

Transforming US Policy in the South China Sea Under the Trump Administration

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ABSTRACT

In July 2020, US Secretary of State Mike Pompeo delivered a speech rejecting China's maritime claims in the South China Sea. This statement marked a new change in US policy toward this important strategic water, from a 'neutral' to an 'involvement' stance in the South China Sea (SCS). It also shows the US's determination to promote its principles of freedom of navigation and overflight and form a rules-based order. The article tries to analyse and evaluate changes in US policy towards the South China Sea, especially since US President Donald Trump came to power, with the following contents: the change in the US stance on the South China Sea issue; the active engagement of the Trump administration in the South China Sea with measures from the White House and the US Congress; the impacts on Vietnam from the change of US policy towards the South China Sea.

Keywords: South China Sea, United States, China, territorial dispute, sovereignty

The Evolution of US Stance on the South China Sea

Strategically, the South China Sea (known as the Eastern Sea in Vietnam) is significant in US interests. This area has many international sea lanes, connecting the Middle East and Southeast Asia through Japan, Korea, and China. International cargo ships in this area must pass through Malacca, Sunda, Lombok, and Makassar straits. America has many interests in deploying its activities in the SCS, such as oil, gas exploration and exploitation with ASEAN countries. Militarily, the SCS retains an important role in moving US military forces from the Western Pacific to the Indian and Gulf regions. Furthermore, the US can use the SCS as a transshipment point and operational area for US air and naval forces between military bases in Asia, the Indian Ocean, and the Gulf region. According to Surin Maisikrod, China could spread its wings by controlling the Spratlys to cover almost half of Southeast Asia.¹ Meanwhile, Jag Mohan Malik pointed out that: Whoever controls the Spratly Islands also gains a strategic trump card in the region because the islands are considered strategic bases for sea-lane defence, interdiction, and surveillance of surface vessels and submarines.² Therefore, any conflict in the SCS might threaten US strategic interests. Japan's security and economic interests would also be threatened.

Due to its importance, during the 1970s of the 20th century, the primary goal of US policy toward the SCS was merely to maintain freedom of movement while maintaining a neutral stance towards territorial disputes in the SCS. According to Kenneth J. Conboy, the US position at that time was: '*completely neutral on the disputes in the SCS.*'³ At

this time, to counter the communist bloc led by the Soviet Union in Southeast Asia, the United States pursued strategic rapprochement with China⁴, considering it as a ‘partner’ to balance the Soviet Union. That was why the United States expressed non-intervention and did not even voice its criticism against China’s activities in the SCS, including the Chinese capture of Vietnam’s Paracel island in January 1974 in response to the Chinese occupation of the Paracel Islands, the US State Department only insisted that the South China Sea disputes were ‘for the claimants to settle among themselves.’⁵

However, after the end of the Cold War, the collapse of the Soviet Union, along with the rise of China, transformed the regional strategic landscape and contributed to the change in the US perception of the SCS. Indeed, China’s rise during the 1990s in economic and military power gave the country momentum to expand its strategic space and seek to reinforce its ambitions in the SCS. In the US perception, the PRC would become its ‘potential competitor,’⁶ challenging its security interests in the South China Sea. This has led to changes in the US stance on territorial disputes in the SCS, including China’s irrational and excessive claims. Significantly, China’s militarization actions in the SCS are a source of great concern in the region. According to Scott Snyder, the US shifted from passive to active neutrality. Accordingly, a steady US policy of ‘active neutrality was the surest sign of support for preventive diplomacy that the United States could offer to deter potential conflicts in the South China Sea.’⁷ In that context, the SCS became an area of strategic competition between the US and China. It has also become an international issue and a security concern for many ASEAN members and other great powers.

To be sure, if China’s economic development is considered a success and praised by many countries around the world, especially in Southeast Asia, China’s ambitions and activities in the SCS can be seen as a ‘strategic setback’⁸ when Beijing has tried to create a security challenge in the region, threatening the rights and sovereignty of other countries. China’s ambitions in the SCS were more or less revealed during the 1970s and 1980s, but it has become more apparent since the mid-1990s. Indeed, the lack of transparency in China’s military modernization program contributed significantly to the ‘China threat’⁹ theory in the West and caused concerns among Southeast Asian countries. The fact that China took over Mischief Reef, claimed by the Philippines in February 1995, exacerbated the perception of the Chinese ‘threat’ in Southeast Asia.¹⁰ Regarding the Spratly disputes, the US position was generally reflected in the statement of Admiral Charles Larson, Commander-in-Chief, US Pacific Command, in his interview in Malaysia in October 1991, in which he outlined five points as follows:

The US maintained a non-committal stance as there was no interest for the US to intervene; It was a regional issue, and the US had no contingency plan to go to the Spratlys in the event of conflict; It would be up to the countries concerned (to work together) and regional groupings (such as ASEAN) to find a solution; The US preferred that the claimants resolve the issue through political channels rather than by military means; and if China and Vietnam became hostile in asserting their claims, the US might work with ASEAN, the Soviet Union and other nations under the auspices of the United Nations to ensure that the aggressor followed accepted international behavior.¹¹

After China occupied the Mischief Reef on February 6, 1995, the Clinton administration reacted cautiously and confined itself to a reiteration of its long-standing policy on the South China Sea. The State Department Spokeswoman Christine Shelly stated:

*The US strongly opposes the threat or use of military force to assert any nation's claim. The US takes no position on the legal merits of the competing claims and is willing to assist in the peaceful resolution of the dispute.*¹²

Under the Bush and Obama administrations, the US stance on the South China Sea remained unchanged and did not constitute a fundamental shift comparing the previous administrations. After the collision between a US Navy surveillance plane and a Chinese fighter jet in April 2001¹³, many US strategists expressed concern about the freedom of navigation and over-flights in the South China Sea. However, the US policy did not deter Chinese territorial ambitions in the South China Sea and its expansion to the South. Meanwhile, China has regarded the SCS as a sphere of influence and buffer zone¹⁴ belonging to its national interests. Under the Bush administration, the PRC took advantage of the US focus on the global war on terror to expand its influence in the South China Sea¹⁵. During this time, China increasingly consolidated its border and tightened its claims to the South China Sea. As Mark J. Valencia pointed out, China was determined to consolidate its border and control its claimed areas as part of its drive to re-establish a 'Greater China' and regain its historical role as the dominant power in Asia.¹⁶ Also, according to Valencia:

*'To defend itself from perceived threats, China wanted to establish a protective sphere in its surrounding seas and embarked on an aggressive campaign to acquire and develop conventional weapons and capabilities that would allow it to assert control over the islands and eventually the entire South China Sea.'*¹⁷

In facing a 'rising China,' the United States has actively engaged with South China Sea issues to contain the PRC in the region. During this time, the US perceived that the territorial disputes in the South China Sea would become more critical to the US since it was closely associated with American interests, especially the freedom of movement of US ships and airplanes. To this end, the United States increased its presence in Southeast Asia, including the South China Sea, through a forward-deployment strategy.¹⁸ At the same time, the US strengthened its military relations with ASEAN states, conducted multilateral and bilateral military exercises, increased US Navy ships' access to regional ports, and rapidly re-engaged with the region. Moreover, the United States directly or indirectly sought to engage with the SCS to protect its regional interests.

Unlike the Bush administration, Obama's policy in the South China Sea seemed more assertive as former US Secretary of State Hillary Clinton stated that 'the US has returned.'¹⁹ The events of USNS Impeccable were 'harassed' by some Chinese ships in March 2009,²⁰ and the aircraft carrier USS John S. McCain collided with when a Chinese submarine in June 2009 in the SCS concerned Washington.²¹ US officials said China wanted to express its intention to dominate and control the entire South China Sea through these actions.²² Under the Obama administration, the US policy toward the South China

Sea was first expressed in the statement of US Secretary of State Hillary Clinton at the ASEAN Regional Forum (ARF) held on July 24, 2010, in Hanoi. It demonstrated the US commitment to its allies and partners through the policy of re-engagement with Southeast Asia. The US stance on the SCS could be highlighted as follows:

The US has a national interest in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the South China Sea. We support a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion. We oppose the use or threat of force by any claimant. While the US does not take sides on the competing territorial disputes over land features in the South China Sea, we believe claimants should pursue their territorial claims and accompanying rights to maritime space in accordance with the UN convention on the law of the sea.²³

To achieve its goals in the SCS, the US sought to strengthen its relations with ASEAN and its member states. At the same time, the US upheld the leading role of ASEAN in dispute settlement, strengthening ASEAN's capacity to balance with the rise of China. Indeed, the US commitment to ensuring freedom of navigation and maintaining the region's status quo and stability has reassured ASEAN nations that the US would not stand aside from the regional situation. Accordingly, the US advocates dispute resolution in the South China Sea by peaceful means, in compliance with international law, especially the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the Declaration of Conduct on the South China Sea between China and ASEAN (DoC) adopted in 2002. At the same time, Washington actively supports negotiations between ASEAN and China on a Code of Conduct in the South China Sea (COC) to prevent and manage disputes.

