

**The Trump Administration's Policy on the South China Sea:
Rhetoric and Reality**

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Introduction

The President Donald Trump has been in office for less than ten months. This paper explores the Trump Administration's policy towards the South China Sea. This analysis is presented in five parts below. Part 1 reviews the legacy of the Obama Administration – rebalancing towards the Asia-Pacific, militarization of the South China Sea dispute, freedom of navigation operational patrols and China's three obstacles to improved relations with the U.S.

Part 2 provides a detailed account of statements, interviews and tweets on the South China Sea by candidate Trump during the course of the 2016 U.S. presidential campaign.

Part 3 traces the Trump Administration's rhetoric on the South China Sea, beginning with statements made by his nominees for secretary of defence and secretary of state at their confirmation hearing. The analysis then considers the rhetoric adopted by President Trump and his key officials since assuming office: withdrawal from the Trans Pacific Partnership, the adoption of a Northeast Asia First foreign policy and declaratory policy on the South China Sea by senior officials during their visits overseas, and formal statements at the Shangri-La Dialogue, Australia-United States ministerial talks, Trilateral Security Dialogue, U.S.-ASEAN ministers and with visiting heads of government.

Part 4 focuses on reality of United States foreign policy in terms of what the U.S. is doing rather than what it is saying. This section focuses on the Trump Administration's new freedom of navigation plan.

Part 5 offers a conclusion. The Trump Administration has jettisoned Obama era buzzwords rebalance and pivot but the U.S. military force posture in the Asia-Pacific (Pacific Command) remains much as it was before with an increased focus on Northeast Asia and nuclear proliferation on the Korean peninsula.

The Trump Administration has yet to adopt a formal National Security Strategy as mandated by the U.S. Congress. President Trump has delegated U.S. policy on the South China Sea to the Secretary of Defense. In many respects the new freedom of navigation and naval presence patrols in the South China Sea resemble those of the Obama Administration. They are narrowly focused and do not form part of a larger strategy. A Trump Administration policy on the South China Sea remains a work in progress.

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1. Obama Legacy

Shortly after the Obama Administration took office in January 2009, Hillary Clinton declared on her second trip to Asia as Secretary of State that ‘the United States is back.’¹ The Obama Administration moved swiftly to engage with the Association of Southeast Asian Nations (ASEAN). The U.S. quickly acceded to the ASEAN Treaty of Amity and Cooperation, appointed a permanent ambassador to the ASEAN Secretariat, and revived the annual ASEAN-United States Leaders’ Meeting. Later, the United States became a full member of the East Asia Summit. When Chinese assertiveness in the South China Sea raised regional security concerns, both the U.S. Secretary of State and Secretary of Defense visited the region to attend meetings of the ASEAN Regional Forum and ASEAN Plus 10 and ASEAN Plus 1. During his two terms in office President Obama attended all but one East Asia Summits.

The United States has a long-standing policy of not taking sides on the merits of conflicting territorial claims in the South China Sea. The United States, however, advocates the peaceful settlement of disputes on the basis of international law, including the United Nations Convention on the Law of the Sea (UNCLOS). In 2010 Secretary of State Hillary Clinton altered this policy by declaring at a meeting of the ASEAN Regional Forum in Hanoi that the U.S. has a national interest in the South China Sea.

On 17 November 2011, President Obama gave an historic address to a joint sitting of the Australian Parliament in which he revealed that his Administration had inaugurated a review to identify the United States’ most important strategic interests to guide defence policy and spending in the next decade. According to President Obama:

As President, I’ve therefore made a deliberate and strategic decision – as a Pacific nation, the United States will play a larger and long term role in shaping this region and its future, by upholding core principles and in close partnership with allies and friends...

As we end today’s wars, I have directed my national security team to make our presence and mission in the Asia Pacific a top priority. As a result of, reduction in U.S. defense spending will not – I repeat, will not – come at the expense of the Asia-Pacific.²

The word ‘rebalance’ was not used in Obama’s address. However, in January 2012, the U.S. Department of Defense issued new strategic guidance that formally identified rebalancing as a key U.S. priority. According to *Sustaining U.S. Global Leadership: Priorities for the 21st Century*:

U.S. economic and security interests are inextricably linked to developments in the arc extending from the Western Pacific and East Asia into the Indian Ocean region and South Asia, creating a mix of evolving challenges and opportunities. Accordingly, while the U.S. military will continue to contribute to security globally, *we will of necessity rebalance toward the Asia-Pacific region*. Our relationships with Asian allies and key partners are critical to the future stability and growth of the region. We will emphasize our existing alliances, which provide a vital foundation for Asia-Pacific security. We will also expand our

¹ Associated Press, “U.S. ‘is back’ is Asia, Secretary of State Hillary Clinton declares.” *Daily News*, July 21, 2009.

² ‘Remarks By President Obama to the Australian Parliament, Canberra, Australia, November 17, 2011’, The White House, Office of the Press Secretary.

networks of cooperation with emerging partners throughout the Asia-Pacific to ensure collective capability and capacity for securing common interests.³

In direct response to Chinese naval modernization and prior to the official adoption of rebalancing, the U.S. had deployed thirty-one of its fifty-three fast attack submarines to the Pacific and stepped up its anti-submarine warfare program. Eighteen of the U.S. subs were home-ported in Pearl Harbor; the others are based in Guam. Under Obama's policy of rebalancing sixty percent of the U.S. Navy was to be deployed to the Asia-Pacific, including the most modern warships and other platforms.

During the two terms of the Obama Administration, the United States and ASEAN have held two formal summits: the ASEAN and the United States 3rd Summit (21 November 2015) and the ASEAN-United States Special Leaders' Summit at Sunnylands (15-16 February 2016). The chairman's statements issued following ASEAN's summit with the United States all agreed on: the importance of peace, security and stability of the region; freedom of navigation and over flight; implementation of the DOC and early conclusion of a Code of Conduct; self-restraint; non threat or use of force; peaceful resolution of disputes; and international law, including UNCLOS.

Of significance, however, was the wording of the joint statement following the Sunnylands Summit. This documents included six issues not mentioned in any previous ASEAN ministerial statements or statements issued after separate ASEAN summit meetings with China and the United States. These issues included: maritime security and safety; full respect for legal and diplomatic processes; other lawful uses of the sea; unimpeded lawful maritime commerce; non-militarization; and agreement to address common challenges in the maritime domain.⁴ Since the Sunnylands Summit, ASEAN has incorporated reference to 'full respect for legal and diplomatic processes' (an oblique reference to the Arbitral Tribunal) and non-militarization in all statements issued after relevant ministerial and summit meetings.

Although China and the United States sparred over maritime security in the South China Sea since Secretary Clinton's 2010 statement, no one development sparked such a heated exchange as China's transformation of seven rocks and low tide elevations into artificial islands in 2014-15. China's actions led Admiral Harry Harris, Commander of the U.S. Pacific Command, to declare in March 2015 that China was 'creating a great wall of sand.'⁵ Two months later Secretary of Defense Ashton Carter addressed the Shangri-La Dialogue in

³ U.S. Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, Washington, D.C., January 2012.

⁴ 'Joint Statement of the U.S.-ASEAN Special Leaders' Summit: Sunnylands Declaration, 15-16 February 2016', Office of the Press Secretary, The White House.

⁵ Associated Press, 'US Admiral: China "Creating a Great Wall of Sand" in Sea', Voice of America, 31 March 2015.

