedoms" is highlighted in Peter A. Dutton and Isaac B. Kardon, "Forget the FONOPs—Just Fly, Sail and Operate Wherever International Law Allows," *Lawfare Blog*, June 10, 2017, [www.lawfareblog.com/forget-fonops-just-fly-sail-and-operate-whenever-international-law-allows](http://www.lawfareblog.com/forget-fonops-just-fly-sail-and-operate-whenever-international-law-allows).
  5. The United States conducted such a mission in May 2017. Idrees Ali and David Brunnstrom, "U.S. Warship Drill Meant to Defy China's Claim over Artificial Island: Officials," Reuters, May 24, 2017, [www.reuters.com/article/us-usa-southchinasea-navy/u-s-warship-drill-meant-to-defy-chinas-claim-over-artificial-island-officials-idUSKBN18K353](http://www.reuters.com/article/us-usa-southchinasea-navy/u-s-warship-drill-meant-to-defy-chinas-claim-over-artificial-island-officials-idUSKBN18K353); *Annual Freedom of Navigation Report, Fiscal Year 2017* (Arlington, VA: U.S. Department of Defense, January 19, 2018), 3, <http://policy.defense.gov/Portals/11/FY17%20DOD%20FON%20Report.pdf?ver=2018-01-19-163418-053>.
  6. A "definitive" action unilaterally resolves a disagreement between states, thereby creating a fait accompli. James Cable, *Gunboat Diplomacy 1919–1991: Political Applications of Limited Naval Force*, 3rd ed. (New York: St. Martin's Press, 1994), 15–33.
  7. *National Security Strategy of the United States of America* (Washington, DC: White House, December 2017), 28, [www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf](http://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf).
  8. Even if Chinese interlocutors profess ignorance or decline to discuss these matters initially, they will bring American messages with them back to Beijing. Those messages must be clear and consistent, starting with, "We're wise to your game," and moving to, "It won't stop our legal efforts to ensure access and keep the peace." Continued professions of ignorance that fly in the face of well-substantiated facts concerning the PAFMM's employment should be regarded as a lack of Chinese seriousness about, and lack of support of, the bilateral naval relationship.
  9. Citing Chinese actions in the South China Sea and elsewhere, the U.S. government decided to disinvite the PLAN from the Rim of the Pacific exercise in 2018. Megan Eckstein, "China Disinvited from Participating in 2018 RIMPAC Exercise," *USNI News*, May 23, 2018, <https://news.usni.org/2018/05/23/china-disinvited-participating-2018-rimpac-exercise>.
  10. To the extent that PAFMM and China Coast Guard vessels undertake roles and missions consistent with naval auxiliaries or combatants during times of conflict, they are targetable.

11. We define "of other stat
12. U.S. policyr willing to he mitted to re cability of a South Chin cability of 1 treaty applic the Philippi mit to helpi United Nati ing those p elevation, Se occupation c land territor nental shelf establish sov is a low-tide [its] own." S features ("ro commit to d included the uncondition imate claims not. We beli should be pr time rights. uploads/sites
13. For useful di time expansi the South Cl usnwc2.usnv -Serious-abo

11. We define "coercive diplomacy" as the use of threats to influence the policy decisions of other states.
12. U.S. policymakers should take a position on which maritime rights Washington is willing to help allies defend. In the East China Sea, the United States has already committed to recognizing Japanese administration of the Senkaku Islands and the applicability of article five of the U.S.-Japan mutual security treaty to those islands. In the South China Sea, however, the United States has been less committal on the applicability of the U.S.-Philippines mutual defense treaty. This includes whether the treaty applies to features occupied by the Philippines and to the EEZ derived from the Philippines' mainland coast. First, we believe that the United States should commit to helping the Philippines defend its sovereign rights within its EEZ based on the United Nations Convention on the Law of the Sea and the tribunal's ruling, including those portions of its EEZ in the vicinity of Second Thomas Shoal. As a low-tide elevation, Second Thomas Shoal is a feature that is not capable of appropriation by occupation or other means. As the Philippines argued in the arbitration case, it is "not land territory." Instead, the Philippines argued that it is "part of the EEZ and continental shelf of the Philippines." Therefore, "no measure of occupation or control can establish sovereignty over such features." The tribunal ruled that Second Thomas Shoal is a low-tide elevation and "as such, generate[s] no entitlement to maritime zones of [its] own." Second, Washington should support Manila's right to access disputed land features ("rocks") that it already occupies. Third, we believe the United States should commit to defend the Philippines' traditional fishing rights, which the tribunal ruled included the right of access to Scarborough Reef. These commitments should not be unconditional; instead, Tokyo and Manila must take the lead in upholding their legitimate claims. Japan meets this standard unshakably; the Philippines currently does not. We believe that any decision to adopt the policy options discussed in this chapter should be predicated on greater Philippines commitment to defending its own maritime rights. See PCA Case No. 2013-19, July 12, 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>.
13. For useful discussion of the merits of different approaches for handling China's maritime expansion, see Hal Brands and Zack Cooper, "Getting Serious about Strategy in the South China Sea," *Naval War College Review* 71, no. 1 (Winter 2018): 13-32, <https://usnwc2.usnwc.edu/getattachment/58a26082-b585-4147-820f-e34244d23591/Getting-Serious-about-Strategy-in-the-South-China-.aspx>.