In the military, the United States deployed security-defence cooperation with ASEAN countries to enhance its ability to counterbalance China. The US and ASEAN countries also conducted dozens of military drills (about two-thirds of the exercises in Asia), revitalizing many security and military agreements with countries in the region. As a result, the US continued to use Clark Air Base and Naval Base Subic Bay in the Philippines.²⁴ The US is also allowed to use Thai military facilities, implementing the first phase of the Agreement to build a sizeable deep-water port for the US military in Singapore and jointly deploying military exercises in the SCS. During the Obama administration, the US Navy also conducted several freedom of navigation operations (FONOP) to challenge China's territorial claims in the SCS. During his time, there were about two FONOPs in 2015, three in 2016, six in 2017, and five in 2018.²⁵

Indeed, compared with the Clinton and Bush administrations, the territorial disputes in the SCS received more attention from the Obama administration and the US Congress. This change was due to the Obama administration's desire to '*return to Southeast Asia*,'²⁶ regarding Southeast Asia as a place of strategic importance in its strategy toward the region. The US's interest in the SCS was evident in the US congressional hearings in which the US House of Representatives called for the Obama administration to take hard-handed measures on China:

'The time has come for the United States to take a strong stance against China's harassment before these actions escalate into hostile confrontation.'²⁷

However, although the Obama administration emphasized the importance of maintaining freedom of navigation and open access to Asia's maritime commons and regarded it as a 'national interest,'²⁸ the US policy in the SCS appeared not strong enough. Daniel Russel, Assistant Secretary of State for East Asian and Pacific Affairs, US Department of State, in a hearing before the Committee on Foreign Relations United States Senate in May 2015, also confirmed that:

The East and South China Seas are important to global commerce and regional stability. Their economic and strategic significance means that handling territorial and maritime issues in these waters by various parties could have economic and security consequences for US national interests.²⁹

Due to the lack of a coherent US policy toward the SCS, Beijing even took advantage of this opportunity to militarise the SCS. In contrast, the US policy did not prevent China from building artificial islands in the SCS and militarizing them into regional outposts. This militarization even threatens American companies' interests in the region. As a result, China's fact on the ground in the SCS's artificial islands jeopardized the US military force and its security strategy because it would limit US naval access to the region. To some extent, the US engagement policy with Beijing has shown its failure to contain China's coercive actions and territorial ambitions in the SCS. The absence of other strict measures casts doubt on the part of Southeast Asian countries about the US's commitment to maintaining the region's status quo in the face of China's economic and military rise. The failure of the Obama administration also lacked a specific and comprehensive policy on the SCS, lack of resources, and inconsistency between the views of the Department of Defence and the White House in the common perception of the SCS.

Active Engagement Under the Trump Administration

With the slogan 'Make America Great Again' or 'America First,' President Trump also embarked on the new US strategic framework for the region called 'Free and Open Indo-Pacific.'³⁰ The National Security Strategy (NSS), released in December 2017, affirms the importance of the Indo-Pacific region to the interests of the US.³¹ It also regarded China as a potential threat attempting to erode American security and prosperity and seeking to displace the US in the Indo-Pacific region. To deal with China, the Trump administration called on the US to take priority actions to protect its interests and deal with challenges from China in the SCS. The following domains could note the US stance and policy toward the SCS.

US Principles in Its South China Sea Policy

National interest: As for the US, the SCS has a critical strategic role in its regional interests. The SCS lies in the strategic sea lanes of communication and is supposed to have potential petroleum and natural gas reserves. It is the world's second-busiest international sea lane, with more than 80 percent of the world's trade passing through this area. All shipping must

pass through the region's chokepoints' straits: Malacca, the Sunda Strait, the Lombok, and Makassar Straits.³² Moreover, it is also a gateway between the Pacific and Indian Oceans, where more than 80 percent of the oil for Japan, South Korea, and Taiwan flows through the area.³³ At the same time, this lane is also critical to the movement of US forces from the Western to the Indian Ocean and the Persian Gulf. Indeed, the US considers the SCS as a transit point and operational area for its Navy and Air Force between military bases in Asia and the Indian Ocean and the Persian Gulf areas.

The SCS also plays a vital role in maintaining regional order for the Trump administration. To keep the US's hegemonic position in the Western Pacific region, the US must protect the regional alliance system, especially its key allies, including Japan and South Korea, which have been severely challenged by the rise of China. If the SCS falls under Chinese control, the US alliance system in the region will be eroded, thereby affecting the US presence in the western Pacific. Therefore, the US considers the SCS vital to its national interest.³⁴ Thus, the Trump administration intends to establish a US naval force in the SCS to increase its steady regional presence. The US also advocated the establishment of the Quadrilateral Security Dialogue (QUAD), including Japan, Australia, and India, into a military alliance³⁵ to deal with challenges from China.

Rules-based order: the concept of 'rules-based order' was formed based on the world order created after the Second World War with the United Nations (UN) establishment and a series of financial institutions, including Bretton Woods. These 'rules' include various issues and activities, such as the initiation and conduct of war, international trade and international development, the execution of interstate diplomacy, sea and overflight, and the rights of people and communities. The rules-based order is based on the perception that sovereign states agree to be bound by rules, and in the event of international conflict, the initiation and enforcement of legislation are subject to the Security Council. The US approach stems from the belief that maintaining an international system in which independent and sovereign states compete with each other based on a standard set of rules ultimately also serves the interests of the US, even though countries sometimes disagree with each other and compete with the US.

The rise of China posed challenges, and the most serious challenge was to weaken the hegemonic position and interests of the US in the region and, at the same time, seek to replace the US as a regional leader.³⁶ Indeed, the PRC's activities in the SCS over the past decades, especially the construction of artificial islands and even threatening to establish an air defence identification zone in the SCS,³⁷ that is likely to upset the regional balance of power and endanger US interests in the region. Therefore, The Trump administration urges China to adhere to a 'rules-based order' through compliance with UNCLOS 1982.³⁸ This US approach originated from beliefs in maintaining a regional order in which independent and sovereign states can compete on a common principle, even though many countries disagree and compete with the US. The US wants to promote compliance with the unanimous ruling of the Permanent Court of Arbitration (PCA or Tribunal),³⁹ in which the US rejects China's 'nine-dash line' claim covering the entire SCS.

Non-use of force or coercion: The US believes that the use of force or the threat of force is contrary to the basic principles of the United Nations. A key element in the

international order created and operated by the US since the Second World War is that force and coercion should not be seen as a tool to settle disputes between countries and, indeed, not routine measures or first resort. This principle is also wholly consistent with the UN Charter, which clearly states regulations on the peaceful settlement of international disputes and is welcomed and enforced by many countries worldwide. Article 2(4) of the UN Charter also prohibits countries from the threat or use of force targeting any state or dealing with disputed issues. In addition, UNCLOS 1982 also sets out a fundamental principle for the parties involved. Accordingly, states must use peaceful means to settle disputes, not force or threaten to use force to resolve conflicts.

The US has frequently expressed concern about China's actions in the SCS and opposed a so-called principle of 'might make right' in the SCS. Many Trump administration officials have taken the stance of 'no use of force' or 'coercion' to resolve territorial disputes in the SCS. US Defence Secretary James Mattis has also repeatedly warned China about resolving disputes peacefully and condemned Beijing's military use of 'intimidation or coercion' for dispute settlement and the militarization of artificial islands in the SCS. He even warned of possible 'consequences' if China continued to use this method in the SCS.⁴⁰ The DoC, released in 2002, also affirmed that the parties reaffirmed their commitment to abide by the basic principles of international law and settling disputes peacefully, without force, through friendly consultations and negotiations between the countries directly concerned.⁴¹

Freedom of navigation: The principle of freedom of the seas is proclaimed in the Freedom of Navigation Report (FON) of the US Department of Defence means all rights, freedoms, and lawful uses of the sea and airspace, including for warships and military aircraft, are guaranteed to all states under international law'.⁴² For the US, the freedom of the seas is essential to ensure access in a crisis. The US is therefore committed to ensuring the freedom and openness of access to the waters to protect the stable economic order that has long served Asia-Pacific countries and maintain US forces' ability to respond as needed under US President B. Obama, this view has remained unchanged. Although not a claimant in the SCS, the US maintains that freedom of navigation is at the core of national maritime policy. The US considers freedom of navigation in international waters, including exclusive economic zones (EEZs), an inalienable right of all states. The US will continue to pursue its national interest in the SCS in this regard.

