

## **The East China Sea in DOD China Military Power Reports**

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The National Defense Authorization Act of 2000 saw Congress require the Department of Defense (DOD) to prepare an annual report on Chinese military power. This report contains classified and unclassified editions. Documenting Chinese military developments, strategy, and trends are critical parts of these reports. Beijing's military activities in the East China Sea (ECS) are important report components. This work explains the importance of these and other DOD reports for those studying ECS developments, examines how DOD has documented Beijing's military activities within these publicly accessible reports, and describes how members of Congress have reacted to ECS developments during the Obama Administration.

**Keywords:** East China Sea, geopolitics, China, Japan, Taiwan, United States, territorial claims, maritime claims, U.S. Department of Defense information resources

### **Introduction**

Each year Congress enacts annual appropriations legislation for 12 agency groups with the Department of Defense (DOD) being one of the agencies that are part of this legislation. Besides providing funding levels and setting out various legal requirements that mandate the agencies to prepare various reports on issues within the policymaking, purview of these agencies is subject to congressional funding and oversight. On October 5, 1999, Congress enacted the Fiscal Year 2000 National Defense Authorization Act with Section 1202 of this report mandating DOD prepare classified and unclassified reports on Chinese military power for the House and Senate Armed Services and Foreign Relations Committees. These reports document how Chinese military and technological developments may affect Beijing's grand strategy, security strategy,

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military organizations, and operational concepts. This article examines how these annual DOD reports and analogous publications have documented Beijing's East China Sea (ECS) military activities during the Obama Administration with coverage of Chinese activity increasing during this administration's tenure.<sup>1</sup>

## **Annual Chinese Military Power Reports**

The 2009 edition of this report noted that Japan maintains both it and China should retain an equidistant line from each country, which should distinguish their Exclusive Economic Zones (EEZ) with China claiming an Exclusive Continental Shelf beyond the Okinawa Trench which nearly reaches Japan's shore. In June 2008, China and Japan signed an agreement temporarily shelving the EEZ dispute while agreeing to jointly develop the Chunxiao/Shirakaba gas field. The potential natural resource contentiousness of the ECS is heightened by its estimated reserves of approximately seven trillion cubic feet of gas and nearly 100 billion barrels of oil. Both Beijing and Tokyo dispute possession of the Senkaku/Diaoyu Islands with two Chinese warships having sailed in waters adjacent to these islands in December 2008, but withdrawing after an official Japanese protest. This document also contended that ECS maritime claim disagreements with Japan could produce renewed tensions and a regional crisis.<sup>2</sup>

The following year saw continued emphasis placed on the ECS as an area of territorial disputes between China and Japan with both of these countries claiming that their dispute over the Senkaku/Diaoyu would not undermine their bilateral relationship. This 2010 report also noted that the People's Liberation Army (PLA's) three main missions include: restricting seaborne aggression, protecting national sovereignty, and safeguarding maritime rights. It also noted that PLA Navy (PLAN) Doctrine incorporated six offensive and defensive capabilities including blockade, anti-sea lines of communication, maritime-land attack, anti-ship, maritime transportation protection, and naval base defense. DOD's report also stressed that Chinese government and military writings stress Chinese economic and military power depends on being able to access and use the ECS and other seas; the need for a strong navy to ensure such access; and that the PLAN's focus includes preparing for operations within the first and second island chains emphasizing potential conflict with U.S. forces over Taiwan.<sup>3</sup>

The 2011 edition noted the September 2010 collision of a People's Republic of China (PRC)-flagged fishing boat with Japanese Coast Guard vessels near the Senkaku Islands and how this triggered tensions between Beijing and Tokyo, and how the ECS, along with the South China Sea (SCS) and Yellow Sea, are part of the PLAN's offshore defense aspirations in the First Island Chain. This report also observed that China seeks to enforce its expansive maritime claims with multiple civilian entities including the maritime police, Border Control Department, Maritime Safety Administration, State Oceanographic Administration, Fisheries Law Enforcement Command, and Coast Guard. DOD observed that China probably believes that using military assets to assert its claims increases chances of escalation, enhances regional animosity, and places



Figure 1. China's First and Second Island Chains

Source: Central Intelligence Agency

excessive non-military burdens on the PLAN. DOD also contended that Beijing's civil maritime agencies are poorly equipped and operated but are steadily improving and will become increasingly important in China's maritime enforcement efforts.<sup>4</sup>

This report's 2012 edition stressed how the PLA had deployed between 1,000–1,200 Short-Range Ballistic Missiles (SRBM) against Taiwan and enhanced the lethality of this SRBM arsenal with improved ranges, accuracy, and payloads and listed the following cross-straits capabilities of China's East and South China Sea fleets and the Taiwanese fleet.