Singapore where he outlined U.S. concerns over China's so-called 'land reclamation.'⁶ Carter stated:

The United States is deeply concerned about the pace and scope of land reclamation in the South China Sea, the prospect of further militarization, as well as the potential for these activities to increase the risk of miscalculation or conflict among claimant states.⁷

Secretary Carter's use of the term 'militarization' set off an escalating heated exchange of words between China and the United States that continues to the present. Both China and the United States accuse each other of militarizing the South China Sea.

When Chinese officials accuse the U.S. of militarizing the South China Sea they point to at least three types of activities:

- (1) The Obama Administration's policy of rebalancing to the Asia-Pacific including maritime security assistance, naval 'presence' patrols, port visits by U.S. nuclear attack submarines, the rotation of U.S. military personnel, aircraft, and warships in the Philippines (before and after the Enhanced Defense Cooperation Agreement was ruled constitutional by the Philippines' Supreme Court in January 2016), and basing of U.S. Littoral Combat Ships in Singapore and temporary deployment of U.S. Navy P-8A *Poseidon* maritime-patrol aircraft to Singapore, the Philippines and Malaysia.
- (2) U.S. Freedom of Navigation Operational Patrols (FONOPS); and
- (3) Close-in aerial surveillance by U.S. aircraft near Chinese military installations on Hainan Island and over flights of PLA 'military alert zones' in the Spratly Islands.

The U.S. Congress approved \$425 million for the Defense Department's Southeast Asia Maritime Security Initiative over a five-year period to be allocated to five countries - Indonesia, Malaysia, the Philippines, Thailand and Vietnam. Congress approved \$49.72 million for disbursement in FY2016. Follow on disbursements total \$75 million for fiscal year 2017; and \$100 million each of fiscal years 2018, 2019 and 2020.

The U.S. Navy constantly conducts so-called 'presence' patrols in the South China Sea. U.S. Navy warships spent more than 700 days patrolling in the South China Sea in 2015 and are estimated to have spent around 1,000 days patrolling in 2016. In March 2016, for example, the *USS Chancellorsville* (CG-62), a Ticonderoga-class guided-missile cruiser, patrolled waters near Mischief Reef while the *USS John C. Stennis* Strike Group spent three months of its seven-month deployment to the Western Pacific in the South China Sea during the first half of 2016.

The United States conducted four FONOPs in the South China Sea from 2015-16:

⁶ 'Land reclamation' is not an accurate term, China is not recovering land that has been eroded by wind and sea. See Carl Thayer, 'No, China is Not Reclaiming Land in the South China Sea', *The Diplomat*, 7 June 2015.

⁷ Dr. Ashton Carter, United States Secretary of Defense, 'The United States and Challenges to Asia-Pacific Security', IISS-Shangri-La Dialogue First Plenary Section, 14th Asia Security Summit, Singapore, 30 May 2015.

The first FONOP was conducted on 26 October 2015 by the *USS Lassen* (DDG-82), an *Arleigh Burke*-class guided missile destroyer. The *USS Lassen* sailed within 12 nautical miles (nm) of five features claimed by China in the Spratlys: Subi Reef, Northeast Cay, Southeast Cay, South Reef and Sandy Cay, without prior notification. The *USS Lassen* was shadowed for ten days by a PLAN guided-missile destroyer and a naval patrol ship. The Chinese repeatedly broadcast, 'Hey, you are in Chinese waters. What is your intention?'.⁸

The second FONOP was conducted on 30 January 2016 by the *USS Curtis Wilbur* (DDG-54), an *Arleigh Burke*-class guided missile destroyer. It sailed by Triton Island in the Paracels.

The third FONOP took place on 10 May 2016 when the *USS William P. Lawrence* (DDG-110), an *Arleigh Burke*-class guided missile destroyer, transited near Fiery Cross Reef (shortly after the visit of General Fan Changlong, the Deputy Chairman of the PLA's Central Military Committee, to one of China's artificial islands).⁹

The fourth FONOP took place around 23 October 2016 when the *USS Decatur* (DDG-73), an *Arleigh Burke*-class guided missile destroyer, passed through waters near Triton and Woody Islands in the Paracels.

China has long listed three obstacles to improved military-to-military relations with the United States, including close-in surveillance. In the most notable incident, in April 2001 the pilot of a Chinese jet harassed a U.S. Navy EP-3 maritime surveillance aircraft. The pilot miscalculated and crashed into the EP-3. His plane went down at sea and the pilot was killed. The EP-3 was forced to make an emergency landing on Hainan Island.

In December 2015, a U.S. Air Force B-52 bomber flew over the South China Sea within two nm of China's artificial islands. In mid-July of the following year, a Poseidon P-8A carrying the Commander of the U.S. Pacific Fleet Admiral Scott Swift flew over Fiery Cross, Subi and Mischief reefs. In March 2016, Admiral John Richardson U.S. Chief of Naval Operations revealed that Chinese survey ships at Scarborough Shoal suggested new phase of construction. That same month, a Chinese military website posted a purported detailed dredging plan for Scarborough Shoal including a runway, power systems, residences and harbor to take military vessels. U.S. and Australian intelligence and analytical agencies later warned that China was poised to take 'decisive and provocative action' such as dynamiting the coral to construct a fourth airfield.¹⁰ President Obama reportedly raised this issue in a candid exchange with President Xi on the sidelines of the nuclear security summit in Washington in March.

As noted by Admiral Richardson, a Chinese airfield on Scarborough Shoal would complete the triangle linking Woody island in the Paracels with occupied features in the Spratlys

⁸ Yeganeh Torbati, "'Hope to see you again": China warship to U.S. destroyer after South China Sea patrol,' Reuters, 5 November 2015.

⁹ In early April 2016, the media reported that a third FONOP was planned. These reports came a day after Presidents Barack Xi Jinping met at the nuclear summit in Washington where Obama raised China's actions in South China Sea. Later in April the third FONOP cancelled.

¹⁰ Carl Thayer, 'Australian Intelligence: China Poised to Take "Decisive and Provocative" Action in the South China Sea', *The Diplomat*, 15 April 2016.

and give China the ability to monitor virtually all aircraft and surface ships passing over or through the South China Sea, especially near the Philippines naval base at Subic Bay.

Between 19-21 April, the U.S. conducted at least three aerial patrols around Scarborough Shoal by A-10 Thunderbolt ground attack aircraft and HH-60 Pave Hawk helicopters retained in the Philippines after the annual Filipino-U.S. military exercise. The *USS John C. Stennis* aircraft carrier strike group returned to the South China Sea and the United States and the Philippines announced the commencement of joint naval patrols.

In June, the *USS Ronald Reagan* aircraft carrier replaced the *Stennis* on patrol duties and the U.S. deployed four EA-18 Growlers, the world's most advanced electronic warfare aircraft, to the Philippines. During the summer three U.S. destroyers, *USS Stethem*, *USS Spruance* and *USS Momsen*, conducted independent patrols in the waters around the Scarborough Shoal and the Spratly Islands. The two carrier strike groups, *Stennis* and *Reagan* joined six warships to conduct a large-scale exercise off the east coast of the Philippines. China refrained from appropriating Scarborough Shoal and turning it into the eighth artificial island.

Obama's policy of rebalancing toward the Asia-Pacific was viewed from its inception as more about military presence in the region. Obama attempted to 'rebalance the rebalance' by supporting the Trans Pacific Partnership, a multilateral free trade initiative among twelve Asia-Pacific littoral states. Given the priority set by President Obama to rebalance from U.S. commitments in the Middle East (Iraq) and Afghanistan to the Asia-Pacific, it might have been expected that Asia-Pacific and the South China Sea would feature prominently in the U.S. elections in 2016. The following section, however, highlights the distinct lack of attention to Asia-Pacific strategic issues by Donald Trump who won the elections and became president of the United States.

