



The US-China South China Sea Showdown

U.S. freedom of navigation operations could take the U.S.-China relationship past a point of no return.

By **Jeff Smith** for *The Diplomat*



Image Credit: U.S Navy photo by Mass Communication Specialist 1st Class Jay C. Pugh/Released

The United States and China are hurtling toward a showdown over Freedom of Navigation in the the South China Sea. The U.S. Navy is [poised to sail](#) near [seven artificial islands](#) China constructed in the Spratly archipelago over the past two years as a means to challenge any excessive or illegitimate Chinese sovereignty claims there. In Beijing, meanwhile, opposition to U.S. Freedom of Navigation Operations (FONOPs) around the artificial islands is hardening, as evidenced by the threat China's state-run Xinhua news agency [issued last week](#): [America's] provocative attempts to infringe on China's South China Sea sovereignty are sabotaging regional peace and stability and militarizing the waters...China will never tolerate any military provocation or infringement on sovereignty from the United States or any other country, just as the United States refused to 53 years ago [during the Cuban Missile Crisis].

The commentary is troubling for several reasons. First, it continues a trend of increasingly confrontational and escalatory language. In May, Beijing was describing U.S. FONOPS around the artificial islands as "dangerous and irresponsible"; now they are an intolerable provocation and infringement on sovereignty. Second, as it was written in a state-owned Party mouthpiece, the article carries greater weight than the occasional caustic threat from a retired PLA general. Third, the language serves to further box China's leaders into more hardline positions, restricting their options for de-escalation and compromise. Finally, it represents how close the U.S. and China are to a crisis that could have and should have been avoided.

Not Their First Rodeo

Though it's been largely forgotten, this isn't the first stare-down between China and the Obama administration, and it's not the first time the latter has mishandled the situation. On March 26, 2010, early in Obama's first term, a North Korean midget submarine launched an [unprovoked, surprise attack](#) on the South Korean naval corvette *Cheonan* in the Yellow Sea, sinking the ship and killing 46 sailors.

While China refused to condemn the attack, in the aftermath Washington and Seoul announced a series of naval exercises to demonstrate resolve in the face of North Korean aggression. On June 1, news reports claimed the U.S.-ROK would conduct naval exercises in the Yellow Sea spearheaded by a U.S. aircraft carrier, the *George Washington*.

The *George Washington* had traversed the Yellow Sea as late as the previous October with no major protest from Beijing, but China responded to the announcement with protests of "resolute opposition" accompanied by hawkish commentary from retired PLA generals. A diplomatic game of chicken ensued. First, Obama tried to split the difference, hosting exercises led by the *George Washington* in the less-contentious Sea of Japan. Yet the move was interpreted as a sign of American weakness and an embarrassment to South Korea, which had publicly claimed the *George Washington* would stand with it in the Yellow Sea.

In early August the Pentagon announced that “in the coming months” the *George Washington* would indeed take part in exercises in the Yellow Sea. “China is suffering the indignity of exercises close to its shores,” [explained Deputy Secretary of State James Steinberg](#), “and though they are not directed at China, the exercises are a direct result of China’s support for North Korea and unwillingness to denounce their aggression.”

Yet weeks later the administration *again* changed course when a Pentagon spokesman stated the *George Washington* would not participate in forthcoming exercises in the Yellow Sea. The standoff reached a conclusion only after another act of North Korean belligerence in November. Only a few months after the attack on the *Cheonan*, the DPRK unleashed a [reckless artillery barrage](#) on South Korea’s Yeonpyeong Island, killing four and wounding 18. Days later the *George Washington* was dispatched to the Yellow Sea for drills and since then U.S. carriers have exercised in the Yellow Sea multiple times without major protest from Beijing.

A New Test in the South China Sea

Over the last two years China has dredged almost 3,000 acres of sand atop seven underwater features and rocks it occupies in the disputed South China Sea, creating new “artificial islands” atop which it has already built military-grade facilities and airstrips. The rapid pace of construction caught much of the U.S. government and analytical community off-guard, capturing mainstream attention only this year after U.S. think tanks like the Asia Maritime Transparency Initiative began [publishing vivid satellite imagery](#) demonstrating the unprecedented scope and scale of China’s land reclamation work.