It also noted that the majority of Chinese military aircraft are based in China's east; that 490 aircraft could conduct combat operations against Taiwan without refueling; and that this number could increase significantly through combinations or aircraft forward deployment, decreased ordnance loads, or altered mission profiles. The following chart of the Nanjing Military Region adjacent to the ECS demonstrates significant military capabilities encompassing air, land, and naval forces with amphibious, armor, artillery, bomber, destroyer, fighter, missile, submarine, and surface to air missile (SAM) assets which could be used in potential military operations against Japanese, Taiwanese, or U.S. forces coming to assist Tokyo and Taipei.<sup>7</sup>

Table 1. Pre-2013 China Maritime Law Enforcement Agencies

Agency	Ministry/Department	Primary Mission/Ships
China Marine Surveillance	State Oceanic Administration (SOA)	Law enforcement within PRC territorial waters; exclusive economic zones and shores; protecting maritime environment; natural resources; navigation aids and other facilities; and carrying out maritime surveys. Ship names: Haijian; 1,000 tons: 38; 36 1,000-ton ships to be built in 12th Five-Year Program. Total: 400
Maritime Safety Administration	Ministry of Transportation	Maritime traffic safety, coordinating maritime search and rescue in territorial waters. Ship names: Haishi or Haixun 1,000 tons: 4. Total: 800+
Fisheries Law Enforcement Command	Ministry of Agriculture/Fisheries Management Administration	Law enforcement concerning fishing and maritime resources and territorial waters and EEZ; protecting Chinese fishing vessels and personnel, resolving fishing activity disputes, preventing illegal fishing, and protecting maritime resources. Ship names: Yuzheng 1,000 tons: 11; Under construction: 13 1,000 ton ships and 12 3,000 ton ships. Total: 150+
China Public Security Control Maritime Police (or Coast Guard)	Ministry of Public Security People's Armed Police	Maritime security and fighting crime at sea. Ship names: Jaijing 1,000 tons: 3. Total: 480
China Customs Anti-Smuggling Police	General Administration of Customs	Maritime anti-smuggling. Ship names: Haiguan 1,000 tons: 3. Total: 212+. <sup>5</sup>

The report's 2013 edition reiterated Chinese claims of sovereignty over the Senkaku/Diaoyu Islands; the September 2012 Japanese purchase of three of these islands from a private owner; and China protesting this move and regularly sending maritime law enforcement ships and occasionally aircraft to patrol near these islands as close as 12 nautical miles. On September 25, 2012 China published the white paper "Diaoyu Dao: An Inherent Territory of China", while also using improperly drawn straight line baseline claims inconsistent with international law. December 2012 also saw Beijing submit information to the United Nations Commission on the Law of the Sea (UNCLOS) regarding China's extended ECS continental shelf including these islands.<sup>8</sup>

Table 2. Cross-straits capabilities of China’s East and South China Sea fleets and the Taiwanese fleet

East and South China Sea Fleets	Taiwan
Destroyers 16	4
Frigates 44	22
Tank Landing Ships/Amphibious Transport Dock 26	12
Medium Ships 18	4
Diesel Attack Submarines 30	4
Nuclear Attack Submarines 2	0
Coastal Patrol Missile 67	61 <sup>6</sup>



Figure 2. Disposition of PLA Forces in the Nanjing Military Region

Source: U.S. Department of Defense

It also noted the February 2012 launch of Jiangdao Class (Type 056) corvettes into the ECS by the PLAN, that China may build 20–30 of these to augment 60 Houbei class wave piercing catamaran missile patrol boats (Type 922) capable of carrying eight Anti-Submarine Cruise Missiles for littoral water operations. Additional ECS relevant report assessments included an increase in Yuzhou Landing Patrol Docks (Type 071) to three; the emergence of the fourth generation J-20 stealth fighter, reaching the ability to fight and win regional conflicts against Taiwan by 2020 by controlling Sea Lines of Communication (SLOC) and defending ECS territorial claims, and concern that tension with Japan will cause the United States and other powers to seek to balance against China.<sup>9</sup>

2014 report coverage highlights include Beijing's November 23, 2013 declaration of an Air Defense Identification Zone (ADIZ) in the ECS overlapping with parts of Japanese, South Korean, and Taiwanese ADIZs. The United States declared it did not recognize Beijing's ADIZ and stated it would not affect U.S. military operations in this area. This report also mentioned Beijing's development of Jiangdao class corvettes (Type 056) with nine of these entering service in 2013 with the possible construction of an additional 20–30 of these vessels considered possible. This report also stressed China's desire to fight and win regional conflicts, defend ECS territorial claims, including tension with Japan over these claims, Beijing's desire to develop a blue water navy to prevent the United States and other countries from conducting operations off China's coast involving conflicts with Taiwan or conflict in the ECS and SCS, and the PLAN's Liaoning aircraft carrier conducting operations in the ECS. Such naval enhancement efforts reflect the PLAN's desire to conduct sea control and power projection operations along with enhancing long-range operational capabilities.<sup>10</sup>

The 2015 report reflected an increasing emphasis on Beijing's ECS activities stressing Chinese preparation for military contingencies in these waters. It revealed Chinese defense spending increased 9.5 percent annually in inflation-adjusted terms between 2005 and 2014, which it predicted would be sustained for the foreseeable future. This document also contented:

