

# U.S. Perspective on the South China Sea Order: Strategy Under the Trump Administration

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Since January 2017, much of the Trump Administration’s approach to Asia, including in the South China Sea, has largely appeared to continue the overall policies of previous administrations. Even President Trump and Secretary of State Tillerson’s elucidation of a vision for a “free and open Indo-Pacific region” at first glance seems to echo President Obama’s frequent call for “an open and transparent economic, political, and security architecture” in Asia. While much of the day-to-day work of managing U.S. diplomatic, economic, and security interactions in Asia seems to have continued unchanged, this belies a very significant difference in the Trump Administration’s apparent view of how the United States should engage with the world.

## **American Focus on the U.S.-led International Order**

Traditional U.S. foreign policy—and South China Sea policy—has for decades been grounded in the idea that upholding the liberal world order of rules and norms established after the Second World War substantially benefits the United States, even as it requires significant U.S. investment to protect it. As a result, recent American administrations have focused on building and preserving alliances and partnerships based on mutual interests and values to uphold this system, and protecting and advancing institutions where all nations regardless of size have rights and responsibilities -- a system where international rules govern behavior rather than allowing a “might makes right” zero-sum game to foster conflict.

This rules-based order has always been in some ways aspirational, incomplete, and imperfect, a patch-work of agreements and treaties with

limited and often voluntary enforcement mechanisms. But it provided a basis for countries to operate, negotiate, and trade in relative peace and stability.

In the South China Sea, U.S. interests have long been defined in large part as upholding this system, particularly the customary law of the sea as enshrined in the UN Convention on the Law of the Sea, as well as protecting the credibility of our alliances and partnerships and defending the right of freedom of navigation and overflight. The United States' approach has been rooted in the belief that preservation of a system in which independent, sovereign nations compete based on a common set of rules is ultimately in the American interest, even if those nations sometimes disagree with and compete against the United States. In general, American foreign policy experts have embraced the idea that the international system through which countries cooperate based on shared interests and values, and resolve disputes through agreed mechanisms, had ultimately created spheres of peace that has allowed all to prosper, including (and perhaps especially) the United States.

As such, in recent years the calculation was made that although the South China Sea is far from the United States homeland, and most likely has little immediate impact on national security, the threat posed by Chinese challenges to the rules-based order by asserting sovereignty over the South China Sea in ways inconsistent with the Law of the Sea Convention, and the resulting infringement on the interests of U.S. allies and partners, were of significant concern to the United States if it hoped to continue upholding the post-war rules-based order.

### **Emergence of a “Trump Doctrine”**

President Donald Trump swept into the White House with an apparent belief that this post-war international system has—at least in recent times—failed the United States, particularly on trade, by disadvantaging U.S. workers and exporters and tying Washington's hands while other parties freely engage in no-holds-barred, cutthroat competition.<sup>1</sup> While a full picture of the Administration's worldview and foreign policy strategy remains to be seen,

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<sup>1</sup> Donald Trump, “Declaring America's Economic Independence,” June 28, 2016 <https://www.politico.com/story/2016/06/full-transcript-trump-job-plan-speech-224891>

over the last 14 months a few key characteristics of a “Trump Doctrine” have become increasingly clear:

- **Focus on trade.** With a few notable exceptions, including North Korea, addressing real and perceived inequities in the United States trade balances has been the overwhelming focus of the new Administration’s engagements with Asia, with particular emphasis on achieving new deals to shrink bilateral deficits in trade in goods.
- **Emphasis on transactions.** Official engagements and public statements have concentrated on making specific commercial deals or agreements to increase access to individual economic sectors in individual countries, rather than promoting agreement on broad principles of equality, transparency, and fairness in the wider international trading system. The Administration’s rejection of the Trans-Pacific Partnership, a broad agreement aimed at addressing many of the problematic trade practices the Trump Administration is targeting, can be interpreted as a rejection of a broader, principles based approach.<sup>2</sup>
- **America First.** Underpinning the new strategy is a belief—laid out by National Security Adviser McMaster and Director of the National Economic Council Cohn in their May 30, 2017 Wall Street Journal op-ed<sup>3</sup>—that the United States’ size and power means that using our unilateral leverage will often be more effective in advancing U.S. economic and strategic interests than the often slow and painstaking work of building up a broad and diverse coalition of like minded partners.