2. U.S. Presidential Election Campaign 2016

During the U.S. presidential campaign in 2015-16 Asia did not figure prominently as an election issue. In June 2016, for example, Walid Phares, a foreign policy adviser to Donald Trump, stated in an interview that 'Trump has yet to come up with a full package of policies on South China Sea-related issues.'¹¹ A month later, Lanhee Chen, a former foreign policy adviser to Mitt Romney and Marco Rubio, told the press that, "Trump has not stated his policy on relations between Taiwan and China or with respect to the South China Sea..."¹² In November, just after Trump's election Ralph Jennings observed, 'U.S. President-elect Donald Trump did not make the maritime disputes in the South China Sea a major part of his election campaign and his approach to Asia's most expansive sovereignty disagreements is still not clear... Trump has yet to roll out a formal South

¹¹ Kyodo News, "Trump to urge Japan to pay more for US. Military if elected: aide," June 5, 2016.

¹² Toni Liao and Christie Chen, "Trump's lack of Asia policy 'concerning' ex-Romney adviser," Central News Agency English News, July 20, 2016.

China Sea policy.’¹³

There were a few straws in the wind that if Donald Trump were elected there would be heightened strategic uncertainty about U.S. engagement in the Asia-Pacific. In November 2015, when he was a leading contender for nomination by the Republican Party, Trump wrote the following in an opinion editorial, “The worst of China's sins is not its theft of intellectual property. It is the wanton manipulation of China's currency, robbing Americans of billions of dollars of capital and millions of jobs ...”¹⁴ Trump pledged to declare China a current manipulator as soon as he took office.

Trump also vowed to strengthen the U.S. military and deploy it ‘appropriately’ in the East and South China seas. ‘These actions,’ he wrote, ‘will discourage Chinese adventurism that imperils American interests in Asia and shows our strength as we begin renegotiating our trading relationship with China... A strong military presence will be a clear signal to China and other nations in Asia and around the world that America is back in the global leadership business.’¹⁵

In March 2016, Trump stated in a major interview with David Sanger and Maggie Haberman of the *New York Times* with respect to the South China Sea:

I mean look at what China’s doing in the South China Sea. I mean they are totally disregarding our country and yet we have made China a rich country because of our bad trade deals. Our trade deals are so bad. And we have made them – we have rebuilt China and yet they will go in the South China Sea and build a military fortress the likes of which perhaps the world has not seen. Amazing, actually. They do that, and they do that at will because they have no respect for our president and they have no respect for our country.¹⁶

When asked, ‘How would you counter that assertiveness over those islands? Among other things, it’s increasingly valuable real estate strategically. Would you be willing to build our own islands there?’ Trump replied that he would consult ‘Japan and other countries, because they’re affected far greater than we are... I just think the act is so brazen, and it’s so terrible that they would do that without any consultation, without anything, and yet they’ll sell their products to the United States and rebuild China, and frankly, even the islands...’¹⁷

As Trump continued to digress on the theme that China was responsible for America’s run down state he was interrupted and asked specifically ‘how would you deter their activity. Right now... But would you claim some of those reef scenarios to try to build our own military ...’ Trump replied:

¹³ Ralph Jennings, “Trump Expected to Take Tough but Brief Action in South China Sea.” *Voice of America*, November 14, 2016.

¹⁴ Donald J. Trump, “Ending China’s Currency Manipulation,” *The Wall Street Journal*, November 9, 2015.

¹⁵ Donald J. Trump, “Ending China’s Currency Manipulation,” *The Wall Street Journal*, November 9, 2015.

¹⁶ “Transcript: Donald Trump Expounds on His Foreign Policy Views,” *The New York Times*, March 26, 2016.

¹⁷ “Transcript: Donald Trump Expounds on His Foreign Policy Views,” *The New York Times*, March 26, 2016.

Perhaps, but we have great economic – and people don't understand this – but we have tremendous economic power over China. We have tremendous power. And that's the power of trade. Because they use us as their bank, as their piggy bank, they take – but they don't have to pay us back. It's better than a bank because they take money out but then they don't have to pay us back.

Sanger: So you would cut into trade in return –

Trump: No, I would use trade to negotiate.¹⁸

In the same interview Trump stated that if he were elected president he would:

- be open to allowing Japan and South Korea to build their own nuclear arsenals rather than depend on the American nuclear umbrella for their protection against North Korea and China...
- be willing to withdraw United States forces from both Japan and South Korea if they did not substantially increase their contributions to the costs of housing and feeding those troops.
- renegotiate many fundamental treaties with American allies, possibly including a 56-year-old security pact with Japan...
- [and] he could withdraw the U.S. military from Japan as well as South Korea unless they increase financial contributions to U.S. military forces for their own self-defense.¹⁹

Sanger and Haberman summed up Trump's conceptualization and approach to international politics as follows:

In Mr. Trump's worldview, the United States has become a diluted power, and the main mechanism by which he would re-establish its central role in the world is economic bargaining. He approached almost every current international conflict through the prism of a negotiation, even when he was imprecise about the strategic goals he sought...²⁰

In June 2016, Trump, then presumptive Republican presidential nominee, argued that Tokyo should pay more to maintain U.S. military forces in Japan.

The Republican Party held its convention Cleveland, Ohio from July 18-21 and adopted a Platform and nominated Donald Trump as their candidate for president. The Platform stated with respect to the South China Sea:

In the international arena, a weak Administration has invited aggression. The results of the Administration's unilateral approach to disarmament are already clear: An emboldened China in the South China Sea...

To distract the populace from its increasing economic problems and, more importantly, to expand its military might, the [Chinese] government asserts a preposterous claim to the entire South China Sea and continues to dredge ports and create landing fields in contested waters where none have existed before, ever nearer to U.S. territories and our allies, while building a navy far out of proportion to

¹⁸ "Transcript: Donald Trump Expounds on His Foreign Policy Views," *The New York Times*, March 26, 2016.

¹⁹ David E. Sanger and Maggie Haberman "In Donald Trump's Worldview, America Comes First, and Everybody Else Pays," *The New York Times*, March 26, 2016 and "Transcript: Donald Trump Expounds on His Foreign Policy Views," *The New York Times*, March 26, 2016.

²⁰ David E. Sanger and Maggie Haberman "In Donald Trump's Worldview, America Comes First, and Everybody Else Pays," *The New York Times*, March 26, 2016.

defensive purposes. The complacency of the Obama regime has emboldened the Chinese government and military to issue threats of intimidation throughout the South China Sea.²¹

After his nomination, Trump repeatedly called Beijing a ‘cheater’ and ‘currency manipulator’ and threatened to slap higher tariffs on goods imported from China as soon as he took office. For example, at a campaign rally in Columbus, Ohio Trump said ‘China makes a fortune with currency manipulation. It's cheating. It's cheating,’²² In November 2016, at a campaign rally in North Carolina, Trump described China’s militarization of the South China Sea as ‘building a fortress’ and that ‘China did not like the US.’²³

During the campaign both candidates, Donald Trump and Hillary Clinton, stated they would not sign the Trans Pacific Partnership (TPP) a flagship component of President Barack Obama’s policy of rebalancing to Asia-Pacific.

On 2 December 2016, after winning election, President-elect Trump took a telephone call from Tsai Ing-wen, the President of the Republic of China on Taiwan. Trump’s action was unprecedented and marked the first time in thirty-six years that a U.S. president or president-elect had spoken to the government leader of Taiwan.