The UN Convention on the Law of the Sea (UNCLOS) does not prohibit land reclamation but [Article 60](#) bars states from claiming expanded rights for artificial islands built atop what were previously just rocks and low-tide elevations (LTEs). Rather than the expansive 12-nautical mile (nm) territorial sea and 200 nm Exclusive Economic Zone (EEZ) granted to “natural” islands, UNCLOS stipulates that artificial islands are only entitled to the rights enjoyed by the original feature before land reclamation – a 12 nm territorial sea for rocks above water at low tide, and a 500-meter safety zone for LTEs below water at low tide).

Fearing that China may claim expanded rights for the new artificial islands, almost immediately U.S. analysts began to call for “Freedom of Navigation Operations” (FONOPS) around the artificial islands. [The FONOP program](#), in operation since 1979, simply involves sailing and flying ships and planes through waters and airspace to challenge (and make clear America does not recognize) illegal or excessive territorial claims.

This May, the FONOPS question garnered greater attention and urgency when U.S. Pacific Command [invited a CNN crew](#) to board a P-8 maritime surveillance aircraft as it patrolled the South China Sea near (but not within 12 nm of) China’s artificial islands. Later broadcast on CNN, the crew recorded a Chinese operator identifying himself as “the Chinese Navy” and demanding the P-8 – which he said was entering a Chinese “military alert zone” – “leave immediately.”

Even though China has refused to clarify what status it is claiming for the artificial islands, the warning raised concerns as UNCLOS does not recognize a “military alert zone” for any feature at any distance, let alone beyond 12 nm. The incident prompted renewed calls for the Obama administration to launch FONOPS within 12 nm of at least the features known to be LTEs prior to land reclamation, specifically Mischief Reef and Subi Reef (the others may have a legal case for a 12 nm territorial sea but not a 200 nm EEZ).

Shortly after the P8 incident, U.S. Defense Secretary Ashton Carter repeatedly asserted (three times in one week, by my count) that the U.S. military “will fly, sail, and operate wherever international law allows.” Yet still no FONOPS were ordered while China’s rhetoric began to grow more confrontational. On May 25 [China’s Foreign Ministry warned](#) that FONOPS were: “highly likely to cause miscalculation and untoward incidents in the waters and airspace” and were “utterly dangerous and irresponsible.” The same day, [the more nationalist Global Times barked](#): “If the United States’ bottom line is that China has to halt its [land reclamation] activities, then a U.S.-China war is inevitable in the South China Sea.”

With the ball in America’s court, the Obama administration’s response was remarkably tepid. On June 18, U.S. Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel [gave a public briefing](#) in which he said: “As important as [the] South China Sea is ... it’s not fundamentally an issue between the U.S. and China.” Puzzled by the statement, this writer responded with an article for *The Diplomat*, [“Let’s Be Real: The South China Sea IS a China-US Issue.”](#) that argued the administration’s delay on FONOPS represented a major strategic miscalculation. It implored Obama to “expeditiously and directly challenge any claim of expanded rights for the artificial islands by ordering the U.S. military to fly and sail within the legal limits accorded by UNCLOS.” The reasoning was simple:

The longer America waits to challenge any new precedent, the more firmly it becomes precedent. Further delay could actually raise the prospect for conflict and offer China an opportunity to blame Washington for any future confrontation by disrupting what had emerged as a peaceful status quo.

It was not a particularly controversial position. The FONOPS question offers the rare case in foreign policy where the “gray zones” are overwhelmed by an abundance of black and white; where there is a clear and obvious policy option that is politically, legally, strategically, and morally sound, and supported by Congress, the Department of Defense, the U.S. military, America’s regional partners, and the vast majority of international legal scholars and regional analysts.

Under questioning from the Senate Armed Services Committee, on September 17 even the head of U.S. Pacific Command, Admiral Harry Harris, [admitted that he supported FONOPs](#) around China’s artificial islands. At the same hearing, Assistant Secretary of Defense for Asian and Pacific Security Affairs David Shear revealed that the operations were still awaiting a green-light from the White House, which has not approved a FONOP within 12 nm of the Chinese features since 2012.

