

Why the U.S. Presence in the South China Sea

By Alfredo Toro Hardy

Stepping over the claims of several South East Asian countries, as well as over the normative of the U.N. Convention on the Law of the Sea and the jurisprudence of the International Court of Justice, China has decided that it owns 90% of the South China Sea.

Middle Kingdom Syndrome

Moreover, in 2010 Chinese Foreign Minister, Yang Jiechi, declared that such a sea represented a “core national interest” for his country, while telling his South East Asia’s counterparts at an ASEAN meeting, that “China is a big country and other countries are small countries, and that’s just a fact”. The former seemed to have elevated the South China Sea controversy to the same level as Taiwan, Tibet or Xinjiang. Meaning, non-negotiable subjects. The latter not only asserted a Middle Kingdom syndrome, but was reminiscent of Thucydides’ Melian Dialogue: “...while the strong do as they can and the weak suffer what they must”. (Becker, 2010; Kurlantzick, 2011; Hawthorn, 2014, p. 57).

Contrary to the Westphalian vision of international order, which proclaims sovereign equality between states, China inherits from ancient times a hierarchical and tributary notion of such order. One, with China at the top. It equally inherits the conviction that ancient times, in themselves, are a source of rights. Thus, its claim of owning most of South China because it was a “historic waterway”.

As Howard W. French explains: “Almost all non-Chinese experts agree that claiming distant waters as one's "historic waterways" is not something that international law or conventions governing the sea either contemplate or permit (...) According to this view [the Chinese one] little does it matter that the waters in question come right up to the very shores of modern-day states...” (French, 2017, p. 70).

Challenging China

To counter China’s maximalist aspirations, arrogance and bullying attitude towards its weaker neighbors, Washington has stepped up as a defender of the prevailing juridical order. That, notwithstanding the fact that the United States itself has never signed the U.N.

Convention on the Law of the Sea. In doing so, the U.S. challenges the effective control that China has over most of the South China Sea. Geographical proximity, the construction and militarization of numerous artificial islands in the area, and the presence of the bulk of its war navy (the largest in the world), makes China the undisputed top dog on that sea.

Howard W. French compares China's expansionism in the South China Sea with that of Japan almost a century ago. However, he recognizes that Beijing is trying to accomplish its aim without going to war, which is paradoxically the reason why it has armed itself to the teeth in that area. In his words: "What most obviously distinguishes China's expansionism from Japan's one, slightly less than a century earlier, is that Beijing is hoping to accomplish its grab without the direct resort to force. Military power, though, is an essential tool for China in its effort; indeed, the overwhelming preponderance of strength it is building toward, constitutes the very foundation of its strategy". (French, 2017, p. 66).

Tim Marshall gives a nuanced agreement to the former when saying: "Beijing intends to change its neighbors' way of thinking and to change America's way of thinking and behaving – pushing and pushing an agenda until its competitors back off". (Marshall, 2015, p. 49).

However, as seen, the United States is not buying China's deterrence efforts or its agenda pushing. Periodically, the U.S. Navy sails through what China considers its own sea, in direct defiance of its powerful missiles and military presence. History, international credibility and maritime free passage claims, are the reasons behind America's standing.

America's Longstanding Presence

History responds to the fact that since 1854 the United States has uninterruptedly been a Pacific naval and political power. It might well be that for a millennia-old nation as China, a presence that dates back to 1854 is tantamount to the ephemeral flight of a tree leaf. However, for the United States this presence not only represents more than half of its independent history, but expresses a consistency of purpose for which it has lost countless American lives in several conflicts.

Indeed, from the 1854 Kanagawa Convention that opened Japan to the Western world, to the 1899 Open Door Policy that guaranteed China's territorial integrity, from the 1905 Treaty of Portsmouth that put an end to the Russian-Japanese War, to Douglas MacArthur's reconstruction of Japan, Washington has been profoundly involved with the affairs of that region. Moreover, the U.S. has fought four major wars in that part of the

world: The fight for the control of the Philippines, the confrontation with Japan during World War II, the Korean War, and the Vietnam War. It is difficult, thus, to assume that Washington would easily yield its presence in that sea and move beyond the First Island Chain (Kuril Islands, the Japanese Archipelago, the Ryukyu Island, Taiwan, and the northern Philippines), as China wishes.