The US insisted on the importance of US national interest in finding a peaceful resolution for resolving disputes and freedom of navigation and overflight in the contested areas of the SCS.⁴³ The US stance on freedom of navigation was also confirmed by former US Secretary of State Hillary Clinton as she insisted that the US has a national interest in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the SCS.⁴⁴ The US position on 'freedom of navigation was affirmed by US President Trump during his meeting with China's President Xi Jinping when he visited Beijing in November 2017. Accordingly, President Trump underscored the critical importance of the peaceful resolution of disputes, unimpeded lawful commerce, and respecting international law in the East and South China Sea. He also insisted on free navigation, overflight, and other legal uses of the sea and raised concerns about militarizing outposts in the South China Sea.⁴⁵

Seapower Strategy

When examining the Indo-Pacific vision initiated by President Donald in November 2017, it is easy to recognize the role of the sea and oceans in the US strategy. The Trump administration returned to its previous approach and thinking that attaches great importance to naval power in the overall US military might. The thought of 'seapower' is quite evident in the strategic document: *'From the Sea: Preparing the Naval Service for the 21st Century'* published by the US Navy Department in September 1992. Indeed, by that time, the US National Security Strategy shifted from focusing on a global threat to regional challenges and opportunities. US naval forces, therefore, would participate in a significant component of this strategy, including strategic deterrence and defence, forward presence, crisis response, and reconstitution. Based on that, The US naval forces should provide a powerful yet discreet presence; strategic deterrence; control of the seas; extended and continuous on-scene crisis response; precise project power from the sea; and sealift in case of larger-scale warfighting. By transforming the strategy's objective from *'open-ocean warfighting on the sea'* to *'joint operations conducted from the sea,'* the US worked out new directions for its navy force, such as building up a naval expeditionary force, shape for joint operations, operating forward from the sea, and tailored for national needs.⁴⁶ With these new trends, it can be noted that US naval strategy manifested the transition from conducting an independent, broad-based naval warfighting to a form of sea support for land and air forces, from activities based 'on the sea' to 'from the sea'; shifting 'forward deployment' to 'forward presence,' and shifting from 'conducting main battles at sea' to 'dealing with regional conflicts'.

The US naval strategy continued to be updated and added in 2015 to cope with the rise of China. In the report *'A Cooperative Strategy for 21st Century Seapower: Forward, Engaged, Ready'* published in August 2015,⁴⁷ the US Navy continues to consider 'ownership at sea' as one of the five main functions of the Navy. According to this document, US maritime strategy insisted on two central principles: forwarding naval presence and building a more robust naval force. The US forward naval presence requires new missions, such as defending the homeland, deterring conflict, responding to crises, defeating aggression, protecting the maritime commons, strengthening partnerships, and providing humanitarian assistance and disaster response. In this strategy, the US also set maritime priorities in facing a situation of constrained resources. The expansion of forwarding naval presence in this area would also advance US warfighting capabilities and strengthen its alliances and partners as part of its attempt to build and sustain regional capacities to deal with local maritime security challenges. At the same time, the US also announced the *'Asia-Pacific Maritime Security Strategy'* with three critical objectives, including safeguarding the freedom of the seas, deterring conflict and coercion, and promoting adherence to international law and standards.⁴⁸

The seapower strategy continues to be upgraded and updated under US President Donald Trump. In January 2017, the US Navy released the document *'Strategy of War Forces at Sea: The Return of Sea Control,'* which emphasized the need for US naval forces to pursue a new concept of *'distribution of power'* to carry out the strategy of mastering the

waters.⁴⁹ According to this document, the US Navy must adjust to the changing security environment in facing near-peer competitors, hostile foreign governments, and well-armed, nonstate militant groups. The strategy insisted on returning to sea control and implementing ‘distributed lethality,’ an important principle for achieving and sustaining sea control. To do this, the US must increase surface forces’ offensive and defensive capability and invest in its resource to modernize the future navy force.

According to Vice Admiral Thomas S. Rowden, the Commander of the US Navy’s Surface Forces, the US would transform from the command of the sea to local sea control.⁵⁰ However, he insisted that sea control does not mean command of all the waters all the time. Instead, it is the capability and capacity to impose localized control of the sea when and where it is required.⁵¹ Previously, the command of the sea referred to the ability to move merchants and armies through the sea at will. This strategy helped the US to deal with threats in many parts of the world over the past decades. It also secured the flow of commerce and created the relatively peaceful waters for even US competitors. However, in the changing strategic landscape of the world, the US Navy force should shift from the command of the sea to local sea control. Local sea control means having the platforms and weapons to regulate access to a localized sea area.⁵² On that basis, the Trump administration showed its determination to rebuild a strong regional navy. He realized that the US Navy would have to become a dominant force that no competitor could challenge.⁵³

Tough Stance from the White House

To implement its SCS strategy, the US constantly pressures China, especially from the White House and the US Department of State. For previous US administrations, when making statements about the situation in the South China Sea, it is rare for US officials to answer directly on this issue, even if they are cautious when speaking about China. However, when the perception of China’s ‘threat’ is made public in many strategic documents (the NSS released in November 2017), US officials seem to be ‘unlocked’ in condemning China with rather harsh words. Former US Secretary of State Rex Tillerson, when he testified before the US Senate’s Foreign Relations Committee, expressed an adamant stance on China: ‘We are going to have to send China a clear signal that, first, the island-building stops and, second, your access to those islands also is not going to be allowed’.⁵⁴ He even bluntly insisted: ‘China cannot be allowed to use its artificial islands to coerce its neighbours or limit freedom of navigation or overflight in the South China Sea.’⁵⁵ He also called on limiting China’s access to and use of its artificial islands to pose a threat to the US or its allies and partners.⁵⁶

On the other hand, US officials have increasingly taken another hard-handed stance toward China. On 9 April 2020, the US Department of Defence also expressed concerns over the China Coast Guard vessel’s collision with and sinking of a Vietnam fishing vessel in the vicinity of the Paracel Islands. It also stated that China’s behaviour contrasted with the US’s vision of a Free and Open Indo-Pacific region. Furthermore, the US would

continue supporting efforts by its allies and partners to ensure freedom of navigation and economic opportunity in the Indo-Pacific.⁵⁷ Seriously, concerns of US officials have grown after China took advantage of the Covid-19 pandemic to continue illegal actions in the SCS. Further, on 18 April 2020, China blatantly announced the establishment of the so-called districts of ‘*Xisha*’ and ‘*Nansha*’ in ‘*Sansha*’ City, Hainan province, violating international law and Vietnam’s sovereignty rights over Truong Sa (Spratly) and Hoang Sa (Paracel) archipelagos.⁵⁸ Indeed, Vietnam established its sovereignty over these two archipelagos long ago. Also, on 19 April 2020, the Chinese Ministry of Civil Affairs announced the renaming of dozens of islands and reefs in the South China Sea, including some deep inside Vietnam’s exclusive economic zone.⁵⁹

Among US senior officials, Pompeo’s statements regarding the SCS were crucial and caught the international media’s attention since it marked a turning point in President Trump’s policy toward the SCS. On 24 April 2020, US Secretary of State Mike Pompeo strongly criticized the PRC’s activities in the SCS, including its unilateral announcement of administrative districts in Hainan province, the sinking of a Vietnamese fishing vessel, and building a ‘*research stations*’ on Fiery Cross Reef and Subi Reef. In addition, Pompeo condemned China for its deployment of maritime militia around the Spratly Islands and dispatching a flotilla to intimidate other claimants from engaging in offshore hydrocarbon development. He even accused China of exploiting the world’s focus on the Covid-19 crisis to continue its provocative behaviour, leveraging military pressure, and coercing its neighbours in the SCS. He spoke forthrightly against China’s bullies and said other states would hold them accountable.⁶⁰

The US opposition to China’s illegal claims in the SCS is growing and stronger, demonstrating the change in US policy towards the SCS. On 1 June 2020, the US Ambassador to the United Nations (UN), Kelly Craft, sent a Note to the UN General Secretary, Antonio Guterres, denying the Note Verbale No. CML/14/2019 of the PRC dated 12 December 2019, regarding the submission by Malaysia to the Commission on the Limits of the Continental Shelf (CLCS) dated 12 December 2019.⁶¹ On this note, the US rejected the PRC’s maritime claims since it was inconsistent with international law in UNCLOS 1982. It means that the US objected to all of China’s maritime claims, including its historic rights in the South China Sea, internal waters between the dispersed islands China claims in the SCS, the claim of marine zones, and claims that exceed the maritime entitlements. The US again urged China to conform its maritime claims to international law as reflected in the Convention to comply with the Tribunal’s 12 July 2016 decision and to cease its provocative activities in the South China Sea.⁶²

One of the most noteworthy statements was the statement of US Secretary of State Mike Pompeo on 13 July 2020, as it demonstrated the US stance on the SCS issue. This marked a clear shift in US policy on the South China Sea. Accordingly, the US announced its position on China’s maritime claims in the SCS with Tribunal’s decision:

The PRC cannot lawfully assert a maritime claim – including any Exclusive Economic Zone (EEZ) claims derived from Scarborough Reef and the Spratly Islands - vis-a-vis the Philippines in areas that the Tribunal found to be in the Philippines’ EEZ or on its continental shelf.