After China critically commented on the President-elect’s actions, Trump tweeted, ‘Did China ask us if it was OK... to build a massive military complex in the middle of the South China Sea? I don’t think so.’²⁴ China responded on 8 December by dispatching its only aircraft carrier, the *Liaoning*, to sail in the waters off Taiwan in a pointed response to Trump’s telephone call with President Tsai. China also deployed a Xian H-6 nuclear capable bomber on a patrol around China’s nine-dotted line claim to the South China Sea. In an interview with *The Wall Street Journal* a month later, Trump was asked whether he supported the One China policy, Trump replied, ‘Everything is under negotiation including one China’.²⁵

3. The Trump Administration: Rhetoric

When President Trump took office in January 2017, he lacked any experience in elected government service and foreign affairs. His foreign policy agenda was unclear and characterized by a series of slogans such as ‘Make America Great Again’ and ‘peace through strength.’ During his first eight months in office, Trump’s foreign policy has been

²¹ Republican Platform 2016, pp. 41 and 47; [https://prod-cdn-static.gop.com/media/documents/DRAFT_12_FINAL\[1\]-ben_1468872234.pdf](https://prod-cdn-static.gop.com/media/documents/DRAFT_12_FINAL[1]-ben_1468872234.pdf)

²² Press Trust of India, “China cheating US with currency manipulation: Trump,” *Business Standard*, August 2, 2016.

²³ Stuart Lai, “Trump plays China card, but crowd would rather hear about ‘crooked’ Hillary,” *South China Morning Post*, November 4, 2017.

²⁴ Donald J. Trump Facebook; December 5, 2016; <https://www.facebook.com/DonaldTrump/posts/10158229642705725> and Mark Abadi, ‘Trump lashes out at China after getting criticism over phone call with Taiwan’, *Business Insider Australia*, 5 December 2016.

²⁵ Peter Nicholas, Paul Beckett and Gerald F. Seib, “Trump Open to Shift on Russia Sanctions, ‘One China’ Policy,” *The Wall Street Journal*, 13 January 2017.

mainly reactive to events outside America such as Syria's use of Sarin gas, and North Korea's repeated launching of ballistic missiles, verbal threats against the United States, the test of an intercontinental ballistic missile and a hydrogen bomb test.

This section reviews the rhetoric on foreign policy used by President Trump, the White House spokesperson, and Trump's top officials, the Secretary of Defense and the Secretary of State.

Confirmation Hearings

After election, President Trump nominated retired Marine Corps General James Mattis and ExxonMobil Chief Executive Officer Rex Tillerson as his secretaries of defence and state, respectively. If Trump's tweets and comments during the election campaign raised the temperature in Beijing-Washington relations, they paled by comparison to the furore that followed comments by Tillerson at his confirmation hearing before the Senate Foreign Relations Committee on 11 January.

During his testimony Tillerson compared China's construction and militarization of artificial islands in the South China Sea as 'akin to Russia's taking Crimea' from the Ukraine. When Tillerson was asked whether he supported a more aggressive posture against China, he responded, 'We're going to have to send China a clear signal that, first, the island-building [in the South China Sea] stops and, second, your [China's] access to those islands also is not going to be allowed.'²⁶

Tillerson also characterized China's construction of artificial islands in the South China Sea as 'extremely worrisome' because if China were able to dictate access to the South China Sea it would threaten the 'entire global economy'. Tillerson branded China's island building in the South China Sea and declaration of an Air Defense Identification Zone in the East China Sea as 'illegal actions.' 'The way we've got to deal with this', he concluded, 'is we've got to show back up in the region with our traditional allies in Southeast Asia.'²⁷

In sum, Tillerson's comments added another pressure point to strained Sino-American relations. This was immediately evident when the hawkish *Global Times* shot back, 'Tillerson had better bone up on nuclear power strategies if he wants to force a big nuclear power to withdraw from its own territories... If Trump's diplomatic team shapes future Sino-US ties as it is doing now, the two sides had better prepare for a military clash.'

After the Hearings, Tillerson responded to written questions from Senator Ben Cardin, the ranking Democrat on the Senate Committee on Foreign Relations. Tillerson's response ran for 43 pages; he offered this clarification on the South China Sea:

To expand on the discussion of U.S. policy options in the South China Sea, the United States seeks peaceful resolution of disputes and does not take a position on overlapping sovereignty claims, but the United States also does not recognize China's excessive claims to the waters and airspace of the South

²⁶ Quoted in Carlyle A. Thayer, "South China Sea: Tillerson's Call to Arms," *Thayer Consultancy Background Brief*, January 12, 2017.

²⁷ Quoted in Carlyle A. Thayer, "South China Sea: Tillerson's Call to Arms," *Thayer Consultancy Background Brief*, January 12, 2017.

China Sea. China cannot be allowed to use its artificial islands to coerce its neighbors or limit freedom of navigation or overflight in the South China Sea. The United States will uphold freedom of navigation and overflight by continuing to fly, sail, and operate wherever international law allows. If a contingency occurs, the United States and its allies and partners must be capable of limiting China's access to and use of its artificial islands to pose a threat to the United States or its allies and partners. The United States must be willing to accept risk if it is to deter further destabilizing actions and reassure allies and partners that the United States will stand with them in upholding international rules and norms. If confirmed, I would look forward to working with interagency partners to develop a whole-of-government approach to deter further Chinese coercion and land reclamation as well as challenges to freedom of navigation or overflight in the South China Sea.²⁸

In sum, Tillerson backed off from his earlier comments that the U.S. should block China's access to its artificial islands.²⁹ He added this important clarification, 'If a contingency occurs, the United States and its allies and partners must be capable of *limiting China's access to and use of its artificial islands to pose a threat to the United States or its allies and partners* (emphasis added)'.

A day after Tillerson's Hearings, on 12 January, Trump's nominee for Secretary of Defense General James Mattis testified at his confirmation hearing before the Senate Armed Services Committee. In response to a question from Senator John McCain about threats to the United States, Mattis replied, 'I think [the world order is] under the biggest attack since World War II ... from Russia, from terrorist groups and with what China is doing in the South China Sea'. Mattis called for boosting U.S. military readiness and America's alliances.

On the South China Sea, Mattis responded to a question if he agreed with Chinese officials saying that they're not militarizing the South China Sea. 'No, I do not'. General Mattis later observed, 'While our efforts in the Pacific to keep positive relations with China are well and good, these efforts must be paralleled by a policy to build the counterbalance if China continues to expand its bullying role in the South China Sea and elsewhere' Mattis concluded that China must be denied a 'veto power over territorial claims' and that 'deterrence is critical'.

Did the testimony offered by Tillerson and Mattis reflect Donald Trump's views? On 20 January, White House spokesperson Sean Spicer was asked at a press conference whether President Trump agreed with Tillerson's comments. Spicer replied, 'I think the U.S. is going to make sure that we protect our interests there [in the South China Sea]. It's a question of if those islands are in fact in international waters and not part of China proper, then yeah, we're going to make sure that we defend international territories from being taken over by one country.'³⁰ China's state media immediately retorted that the United

²⁸ Rex Tillerson's written responses to questions from 'Senator Ben Cardin, Ranking Member', undated, <https://www.desmogblog.com/sites/beta.desmogblog.com/files/Ben%20Cardin%20Questions%20Tillerson.pdf>

²⁹ Lisa Murray, 'US tones down bellicose talk on South China Sea', *The Australian Financial Review*, 8 February 2017. In writing

³⁰ Quoted in Simon Denyer, "Is Trump ready for war in the South China Sea, or is his team just not being clear?," *The Washington Post*, January 24, 2017.

States would need to ‘wage war’ to stop China from accessing its sovereign territory.