...The PLA continued to improve its capabilities for theater contingencies, including: cruise missiles; short- and medium-range ballistic missile; high performance aircraft; integrated air defense; information operations; and amphibious and airborne assault. The PLA is developing and testing new intermediate- and medium-range conventional ballistic missiles, as well as long-range, land-attack, and anti-ship cruise missiles that extend China's operational reach, attempting to push adversary forces—including the United States—farther from potential regional conflicts.<sup>11</sup>

This report also noted Beijing's use of low-intensity coercion to advance its maritime coercion claims in the ECS with official statements and state media striving to frame China as reacting to "threats" to national interests from or "provocations" by external players; that China uses small incremental steps to increase de facto control over disputed territories and avoid military conflict; and that it has used punitive trade policies

such as tariffs, tourism restrictions, and restrictions on foreign direct investment to advance its claims including submitting legal claims on its ECS positions to UNCLOS in 2012, placing ads in internationally prominent newspapers, and restricting rare earth mineral exports to Japan in 2010 following a collision that year between Chinese fishing vessels and Japanese patrol ships. The World Trade Organization (WTO) ruled these Chinese restrictions were discriminatory and violated WTO rules in 2012.<sup>12</sup>

It also noted 11 additional Type 056 corvettes were launched in 2014, expressed concern over Beijing's lack of transparency about its increasing military capabilities and ECS strategic decision-making, and admitted that Chinese behavior in the ECS and SCS places doubt on Beijing's desire to maintain a stable regional periphery and may prompt the United States and its allies to increase their regional military capabilities to balance China's increasing assertiveness in these waters. During 2013, China began incorporating Unmanned Aerial Vehicles (UAVs) into military exercises conducting Intelligence, Surveillance, and Reconnaissance (ISR) over the ECS. Examples of UAVs under development include the Xianglong, Yilong, Sky Saber, and Lijian with the last three intended to carry precision-strike capable weapons. The Lijian, launched on November 21, 2013 is Beijing's first stealthy flying wing UAV.<sup>13</sup>

The People's Liberation Army Air Force (PLAAF) also acquired three IL-78 Midas aerial refueling tankers to extend the range of fighter aircraft operating over the ECS. PLAN and PLAAF aircraft are participating in inter-service exercises and operations to enhance operational flexibility supporting strike and other aircraft in ECS, Taiwan, and other contingencies, and plans to add at least 30 new ships (some with helicopters) to the Chinese Coast Guard (CCG) to influence national ability to enforce maritime and natural resource claims, and increase CCG personnel by 25 percent.<sup>14</sup>

2016 China military power report content includes Beijing continuing to use maritime law enforcement ships and aircraft patrolling near the Senkaku/Diaoyu Islands during 2015 to challenge China's territorial claims; a willingness to tolerate higher levels of tension to pursue its claims while avoiding direct and explicit confrontation with the United States; and Chinese President Xi Jinping and Japanese President Shinzo Abe announcing a four-point bilateral agreement in November 2014 to improve bilateral relations.<sup>15</sup>

This report also notes Beijing is using 60 Houbei class wave piercing guided missile patrol boats (Type 022) for "near seas" operations; placing primary focus on modernizing its anti-surface warfare assets, its cruise missile, and over-the-horizon capabilities; and that the *Liaoning* aircraft certified its first domestically trained cohort of operational *J-15* pilots with an expected 2016 deployment. It also noted Japan has regularly charged China with violating a June 2008 agreement establishing equidistant demarcation lines from each country for resource development and an area to the north for jointly exploring oil and natural gas fields, and claiming that China unilaterally drilled beneath the demarcation line extracting reserves from Japan's side. This report mentioned that an expanded fleet of Chinese civilian law enforcement vessels will give Beijing the ability to assert its ECS claims with greater authoritativeness.<sup>16</sup>

Carrying out these expanded ECS claims using deception is a hallmark characteristic

of Beijing's geopolitical strategy as this section of the 2016 China military power report demonstrates:

In historical and contemporary PLA texts, Chinese military theorists routinely emphasize the importance of secrecy and deception both for the protection of personnel and infrastructure and the concealment of sensitive military activities. In 2015, the Chinese press featured the PLA using a variety of denial and deception (D&D) methods, including camouflage, decoys, and satellite avoidance activities during training events to protect PRC forces from enemy surveillance and targeting. Key D&D principles identified in official PLA monographs include:

- conforming to what the enemy expects and creating false images that correspond to the target's psychological tendencies and expectations;
- detailing pre-planning, centralized control, and operational integration to ensure strategic coherence at the political, diplomatic, and economic levels;
- extensive, current, and sophisticated understanding of enemy psychology; predisposition, capabilities (particularly Command, Control, Computer, Communications, Intelligence, Surveillance, and Reconnaissance (C4ISR)), Intentions, and location; and
- operational flexibility, rapid response, and the ability and willingness to employ new D&D techniques and devices.

