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How the U.S. Can Step Up in the South China Sea  
The Right Way to Push Back Against Beijing  
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Over the course of his two years in office, U.S. President Donald Trump has been vocal in his disdain for most forms of multilateralism. Yet when it comes to two pressing maritime issues in East Asia, his administration sees the value of friends. First is the problem of stopping illegal transfers of fuel to North Korean tankers in the East China Sea, a tactic that Pyongyang uses to skirt U.S. and UN sanctions. To crack down on the smuggling, the United States and Japan have brought together a coalition of states to identify and report vessels engaged in these illicit ship-to-ship transfers.

Then there is the South China Sea, where Beijing [continues](#) <sup>[1]</sup> its military buildup and has doubled down on maritime claims that fly in the face of [international law](#) <sup>[2]</sup>. Navies from within and outside the region have responded to China's aggressive posturing by undertaking more operations, including exercises, intelligence gathering, and passages through contested waters, aimed at maintaining freedom of navigation in the air and at sea, a development U.S. officials have lauded.

Unfortunately, U.S. leadership has been evident on only one of these maritime issues. Washington has been the driving force behind the multilateral effort to crack down on North Korean smuggling. But it has been much less effective in coordinating with like-minded states to defend freedom of navigation in the South China Sea. Pushing back against Chinese revisionism will require an international effort that Washington is in a prime position to shape. In devising how best to do so, Washington could take a page from its own playbook in the East China Sea.

## A SUCCESSFUL COALITION

In October 2017, the United States began surveillance flights over the East China Sea to monitor and disrupt the activities of ships suspected of violating sanctions on North Korea. At the start of 2018, the Trump administration decided to expand that effort by enlisting more countries to track vessels believed to be carrying prohibited cargo. In February

2018, the *Asahi Shimbun*, a Japanese newspaper, reported <sup>[3]</sup> that the United States and Japan planned to organize an international meeting to form this coalition. The invitees reportedly included Australia, France, Singapore, South Korea, and the United Kingdom.

Since May, Australia, Canada, New Zealand, and the United Kingdom have based surveillance planes at the U.S. military's Kadena Air Base in Okinawa to conduct regular patrols over the East China Sea and Sea of Japan. A British warship was also deployed to Japan to assist the effort. The surveillance aircraft collect information on vessels suspected of violating sanctions against North Korea. They photograph the hull numbers of boats engaging in illegal ship-to-ship oil transfers and report them to the United Nations to help bring those parties to account by blacklisting the vessels and companies involved and pressuring member states, especially China and Russia, to crack down on violators.

The coalition expanded in September <sup>[4]</sup> with the establishment of an Enforcement Coordination Center aboard the USS *Blue Ridge*. The ship hosts more than 50 personnel from Australia, Canada, France, Japan, New Zealand, South Korea, and the United Kingdom. Among other purposes, the coordination center was reportedly established to facilitate bridge-to-bridge communications between coalition ships and suspected smuggling vessels. In November, Admiral Phil Davidson, the U.S. command chief for the Indo-Pacific region, said that Washington had dedicated two ships to these patrols and increased its surveillance flights by 50 percent.

The coalition's efforts have so far had mixed results. In December, a U.S. defense official told NBC <sup>[5]</sup> that on 30 occasions since October 2017, smugglers have abandoned ship-to-ship transfers upon being observed by patrols. Unfortunately, the group has also arguably become a victim of its own success. A UN report from August suggests that smuggling has moved out of the East China Sea and Sea of Japan into the territorial waters of surrounding countries such as China to avoid detection. Ship-to-ship transfers are increasing as a result.

How effective the coalition will be in halting North Korean sanctions violations over the long term remains to be seen, but the ambitious multilateral effort has undeniably succeeded in turning up the pressure on sanctions violators and UN member states that have been turning a blind eye to their activities.

## **COUNTERING BEIJING**

If the coalition to crack down on smuggling in the East China Sea was largely orchestrated by Washington, the growing involvement of third parties in South China Sea operations to counter Beijing has been more organic. For several years, the United States quietly urged like-minded states to increase their presence in the South China Sea to help assert their freedom of navigation despite excessive Chinese maritime claims. But Washington has not yet tried to build a formal coalition in service of those aims, leaving it to other countries to individually assert their rights.

U.S. urging might have played some part in the stepped-up military activities by other states in the South China Sea this year. But China's militarization of its artificial islands in the Spratlys, especially its deployment of surface-to-air and antiship cruise missiles to them in May, likely played a much greater role. These developments have heightened fears that Beijing is tightening its control over the sea and airspace of the South China

Sea, which could undermine key legal principles underpinning the global maritime order, prevent Southeast Asian partners from accessing their rights and resources, and eventually cause instability and potential conflict in the region. This in turn has prompted other states to assert their own rights and send a message that the United States is not the only country concerned about maintaining freedom of navigation.