Since Spicer’s comments, Tillerson, Mattis and Trump have all clarified their views and by so doing have dialed down their bellicose rhetoric substantially.

Withdrawal from the Trans Pacific Partnership

On January 23, 2017, President Trump signed an Executive Order withdrawing the U.S. from Trans Pacific Partnership (TPP).³¹ The Executive Order was a Memorandum to the United States Trade Representative that read in part:

it is the intention of my Administration to deal directly with individual countries on a one-on-one (or bilateral) basis in negotiating future trade deals. Trade with other nations is, and always will be, of paramount importance to my Administration and to me, as President of the United States.

Based on these principles, and by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct you to withdraw the United States as a signatory to the Trans-Pacific Partnership (TPP), to permanently withdraw the United States from TPP negotiations, and to begin pursuing, wherever possible, bilateral trade negotiations to promote American industry, protect American workers, and raise American wages.³²

Northeast Asia First

Defence Secretary Visits South Korea and Japan. It is notable that the first overseas trips by the Trump Administration’s Secretary of Defense and Secretary of State were to Northeast Asia to reassure U.S. allies. However, after North Korea’s test of a ballistic missile on 11 February, belligerent rhetoric directed at the United States, subsequent ballistic missile launches (6 March, 4 April, 15 April, 28 April, 13 May, 21 May, 29 May, 8 June, 4 July, 28 July, 26 August and 15 September) and detonation of a hydrogen bomb (3 September) halting nuclear proliferation on the Korean peninsula became Trump’s foremost foreign policy priority. Trump sought to address the North Korean crisis alternately by lobbying Xi Jin-ping to cooperate in putting pressure on North Korea and threatening economic sanctions; as a consequence South China Sea territorial disputes fell under the shadow of a Northeast East Asia first foreign policy.

In early February, James Mattis made his first overseas visit as Secretary of Defense to South Korea and Japan primarily to provide reassurance that the U.S. would stand by its treaty commitments to ally their fears over remarks by Trump during the election campaign that Seoul and Tokyo were not paying enough for U.S. protection.

In Seoul, Secretary Mattis reassured the South Koreans that the Theater High Altitude Area Defense (THAAD) anti-ballistic missile system would be deployed as promised under the Obama Administration. In Tokyo, Mattis reassured the Japanese that the United

³¹ Signatories included: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States (until 23 January 2017) and Vietnam.

³² “Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement,” Office of the Press Secretary, The White House, January 23, 2017.

States would honour its commitment under Article 5 of the Mutual Defense Treaty in the event Japan was attacked and reaffirmed that this pledge covered the Senkaku islands. On 4 February, at the conclusion of his visit, Mattis attempted to disarm fears that the U.S. would provoke a confrontation with China. Mattis noted: 'What we have to do is exhaust all efforts, diplomatic efforts, to try and resolve this [South China Sea dispute] properly. Our military stance should be one that reinforces our diplomats... At this time we do not see any need for dramatic military moves at all,'³³

Trump Hosts Prime Minister Abe. The following day, 10 February, President Trump welcomed Japan's Prime Minister Shinzo Abe at The White House. In a joint statement issued after their meeting, they address South China Sea issue as follows:

The two leaders underscored the importance of maintaining a maritime order based on international law, including freedom of navigation and overflight and other lawful uses of the sea. The United States and Japan oppose any attempt to assert maritime claims through the use of intimidation, coercion or force. The United States and Japan also call on countries concerned to avoid actions that would escalate tensions in the South China Sea, including the militarization of outposts, and to act in accordance with international law.³⁴

Trump and Abe then flew to Mar-a-Lago in Florida for a series of get-to-know-you events. On 11 February, as Trump and Abe were about to dine, word came that North Korea fired a ballistic missile into the Sea of Japan. This was North Korea's first missile test after Trump assumed the presidency. As noted above, this proved to be a catalyst for the Trump Administration's Northeast Asia First foreign policy.

Secretary of State Visits Northeast Asia. It is in this context that Rex Tillerson's made his first visit to Asia as Secretary of State. His itinerary was entirely focused on Northeast Asia and included stops in Japan (15-16 March), South Korea (17 March) and China (18-19 March). Secretary Tillerson was at such pains to set the right context for U.S.-China cooperation that he repeated the standard Chinese formulation on how major power relations should be conducted – 'non-confrontation, no conflict and mutual respect.'

Tillerson's visit had two main objectives: to arrange for an informal summit meeting between presidents Donald Trump and Xi Jin-ping and to discuss cooperation with China on dealing with the North Korea's ballistic missile firings and threats to test another nuclear device.³⁵

Rebalance Passé. It was the occasion of Secretary Tillerson's first visit to Asia as Secretary of State that the question of the Obama Administration's policy of rebalance came up. Susan Thornton, the Assistant Secretary of State for East Asia and Pacific Affairs, responded to a question that the term rebalance 'was a word that was used to describe

³³ 'Reuters, 'Mattis says no need for dramatic U.S. military moves in South China Sea', 3 February 2017. This report is dated U.S. time.

³⁴ Joint Statement from President Donald J. Trump and Prime Minister Shinzo Abe, Office of the Press Secretary, The White House, February 10, 2017.

³⁵ Carlyle A. Thayer, "United States: Tillerson's Asia Trip and the South China Sea," *Thayer Consultancy Background Brief*, March 21, 2017.

Asia policy in the last administration.’ Thornton ventured that the new Trump Administration ‘will have its own formulation.’³⁶

Trump and Xi Jin-ping Talk then Meet. On 9 February, Presidents Trump and Xi held a pre-arranged telephone conversation. According to a statement issued by The White House, ‘President Trump agreed, at the request of President Xi, to honor our One China policy’.³⁷ Trump’s telephone call with Xi would not have taken place without Trump walking back from his earlier comments that the One China policy was negotiable. The fact that the two leaders spoke was a positive but tentative step forward in light of differences over pressing trade and economic issues.³⁸

On 7 April, President Trump hosted President Xi at Mar-a-Lago. Initially China insisted on an informal summit rather than a formal meeting with President Trump at The White House. This was in order to avoid having to issue a joint statement that committed both parties to specific actions. The meeting at Mar-a-Lago served the agenda of both presidents. Trump wanted the meeting to give the appearance to his domestic support base that he was dealing with trade and other China-related issues he raised during the campaign. Xi wanted an informal meeting to demonstrate that China had equal billing with the U.S. in the eyes of the world community and to his domestic audience in China.

The two leaders discussed the Korean crisis, the future of bilateral relations and economic and trade issues. Neither Xi nor Trump wants North Korea to develop nuclear weapons and the intercontinental ballistic missiles to deliver these weapons. Trump and Xi both agreed on sanctions against North Korea to halt nuclear proliferation.

But Xi does not want to bring about regime change in North Korea through tougher sanctions because it does not want to pick up the pieces of a collapsed North Korea. And Xi does not want to see a unified Korea emerge dominated by South Korea, a treaty ally of the United States. Xi opposed the deployment of THAAD (Terminal High Altitude Area Defence) system while Trump was committed to both South Korea and Japan to provide defences against North Korean ballistic missiles.³⁹ On contentious trade and economic issues, the two leaders agreed to start talks within one hundred days on these issues. There was no indication that the two leaders had substantial discussions on the South China Sea.

³⁶ Carlyle A. Thayer, “United States: Obama’s Rebalancing Passé,” *Thayer Consultancy Background Brief*, March 19, 2017.

³⁷ Quoted in Mark Landler and Michael Forsyth, ‘Trump Tells Xi Jinping U.S. Will Honor “One China” Policy’, *The New York Times*, 9 February 2017.