As Beijing has failed to put forth a lawful, coherent maritime claim in the South China Sea, the United States rejects any PRC claim to waters beyond a 12-nautical mile territorial sea derived from islands it claims in the Spratly Islands (without prejudice to other states' sovereignty claims over such islands). As such, the United States rejects any PRC maritime claim in the waters surrounding Vanguard Bank (off Vietnam), Luconia Shoals (off Malaysia), waters in Brunei's EEZ, and Natuna Besar (off Indonesia).

The PRC has no lawful territorial or maritime claim to (or derived from) James Shoal, an entirely submerged feature only 50 nautical miles from Malaysia and some 1,000 nautical miles from China's coast.⁶³

Indeed, US officials, especially the State Department, made harsh statements to China, creating a strong public reaction against China's militarization activities in the SCS. These statements clearly show that the US wants to challenge Beijing's ambitions in the SCS while demonstrating its strong commitment to countries in the region.

Increased Pressure from the US Congress

Under the Trump administration, the US Congress played a significant role in demonstrating a tough stance on the SCS issue. As the legislature of America, laws proposed or passed by US lawmakers at the bicameral Congress play a significant role in curbing China's actions in the SCS. During the Trump administration, the US Congress submitted many necessary drafts, resolutions, and laws related to the SCS. The US seeks to challenge and contain China's ambitions in the SCS with many important measures.

Act H.R.2621 - 115th Congress (2017-2018), also known as *Strengthening Security in the Indo-Asia-Pacific Act*, was announced at the Commission on 24 May 2017. The House of Representatives referred it to the Asia and Pacific Subcommittee on 27 June 2017. The Bill reiterates that the obligation to enforce the Permanent Court of Arbitration (PCA) award in The Hague in July 2016 on China's claims (nine-dash line) in the South China Sea is invalid under the UN Convention on the Law of the Sea. This Bill clearly states: The United States has a national interest in maintaining freedom of navigation, freedom of seas, respect for international law, and unimpeded legal commerce in the SCS. The Bill also reiterates the 4 February 2017 statement by former US Secretary of Defence James Mattis: Freedom of navigation is absolute whether it is commercial shipping by the US Navy. The United States remains active in international waters and navigates through international waters appropriately'.⁶⁴

Next is the H.R.5515 - 115th Congress (2017-2018), known as *John S. McCain National Defence Authorization Act for Fiscal Year 2019*, which was first presented to the House Armed Forces Committee on 13 April 2018. The Act officially became Law (No. 115-232) on 13 August 2018, with many provisions aimed at China's activities in the SCS. Accordingly, if Beijing does not immediately stop the militarization of artificial islands and reefs in the SCS, China will not be invited to participate in the Rim of the Pacific (RIMPAC) naval exercises held every two years. In addition, China was asked to cease all land reclamation activities in the South China Sea, remove all weapons from its land reclamation sites, take actions toward stabilizing the region in a consistent four-year track record, and no further have any other new construction actions on islands and

reefs in the SCS. The United States requires China to withdraw its installed missiles and electronic equipment to be considered for participation in the RIMPAC exercise. The Bill even warns China's continue to militarize the islands in preparation for the third world war.⁶⁵

Another Bill, S.659 - Congressional 115 (2017-2018), called *the South China Sea and East China Sea Sanctions Act of 2017*, was sponsored by Senator Marco Rubio and referred to the Committee on Foreign Relations of the US Senate. This Bill expressed the sense of Congress that: the US opposes actions by the government of any country to interfere in the unrestricted use of waters and airspace in the South China Sea or the East China Sea. It also confirmed that China should not continue to pursue illegitimate claims and militarize an area essential to global security. The Bill also announced that the US should expand freedom of navigation operations and overflights and respond to Chinese provocations with commensurate actions. The US should oppose unilateral Chinese actions to undermine Japan's control of the Senkaku Islands.⁶⁶ The Act also calls for the US President to impose sanctions on the US-based property of individuals and entities regarding any Chinese person contributing to development projects in disputed areas in the SCS among one or more ASEAN; any Chinese person that has engaged in actions or policies threatening the peace or stability of contested areas of the SCS or disputed areas of the East China Sea administered by Japan or the Republic of Korea; and any person that is owned or acting on behalf of such person, or provides such person with financial, material, technological, or other support.⁶⁷

The Bill also prohibits US entities from investing or insuring projects involving sanctioned entities in the above seas. In addition, the US President will also impose bans and restrictions on correspondence accounts and payments relating to sanctioned entities if the Office of the Director of National Intelligence (ODNI) determines that China has taken some actions, such as declaring an Air Defence Identification Zone (ADIZ) in the SCS. In addition, the Bill also requires the Government Publishing Office not to publish any documents describing disputed territories in both waters as part of China, with some limited exceptions. US flag vessels or aircraft may not take any action that implies recognition of China's claim to disputed territories.

Moreover, there were many other acts and bills issued by the US Congress that tightened up its pressure on China regarding the SCS, such as *S.Res.157* - A resolution recognizing that for 50 years, the ASEAN and its ten members dated 05/04/2017,⁶⁸ *H.Res.311* - Reaffirming the 40 years of relations between the US and ASEAN dated 05/03/2017,⁶⁹ *H.Res.339* - Calling upon the US Senate to give its advice and consent to ratify the UNCLOS dated 05/18/2017,⁷⁰ *S.Res.598* - A resolution calling upon the US Senate to give its advice and consent to ratify the UNCLOS dated 07/30/2018,⁷¹ *H.R.6828* - Southeast Asia Strategy Act,⁷² *H.R.2176* - Asia-Pacific Defence Commission Act dated 04/26/2017.⁷³ These Acts represented a shift in US policy toward the South China Sea under the Trump administration. It also demonstrated America's determination to put pressure on China, introducing a series of sanctions against China and forcing Beijing to consider before taking action to escalate tensions in the South China Sea.

Freedom of Navigation Operations (FONOPS)

Under President Trump's leadership, the US has intensified its Freedom of Navigation Operations (FONOPs) to challenge Chinese claims in the SCS. The United States has deployed the FONOP operation since 2013 with two annual procedures to deal with the challenges of Chinese sovereignty in the SCS. Each year, the US ships have about 600-700 days of operation in the SCS, but since 2017, this number has increased but did not exceed 900 days.⁷⁴ According to the Commander of the Pacific Fleet, Admiral Scott Swift, 'the ultimate goal of US policy in the SCS is to show strength through presence.' However, the US general rejected aiming 'against' China. Compared to its predecessor, the Donald Trump administration conducts more FONOPs than that President Obama's administration. From October 2015 to November 2016, the Obama administration ran four FONOPs in the SCS; the last time was in October 2016. However, the number of FONOPs has increased dramatically under the Trump administration. From May 2017 to September 2020, the United States conducted 23 operations in the SCS. There were *four* FONOPs in 2017, *five* in 2018, *eight* in 2019, and *nine* in 2020.⁷⁵ In reality, the number of US FONOPs may be even higher than the number that has been publicly announced.

The US military's freedom of navigation operations (FONOPs) in the South China Sea is considered an indicator to gauge the US resolve in resolving the SCS issue. The deployment of the group of ships to the South China Sea area is part of the FONOP activity that the US has deployed over the years. Accordingly, US warships entered within 12 nautical miles of artificial islands China built illegally in the SCS. Thus, it can be understood that the FONOP campaign is the most direct challenge to China's sovereignty claims in the SCS. The goal of this campaign is one of many measures for the United States to reject China's unreasonable sovereignty claims in the South China Sea while promoting a rules-based order in the SCS.

Speaking to the press, White House spokeswoman Sarah Sanders stated: 'We are aware of China's militarization of the SCS. We express our concerns directly to China, and there will be immediate and long-term consequences'.⁷⁶ Responding to the USS Decatur being harassed and obstructed by the Chinese ship Luyang (within 45 yards of the Decatur), US Vice President Mike Pence stated firm opposition and expressed his attitude on continuing FONOPs: 'Despite this reckless harassment, US ships and aircraft will continue to fly and sail wherever the law allows and following our national interest's demand. We will not be intimidated or stand down'.⁷⁷

To deal with the challenges coming from China, especially in the South China Sea, the US Congress proposed a 2018 defence budget bill called the National Defence Authorization Act (NDAA), which passed by a relatively high rate of 344/81. In addition, the US House of Representatives continues to support the US Navy's FONOPs in the SCS. At the same time, it also asked the US Department of Defence to develop a plan to deploy this operation more frequently. The US House of Representatives also gave the Department of Defence a deadline to submit to Congress a report assessing the situation of US military forces in the Pacific and plans to deploy strategic forces and reorganize the structure to meet priority objectives for the national interest.

