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China's Claims to the South China Sea Are Unlawful. Now What?

Republican and Democratic administrations have failed to thwart aggressive expansion in one of the world's busiest sea lanes. The solution isn't flashy, but it could work.

By The Editorial Board

With China throwing its weight around in the South China Sea, Secretary of State Mike Pompeo rightly declared this month that the country's aggressive claims to offshore resources in the area were "completely unlawful." The message aligned the United States with international law in one of the world's most critical waterways and showed support for the smaller coastal states threatened by Chinese bullying.

The strategic importance of the South China Sea cannot be overstated. A third of the world's shipping passes through it, its fisheries are critical sources of food for millions of people in Southeast Asia and its seabed covers vast reserves of oil and gas. China's exorbitant claims and might-makes-right behavior are self-evidently destabilizing to the international rule of law.

The problem is that Mr. Pompeo's statement is meaningful only if it is accompanied by a firm commitment by the Trump administration to a robust and coordinated policy. However incensed China's neighbors are by its bullying, they are in no position to push back unless they can be certain of American support and leadership.

Apart from the possibility that the Trump administration is in its final months, the president and his revolving-door lieutenants have abdicated multilateral leadership in the Pacific and elsewhere in the world in the name of "America first." Mr. Trump has vacillated between waging a tariff war against China's "predatory practices" in trade, singing paeans to President Xi Jinping and, according to John Bolton's account of his time as Mr. Trump's national security adviser, seeking favors from Mr. Xi to help his re-election.

In the absence of any coherent China policy, the administration's proclivity for tearing up treaties and its disdain for alliances, Mr. Pompeo's belated declaration that China is violating international law — and especially the Law of the Sea treaty, which the United States has never ratified — sounds a bit hollow.

It is, nonetheless, a message that is valid and long overdue. Over the past decade, China has steadily hardened its claims to most of the South China Sea, a zone circumscribed by a vague "nine-dash line" that one American naval commander called the "Great Wall of Sand." The claims have included a campaign of building up shoals and militarizing islands or proclaiming municipal districts and settling people on contested islands. The reclamation of several reefs and atolls in the Spratly Islands has included construction of runways, hangars, barracks, missile silos and radar sites.

In recent months, with much of the world preoccupied with the Covid-19 pandemic, China has sharply escalated its coercive activities. In early April, a Chinese Coast Guard vessel

sank a Vietnamese fishing boat close to islands claimed by both China and Vietnam. A Chinese marine survey vessel harassed a Malaysian oil exploration vessel off Borneo. This month, the Department of Defense voiced concern about the Chinese Navy's decision to seal off an area around the Paracel Islands to conduct naval exercises. In response, the United States increased its own naval activities, including joint exercises by two aircraft carrier groups.

These confrontations have contributed to a sharp deterioration in U.S.-China relations on other fronts. Over a few weeks, while Mr. Trump has continued to publicly blame China for the coronavirus outbreak, the United States has punished Chinese officials over Beijing's crackdown in Hong Kong and the western region of Xinjiang and accused the Chinese of stealing intellectual property. Last week, the State Department ordered China to shut down its consulate in Houston, provoking the closure of the American consulate in the southwestern city of Chengdu.

The strains are not likely to subside as China continues to grow in wealth, power and technological prowess. Though the tensions between Washington and Beijing have often been likened to the Cold War with the Soviet Union, they are far different. China is a major trading partner with the United States and much of the rest of the world. It does not command an empire, and its economy is not likely to crumble under the weight of Western challenges the way Moscow's command economy did.

Dealing with the new China will require a balance of diplomacy, firmness, credible deterrents and a code of conduct, especially in the South China Sea. It will require a broad consensus among China's Southeast Asian neighbors and America's allies, all of which are opposed to any restrictions on navigation through the South China Sea but are also cognizant of the importance of trade with China. The Obama administration's Asia strategy marked a recognition of these realities and the need for a coherent approach.

In fact, Mr. Pompeo's statement did not break new ground, since the United States already effectively recognized the 2016 decision of an international arbitration court that rebuffed China's "nine-dash line" claims in a landmark case brought by the Philippines. (China rejects the ruling.) What Mr. Pompeo did was to overtly declare the validity of the decision.

Though not necessarily a change of policy, the statement would give greater authority to any American-led punitive actions, whether through sanctions, United Nations resolutions or joint action by organizations such as the Association of Southeast Asian Nations or the Group of 7.

Yet the administration has largely spurned international organizations, and its approach to China has vacillated widely and unpredictably. Mr. Trump tore up the Trans-Pacific Partnership trade agreement with 11 other countries and launched a tariff war against China while at the same time heaping praise on Mr. Xi, avoiding criticism of China's human-rights violations and claiming, as he did last January at Davos, that "our relationship with China has now probably never, ever been better."

Mr. Pompeo has said the right things about China's unlawful behavior. But unless words are accompanied by a credible American re-engagement in the region, including a clear

commitment to diplomacy, investment and security, the words are just more election-year bluster