³⁸ Carlyle A. Thayer, “United States: Trump Administration and Asia-Pacific,” *Thayer Consultancy Background Brief*, February 19, 2017.

³⁹ Carlyle A. Thayer, “South China Sea: USS Carl Vinson Carrier Strike Group,” *Thayer Consultancy Background Brief*, February 20, 2017.

Declaratory Policy on the South China Sea

Despite the Trump Administration's preoccupation with the North Korean ballistic and missile crisis and relations with China, Trump Administration officials, and even the president himself, have addressed the South China Sea dispute. This section reviews U.S. declaratory policy on the South China Sea.

Vice President Visits Asia. In April, Vice President Mike Pence conducted a four-nation trip to Asia visiting Seoul (16 April), Tokyo (18 April), Jakarta (20 April) and Sydney (22 April). During his visits to Indonesia and Australia the Vice President addressed the South China Sea dispute by reaffirming the importance of freedom of navigation and overflight and unimpeded commerce. For example, Pence stated at a joint press conference with President Joko Widodo in Jakarta,

The United States will uphold the fundamental freedoms of navigation and overflight in the South China Sea and throughout the Asia Pacific.

We'll ensure the unimpeded flow of lawful commerce and promote peaceful diplomatic dialogue to address issues of regional and global concern.

Vice President Pence also confirmed that President Donald Trump would attend the U.S.-ASEAN and East Asia Summit meetings in the Philippines and the Asia-Pacific Economic Cooperation leaders' meeting in Vietnam later in the year.

Pence also delivered the same message on the South China Sea during his stop over in Sydney. At a press conference with Prime Minister Malcolm Turnbull he said,

As the Prime Minister and I discussed, together our nations will continue to uphold a rules-based system that is the foundation of peace and prosperity in the Asia Pacific. In the South China Sea and throughout the region we will defend the fundamental freedoms of navigation and overflight and ensure the unimpeded flow of lawful commerce.

U.S.-ASEAN Foreign Ministers meet in Washington. On 3 May 30th senior officials from the United States and ASEAN member states and the ASEAN Secretariat held the ASEAN-U.S. Dialogue in Washington to discuss cooperation on political, security, and economic issues. On 4 May, Secretary Tillerson hosted foreign ministers of the ASEAN member states for a special meeting to reinforce the Strategic Partnership between the United States and ASEAN and to commemorate the 40th anniversary of U.S.-ASEAN relations.

According to a readout of the meeting by a State Department spokesperson:

Secretary Tillerson and the Foreign Ministers reaffirmed their adherence to a rules-based order in the Asia-Pacific and to the common principles articulated in the 2016 Joint Statement of the U.S.-ASEAN Special Leaders' Summit, including the peaceful resolution of disputes, with full respect for legal and diplomatic processes, and in accordance with international law. The Secretary noted shared concerns by many in the region regarding militarization and land reclamation in the South China Sea. The Secretary and the Ministers stressed the need for ASEAN Member States and China to ensure the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea in its

entirety, and took note of efforts towards the early conclusion of a meaningful Code of Conduct in the South China Sea.⁴⁰

Subsequent to the U.S.-ASEAN special meeting, it was reported that President Trump issued invitations to the heads of government of the Philippines, Singapore and Thailand to visit the United States.⁴¹

Trump Hosts Vietnam's Prime Minister. On 31 May, President Trump met with Vietnam's Prime Minister Nguyen Xuan Phuc in the Oval Office. At the conclusion of their half hour meeting the two leaders issued a joint statement reaffirming their commitment to their comprehensive partnership adopted by the Obama Administration. The joint statement section on the South China Sea blended the views of both parties. It stated:

President Trump and Prime Minister Nguyen Xuan Phuc affirmed that the South China Sea is a waterway of strategic significance to the international community. The two leaders underscored the importance of freedom of navigation and overflight and other lawful uses of the seas, and noted with concern the destabilizing impacts that unlawful restrictions to the freedom of the seas have on peace and prosperity in the Asia-Pacific region. The two sides also affirmed full support for the peaceful resolution of disputes without the threat or use of force or coercion, in accordance with international law, including full respect for diplomatic and legal processes, and called upon all parties concerned to implement their international legal obligations in good faith in any resolution to these disputes. They highlighted the importance that parties refrain from actions that would escalate tensions, such as the militarization of disputed features. President Trump stressed that the United States will continue to fly, sail, and operate anywhere international law allows.⁴²

Shangri-La Dialogue. In mid-year James Mattis made his first foray to Southeast Asia as Defence Secretary to attend the Shangri-La Dialogue in Singapore. In his address Secretary Mattis laid out what would become the standard tenets of Trump Administration policy towards the South China Sea. Mattis stated:

For example, the United States remains committed to protecting the rights, freedoms and lawful uses of the sea, and the ability of countries to exercise those rights in the strategically important East and South China Seas.

The 2016 ruling by the Permanent Court of Arbitration [sic] on the case brought by the Philippines on the South China Sea is binding. We call on all claimants to use this as a starting point to peacefully manage their disputes in the South China Sea. Artificial island construction and indisputable militarization of facilities on features in international waters undermine regional stability.

The scope and effect of China's construction activities in the South China Sea differ from those in other countries in several key ways. This includes the nature of its militarization, China's disregard for international law, its contempt for other nations' interests, and its efforts to dismiss non-adversarial resolution of issues.

⁴⁰ Secretary Tillerson Meets With the Foreign Ministers of the Association of Southeast Asian Nations, Readout, Office of the Spokesperson, U.S. Department of State, Washington, DC, May 4, 2017; <https://www.state.gov/r/pa/prs/ps/2017/05/270657.htm>.

⁴¹ Carlyle A. Thayer, "South China Sea: Can Trump Chew Gum and Walk at the Same Time?," *Thayer Consultancy Background Brief*, April 4, 2017.

⁴² Joint Statement for Enhancing the Comprehensive Partnership between the United States of America and the Socialist Republic of Vietnam, Office of the Press Secretary, The White House, May 31, 2017, <https://vn.usembassy.gov/20170601-united-states-vietnam-joint-statement-2017/>.

We oppose countries militarizing artificial islands and enforcing excessive maritime claims unsupported by international law. We cannot and will not accept unilateral coercive changes to the status quo.

We will continue to fly, sail and operate wherever international law allows, and demonstrate resolve through operational presence in the South China Sea and beyond. Our operations throughout the region are an expression of our willingness to defend both our interests and the freedoms enshrined in international law.⁴³

Australia-United States Ministerial Consultations. On 5 June, Australia's Minister for Foreign Affairs Julie Bishop and Minister for Defence Senator Marise Payne hosted U.S. Secretary of State Rex. Tillerson, and Secretary of Defense James Mattis in Sydney for the annual Australia-United States Ministerial (AUSMIN) consultations. The ministers' joint statement issued the longest and most detailed policy statement on the South China Sea and maritime security in Southeast Asia subscribed to by the Trump Administration. The 2017 AUSMIN Joint Statement declared:

The Ministers expressed serious concerns over maritime disputes in the South China Sea (SCS). The Ministers voiced their strong opposition to coercive unilateral actions that could alter the status quo and increase tensions. In this regard, the Ministers urged SCS claimants to refrain from land reclamation, construction of outposts, militarization of disputed features, and undertaking unilateral actions that cause permanent physical change to the marine environment in areas pending delimitation. The Ministers called on all claimants to make and clarify their maritime claims in accordance with the international law of the sea as reflected in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and to resolve disputes peacefully in accordance with international law. The Ministers called on China and the Philippines to abide by the Arbitral Tribunal's 2016 Award in the Philippines-China arbitration, as it is final and legally binding on both parties. The Ministers noted the significance of the UNCLOS dispute settlement regime and the Tribunal's decision in discussions among parties in their efforts to peacefully resolve their maritime disputes in the SCS. The Ministers urged ASEAN member states and China to fully and effectively implement the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC). The Ministers acknowledged the announced consensus on a framework for the Code of Conduct for the South China Sea (COC). The Ministers further urged ASEAN member states and China to ensure that the COC be finalized in a timely manner, and that it be legally binding, meaningful, effective, and consistent with international law.