Contemporary writings also indicate that the Chinese view D&D as a crucial enabler of psychological shock and force multiplier effects during a surprise attack, allowing the PLA to offset the advantages of a technologically superior enemy and to reinforce its military superiority against weaker opponents.<sup>17</sup>

## **Congressional Reaction**

As part of its Article I constitutional oversight responsibilities, the U.S. Congress is responsible for approving new legislation, revising existing legislation, funding government programs, and conducting oversight of these programs including requiring agencies to prepare reports on their policymaking. The ECS has become an area of increasing concern for Congress during the Obama Administration's two terms. One way this is reflected is through legislation and resolutions introduced during two-year congressional sessions. During the 111th Congress (2009–2010) zero bills or resolutions including "East China Sea" in their text were introduced. The 112th Congress (2011–2012) saw nine bills and resolutions introduced on the ECS with H. Res. 616 calling for a peaceful resolution of territorial maritime disputes in the ECS and H.R. 4310 (which became the National Defense Authorization Act of 2013) declaring that the sense of Congress is that the ECS is a vital part of the Asian maritime commons, that the United States acknowledges Japan's administration over the Senkaku/Diaoyu Islands, and that



the United States opposes using force to resolve territorial claim problems in the ECS.<sup>18</sup>

ECS legislative proposals during the 113th Congress (2013–2014) produced 23 bills or resolutions. These included H.R. 4495, introduced by Randy Forbes (R-VA) and Colleen Hanabusa (D-HI) on April 28, 2014 which sought to strengthen U.S. commitment to Asian-Pacific security by stressing the U.S. interests in maintaining freedom of navigation, respect for international law, and unrestricted legal commerce. It warned of the intrusion of Chinese ships into Japanese territory each month since September 2012, including nine ships into Japanese administered territory; the unilateral November 23, 2012 Chinese declaration of an ADIZ; that the increasing frequency and assertiveness of patrols and competing regulations over disputed territory and maritime areas and airspace increases tensions and enhances the risk of miscalculation and conflict. This legislation specifically called for DOD's annual Chinese military power report to include information on Chinese maritime balance of force capabilities with those of the United States and its ECS allies.<sup>19</sup>

During the 114th Congress (2015–2016), nine bills or resolutions covering the ECS were introduced. S. Res. 153, introduced April 28, 2015, stressed the importance of the U.S.-Japan relationship in safeguarding global security and prosperity; emphasized U.S. acknowledgement of Japan's control over the Senkaku Islands; stressed its opposition to unilateral attempts to undermine Tokyo's administration; and reiterated U.S. adherence to its Treaty of Mutual Cooperation and Security obligations to respond to armed attack against Japan and its territories. S. 3509, introduced on December 6, 2016 by Senator Marco Rubio (R-FL), proposed imposing sanctions on China for its ECS and SCS activities against any Chinese individual or company contributing to construction, development, land reclamation, or infrastructure project in these waters including blocking property, prohibiting visas for travel to the United States, prohibiting the U.S. Government Publishing Office from publishing most maps, documents, and information resources describing the ECS and SCS as part of Chinese territory or airspace, prohibiting the Defense Department from taking any action implying recognition of Chinese sovereignty over territory or airspace contested in Japanese administered ECS areas, and prohibiting foreign assistance to any country recognizing Chinese territorial or airspace sovereignty over the ECS or SCS.<sup>20</sup>

Section 511 of H.R. 4127, the 2016 National Intelligence Authorization Act, required the Director of National Intelligence to prepare a report for the congressional intelligence communities on U.S. intelligence community (IC) collection activities on the ECS and SCS; their funding and personnel levels; how the IC prioritizes and focuses such collection on these regions; and if there are collection and funding gaps on such intelligence gathering and efforts being made to resolve these problems.<sup>21</sup>

On June 8, 2016, Senator Dan Sullivan (R-AK) introduced an amendment to the 2017 defense authorization legislation requiring the Secretary of Defense to plan robust and regular freedom of navigation missions in the ECS. This amendment stressed that Article 1, Section 8 of the U.S. Constitution grants Congress the authority to regulate foreign trade, punish high seas piracies and offense against national law, and maintain a Navy. It also stressed the long-standing U.S. commitment to freedom of navigation

and free access for promoting global commerce remains “a core security interest of the United States.”<sup>22</sup>

Concern over ECS developments has also been periodically reflected in congressional committee hearings during the Obama Administration. A January 13, 2010 House Armed Services Committee hearing saw Navy Pacific Command Commander Admiral Robert Willard stress Beijing’s vocal assertiveness about how their SLOC impact movement of their commerce, trade, and energy and how expanding PLAAF and PLAN capacity involves securing regional commercial interests. He also maintained the degree of Chinese power projection to the Asia-Pacific region and ECS remains uncertain.<sup>23</sup>

A joint House Armed Services and Foreign Affairs Committee hearing on January 14, 2014 saw Rep. Matt Salmon (R-AZ) criticize increased Chinese aggression in the ECS; emphasize how adjacent U.S. allies are struggling to maintain their sovereignty and protect ECS navigational rights; and that military and commercial access to ECS navigable waters is critical to the United States and allied countries including Japan, the Philippines, South Korea, Taiwan, and Vietnam.<sup>24</sup>

