



Expert Views:

Implications of U.S. Freedom of Navigation Operations in the South China Sea

By SCSTT Editorial Team / *Perspectives*, 5 / 2015

Experts offer their reactions to the U.S. Navy's high-profile freedom of navigation operations in the South China Sea.

On October 27, 2015, the U.S. Navy conducted freedom of navigation operations in the South China Sea, sending the *USS Lassen* within 12 nautical miles of Subi and Mischief reefs and provoking a diplomatic response from Beijing. In your opinion, what are the implications of these operations and Beijing's reactions to them?



I think this event is a good opportunity for China to get familiar with the common international practice of freedom of



navigation (FON) and abide by it. Actually, the PLA Navy itself engaged in FON operations early last September when a squadron of five warships led by *PRCS Shenyang*, a Type 051C destroyer, transited the less than twenty nautical mile path between the Attu and Alaid islands of the Aleutian island chain. The squadron was operating in the Bering Sea after a joint maritime exercise with the Russian Pacific Fleet in the Sea of Japan at the end of August. Instead of returning by its original path by which it came into Bering Sea, it purposely chose to pass through the US territorial sea on its way back. This was an obvious test to see how the US would respond, and the US downplayed the PLA Navy's move. A pentagon official said he saw no threat of the Chinese squadron entering into the US territorial sea, especially when President Obama was in Alaska at the time. Hence, the October 27 operations were simply a US move to send a signal that the US does not recognize any maritime claim deriving from an artificial island. China is fully aware of that, but it has to respond to a certain degree due to domestic pressure and possible rise of nationalism. That said, nothing bad will come of it, and sooner or later, the whole thing will fade away unless the US Navy's FON operations in the future always come with a press release.



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The freedom of navigation (FON) operations by the US Navy (USN) were extremely crucial. On the surface, they looked like nothing but a purely symbolic act to calm the nerves of troubled allies. There was also the aspect of domestic politics for Obama, who came under fire from his Republican opponents in the Senate and House of Representatives for supposedly not drawing a line in the sand and allowing China to keep changing the facts on the ground with impunity. Others dismissed America's FON operations as "too little, too late". A deeper look, however, reveals that the U.S. is directly and openly – at a time of massive international attention – challenging China's dubious sovereignty claims over land features, which were originally low-tide elevations not entitled to any maritime entitlement. While this carries the risk of escalation, it also puts an end to China's *carte blanche* in redrawing the Asian seascape.

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Land reclamation in the South China Sea is a matter of China's policy choice with limited military effectiveness. As some have commented, the "Great Wall of Sand" could just be wiped out by several missiles during wartime, so overreactions from the United States are unnecessary. However, because the U.S. freedom of navigation operations in the South China Sea are purposive and provocative, it may push China to increase its defense budget significantly over the next few years, if not decades, as a countermeasure. Obviously, the U.S. is creating a foe for itself and starting an arms race in the "New Cold War."

The U.S. needs to look for a better way to persuade China to abide by international law and respect international order. In order to accommodate China and incorporate it into the international system, the U.S. could enhance dialogue via what Beijing has called a "new type of major power relations." From a strategic culture perspective, deliberately challenging Chinese land reclamation and sovereignty militarily will cause some backlash.



Many Chinese perceive the freedom of navigation operations as “reckless” provocations of American imperialism. For Chinese and the PLA, in particular, America’s freedom of navigation operations send a clear message: The strong do what they can, and the weak suffer what they must. This reminds Chinese leaders that they have to be militarily strong enough to avoid open insults from rivals. The global superpower is teaching the world’s emerging power a lesson in Realpolitik, but it is setting a bad example in doing so.

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Freedom of navigation operations are nothing new. Officially, the U.S. Department of Defense FON Program has been ongoing since 1979, and the Navy has challenged what it deems to be “excessive claims” of many different countries— allies and enemies, partners and competitors alike. All of these “operational assertions,” as they are called, are documented and publicly available online, so despite the South China Sea being a controversial issue at the moment, it is a bit



disingenuous for much of the media coverage to suggest that these maneuvers are anything out of the norm for the U.S. military. In fact, even the earliest operations of the U.S. Navy during the First Barbary War could, in a sense, be viewed as efforts to ensure freedom of navigation. Beijing knows that FON operations are routine, but the U.S. government should do a better job of making this clear in all of its statements regarding the issue.

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It's important see the FON operation conducted by the US Navy in the South China Sea from both wider and narrower perspectives. Although the incursion of the *USS Lassen* happened only one day before the Permanent Court of Arbitration announced its first award in *The Republic of Philippines v. The People's Republic of China* case, it was clearly a move rehearsed beforehand; the FON operation itself is not, or at least should not be, the object of any surprise. Since the end of World War II, the United States has been almost alone defending the custom of freedom of navigation. From



Washington's viewpoint, the movement led by underdeveloped countries in the 1950s and 60s to extend their national jurisdiction via maritime claims resulted from the establishment of the multilateral conferences in The Hague in 1930 and Geneva in 1956. The primary consequence of this was the excessive maritime claims by a number of states. Ever since, the US Navy has conducted FON operations around the globe, including in Latin America and Africa, to make sure that the establishment of EEZs will not be translated into obstacles to the free transit of maritime vessels.

In this instance, what really drew international attention was not the FON operation itself but the timing at which it was conducted. Washington clearly wanted to establish a direct connection between its actions and the result of PCA award to reinforce its position on the freedom of navigation rights and international law. Time will tell how Beijing will react to these operations in the future.

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CITATION:

SCSTT Editorial Team. 2015. “Expert Views: Implications of U.S. Freedom of Navigation Operations in the South China Sea.” *Perspectives* 5. Taipei: South China Sea Think Tank.
<http://scstt.org/perspectives/2015/458/>

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