A Risky Game of Chicken

What the White House has failed to appreciate throughout this drama is the longer it talks about FONOPS without actually conducting them, the more volatile the situation becomes, and the more pressure China’s leadership feels to publicly adopt ever more strident and entrenched opposition. The rhetoric that has emerged out of Beijing in just the past month already exceeds anything witnessed during the Yellow Sea stare-down. Consider:

- On September 15, Chinese Vice Admiral Yuan Yubai, commander of the People’s Liberation Army Navy’s (PLAN) North Sea Fleet, [told an international conference](#) “the South China Sea, as the name indicates, is a sea area that belongs to China” and has done so since the Han Dynasty in 206 B.C.
- On September 16, PLA Senior Colonel Li Jie [defended China’s construction](#) of military-grade airstrips on the artificial islands: “This is our backyard, we can decide what vegetables or flowers we want to grow.”
- On October 2, the *New York Times* [published an interview](#) with popular firebrand Colonel Liu Mingfu in which he warned: “There are flames around Asia, and every place could be a battlefield in the future.”
- On October 8, the *New York Times* [published additional comments](#) from Colonel Liu Mingfu, including: “[the U.S. and Japan] have been inciting our neighbors to provoke us...we are ready to engage in war”; “China has been doing all it can to prevent such a war, but we will surely be prepared for it”; “the U.S. has been punching & stabbing others with fists and knives” and; “China-US relations have entered the final stage of the game. It’s a dangerous stage. There will be a final game between the two nations.”
- On October 10 a “senior Chinese military official” [told Newsweek](#): “There are 209 land features still unoccupied in the South China Sea and we could seize them all.”
- On October 11 China’s [a Chinese Foreign Ministry spokesman stated](#): “We will never allow any country to violate China’s territorial waters and airspace in the Spratly Islands, in the name of protecting freedom of navigation.”
- On October 15 the nationalist *Global Times* was [quoted as saying](#): the PLA “should be ready to launch countermeasures according to Washington’s level of provocation...if the U.S. adopts an aggressive approach it will be a breach of China’s bottom line, and China will not sit idly by.”
- On October 15 [Admiral Yang Yi warned](#) the PLA would deliver a “head-on blow” to any foreign forces “violating” China’s sovereignty.
- On October 16 [Xinhua warned FONOPS](#) “will leave China no choice but to beef up its defense capabilities.” FONOPS would be a “grave mistake for [the U.S.] to use military means to challenge China” and “could lead to dangerous misunderstanding between the two militaries.” China “will respond to any provocation appropriately and decisively.”

It’s not just belligerent rhetoric Beijing has employed, either. On September 4, for the first time ever, China [dispatched naval vessels within 12 nm of Alaska’s Aleutian Islands](#). It’s noteworthy that their presence in U.S. territorial waters overlapped with a high-profile visit to Alaska by Obama. (The blatant double standard – sending warships through America’s territorial sea while threatening the U.S. if it were to do the same to China – is of little concern to Beijing. In 2013 the Chinese Navy [began patrolling in the EEZs around Hawaii and Guam](#), yet it maintains that U.S. military vessels must seek consent from Beijing to operate in Chinese EEZ). Less than two weeks after the incident in Alaska, [a Chinese Xian JH-7 fighter-bomber “intercepted” a U.S. Air Force RC-135](#) in an “unsafe encounter” over international waters in the Yellow Sea, reportedly crossing within 500 feet of the nose of the U.S. plane.

The U.S. may not have suffered for dithering in 2010 in the Yellow Sea, and FONOPS around China’s artificial islands may well proceed in the coming days and weeks without incident. But the U.S. is playing an exceedingly dangerous game of chicken with an increasingly dangerous actor. This is not the China of 2010. This is a more capable, confident, nationalist, and dangerous China. The margin for error is shrinking and the lesson this administration (and those that succeed it) must draw from this episode is: the next time there is a challenge to Freedom of Navigation, it must be addressed quietly and – most important – immediately.

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