Also, in response to a rising China, the Trump administration planned to increase the cost of its defence budget. Accordingly, the number of US naval ships would be increased from 290 to 350.⁷⁸ To contain China's ambitions in the SCS, the Trump administration planned to modernize its naval force. According to Donald Trump's statement, the United States intends to increase the number of aircraft carriers from 10 to 12 and the number of warships from 275 to 350. In fact, over the years, the size of the US Navy has been reviewed to reflect the actual situation of the new context. On that basis, on 15 December 2016, the US Navy released a Force Structure Assessment (FSA) report outlining a new force structure goal to maintain a fleet of ships, including 355 units of all types.⁷⁹ With these ships, from 2017, the annual US budget for shipbuilding will have to increase by about US\$4.6-5.1 billion per year to have the above ships in the next 30 years.⁸⁰ Furthermore, maintaining this fleet of 355 ships will take an average of US\$11-23 billion per year compared to the current cost of maintaining 308 ships. It does not include additional charges for equipping weapon systems for aircraft and ships.

Implications For Vietnam

The change in US strategy towards the SCS had an impact on Vietnam. Through the Free and Open Indo-Pacific vision, the relationship between the United States and Vietnam has been strengthened in the economic field and defence cooperation. The US strategy towards the SCS is set in a vision of the Indo-Pacific region in which the United States tends to attach importance to maritime security in the SCS. Therefore, the United States has a policy of supporting maritime capacity building for Southeast Asian countries, including Vietnam. In 2017, Vietnam received the first Hamilton ship from the United States to strengthen the Vietnam Coast Guard force.⁸¹ During deployment, the US side handed Vietnam six Metal Shark high-speed patrol boats and two Hamilton-class ships.⁸² The second patrol vessel John Midgett was also handed over to the Vietnamese side.⁸³ Currently, the United States has only two of the 12 Hamilton-class patrol boats left, the Douglas Munro (WHEC 724) and Mellon (WHEC 717). Recently, US Ambassador to Vietnam Marc Knapper said that the US plans to transfer the 3rd patrol ship to Vietnam to improve its maritime security capabilities.⁸⁴

In the Maritime Security Initiative (MSI) framework, the United States sold five ScanEagle reconnaissance aircraft worth US\$9.7 million to Vietnam.⁸⁵ Vietnam was even invited to participate in significant RIMPAC or SEACAT maritime security exercises led by the US in coordination with countries worldwide. In 2018, Vietnam participated in the RIMPAC, the largest naval exercise in the United States, with the participation of 25 different countries. Vietnam's participation in this exercise aims to improve the officers' combat skills, create a naval connection, and exchange with countries worldwide. In addition, the two sides also promoted the exchange of delegations at all levels and maintained bilateral dialogue mechanisms and contacts at regional forums. In August 2017, Vietnamese Defence Minister Ngo Xuan Lich visited the United States.⁸⁶ In October 2017, Defence Minister James Mattis visited Vietnam. The two sides also approved the

three-year Plan of Action for Defence Cooperation for 2018-2020.⁸⁷ By March 2018, the USS Carl Vinson aircraft carrier had docked at the port of Da Nang, Vietnam, for the first time.⁸⁸ In March 2020, the aircraft carrier USS Theodore Roosevelt docked in Da Nang during a 5-day visit to Vietnam.⁸⁹ This visit celebrates the 25th anniversary of establishing diplomatic relations between Vietnam and the United States. The US policy change in the SCS has helped Vietnam have a stronger voice and gather support from other countries on the issue of sovereignty and territory in Vietnam.

On the other hand, the change in US strategy towards the SCS also creates challenges for Vietnam. While increasing US-China strategic rivalry, increasing US engagement in the Indo-Pacific could increase the tension in the regional security situation, especially regarding regional security in the South China Sea. In the region, Vietnam has a long historical relationship with China. Vietnam has been seen as China's 'buffer zone' to extend its influence to the South. Therefore, this rivalry will strongly affect Vietnam when the US-China relationship becomes tense. On the other hand, the US attaching importance to the South China Sea issue also contributes to countering China's illegal claims and also reduces China's militarization efforts here, thereby helping Vietnam continue strengthening its claims based on its territorial sovereignty, preventing China's intention to isolate Vietnam in the SCS issue.

To some extent, the US's increased interest in the SCS, making strategic competition in this area more intense and becoming a 'hot spot.' The UK and France have recently conducted FONOPs in the SCS. In June 2018, the two countries announced they would send warships to the region in response to China's growing presence in the SCS. Many exercises involving the US with regional countries also occurred in the SCS. The conduct of the practices in the region aims to challenge China's illegal sovereignty claims and demonstrate the US commitment to regional allies and partners. However, the participation of other countries' warships in exercises in the SCS will likely turn this area into a potential flash point and arms race. Additionally, the changes in US policy toward the SCS and the shifting of the regional landscape would place Vietnam under pressure to upgrade its US relations to a 'strategic partnership.' In the visits to Vietnam in July and August 2021, US Defence Secretary Lloyd Austin⁹⁰ and US Vice President Kamala Harris also called for raising its bilateral ties to a 'strategic partnership' with Vietnam.⁹¹

Adapting national interests to major countries' policy adjustment processes is crucial for Vietnam. An effort to grasp priorities in changes of the US policy toward the SCS requires Vietnam to have a bright, flexible, and proactive strategy in the SCS issue. Vietnam continues to adhere to the principle of dispute settlement by peaceful means; does not use or threaten to use force; complies with the regulations of international law and the United Nations Convention on the Law of the Sea (UNCLOS) 1982. In the 2019 National Defence White Paper, Vietnam promulgated a 'four-no's and one-depend' defence strategy to protect its national interests in the SCS.⁹² The four-no's mean no military alliances, no siding with one country against another, no foreign military bases, and no using or threatening to use force in international relations. Meanwhile, one-depend carries implications that, depending on circumstances and specific conditions, Vietnam will consider developing necessary, appropriate defence and military ties with other countries.⁹³

Traditionally, Vietnam's approach to China in dealing with the SCS seems to be unchangeable. According to Carlyle A. Thayer, on the one hand, Vietnam has maintained a strategy of 'cooperation and struggle' with China over disputed areas in the SCS.⁹⁴ On the other hand, it can be observed that Vietnam is undertaking a 'hedging strategy' toward China. Le Hong Hiep noted that Vietnam's approach toward China could be characterized as a calibrated mixture of deference and defiance.⁹⁵ By expanding its foreign relations with great and middle powers, Vietnam sought to balance its relations with the PRC and contain the Chinese territorial ambitions in the South China Sea. Although, in the current context, when strategic competition is fierce and non-traditional security issues have a direct and substantial impact on countries (such as the Covid-19 pandemic), Vietnam's policy is to balance relations with major countries, take advantage of current opportunities for economic development, and contribute to peace and stability in the region. The 13th National Party Congress outlined Viet Nam's development orientation for the 2021-2030 period stated that:

Continuing to implement the foreign policy of independence, self-reliance, multilateralization, and diversification of international relations; proactively and positively integrating into the world comprehensively, extensively, and effectively; maintaining a peaceful and stable environment, constantly promoting Viet Nam's international position and prestige.⁹⁶

In addition, the current context sets for Vietnam to strengthen the construction, consolidation, and perfection of the all-people national defence, promote the defence posture of people's war at sea more firmly, associated with the construction and development of the marine economy, protect national interests, marine resources, and ecological environment. Building a revolutionary and modern naval force to protect the sovereignty over the sea, islands firmly, and continental shelf is an objective requirement following the strategic directions of the Party, State, and aspirations of the Vietnamese people.

Conclusion

Thus, the US policy towards the SCS has changed significantly under the Trump administration. Accordingly, the Trump administration has become more involved in the SCS issue. The US has spoken out against China's territorial ambitions, challenging China's claims and rejecting China's 'nine-dash line' in the South China Sea. The strong voice from the US authorities, such as the White House, the State Department, and the Department of Defence, has created a unified, strong stance against China's behaviour and cohesiveness in the SCS. The role of the US Congress under President Trump is very significant when it comes to many bills and acts against China in the SCS.