Testifying at this hearing, Naval War College Professor Peter Dutton commented that Chinese regional maritime expansion dates back to 1840 when its domination of the Asian maritime system ceased due to western intervention. Dutton contended a key objective of Beijing’s maritime strategy involves expanding control over its Near Seas to acquire a level of continental control it believes necessary for enhancing its security interests. Dutton stressed China wants to cast doubt on Japan’s control of the Senkaku/Diaoyu Islands; carefully conduct operations to avoid provoking overt conflict with the United States; use indirect application of national interests to pivot the seaborne situation toward Beijing; and that its ECS ADIZ intends to control water and airspace approaching these islands to present a legally legitimizing case for controlling these islands.<sup>25</sup>

During an April 15, 2015 hearing, Bryan Clark of the Center for Strategic and Budgetary Assessments praised China for enhancing its maritime services, non-navy Coast Guard, and other non-military surveillance services in executing lawfare for implementing China’s maritime and territorial claims. He also expressed concern that the U.S. Navy and regional allies are incapable of confronting China’s sub-conventional aggression and that Beijing aspires to use low-level capabilities to gain preeminence in competing for ECS territories. Clark also asserted the United States and its allies change their air defense capabilities by using smaller and shorter-range weapons to destroy incoming weapons closer to U.S. and allied shipping; that the United States and its allies should have ships capable of coercing China in coastal waters; that U.S. weapons must be smaller and more precise to obtain maximum firepower; and that such weaponry must be ship carried and airborne.<sup>26</sup>

Congressional concerns about China’s activities in the ECS have also been expressed during House and Senate floor debate. On June 16, 2015, House Intelligence Committee Chair Rep. Devin Nunes (R-CA) warned that China and Russia continue expanding their international spheres of influence while the United States’ global cachet diminishes. He proceeded to emphasize “China bullies its neighbors in the South and East China Sea

and, if left unchecked, will likely exercise de facto control over maritime trade in its territorial waters in the next decade.”<sup>27</sup>

On May 16, 2016, various representatives, led by House Foreign Affairs Committee Chair Rep. Edward Royce (R-CA) successfully urged passage of H. Con. Res. 88 reaffirming the Taiwan Relations Act and the Six Assurances given to Taiwan, citing increased Chinese military assertiveness in the ECS as key reasons for this legislation. The Six Assurances included in this legislation are:

- The United States will not set a date for terminating arms sales to Taiwan.
- The United States sees no mediation for it between Taiwan and China.
- The United States will not exert pressure on Taiwan to negotiate with China.
- There is no change in the U.S. position on Taiwanese sovereignty.
- The United States has no plans to revise the Taiwan Relations Act.
- The United States will not engage in prior consultation with China on arms sales to Taiwan.<sup>28</sup>

## **Analysis**

These annual DOD reports and regularly issued congressional documents, along with other U.S. Government and military reports, stress various aspects of Beijing’s increasing assertiveness in the ECS including emphasizing these waters military operational environment. An area stressed in such reports is the increasing importance of China’s growing cruise missile arsenal and how it will use Anti-Access Aerial Denial (A2AD) efforts to increase the costs to the United States and its allies of militarily intervening in the ECS to stop a Chinese invasion of Taiwan and attempts to press its claims toward the Senkaku/Diaoyu Islands. Chinese cruise missiles could be used to threaten hardened Taiwanese aircraft fortifications including cave entrances to Taipei’s underground fighter shelters inside a mountain at Cha Shan Airbase on Taiwan’s east side, destroy command and control nodes which would coordinate and intercept PRC air attacks, and such missiles could be used to destroy Taiwanese aircraft and airfields.<sup>29</sup>

An ECS conflict involving China and the United States is likely to see the PLAN engaging in multi-axis cruise missile attacks against U.S. carrier strike groups and their Aegis air defense perimeters with a variety of cruise missiles and launching platforms making it difficult to implement effective defenses against these missiles. According to a PLA official at the Nanjing Military Region Headquarters, Beijing would use surprise attacks to weaken the supporting capabilities of U.S. and allied military bases, obstruct and interfere with enemy aircraft carrier battle groups, and frighten forces taking part in military operations against China.<sup>30</sup>

Any ECS military conflict will see China using the full spectrum of its combat operational capabilities including fast attack aircraft; attacks against U.S. underwater telecommunications assets; antisubmarine warfare; coastal artillery; gaining Near Seas aerospace and naval superiority; using counterstrike doctrine to prevent Taiwanese

independence and threatening U.S. Western Pacific-based forces and bases; enhancing its potential ECS control using its C4ISR capabilities including integrating aerospace combat capabilities; and making it increasingly difficult and costly for the United States and its allies to respond to Beijing's strategic ambitions.<sup>31</sup>