Reputational Reasons

But together with its historical reasons, Washington also has reputational ones. Abdicating to a high standing position in the South China Sea would lead to a loss of international credibility. This would put in motion a political snowball that would jeopardize its international leadership everywhere. As such, it would substantially weaken its alliances not only in the Indo-Pacific but also in Europe, while emboldening its foes all around the world.

A leading power, indeed, cannot retreat under pressure from a prime geostrategic area, without paying a high price. The simple pull back from Afghanistan, a country of lesser significance where the U.S. had already exhausted the reason for its presence, brought important reputational costs for Washington. Hence, unless the United States entered into a clear-cut isolationist phase, retreat is not an option. The latter, though, is an open possibility, given the Republican party's increasing lack of interest in international matters. In that case, China's deterrence might end up succeeding.

Maritime Free Passage

But together with history and reputation, we find the argument of maritime free passage. One, that the United States claims for itself and for others, within the South China Sea. Although 80% of China's crude oil imports and the bulk of its exports sail through that sea, the equivalent also happens for Japan, South Korea and Taiwan. Moreover, it is a vital trade route for the 620 million people that inhabit the South East Asian countries. Indeed, a trade of more than US\$5.3 trillion takes place annually in those waters, where more than one-third of the world's maritime traffic happens. (Office of the Secretary of Defense, 2018, p. 49; Mamchii, 2023).

A serious disruption of this trade channel would be disastrous for multiple countries (including the United States), for global supply networks, and for world consumer prices. If China's control of 90% of that sea ever translates into an abuse of its dominant position, havoc may result. This is why the United States, not only as an interested party but on behalf

of the countries of the region and the maritime commons, challenges China's overbearing position.

The Hurdle of Containment

For the above-mentioned reasons, Washington keeps trying to contain China's expansionism in the South China Sea. This is a highly complicated endeavor, though. Containing a force implies confining it within a certain boundary in order to avoid its expansion, and what China wants is precisely to avoid outside penetration within its self-defined boundaries. How to contain someone that aims at containing you? Especially if it holds the hammer. More than the symbolic U.S. Navy's sailing through the South China Sea, what else could Washington do?

Distance between California and the South China Sea is around 7,400 miles whereas from Hawaii is about 5,449 miles. This translates into what John Mearsheimer has called the stopping power of water. Moreover, America is particularly badly prepared to confront China's push out pressure, even if ready to use force.

Indeed, its Air Force and Navy ceased working as a team at the end of the Cold War. On top, both forces decided to give priority to short-range missions over long range ones. The Air Force moved its emphasis from long-range strategic bombing aircrafts to short-range tactical fighters, dramatically cutting back the former as a percentage of its overall force. The Navy on its side pulled off, all together, from long-range strike missions. America's campaigns in both Kuwait and Kosovo, which depended on aircrafts flying short distances from their airfields or aircraft carriers, helped craft the new policy. The emphasis is thus in short-range, high sortie rates and precision strikes. This implies that while the Chinese have developed an intermediate-range area denial strategy, the U.S. forces need to approach its targets in order to be effective. Additionally, America's F-22 and F-35A are by design short-range fighters. Fifth-generation stealth strike aircrafts, on their part, do not have sufficient range to reach their targets if not supported by "big wing" oil tankers, implicitly vulnerable from attack by a foe (Mearsheimer, 2001, p. 114; Hendrix, 2018).

Trying to contain the one that contains you, becomes heavy stuff. However, the United States keeps insisting in that direction in order to avoid that China's deterrence efforts or its agenda pushing, end up by defining the new reality of the South China Sea.

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