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<sup>2</sup> Matthew Goodman, “Predatory Economics and the China Challenge,” Center for Strategic and International Studies Global Economics Monthly, Volume VI, Issue 11, November 2018, <https://www.csis.org/analysis/predatory-economics-and-china-challenge>

<sup>3</sup> Gary Cohn and H.R. McMaster, “America First Doesn’t Mean America Alone,” The Wall Street Journal, May 20, 2017, <https://www.wsj.com/articles/america-first-doesnt-mean-america-alone-1496187426>

## “America First” in the South China Sea?

How this doctrine will impact the U.S. approach to disputes in the South China Sea has taken some time to become clear. Early indications largely suggested Washington would continue to challenge China’s activities in the East and South China Seas, perhaps even more aggressively: Secretary Tillerson in his confirmation hearing called China’s island building activities “illegal” and said China’s access to those islands in the South China Sea “wouldn’t be allowed,” raising questions about just how much more forcefully the United States would seek to be in addressing these disputes.<sup>4</sup> Secretary of Defense Mattis, in his speech to the Shangri-La Dialogue in June<sup>5</sup>, echoed many of his predecessors in affirming the U.S. commitment to uphold in the South China Sea a vibrant rules-based order in which all countries, large and small, can thrive.

Over time, however, what little attention to the South China Sea there was in Washington has faded—overtaken by the realities of a threatening North Korea and the sharp focus on trade relations in Asia, where the United States has many of its largest bilateral trade deficits. The lack of immediate attention to South China Sea disputes is also due in part to a lack of urgency. 2017 was a relatively quiet year on the sea itself; there have been no major physical clashes or revelations of massive new island-building. Since mid-2016, Southeast Asian claimants have focused on reducing tensions with China rather than finding ways to build on the decisive July 2016 ruling by the arbitral tribunal.

Despite the limited high-level focus on the South China Sea, the Administration has made substantial efforts to continue to build strategic relationships in Southeast Asia, with an impressive pace of engagement at the Presidential and Cabinet Secretary levels. Washington continues to deepen defense and security partnerships, particularly with Vietnam, which could have tremendous strategic value for both sides. Efforts to improve political relations with the Philippines, and continued support for the Enhanced

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<sup>4</sup> Rex Tillerson, Testimony to the U.S. Senate Foreign Relations Committee, January 11, 2017, <https://www.foreign.senate.gov/download/tillerson-testimony-011117>

<sup>5</sup> James Mattis, Remarks to the IISS Shangri La Dialogue, June 11, 2017, <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1201780/remarks-by-secretary-mattis-at-shangri-la-dialogue/>

Defense Cooperation Agreement signed under President Obama help ensure that U.S. strategic cooperation with a key partner will continue. And consistent engagement with Southeast Asian leaders means their voices are heard, and they will continue to have the opportunity to develop ties to Washington as well as Beijing.

Since January 2017, however, overt U.S. efforts to strengthen a rules-based order in the South China Sea have overwhelmingly focused on Freedom of Navigation operations, with senior U.S. civilian officials rarely raising broader South China Sea issues when visiting Beijing or other nations in Asia (at least in public). The withdrawal from TPP unnerved many in the region, who interpreted it as a rejection of multilateral efforts to present a united front in setting up a system to press China—or other violators—to adhere to internationally agreed rules and norms. The Administration’s focus on the military, and military access to the waterway, strongly suggests that it is defining its interests in the South China Sea much more narrowly than previous U.S. administrations—on the protection of the U.S. military’s right and ability to exercise freedom of navigation and overflight in this key waterway.