The ECS is considered one of the Near Seas (*Jinhai*) maritime areas between China and the First Island Chain stretching from the Sea of Okhotsk to the Strait of Malacca. It is an important shipping lane for China; part of the Beijing's claimed territorial waters; and a locale where it confronts the U.S.-Japan security alliance. These near seas are viewed by Chinese thinkers as the originating point for over 170 years of "humiliation" by foreign maritime powers, and represent the inherited historical concept of maritime defense (*haifeng*). Such thinking heavily influences Beijing's assertiveness and will require the United States and its allies to change their military doctrine to disable Chinese integrated air defense systems (IADS) and update the Suppression of Enemy Air Defense (SEAD) doctrine, such as the Joint Publication 3-01 *Countering and Missile Threats*, to meet air defense requirements in an A2AD environment.<sup>32</sup>

Beijing and Washington have made some efforts to mitigate possible conflict in the ECS and adjacent maritime waters. On February 29, 2008, a treaty establishing a secure defense telephone link between these two countries was signed in Shanghai. This mechanism is located at China's Zhongnanhai Telecommunications Directorate and the Ministry of Foreign Affairs National Defense Office in Beijing and in the United States' Office of the Secretary of Defense Communications. This link's purpose is to provide for official exchanges between the Chinese Defense Minister and the U.S. Secretary of Defense and these exchanges will be protected by encryption devices and may not be disclosed to third parties without the other country's written consent. Provisions of this agreement include the country requesting a call providing 48 hours' advance notice, specifying discussion topics, and using appropriate diplomatic and military channels for the call. Topics to be covered through such contacts include emergencies between U.S. and Chinese armed forces, major events regarding these militaries, and important topics concerning U.S.-China military-to-military exchange programs.<sup>33</sup>

On November 9–10, 2014 the United States and China signed a Memorandum of Understanding (MOU) covering behavior safety rules for air and maritime encounters. MOU provisions included it not being binding under international law; both countries' defense departments conducting an annual assessment meeting led by a senior colonel or captain level officer or their civilian equivalents to review previous year events concerning application of these behavioral rules, and consulting on their potential revision and future improvements. The agenda for these annual meetings must be proposed and set at least four weeks in advance and the memorandum does not affect each side's rights or obligations under international agreements, customary international law, and does not prejudice Beijing or Washington's policy perspective on EEZ military activities.<sup>34</sup>

MOU provisions also include that military vessels encountering each other at sea must ensure navigation safety with active communications and coordinated actions. The *Convention on the International Regulations for Preventing Collisions*

*at Sea* (COLREGS), *International Code of Signals* (ICS), *Radio Regulations of the International Telecommunication Union* (ITU), *the Standard Maritime Communication Phrases* (SMCP), and *Code for Unplanned Encounters at Sea* (CUES) serve as the foundational basis for military vessel communication and contact.<sup>35</sup>

Additional MOU provisions include both sides' military vessels being required to maintain a safe distance from each other under *CUES*; commanding officers of ships conducting activities that may affect adjacent military vessels and aircraft must establish appropriate warning or warning areas; maintaining timely and active communications with nearby aircraft or vessels to coordinate their actions and ensure safety; vessels should avoid dangerous approaches and situations capable of producing misperception and miscalculation; and damage control and life-saving measures should be taken if collision occurs to avoid situational escalation.

In the case of air-to-air encounters, both sides' military aircraft should ensure safe separation to avoid creating a safety hazard if an unintentional flight encounter occurs; both sides' pilots are to operate with professional airmanship and consideration for the other side's aircraft when intentionally approaching another country's military aircraft for escort, identification, or verification purposes; military aircraft and vessels should avoid interfering with activities established or declared by the other side, though the vessels of the non-declaring country enjoy freedom of navigation and over-flight rights; military aircraft pilots should avoid taking action such as using lasers to harm personnel or damage equipment on counterpart military aircraft; interfere with launch and recovery of military aircraft by the other side's military vessel; engage in aerobatics or simulated attacks in the vicinity of encountered vessels; and not discharge signal rockets, weapons, or other objects in the direction of encountered military vessels or aircraft unless there is a case of distress.<sup>36</sup>

## **Conclusion**

DOD's annual report on Chinese military power is one of the most important and publicly accessible sources for understanding how DOD views Chinese security developments in the ECS in response to congressional oversight efforts. It and companion publications from other DOD entities such as National Defense University, the Naval War College's China Maritime Studies Institute, Army War College's Strategic Studies Institute, Air University Press, and congressional armed services and foreign affairs oversight committees provide insightful analysis of Chinese ECS activities and the potential implications of these activities for U.S. strategic interests for those interested in understanding the significance of developments in this region.<sup>37</sup>