Notes

- 1 The Straits Times, August 1, 1992, in Ton That Thien, “South East Asia’s Post Cold War Geopolitics,” *Beijing Review*, <http://www.tonthatthien.com/wp-content/uploads/2015/07/1993-Southeast-Asias-Post-Cold-War-Geopolitics-The-New-Realities.pdf>, 4 (accessed May 13, 2022).
- 2 Malik Jag Mohan, *Asian Defence Policies: Regional conflicts and security issues* (UNSW Press, 1995), 140.
- 3 Conboy Kenneth J., “Conflict Potential in Southeast Asia and the South China Sea,” *The Heritage Lectures* 365, March 2, 1992, <http://www.heritage.org/research/asiaandthepacific/hl365.cfm> (accessed September 24, 2007).
- 4 Komine Yukinori, *Secrecy in US Foreign Policy: Nixon, Kissinger and Rapprochement with China* (Burlington, VT: Ashgate, 2008); Komine, Yukinori. *Secrecy in US foreign policy: Nixon, Kissinger and the rapprochement with China* (New York: Routledge, 2016); Yukinori Komine, “The “Japan card” in the United States rapprochement with China, 1969–1972,” *Diplomacy & Statecraft* 20, no. 3 (2009): 494-514; Evelyn Goh, *Constructing the US Rapprochement with China, 1961–1974: From ‘Red Menace’ to ‘Tacit Ally’* (Cambridge University Press, 2004).
- 5 Morrow Michael, “Today Hsisha, Tomorrow...?,” *Far Eastern Economic Review*, January 28, 1974; Kjeld Erik Brødsgaard, *Hainan-state, society, and business in a Chinese Province*. Routledge, 2008, 137.
- 6 . Christensen Thomas J, “Posing problems without catching up: China’s rise and challenges for US security policy,” *International Security* 25.4 (2001): 5-40.
- 7 Snyder Scott, ‘The South China Sea Dispute: Prospects for Preventive, Diplomacy,’ *Special Report*, no. 18, United States Institute of Peace, Washington D.C, August 1996, http://www.usip.org/pubs/specialreports/early/snyder/South_China_Sea2.html#SCSImp (accessed September 24, 2020).
- 8 Raditio, Klaus Heinrich, Raditio, and DaryanomeI, *Understanding China’s Behaviour in the South China Sea* (Singapore: Springer, 2019), 144; Joon Nam Mak, “The Chinese Navy and the South China Sea: A Malaysian Assessment,” *The Pacific Review* 4.2 (1991): 150-161.
- 9 Yee Herbert and Storey Ian, *China threat: Perceptions myths* (New York: Routledge, 2013); Khalid R. Al-Rodhan, “A critique of the China threat theory: A systematic analysis,” *Asian Perspective* (2007): 41-66.
- 10 Roy Denny, “The’ China threat’ issue: Major arguments,” *Asian Survey* 36.8 (1996): 758-771.
- 11 “US Will Not Interfere in Spratly Conflict,” *Straits Times*, 23 October 1991.
- 12 Bahukutumbi Raman, “Chinese Territorial Assertions: The Case of the Mischief Reef,” SAPRA India, January 14, 1999, http://www.subcontinent.com/sapra/research/world/w_1999_01_21.html (assessed October 22, 20017); Senan Fox, *Mischief Reef: China, the Philippines, and a Disputed Atoll in the South China Sea* (Springer Nature, 2021), 106; Pavin Chachavalpongpun, ed., *Entering Uncharted Waters?: ASEAN and the South China Sea*, vol. 220, Institute of Southeast Asian Studies, 2014. p. 69; Myron H. Nordquist, Tommy Koh, and John Norton Moore, eds., *Freedom of seas, passage rights and the 1982 Law of the Sea Convention*, BRILL, 2008. p. 27.
- 13 Dao James, “China’s Shadowing Had Annoyed US,” *The New York Times*, April 2, 2001, <https://www.nytimes.com/2001/04/02/world/chinas-shadowing-had-annoyed-us.html> (accessed September 24, 2020).

- 14 Dutton Peter, "Three disputes and three objectives: China and the South China Sea," *Naval War College Review* 64.4 (2011): 42-67. p. 16; Gordon Houlden and Scott Romaniuk, eds., *Security, Strategy, and Military Dynamics in the South China Sea: Cross-National Perspectives*, Policy Press, 2021; Klaus Heinrich Raditio, Raditio and Daryanomel, *Understanding China's Behaviour in the South China Sea*, Springer Singapore, 2019, p. 9; Zenel Garcia, *China's Military Modernization, Japan's Normalization and the South China Sea Territorial Disputes*, Springer International Publishing, 2019. p. 56.
- 15 Song Yann-Huei, "The overall situation in the South China Sea in the new millennium: before and after the September 11 terrorist attacks," *Ocean Development & International Law* 34.3-4 (2003): 229-277, p. 242.
- 16 . Valencia Mark J, Jon M. Van Dyke and Noel A. Ludwig, *Sharing the resources of the South China Sea* (BRILL, 2021), 84.
- 17 Valencia Mark J., "South China Sea Beijing's Buffer? Regime Fearful of Encirclement by the US and Asian Neighbors," *The Washington Times*, August 24, 2001.
- 18 Simon Sheldon W., "US Strategy and Southeast Asian Security: Issues of compatibility," *Contemporary Southeast Asia* (1993): 301-313; Evelyn Goh, "Meeting the China challenge: The US in Southeast Asian regional security strategies," (2005); Renato Cruz De Castro, "Addressing international terrorism in Southeast Asia: A matter of strategic or functional approach?," *Contemporary Southeast Asia* (2004): 193-217, p. 209.
- 19 Lander Mark, "Offering to Aid Talks, US Challenges China on Disputed Islands," *The New York Times*, July 23, 2010, <https://www.nytimes.com/2010/07/24/world/asia/24diplo.html> (accessed November 20, 2021); U.S Department of State, Remarks of Hillary Rodham Clinton, Secretary of State at National Convention Center, Hanoi, Vietnam, July 23, 2010, U.S Department of State, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm> (accessed November 20, 2021).
- 20 *The New York Times*, "US accuses the Chinese of harassing naval vessel," *The New York Times*, March 9, 2009, <https://www.nytimes.com/2009/03/09/world/asia/09iht-ship.3.20710715.html> (accessed November 20, 2021); Pauline Jelinek, "Chinese vessels 'harassed US Navy ship,'" *Independent*, March 9, 2022, <https://www.independent.co.uk/news/world/politics/chinese-vessels-harassed-us-navy-ship-1640814.html> (accessed May 14, 2022).
- 21 Reuters, "China sub collides with array towed by US ship: report," *Reuters*, June 13, 2009, <https://www.reuters.com/article/us-china-usa-submarine-idUSTRE55C00220090613> (accessed May 14, 2022); Bill Meyer, "Latest China-US Navy incident with destroyer USS John S. McCain is part of rising trend", *Cleveland*, June 16, 2009, https://www.cleveland.com/world/2009/06/latest_chinaus_navy_incident_w.html (accessed May 14, 2022).
- 22 "Statement before US-China Economic and Security Review Commission Hearing: China's Activities in Southeast Asia and Implications for US Interests," States News Service, February 4, 2010.
- 23 US Department of State, Remarks of Hillary Rodham Clinton, Secretary of State at National Convention Center, Hanoi, Vietnam, July 23, 2010, U.S Department of State, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm> (accessed November 12, 2022).
- 24 Landler Mark, "Philippines offers US its troops and bases," *The New York Times*, 2001 David Shambaugh, *Where great powers meet: America and China in Southeast Asia* (Oxford University Press, 2020), 39.
- 25 Larter David B, "In challenging China's claims in the South China Sea, the US Navy is getting more assertive," *Defence News*, February 6, 2020, <https://www.defencenews.com/>

- naval/2020/02/05/in-challenging-chinas-claims-in-the-south-china-sea-the-us-navy-is-getting-more-assertive/ (accessed June 8, 2022).
- 26 Hung Ming-Te and Liu Tony Tai-Ting, "US Foreign Policy in Southeast Asia under the Obama Administration: Explaining US Return to Asia and its Strategic Implications," *USAK Year Book 5* (2012): 195-225. p. 195.
 - 27 House of Representatives, An end to Chinese hostilities, Congressional Record, vol. 156, no. 111, July 27, 2010, 111 Congress - Second Session, <https://www.congress.gov/congressional-record/2010/7/27/house-section/article/h6139-3> (accessed June 8, 2022).
 - 28 Denoon David B.H., ed., *China, The United States, and the Future of Southeast Asia: US-China Relations*, vol. 2 (NYU Press, 2017), 400; US Department of State, Remark of Hillary Rodham Clinton, Secretary of State, National Convention Center, Hanoi, Vietnam, July 23, 2010, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm> (accessed June 8, 2022); The Wall Street Journal, "Battle of the South China Sea," *The Wall Street Journal*, July 28, 2010, <https://www.wsj.com/articles/SB10001424052748703977004575392631691738648> (accessed June 8, 2022).
 - 29 US Government Publishing Office, Safeguarding American Interests in the East and South China Seas, Hearing before the Committee on Foreign Relations United States Senate, One hundred fourteenth Congress, First Session, May 13, 2015, U.S. Government Publishing Office, <https://www.govinfo.gov/content/pkg/CHRG-114shrg96850/html/CHRG-114shrg96850.htm> (accessed June 8, 2022).
 - 30 Trump Donald J., *Remarks by President Trump at APEC CEO Summit, Da Nang, Vietnam*, The White House, November 10, 2017, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-apec-ceo-summit-da-nang-vietnam/> (accessed June 8, 2022); Alex N. Wong, "Briefing on The Indo-Pacific Strategy," Alex N. Wong, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Press Correspondents Room, Washington, DC, April 2, 2018, <https://www.state.gov/briefing-on-the-indo-pacific-strategy/> (accessed June 15, 2020).
 - 31 The White House, *The National Security Strategy of the United States* (Washington, D.C.: The White House, 2017), <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (accessed June 15, 2022).
 - 32 Zubir, Mokhzani, and Mohd Nizam Basiron, "The Strait of Malacca: The Rise of China, America's Intentions and the Dilemma of the Littoral States," *Maritime Studies* 2005 (141): 24–26; Noer, John Halvard, and David Gregory, *Chokepoints: Maritime Economic Concerns in the Southeast Asia* (Washington, DC: National Defense University Press, 1996), 4, <https://apps.dtic.mil/sti/pdfs/ADA319445.pdf> (accessed June 15, 2022).
 - 33 Hong Zhao, *China and India: The quest for energy resources in the 21st Century* (New York: Routledge, 2013), 114.
 - 34 Mattis James N., "Remarks by Secretary Mattis at Shangri-La Dialogue," *US Department of Defense*, June, June 3, 2017, <https://www.defence.gov/News/Transcripts/Transcript/Article/1201780/remarks-by-secretary-mattis-at-shangri-la-dialogue/> (accessed June 15, 2022).
 - 35 Eisentraut Sophie and Gaens Bart, "The US-Japan, India, Australia Quadrilateral Security Dialogue," *Indo-Pacific Alignment or Foam in the Ocean?* Finnish Institute of International Affairs 239, 2018, p. 3.
 - 36 Weitz Richard, "China in the New US National Security Strategy," *China & US Focus*, December 27, 2017, <https://www.chinausfocus.com/peace-security/china-in-the-new-us-national-security-strategy> (accessed June 15, 2022); The White House, *The National Security*