In 2018, Australia increased the frequency of its long-standing patrols in the South China Sea. Vice Admiral Michael Noonan, head of the Royal Australian Navy, told an audience at the International Institute for Strategic Studies on November 28 that the navy “regularly sails through [the] Spratlys and Taiwan Strait.” He also said that although it is not Australian policy to sail within 12 nautical miles of disputed features in the South China Sea, as the United States regularly does through freedom of navigation operations, it supports the rights of others to do so.

The United States undertakes freedom of navigation operations throughout the world to challenge excessive maritime claims or assert its noncompliance with restrictions other countries place on internationally guaranteed rights at sea. U.S. ships perform a variety of such operations in the South China Sea, including within 12 nautical miles of occupied features. In some cases, these operations are to assert that the United States does not recognize the existence of a 12-nautical-mile territorial sea around artificial islands that were previously underwater at high tide; in others, they challenge Beijing’s demand for prior notification before foreign warships can sail through the territorial sea.

In June, a French maritime task group joined up with British helicopters and ships to sail through the South China Sea. They did not enter the 12-nautical-mile territorial waters around disputed features or target any specific Chinese claim, but just as with Australia’s patrols, their presence was meant as a message. French Defense Minister Florence Parly revealed at this year’s Shangri-La Dialogue that German observers were also on board one of the ships. Two months later, the United Kingdom went a step further when the HMS *Albion* sailed through the Paracel Islands to challenge China’s illegal claim to straight base lines around those features. By drawing base lines in violation of international legal principles, Beijing declared that the sea within those lines is its internal waters and closed to foreign vessels. The *Albion*’s passage, which challenged that claim, was the first time a navy other than the United States’ publicly engaged in a clear freedom of navigation operation.

On August 31, the day of the *Albion*’s exercise, the U.S. Navy and the Japan Maritime Self-Defense Force participated in a bilateral training exercise in the South China Sea. Then in September, Japan sent a submarine to join three of its destroyers in an antisubmarine warfare drill in the South China Sea. It marked the first time that Japan publicly acknowledged a submarine exercise in those waters.

This increase in naval activity shows that concern about China’s attempts to rewrite the rules of customary international law in the South China Sea is spreading. No other state has an equivalent to the U.S. Freedom of Navigation Program, but all foreign navies operating in the South China Sea are asserting freedom of navigation through these exercises, even if that is not their sole purpose. After all, China objects to any foreign military activities without notification in waters it claims, and Chinese forces frequently

issue warnings to foreign military vessels and planes to leave ill-defined “military alert zones” or stop “threatening the security” of Chinese facilities merely by transiting in international airspace and nearby waters.

## THE TIME TO LEAD IS NOW

The emergence of this new international willingness to assert rights in the South China Sea presents an opportunity for leadership, but one the United States has not yet seized. Beijing’s claims threaten a wide range of freedoms of the seas, not just the freedom of navigation of foreign military vessels. These include the exclusive rights of Southeast Asian coastal states to fish, exploit seabed resources, and exercise law enforcement and other jurisdictions in their own waters. Freedom of navigation operations, even if undertaken by a diverse coalition of states, are not enough to defend international law and push back against Chinese revisionism.

To begin doing that, the United States should exercise the same multilateral leadership it has shown in the East China Sea and include like-minded parties such as Australia, France, Japan, and the United Kingdom in joint exercises and other coalition-building activities with Southeast Asian partners, especially the Philippines and Vietnam. This will send a clear signal that these countries, like the United States, are interested in defending not only their own freedom of navigation but also the rights of the South China Sea claimants. Such cooperation could lead to the eventual establishment of a combined task force <sup>[6]</sup> based in one of the Southeast Asian states to help deter further Chinese aggression or new claims in the South China Sea.

Diplomatically, the United States should enlist these nations and others such as Canada and European partners to put the South China Sea back at the top of the international agenda. A good place to start would be including strong language on the South China Sea in the annual G-7 leaders’ statement that goes beyond the mere expression of concern about freedom of navigation and support for diplomatic processes that were part of the April 2018 G-7 Foreign Ministers’ Communiqué <sup>[7]</sup>. This language should make clear that the G7 states are committed to upholding all lawful uses of the seas, including Southeast Asian states’ exercise of their rights to the resources within their exclusive economic zones. A concerted international diplomatic effort will raise awareness of Chinese coercion in the South China Sea and make continued rule breaking costlier by undermining Beijing’s image as a responsible global leader and attractive partner to other countries.

An effective South China Sea coalition will be one that helps defend the rights Southeast Asian states should enjoy in their own waters, while getting Beijing to make long-term compromises with its neighbors or pay a steep diplomatic and economic price. But for that to work, Washington needs to bring the same creativity and ambition to the South China Sea that it has to the East China Sea.

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[3] <http://www.asahi.com/ajw/articles/AJ201802280030.html>

[4] <https://www.wsj.com/articles/new-u-s-led-coalition-to-track-illicit-fuel-shipments-to-north-korea-1536922923>

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[6] <https://thediplomat.com/2018/06/toward-a-new-maritime-strategy-in-the-south-china-sea/>

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