The ability of the U.S. military and the willingness of U.S. policymakers to respond to Chinese assertiveness in these waters is limited by the United States' acute budget deficit estimated at \$623.804 billion for Fiscal Year (FY) 2016, and national debt of \$19.976.827 trillion as of December 31, 2016. These factors, coupled with reduced defense spending from \$667.557 billion in FY 2009 to \$590.577 billion in FY 2017 has

adversely impacted the military's ability to implement the Obama Administration's Pivot to the Pacific and maintain U.S. military strength. This is demonstrated by one analysis of sequestration's impact on defense spending, saying the FY 2015 defense budget is insufficient to meet the defense program advocated in the 2012 Defense Strategic Guidance and the 2014 *Quadrennial Defense Review*, including not funding requisite Army and Marine Corps strength and naval aircraft carrier levels, that an additional \$200–\$300 billion is needed to fund military programs outlined in DOD's Future Years Defense Program (FYDP), and that there is insufficient funding for the ballistic missile defense program which would be crucial in any ECS-focused military scenarios.<sup>38</sup>

Public opinion on supporting increased defense spending and views of whether China is a security threat to the United States presents an ambivalent picture making it difficult to tangibly augment U.S. military assets in this region to advance Washington's interests and those of our allies. An April 2016 Pew Center poll asking whether China was a major threat, minor threat, or nonexistent threat to the United States saw 50 percent of respondents saying it was a major threat; 34 percent a minor threat; 12 percent saying it was not a threat, and three percent saying they did not know or refused to answer. A poll conducted by this organization during April 2016 on public attitudes toward defense spending revealed 35 percent favored increasing defense spending, 40 percent favoring maintaining existing spending levels, 24 percent favoring reducing defense spending, and two percent saying they did not know or refused to answer.<sup>39</sup>

Tangible demonstration of declining U.S. military readiness and capabilities to deal with strategic contingencies in the ECS and elsewhere is provided in the Heritage Foundation's 2016 and 2017 *Index of U.S. Military Strength*. These annual compilations note the ongoing nature of North Korea's nuclear arsenal, assess that China is strengthening its nuclear deterrent and strategic strike options, and is likely to begin seaborne nuclear deterrence patrols in the near future. It also maintains that Japan, the Philippines, and Taiwan face increasing military, paramilitary, and political pressure from China. This document also comments that robust Chinese conventional ballistic missile capabilities give Beijing the ability to counter land forces, aircraft, and ships (including U.S. aircraft carriers) in its immediate area with some of these weapons having ranges of up to 3,300 kilometers. These PLA forces seek to deter U.S. intervention in support of regional allies by endangering key U.S. platforms and systems including aircraft carriers consequently enabling Beijing to achieve de facto dominance of the ECS. Such military capabilities are enhanced by a tripartite strategy of lawfare, public opinion warfare, and psychological warfare striving to undermine Taiwan's will to resist and U.S. willingness to support Taipei. Heritage concludes that China is an aggressive and high threat to U.S. vital interests, with high being the second highest ranking on a continuum ranging from, and including, low, guarded, elevated, high, and severe.<sup>40</sup>

This report also stressed its concerns about the deleterious effects sequestration and other budget reductions have had on U.S. military readiness and capabilities. Army recommended capabilities for a two major regional conflict scenario are 50 brigade combat teams with the Army's actual 2015 level being 32 brigade combat teams. Concerns about U.S. military power are reflected in the following table.

Table 3. 2016 Index of U.S. Military Strength<sup>41</sup>

U.S. Military Power	Very Weak	Weak	Marginal	Strong	Very Strong
Army		√			
Navy			√		
Air Force			√		
Marine Corps			√		
Nuclear			√		
<b>Overall</b>			√		

This report also issued troubling ratings to individual U.S. armed service branches as the following tables demonstrate with the Air Force, Marine Corps, and the Navy being most likely to participate in ECS military operations:

Heritage’s assessment also stressed concern at the difference in the Navy’s ship inventory, with its January 2015 stated fleet requirement report to Congress documented in the following table

Table 4. 2016 Index of U.S. Military Strength: Army<sup>42</sup>

U.S. Military Power: Army	Very Weak	Weak	Marginal	Strong	Very Strong
Capacity		√			
Capability			√		
Readiness		√			
<b>Overall</b>		√			

Table 5. 2016 Index of U.S. Military Strength: Navy<sup>43</sup>

U.S. Military Power: Navy	Very Weak	Weak	Marginal	Strong	Very Strong
Capacity			√		
Capability		√			
Readiness				√	
<b>Overall</b>			√		

Table 6. Difference in the Navy's Ship Inventory<sup>44</sup>

Ship Type	FY 2015 Inventory	FY 2015 Requirement	FY 2016 Inventory	2016 Difference: Inventory Minus Requirement
Aircraft Carriers	10	11	10	-1
Large Surface Combatant	84	88	84	-4
Small Surface Combatant	17	52	17	-35
Attack Submarines	54	48	52	+4
Cruise Missile Submarines	4	0	4	+2
Ballistic Missile Submarines	14	12	14	+2
Amphibious Warfare Ships	31	34	31	-3
Combat Logistics Force	30	29	30	-1
<b>Total</b>	271	308	272	-36