- Strategy of the United States* (Washington, D.C.: The White House, 2017), 33, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (accessed June 15, 2022).
- 37 Pilger Michael, *ADIZ Update: Enforcement in the East China Sea, Prospects for the South China Sea, and Implications for the United States*, vol. 2 (Washington, DC: US-China Economic and Security Review Commission, 2016), https://www.uscc.gov/sites/default/files/Research/ADIZ%20Update_0.pdf (accessed June 15, 2022).
- 38 US Department of State, "US-China Diplomatic and Security Dialogue," Washington D.C, November 9, 2018, <https://www.state.gov/r/pa/prs/ps/2018/11/287282.htm> (accessed November 14, 2021).
- 39 Graham Euan, "The Hague Tribunal's South China Sea Ruling: Empty Provocation or Slow-Burning Influence?" Council on Foreign Relations (CFR), Lowy Institute for International Policy, August 15, 2016, <https://www.cfr.org/councilofcouncils/global-memos/hague-tribunals-south-china-sea-ruling-empty-provocation-or-slow-burning-influence> (accessed November 14, 2021).
- 40 The Guardian, "Mattis accuses China of 'intimidation and coercion' in South China Sea," *The Guardian*, June 2, 2018, <https://www.theguardian.com/world/2018/jun/02/mattis-accuses-china-of-intimidation-and-coercion-in-south-china-sea> (accessed November 20, 2021); Shannon Van Sant, "Defence Secretary Mattis Warns of Chinese Intimidation In Disputed Waterway," *NPR*, June 2, 2018, <https://www.npr.org/sections/thetwo-way/2018/06/02/616416796/defence-secretary-mattis-warns-of-chinese-intimidation-in-disputed-waterway> (accessed November 20, 2021).
- 41 ASEAN Secretary, Declaration on the Conduct of Parties in the South China Sea, ASEAN Secretary, Phnom Penh, May 14, 2012, <https://asean.org/declaration-on-the-conduct-of-parties-in-the-south-china-sea-2/> (accessed May 21, 2022).
- 42 US Department of Defence, Annual Freedom of Navigation Report: Fiscal Year 2017, US Department of Defence, Report to Congress, December 31, 2017, 2, <https://policy.defence.gov/Portals/11/FY17%20DOD%20FON%20Report.pdf> (accessed May 21, 2022).
- 43 Gomez Jim, "Pompeo: US to make sure China can't blockade South China Sea," *AP News*, March 1, 2009, <https://apnews.com/article/fd95922e6e334484b81941cf8fa4b566> (accessed July 16, 2022).
- 44 Landler Mark, "Offering to aid talks, US challenges China on disputed islands," *The New York Times*, July 23, 2010, <https://www.nytimes.com/2010/07/24/world/asia/24diplo.html> (accessed July 16, 2022).
- 45 The White House, "President Donald J. Trump's State Visit to China," Joint Statement from The White House, November 10, 2017, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-state-visit-china/> (accessed June 2, 2022).
- 46 US Department of Defence, *From the Sea, Preparing the Naval Service for the 21st Century*, White Paper (Washington, D.C: US Department of the Navy, 1992).
- 47 US Navy, US Marine Corps, and US Coast Guard, "A Cooperative Strategy for 21st Century Seapower: Forward, Engaged, Ready," *March* 13, 2015, 19-21; Department of the Navy, "A Cooperative Strategy for 21st Century Seapower," Department of the Navy, Washington D.C, 2007, <https://apps.dtic.mil/sti/pdfs/ADA615292.pdf> (accessed July 16, 2022).
- 48 Department of Defence, *Asia-Pacific Maritime Security Strategy*, Diss. Department of Defence, 2015.
- 49 US Department of Defence, "Surface Force Strategy: Return to Sea Control," US Department

- of Defence, January 9, 2017, <https://media.defence.gov/2020/May/18/2002302052/-1/-1/1/surfaceforcestrategy-returntoseacontrol.pdf> (accessed May 20, 2022).
- 50 Rowden Tom, “US Navy Must Return to Sea Control,” *USNI Proceedings*, 2016, 9; Tom Rowden, “Sea Control First - US Navy Naval Surface Forces Commander,” *Navy Recognition*, January 8, 2017, <https://www.navyrecognition.com/index.php/naval-news/naval-exhibitions/2017-archives/sna-2017-show-daily-news/4774-sea-control-first-u-s-navy-naval-surface-forces-commander.html> (accessed May 20, 2022).
- 51 *Ibid.*, p. 20.
- 52 Riehl Jennifer, “Has the United States Lost Command of the Sea?,” *Proceedings*, vol. 145/1/1,391, US Naval Institute, January 2019, <https://www.usni.org/magazines/proceedings/2019/january/has-united-states-lost-command-sea> (accessed May 14, 2022).
- 53 The White House, “America First Foreign Policy,” The White House, 2017, <https://www.whitehouse.gov/america-first-foreign-policy> (accessed June 2, 2018).
- 54 Brunnstrom David and Matt Spetalnick, “Tillerson says China should be barred from South China Sea islands,” *Reuter*, January 12, 2017, <https://www.reuters.com/article/us-congress-tillerson-china-idUSKBN14V2KZ> (accessed May 14, 2022).
- 55 Tillerson Rex, Nomination of Rex Tillerson to be Secretary of State, Hearing before the Committee on Foreign Relations, United States Senate, 115th Congress, First Session, 11 January, <https://www.govinfo.gov/content/pkg/CHRG-115shrg24573/pdf/CHRG-115shrg24573.pdf> (accessed May 5, 2022).
- 56 *Ibid.*
- 57 Department of Defence, “China Coast Guard Sinking of a Vietnam Fishing Vessel,” Department of Defence, April 9, 2020, <https://www.defence.gov/Newsroom/Releases/Release/Article/2143925/china-coast-guard-sinking-of-a-vietnam-fishing-vessel/> (accessed August 20, 2022).
- 58 Huyen Anh, “Vietnam has full, undeniable sovereignty over Hoang Sa, Truong Sa archipelagos,” *VOV World*, April 21, 2020, <https://vovworld.vn/en-US/current-affairs/vietnam-has-full-undeniable-sovereignty-over-hoang-sa-truong-sa-archipelagos-851267.vov> (accessed May 16, 2022).
- 59 Huyen Anh, “China isolates itself by defying international law in East Sea,” *VOV World*, May 15, 2020, <https://vovworld.vn/en-US/current-affairs/china-isolates-itself-by-defying-international-law-in-east-sea-860589.vov> (accessed May 16, 2022).
- 60 Pompeo Michael R., “The United States and ASEAN are Partnering to Defeat COVID-19, Build Long-Term Resilience, and Support Economic Recovery,” *Press Statement*, US Department of State, April 22, 2022, <https://www.state.gov/the-united-states-and-asean-are-partnering-to-defeat-covid-19-build-long-term-resilience-and-support-economic-recovery/> (accessed August 20, 2022).
- 61 US Mission to the United Nations, *Protesting China’s Unlawful Maritime Claims at the UN*, United States Mission to the United Nations, June 1, 2020, https://usun.usmission.gov/wp-content/uploads/sites/296/200602_KDC_ChinasUnlawful.pdf (accessed May 20, 2022).
- 62 *Ibid.*
- 63 Pompeo Michael R., “US Position on Maritime Claims in the South China Sea,” US Department of State, Press Statement of Michael R. Pompeo, Secretary of State, July 13, 2020, <https://2017-2021.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/index.html> (accessed August 20, 2020).