The President’s November 2017 trip to Asia brought this lack of focus on the South China Sea (and lack of interest in preserving a rules-based system) into stark relief. The South China Sea was mentioned infrequently, and largely in boilerplate language. And at no time did President Trump explicitly reference the Convention on the Law of the Sea. Moreover, President Trump’s offer in Vietnam to help “mediate” its South China Sea disputes with China,<sup>6</sup> while almost certainly a spontaneous utterance rather than a considered policy, reflects the Administration’s apparent broader approach to these issues: the long-standing U.S. policy focusing on the principle of adherence to laws and treaties has given way to transactional deal-making. For small countries like Vietnam that depend on the imperfect international system to uphold their rights in the face of larger and more powerful competitors, this is alarming.

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<sup>6</sup> “Trump Offers to Mediate in South China Sea Row,” Channel News Asia, November 13, 2017 <https://www.channelnewsasia.com/news/asiapacific/trump-offers-to-mediate-in-south-china-sea-row-9399824>

## **Outlook for the South China Sea Depends on Broader Political Dynamics**

2017 was a period of relative quiet in the South China Sea, as focus shifted to watching the 19<sup>th</sup> Party Congress in Beijing and waiting for policy clarity to emerge from the new U.S. Administration. Southeast Asian claimants have taken advantage of this relative calm to focus on political outreach to Beijing, and to renew longstanding efforts to reach a binding Code of Conduct, the formal negotiations for which were launched on the margins of the ASEAN Summit meetings in Manila. With all parties seemingly focused on political discussions and keeping overt tensions minimal, the current status quo—as effectively changed by China’s expanded military presence in the South China Sea—may continue for some time.

As a result, the key factor determining the U.S. approach to and developments in the South China Sea may, in the immediate term, be largely determined by political developments on other, seemingly unrelated, fronts. While mainstream U.S. foreign policy thought continues to value and prioritize the preservation of a rules-based order, the focus of the Trump Administration will almost certainly be on aggressively pursuing its trade agenda in Asia, particularly with China, above all else.<sup>7</sup> As President Trump made clear in his speech in Danang, his priority for engagement with Asia going forward is to address unfair trading practices that are inconsistent with the international rules-based system, undermine international institutions, and substantially hurt the United States’ economy. Secretary Tillerson, in a speech in Washington shortly before the President’s trip, called these practices “predatory economics.” Both President Trump and Secretary Tillerson are correct to note that many trade and investment practices in Asia are problematic, inconsistent with the WTO and other international agreements, and disadvantageous to other nations. The question is how the Administration will pursue its goal of challenging these practices. And the answer will mostly likely have broader implications for U.S. engagement and strategy in Asia.

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<sup>7</sup> Donald Trump, “Remarks by President Trump at the APEC CEO Summit, Danang, Vietnam,” November 10, 2017, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-apec-ceo-summit-da-nang-vietnam/>

Using U.S. laws, WTO dispute mechanism procedures, and calling out economic coercion can—especially if done in coordination with partners—help push back against discriminatory policies while also strengthening the rules-based system. Crafting a positive economic agenda that offers a way for the nations of Asia to benefit from U.S. trade, investment, and commercial engagement based on a commitment to mutual benefit and shared principles would also help reinforce confidence in the international system. Conversely, the pursuit of unilateral and protectionist measures to punish those who violate international rules and standards is likely to weaken the rules-based order as well as confidence in U.S. leadership.

Unfortunately, rhetoric from at least some parts of the Trump Administration suggests a unilateral, punitive approach is more likely than one aimed at building support for reforming and strengthening the international rules-based system. And if the rules of the WTO can be jettisoned at will, so can any other. The post-war international order has survived for 70-plus years in large part due to American leadership and willingness to invest in the institutions that underpin global stability and commerce. If America is perceived to be stepping away from those institutions, other nations will mostly likely feel compelled to do the same. And a return to zero-sum competition will be far more prone to conflict than the current imperfect but largely accepted system.