Table 7. 2016 Index of U.S. Military Strength: Air Force<sup>45</sup>

U.S. Military Power: Air Force	Very Weak	Weak	Marginal	Strong	Very Strong
Capacity			√		
Capability		√			
Readiness		√			
<b>Overall</b>		√			

Table 8. 2016 Index of U.S. Military Strength: Marine Corps<sup>46</sup>

U.S. Military Power: Marine Corps	Very Weak	Weak	Marginal	Strong	Very Strong
Capacity		√			
Capability			√		
Readiness			√		
<b>Overall</b>			√		



U.S. Air Force fighter aircraft requirements for a two major regional conflict scenario are 1,200 aircraft, with actual 2015 inventory being 1,113 aircraft. The Air Force’s overall military power ratings are:

Marine Corps force structure recommendations for two major regional conflicts are 36 battalions, with the actual 2015 total being 23 battalions. The Corps overall military power ratings are:

Military conflict in the ECS involving China and North Korea could result in escalation to using nuclear weapons. The Heritage Foundation also stresses concern about the United States’ ability to use its nuclear deterrent if such a contingency occurs as the following ratings demonstrate:

Events in the ECS are important because China is pursuing a grand strategy seeking to end U.S. primacy in Asia and altering the regional balance of power using military modernization, geoeconomics, and lawfare in an attempt to achieve de facto Finlandization of adjoining countries to Beijing’s policies. While there is debate over whether comity will remain in Sino-U.S. relations or whether war between China and the United States is inevitable, the potential for conflict cannot be dismissed as improbable due to conditions documented in DOD’s annual military reports on China and other publications.<sup>48</sup>

Table 9. 2016 Index of U.S. Military Strength: Nuclear<sup>47</sup>

U.S. Military Power: Nuclear	Very Weak	Weak	Marginal	Strong	Very Strong
Warhead Surety				√	
Delivery Platform Reliability				√	
Warhead Modernization		√			
Delivery Systems Modernization			√		
Nuclear Weapons Complex		√			
National Labs Talent			√		
Force Readiness			√		
Allied Assurance			√		
Nuclear Test Readiness		√			
<b>Overall</b>			√		

The United States must mitigate its fiscal problems by reforming its unsustainable entitlement and inefficient tax programs to equip the military with the assets necessary to deter and defeat potential military aggression from Islamist terrorism, Russian assertiveness, and Chinese assertiveness in the Western Pacific. Although U.S. defense spending remains preeminent by global standards, it has failed to keep up with inflation and increasing weapons costs while declining as a percentage of Gross Domestic Product (GDP) from 5.5 percent in the 1980s to 2.8 percent in 2016 and a projected 2.5 percent in 2020, and 25.9 percent of the U.S. Government in 1985 to an estimated 14.2 percent in 2017. The United States' ability to confront aggression in the ECS and elsewhere will also be hampered by projected military force personnel reductions from 2,127,000 in 2015 to 2,071,000 (3 percent) in 2020.

Examples of the assets the military needs to confront Beijing's aggressiveness include dealing with Chinese sub-conventional aggression, altering air defense capabilities by using smaller and shorter range weapons to destroy incoming weapons approaching U.S. and allied shipping, that the United States and its allies must have ships capable of coercing China in coastal waters comparable to what Beijing has done to Japanese and Philippine ships, that U.S. weapons should be smaller and more precise to acquire maximum firepower, and that such weapons should be ship carried and airborne.<sup>49</sup>

It is imperative for the incoming Trump Administration, DOD, and Congress to explicitly incorporate funding for an assertive ECS and the Pivot to the Pacific into future budgets for entities such as Pacific Command (PACOM), joint and individual armed service doctrinal and national security strategic documents, and for national leaders to repeatedly educate Americans and the international community on the increasing danger posed to U.S. and allied economic and strategic interests by China's aggression. Comparable levels of national leadership and sustained political communication are required for educating domestic and international opinion about the necessity of sustained U.S. and allied financial personnel support for the European Reassurance Initiative and ongoing operations against the Islamic State.<sup>50</sup>

Japan's July 11, 2016 election giving Prime Minister Abe's Liberal Democratic Party more than two-thirds of the parliamentary seats could produce a revocation of Japan's constitutional war prohibition clause and enhance Tokyo's military power potential. It is possible this may produce increased tensions between China and Japan. The July 12, 2016 Permanent Court of Arbitration decision ruling in favor of the Philippines against China's expansive SCS territorial claims could be a potentially helpful precedent deterring China from engaging in aggressive geopolitical aspirations in the ECS. It remains to be seen whether this legal setback, which cannot be enforced, will restrain Beijing or embolden it to continue pursuing irredentist objectives in either of these strategically important waterways.<sup>51</sup>

DOD publications such as its annual report on Chinese military power can provide useful information to individuals concerned with international security developments about how Chinese assertiveness in the ECS and adjacent waters could jeopardize international trade and security, core U.S. and allied economic and strategic interests, and

require assertive and sustained diplomatic, economic, military, and political responses by the United States and its allies to ensure that China does not gain de facto hegemony over the Western Pacific.

## Notes

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