The Ministers welcomed the development of trilateral cooperation [Australia, Japan and the United States] on capacity building for maritime security and safety in Southeast Asia. The Ministers resolved to advance and build on this cooperation through ongoing exchanges of information and dialogue on regional needs. The Ministers reiterated the commitment of the three nations to continue coordinating their respective assistance programs and to identify ways they can more closely collaborate in the future.⁴⁴

Engaging ASEAN and Southeast Asia. In August, the Trump Administration's engagement with Southeast Asia ramped up with Secretary of State Tillerson's visit to attend the ASEAN and related meetings in Manila with stops in Thailand and Malaysia (5-9 August). Tillerson's main objective appears to have been to drum up support for stronger action

⁴³ Remarks by Secretary Mattis at Shangri-La Dialogue, News Transcript, Press Operations, U.S. Department of Defense, June 3, 2017; <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1201780/remarks-by-secretary-mattis-at-shangri-la-dialogue/>.

⁴⁴ Joint Statement AUSMIN 2017. https://foreignminister.gov.au/releases/Pages/2017/jb_mr_170605.aspx.

against North Korea and to issue invitations to the government leaders of Malaysia and Thailand to meet with President Trump at The White House.

Trilateral Security Dialogue. On 7 August, Australia's Minister for Foreign Affairs Julie Bishop, Japan's Minister for Foreign Affairs Taro Kono, and the U.S. Secretary Rex Tillerson, met in Manila, for the seventh ministerial meeting of the Trilateral Strategic Dialogue. The ministers issued a Joint Statement that repeated the essence of the earlier AUSMIN Joint Statement with respect to the South China Sea:

The ministers underscored the importance of upholding the rules-based order, called on all states to respect freedom of navigation and overflight and other internationally lawful uses of the seas, and reiterated that the three countries will continue to fly, sail, and operate wherever international law allows. The ministers expressed serious concerns over maritime disputes in the South China Sea (SCS). The ministers voiced their strong opposition to coercive unilateral actions that could alter the status quo and increase tensions. In this regard, the ministers urged SCS claimants to refrain from land reclamation, construction of outposts, militarization of disputed features, and undertaking unilateral actions that cause permanent physical change to the marine environment in areas pending delimitation. The ministers called on all claimants to make and clarify their maritime claims in accordance with the international law of the sea as reflected in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and to resolve disputes peacefully in accordance with international law. The ministers called on China and the Philippines to abide by the Arbitral Tribunal's 2016 Award in the Philippines-China arbitration, as it is final and legally binding on both parties

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The Pentagon Hosts Vietnam's Defence Minister. Minister of National Defence General Ngo Xuan Lich visited Washington from 7-10 August and met with his counterpart Secretary Mattis. The two ministers discussed deepening defence cooperation to include more naval engagement (arrange first visit of U.S. aircraft carrier once technical condition permit), information sharing, and security challenges in the South China Sea, including collaboration between their respective Coast Guards. Prior to Lich's visit the U.S. transferred a former Coast Guard cutter and six metal Shark patrol boats to Vietnam. Lich expressed interest in acquiring a second Coast Guard cutter.

According to a readout of their meeting issued by The Pentagon:

The Secretary and the Minister of Defense agreed to deepen defense cooperation, including by expanding maritime cooperation. The Ministers also directed their staffs to work toward arranging a first carrier visit to Vietnam once technical conditions permit.

⁴⁵ **Australia-Japan-United States Trilateral Strategic Dialogue Ministerial Joint Statement**, Media Note, Office of the Spokesperson, U.S. Department of State, Washington, DC, August 6, 2017; <https://www.state.gov/r/pa/prs/ps/2017/08/273216.htm>.

The Secretary highlighted the robust level of peacekeeping, humanitarian assistance, and Coast Guard cooperation, including the recent transfer of a former United States Coast Guard cutter to improve Vietnam's maritime law enforcement capabilities.

The two leaders agreed that a strong U.S.-Vietnam defense relationship promotes regional and global security. This relationship is based on mutual respect and common interests, including the freedom of navigation in the South China Sea and globally, respect for international law, and recognition of national sovereignty.⁴⁶

4. The Trump Administration: Reality

Freedom of Navigation Operational Patrols

After the election of Donald Trump, it was reported that U.S. Navy and U.S. Pacific Command were planning a fresh series of freedom of navigation operational patrols (FONOPS) in the South China Sea to be approved by President Trump.⁴⁷ However, it was revealed in May 2017 that two requests by the U.S. Navy and one request by the U.S. Pacific Command, to conduct freedom on navigation patrols in February and March, respectively, were turned by top Pentagon officials and were not forwarded to President Trump for approval.⁴⁸ It was later reported that Secretary Mattis turned down these requests because they were piecemeal and not part of a comprehensive plan.

The U.S. Pacific Command requested permission to sail a warship within 12 nautical miles of Scarborough Shoal. According to an authoritative news report, 'the Pacific Command request... to conduct a naval excursion within 12 nautical miles of Scarborough Shoal... [was] a signal to the Chinese that building on the atoll remained a red line for the United States.'⁴⁹

However, on 18 February, a day after China concluded naval exercises in the South China Sea, the Defense Department was announced that the *USS Carl Vinson* Carrier Strike Group, accompanied by a destroyer squadron and an additional Arleigh Burke-class destroyer, had begun patrolling the South China Sea. In mid-April, the *USS Stethem* (DDG 63) was deployed to the South China Sea on what the U.S. Navy called 'routine operations.'

It soon became apparent that The Pentagon was about to recommence FONOPS in the South China Sea. On 26 April, Admiral Harry Harris, Commander of the U.S. Pacific

⁴⁶ Readout of Secretary Mattis' Meeting with Vietnamese Minister of National Defense Lich, Press Operations, Release No: NR-285-17, Aug. 9, 2017; <https://www.defense.gov/News/News-Releases/News-Release-View/Article/1272572/readout-of-secretary-mattis-meeting-with-vietnamese-minister-of-national-defens/>.

⁴⁷ Agence France Presse and Reuters, "US navy patrolling in South China Sea," *The Australian*, February 20, 2017 and Associated Press, "US Navy planning operation in South China Sea," *The Australian*, February 21, 2017

⁴⁸ Helene Cooper, "Trump's Turn Toward China Curtails Navy Patrols in Disputed Zones." *The New York Times*, May 2, 2017. It was unclear who turned down these requests, Defense Secretary James Mattis, General Joseph F. Dunford Jr., Chairman of the Joint Chiefs of Staff, or one of their deputies.