- 64 US Congress, *H.R.2621 - Strengthening Security in the Indo-Asia-Pacific Act*, Washington D.C, House - Armed Services; Foreign Affairs; Budget, 2017, <https://www.congress.gov/bill/115th-congress/house-bill/2621/> (accessed May 17, 2022).
- 65 US Congress, *H.R.5515 - John S. McCain National Defence Authorization Act for Fiscal Year 2019*. Washington D.C, House - Armed Services, May 15, 2018, p. 627, <https://www.congress.gov/bill/115th-congress/house-bill/5515/> (accessed May 17, 2022).
- 66 US Congress, *S.659 - South China Sea and East China Sea Sanctions Act of 2017*, 115th Congress (2017-2018), March 15, 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/659> (accessed May 15, 2022).
- 67 Ibid.
- 68 US Congress, *S.Res.157 - A resolution recognizing that for 50 years, the Association of Southeast Asian Nations (ASEAN) and its ten Members-Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam have worked toward stability, prosperity, and peace in Southeast Asia*, 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/senate-resolution/157> (accessed May 15, 2022).
- 69 US Congress, *H.Res.311 - Reaffirming the 40 years of relations between the United States and the Association of Southeast Asian Nations (ASEAN), and the shared pursuit of economic growth and regional security in Southeast Asia*, 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/house-resolution/311> (accessed May 15, 2022).
- 70 US Congress, *H.Res.339 - Calling upon the United States Senate to give its advice and consent to the ratification of the United Nations Convention on the Law of the Sea*, 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/house-resolution/339> (accessed May 15, 2022).
- 71 US Congress, *S.Res.598 - A resolution calling upon the United States Senate to give its advice and consent to the ratification of the United Nations Convention on the Law of the Sea*, 115th Congress (2017-2018), <https://www.congress.gov/bill/115th-congress/senate-resolution/598> (accessed May 15, 2022).
- 72 US Congress, *H.R.6828 - 115th Congress (2017-2018)*, <https://www.congress.gov/bill/115th-congress/house-bill/6828> (accessed May 15, 2022).
- 73 US Congress, *H.R.2176 - Asia-Pacific Defence Commission Act, 115th Congress (2017-2018)*, <https://www.congress.gov/bill/115th-congress/house-bill/2176> (accessed May 15, 2022).
- 74 Clover Charles, "US Navy adopts lower-key approach in South China Sea," *Financial Times*, June, 18 2017, <https://www.ft.com/content/6c82d116-5243-11e7-bfb8-997009366969> (assessed July 25, 2017).
- 75 Cited in Jeff M. Smith, "UNCLOS: China, India and the United States Navigate an Unsettled Regime," *The Heritage Foundation* 30 (2021), 10; Collin Koh, *Twitter post*, December 22, 2020, 4:00 a.m., <https://twitter.com/CollinSLKoh/status/1341308232233484290> (accessed January 12, 2021).
- 76 Brunnstrom David and Ali Idrees, "US says will be consequences for China's South China Sea militarization," *Reuters*, May 4, 2018, <https://www.reuters.com/article/us-southchinasea-china-missiles-usa-idUSKBN1I42FY> (accessed May 15, 2022).
- 77 Pickrell Ryan, "We will not stand down: White House warns China after their latest clash with the US Navy in the South China Sea," *Business Insider*, October 4, 2018, <https://www.businessinsider.com/white-house-responds-to-chinese-aggression-in-the-south-china-sea-2018-10> (accessed May 16, 2022).

- 78 Shalal Andrea and Stone Mike, "US Navy, shipbuilders ready for Trump's expansion plan," *Reuters*, December 5, 2016, <https://www.reuters.com/article/us-navy-shipbuilding-idUSKBN13T0U3> (accessed May 20, 2022); Josh Rogin, "Trump promised a 350-ship Navy. China actually built it," *Washington Post*, September 2, 2020, <https://www.washingtonpost.com/opinions/2020/09/02/trump-promised-350-ship-navy-china-actually-built-it/> (accessed May 20, 2022).
- 79 O'Rourke Ronald, "Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress," *Congressional Research Service (CRS)*, November 19, 2019, 2, https://www.everycrsreport.com/files/20191119_RL32665_c1200cd3a63142018534b071cdc36d3983cbeb7e.pdf (accessed May 20, 2022).
- 80 O'Rourke Ronald, "Options and Considerations for Achieving a 355-Ship Navy," *Congressional Research Service (CRS)*, July 25, 2017, 14, https://www.everycrsreport.com/files/2017-07-25_TE10019_195f999f6c1accfd97770105c986cdfd7b1b9434.pdf (accessed May 20, 2022).
- 81 Stewart Phil and James Pearson, "US to provide ship to Vietnam to boost South China Sea patrols," *Reuters*, November 20, 2019, <https://www.reuters.com/article/us-vietnam-usa-military-idUSKBN1XU0UP> (accessed May 20, 2022).
- 82 US Embassy to Hanoi, United States Transfers Six Patrol Boats to Vietnam Coast Guard Region III, April 1, 2019, <https://vn.usembassy.gov/pr20190401-united-states-transfers-six-patrol-boats-to-vietnam-coast-guard-region-iii/> (accessed May 22, 2022).
- 83 Tho Vinh, "US delivers second coast guard ship to Vietnam," *Tuoi Tre News*, June 4, 2021, <https://tuoitrenews.vn/news/politics/20210604/us-delivers-second-coast-guard-ship-to-vietnam/61311.html> (accessed May 20, 2022).
- 84 Vu Minh, "US to transfer 3rd patrol ship to Vietnam," *Hanoi Times*, April 21, 2022, <https://hanoitimes.vn/us-to-transfer-3rd-patrol-ship-to-vietnam-320584.html> (accessed May 14, 2022).
- 85 Anh Vu, "Vietnam to buy six military drones from Boeing: US defence department," *Vnexpress*, June 3, 2019, <https://e.vnexpress.net/news/news/vietnam-to-buy-six-military-drones-from-boeing-us-defence-department-3932760.html> (accessed May 22, 2022).
- 86 Beech Eric and My Pham, "Vietnam wins US defence pledges as tension with China grows," *Reuters*, August 9, 2017, <https://www.reuters.com/article/us-usa-vietnam-military-idUSKBN1AP010> (accessed May 21, 2022).
- 87 US Department of Defence, Readout of Secretary Mattis' Meeting with Vietnam Minister of National Defence, US Department of Defence, Immediate Release, January 25, 2018, <https://www.defence.gov/News/Releases/Release/Article/1423285/readout-of-secretary-mattis-meeting-with-vietnam-minister-of-national-defence/> (accessed May 22, 2022).
- 88 Garamon Jim, "Aircraft Carrier USS Carl Vinson Makes Vietnam Port Call," *DoD News*, US Department of Defence, March 5, 2018, <https://www.defence.gov/News/News-Stories/Article/Article/1458238/aircraft-carrier-uss-carl-vinson-makes-vietnam-port-call/> (accessed May 22, 2022).
- 89 Ngoc Phu, "US naval vessels dock in the city for 5-day goodwill visit," *Da Nang Today*, March 5, 2020, <https://baodanang.vn/english/politics/202003/us-naval-vessels-dock-in-the-city-for-5-day-goodwill-visit-3272726/> (accessed May 22, 2022).
- 90 Minh Vu, "US-Vietnam to upgrade relations to strategic partnership," *Hanoi Times*, July 29, 2021, <https://hanoitimes.vn/us-vietnam-to-upgrade-relations-to-strategic-partnership-318202.html> (accessed May 20, 2022).

- 91 Bac Pham and Murray Bennett, "US VP Harris seeks strategic upgrade to Vietnam ties, calls for pressure against Beijing in South China Sea," *South China Morning Post*, August 25, 2021, <https://www.scmp.com/week-asia/politics/article/3146356/us-vp-harris-seeks-strategic-upgrade-vietnam-ties-calls-pressure> (accessed May 20, 2022).
- 92 Le Dinh Tinh, "A multi-level approach to Vietnam foreign policy: From security preoccupation to middle power role," *Strategic Analysis* 45.4 (2021): 321-335.
- 93 Linh Pham, "Considering necessary military relations - new formulation in Vietnam Defence White Paper," *Hanoi Times*, December 30, 2019, <https://hanoitimes.vn/considering-necessary-military-relations-new-formulation-in-vietnam-defence-white-paper-300647.html> (accessed May 14, 2022).
- 94 Thayer Carlyle A., "Vietnam's strategy of 'cooperating and struggling' with China over maritime disputes in the South China Sea," *Journal of Asian Security and International Affairs* 3.2 (2016): 200-220.
- 95 Le Hong Hiep, "Vietnam's hedging strategy against China since normalization," *Contemporary Southeast Asia* (2013): 333-368, p. 334.
- 96 Ha Minh Hong, "Viet Nam's diplomacy of multilateralization and diversification in a new thinking," *The gioi & Vietnam*, December 12, 2021, <https://en.baoquocte.vn/viet-nams-diplomacy-of-multilateralization-and-diversification-in-a-new-thinking-167698.html> (accessed May 20, 2022).

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