⁴⁹ Helene Cooper, "Trump's Turn Toward China Curtails Navy Patrols in Disputed Zones." *The New York Times*, May 2, 2017

Command, testified before Senate Armed Forces Committee. When asked about plans for freedom of navigation patrols, he replied, 'I take direction from the secretary of defense and the national command authority on the conduct of those operations. I think we'll be doing some – soon.'⁵⁰

On 20 July, Breitbart News reported that President Trump had just approved a Department of Defense plan drawn up in April for a regular schedule of FONOPS in the South China Sea to challenge China's excessive claims. In effect, the president gave authority to the officials best placed to decide on and execute this plan. Requests for FONOPS will originate with the U.S. Navy's 7th Fleet, and then proceed up the chain of command to Pacific Fleet, Pacific Command, the Defense Department and finally to the National Security Council (NSC). The Defense Department will also send requests for FONOPS to the Department of State concurrently with the NSC.

After President Trump gave approval for the commencement of the new FONOPS, the U.S. Navy conducted three freedom of navigation patrols between May and September 2017:

On 24 May, the *USS Dewey* (DDG 105), an *Arleigh Burke*-class guided missile destroyer, conducted the first FONOP under the Trump Administration. The *USS Dewey* carried out a 'maneuvering drill' within 12 nautical miles of Mischief Reef in the Spratly archipelago.

On 2 July, the *USS Stethem* sailed with 12 nm of Triton island in the Paracel archipelago'

On 10 August, the *USS John S. McCain* (DDG 56) sailed within 12 nm of Mischief Reef in the Spratlys.

In addition, the U.S. Air Force conducted overflights of the South China Sea under its Continuous Bomber Program that commenced in August 2016. On 8 June, two U.S. Air Force B-1B Lancer bombers, based on Guam, flew a ten-hour mission over the South China Sea and operated with the *USS Sterett* (DDG 104), an *Arleigh Burke*-class guided missile destroyer. On 6 July, two USAF B-1B Lancer bombers flew over the East and South China Seas.

There appears little difference in the tactical operations of the U.S. Navy in the South China Sea by the Trump Administration when compared with the Obama Administration. Both administrations stated that the United States 'will continue to fly, sail and operate wherever international law allow' and conduct freedom of navigation and operational presence patrols and overflights in and over the South China Sea.

There are two differences worth recording. First, the President has delegated authority to his Secretary of Defense to make the decision when and where to conduct presence patrols and FONOPS. Second, the U.S. Navy will be conducting more FONOPS as a result of a pre-determined schedule

⁵⁰ David Brunnstrom, "U.S. Admiral Sees New South China Sea Freedom of Navigation Operations," Reuters in *U.S. News*, April 26, 2017.

5. Conclusion

President Trump's first one hundred days in office were marked by sharp changes from what he said during the election campaign to what he said after taking office.⁵¹ NATO was obsolete, he said, now NATO is no longer obsolete. Trump promised to designate China as a currency manipulator on his first day in office; he has now backed down on that claim. President Trump has identified three major priorities: the defeat of the Islamic State in Syria, enlisting Chinese cooperation to halt nuclear and ballistic missile proliferation in North Korea, and renegotiation of trade agreements.

While President Trump and several Administration officials have commented critically about China's behavior in the South China Sea, this issue has been overshadowed by rising tensions on the Korean peninsula. The Trump Administration has given priority to shoring up the U.S. alliances with Japan and South Korea both bilaterally and trilaterally and enlisting Chinese cooperation in dealing with North Korea. This means that South China Sea issues do not command priority attention.

What seems to be happening is that Donald Trump is walking back on some of his more provocative campaign statements and tweets. Prime Minister Abe has been adept at getting in the door first, to call the president elect and to be received in The White House. Both the President and Secretary of Defense James Mattis have reconfirmed the U.S. commitment to the mutual security treaty with Japan. But economic issues - such as Japanese investment in infrastructure development in America are still up in the air. The bottom line is that the Trump Administration has provided much needed reassurance to Japan and South Korea. But no outline of a U.S. policy for East Asia in general or Southeast Asia has appeared.

The bottom line is that Trump will put pressure on allies, strategic partners, and China to support his initiatives. European allies must increase their defense spending. US allies in Asia – Japan, South Korea and Australia – must assist in putting pressure on North Korea. Trump has linked Chinese cooperation on North Korea to trade issues.

Under the Goldwater-Nichols Defense Department Reorganization Act passed by the U.S. Congress in 1986 each incoming President must submit a report on the national security strategy of the United States within 150 days of taking office. The Trump Administration is required by Congress to submit a National Security Strategy annually. Currently, Nadia Schadlow, deputy assistant to the president for national security strategy, has been appointed to the National Security Council and tasked with drawing up the United States National Security Strategy as mandated by the U.S. Congress.⁵²

⁵¹ Carlyle A. Thayer, "United States: Trump's Foreign Policy After 100 Days," *Thayer Consultancy Background Brief*, April 26, 2017.

⁵² Josh Rogin, "Trump's foreign policy doctrine: Escalate to de-escalate," *The Washington Post*, March 19, 2017; Josh Rogin, "McMaster staffing NSC with traditional GOP foreign policy hands," *The Washington Post*, April 4, 2017; and Jordan Schachtel, "Trump nat sec strategy to 'translate MAGA into foreign policy'," *CR Conservative Review*, July 6, 2017.

More than eight months have passed and no Trump National Security Strategy has emerged. It is unclear how the Asia-Pacific, or the Indo-Pacific Region, will fit into Trump's three priorities mentioned above. A National Security Strategy provides the overarching framework for a Maritime Strategy and other associated regional security strategies. Because no clear foreign policy strategy has emerged it is unclear how the Trump Administration will manage two seemingly contradictory objectives: enlisting Chinese cooperation over North Korea while opposing excessive Chinese claims to the South China Sea.

President Trump's reluctance to confront China over the South China Sea is, in part, a product of his failure to appoint senior officials to the State and Defense Departments. That means that policy coherence is also lacking in line departments. As a result, the Trump Administration has a myopic strategic view rather than a comprehensive strategic view. President Trump favours transactional arrangements and using trade as the main lever of U.S. national power thereby downgrading diplomacy to a set of bilateral rather than multilateral arrangements.

Whatever National Security Strategy emerges it must be funded by the U.S. Congress. This leaves open the possibility that domestic wrangles over the budget including defence spending will result in the Defense Department have 'to cut its coat to suit the cloth.'

China is quietly taking further steps to consolidate its control and to test the Trump Administration's response. China has built structures on all its seven features that could house surface-to-air missiles. A Chinese oceanographic ship has conducted a survey near Benham Rise in waters claimed by the Philippines. And China has announced plans to erect an environmental monitoring station on presently unoccupied Scarborough Shoal. If unchallenged this could be the first step to China expanding a permanent civilian presence on Scarborough Shoal. So far the U.S. has responded by sending the USS Carl Vinson aircraft carrier through the South China Sea; it is now in South Korea. Beijing is testing whether President Trump values cooperation with China on North Korea and other global issues more than confrontation in the South China Sea.

The Trump Administration will no longer use the terms 'rebalance' or 'pivot' because they were adopted by the Obama Administration. This does not signal any down grade in the U.S. force posture in the Asia-Pacific. Fundamental U.S. interests in Asia-Pacific, such as trade, investment, alliance ties and security partnerships have not changed. The Asia-Pacific will continue to more important due to its economic rise.

The geography of the South China Sea will not change for commercial and military ships and aircraft transiting from the Western Pacific Ocean to the Indian Ocean or vice versa.⁵³ The U.S. Pacific Fleet will still sail and fly over waters such as the South China Sea in accordance with international law but these tactical operations are unlikely to have any

⁵³ Carlyle A. Thayer, "United States: Obama's Rebalancing Passé," *Thayer Consultancy Background Brief*, March 19, 2017.

impact on preventing China from further consolidating its military presence in the South China Sea and on its seven artificial islands.

A Trump Administration policy on the South China Sea remains a work in progress.