



**Maritime Interests:  
China-US Cooperation and Conflicts**  
By Gaoyue Fan

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## **Pacific Forum CSIS**

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Farewell, the United States.

Farewell, Hawaii.

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I hate to leave.

But I love to return.

Return to widen and deepen the

Mutual understanding and trust

of the two peoples and two militaries.

## Executive Summary

The western Pacific has become stormy as a result of unexpected events such as a US EP-3 surveillance plane bumping into a PLA fighter and the USNS ocean surveillance ship *Impeccable* being in a standoff with a Chinese fishery administration ship. These events intensified the hostile atmosphere in the area and seriously deteriorated China-US relations. To avoid such events in the future, it is of great importance to recognize the convergences and divergences of China-US maritime interests and try to cooperate with each other.

With more than 6,500 islands and 3.38 million km<sup>2</sup> of sea water under its jurisdiction, that is rich in natural resources. China's maritime interests mainly include: unification of Taiwan with the mainland; territorial interest in the South China Sea, the East China Sea, and the Yellow Sea; safeguarding maritime resources; protecting maritime trade and infrastructure. To defend and facilitate these interests, China faces the following challenges: Taiwan separatists still seek Taiwan independence; several countries claim sovereignty over China's territorial waters; the US intends to intervene in territorial disputes; US military reconnaissance activities in China's EEZ or close to its coast; US military exercises close to China's maritime infrastructure, military bases, and important cities; illegal fishing; piracy; WMD and nuclear materials proliferation; organized crime; greenhouse gases and pollution.

As the sole superpower after the Cold War with global interests US maritime interests mainly include: protecting critical maritime-related infrastructures; preserving freedom of navigation; facilitating and defending commerce; safeguarding the ocean and its resources; protecting allies; strengthening maritime hegemony. To promote and defend these interests, the US is challenged by: terrorism; WMD proliferation; illegal seaborne immigration; blockades of important trading hubs and strategic chokepoints by hostile nations; illegal exploitation of resources; transnational crimes; piracy; PLA efforts to field robust anti-access/area-denial capabilities; maritime disasters such as typhoons, tsunami, earthquakes; greenhouse gases and pollution.

The two countries' shared interests include: defending critical maritime-related infrastructures; protecting and facilitating maritime trade; protecting sea lines of communication and maintaining freedom of navigation; safeguarding the ocean and maritime resources. China and the US face the same threats and challenges: terrorist attacks; piracy; transnational crimes; WMD and nuclear materials proliferation; illegal seaborne immigration; illegal exploitation of resources; maritime disasters such as typhoons, tsunami, and earthquakes; greenhouse gases and pollution.

The divergences in China and the US maritime interests include: Taiwan; territorial water disputes; the right of innocent passage; maritime hegemony. As these divergences can give rise to conflict, China and the US should increase contacts to deepen mutual understanding and try to respect each other's maritime interests and avoid conflicts.

To strengthen and expand cooperation with the US, China should:

- Join the Global Maritime Partnership (GMP).
- Strengthen the consultation mechanism to improve maritime security.
- Help regional fisheries management organizations and other international organizations.
- Join Combined Task Force 150 to make counter-piracy operations more efficient.
- Join the Proliferation Security Initiative (PSI).

To strengthen and expand cooperation with China, the US should:

- Review the Taiwan Relations Act,
- Stay out of territorial water disputes in the South China Sea and the East China Sea.
- Stop military reconnaissance in China's territorial sea and EEZ.
- Not conduct military exercises in another country's EEZ without permission.

In addition, together they should:

- Increase high-level exchanges to deepen strategic mutual trust.
- Increase exchanges between the US National Oceanic and Atmospheric Administration (NOAA) and the China State Oceanic Administration (SOA).
- Increase exchange visits of working-level maritime officials and visits of each other's maritime law enforcement vessels to improve maritime governance.
- Formulate a US-China 2011-2015 Framework Plan for Ocean and Fishery Cooperation.
- Collaborate on humanitarian assistance and disaster relief operations.
- Expand maritime joint military exercises.
- Increase maritime educational cooperation.
- Enhance maritime academic exchanges to promote mutual understanding.
- Jointly set up a project team to review the three joint communiqués.
- Declare to firmly oppose "Taiwan Independence" activities and try to maintain peace and stability in Taiwan.
- China should remove missiles deployed close to Taiwan while the US should suspend arms sales to Taiwan.
- Launch a joint project to study the right of "innocent passage" and other issues concerned with UNCLOS.
- Establish a mechanism to avoid misunderstanding and miscalculation.

China should cooperate with other governments in the following areas:

- The Mainland and Taiwan should establish a joint project team to assess current and future cross-Strait relations.
- The Mainland and Taiwan should hold negotiations on how to enlarge Taiwan's international space as soon as possible.
- Maintain sovereignty, shelf disputes, and pursue joint development.
- Establish a crisis management mechanism with Vietnam, the Philippines, Malaysia, Indonesia, and Brunei.

Both China and the US urgently need a peaceful, stable, and cooperative environment to rejuvenate their economic and social development; their leaders are trying to create political and institutional space for maritime and naval professionals to structure maritime cooperation; each year's Strategic and Economic Dialogue gives great impetus to maritime cooperation and there is reason to be optimistic about China-US maritime cooperation.





# **Maritime Interests: China-US Cooperation and Conflicts**

By Gaoyue Fan

The oceans connect the nations of the world, support 90 percent of the world's trade and carry the lifeblood of a global system that links every country on earth. The oceans should be a peaceful, stable, and harmonious place. However, in the past decade the western Pacific has become stormy as a result of numerous unexpected events. In April 2001, a US EP-3 surveillance plane bumped into a PLA fighter 104 km southeast of Hainan Island. In October 2006, a Chinese diesel submarine surfaced unexpectedly within eight km of the USN *Kitty Hawk* aircraft carrier. In November 2007, the Chinese government refused to allow two US minesweepers and the *Kitty Hawk* carrier battle group to visit Hong Kong. In March 2009, the USNS ocean surveillance ship *Impeccable* was in a standoff with a Chinese fishery administration ship. In July 2010, US State Secretary Hillary Clinton reiterated that the peaceful solution of sovereignty disputes in the South China Sea was a US national interest and in November 2010, despite China's strong protests, the US military dispatched the aircraft carrier *George Washington* to participate in joint military exercises in the Yellow Sea. These events disturbed the serenity of the Western Pacific, intensified the hostile atmosphere in the area and seriously deteriorated China-US relations. To avoid such events in the future, it is critical that we have a clear understanding of China's maritime interests, US maritime interests, the threats and challenges they face, and how they can cooperate to promote common maritime interests and avoid maritime conflicts.

## **China's Maritime Interests**

China is not only a land nation, but also an ocean nation with 18,000 km of coastline, more than 6,500 islands and 3.38 million km<sup>2</sup> of sea water under its jurisdiction. In and beyond these waters, there are rich natural resources and important sea lines of communication, which are of vital importance to the sustainable and rapid development of China's economy and its impact. Plainly, China has enormous political, economic, and security interests in the ocean. To put it directly and concretely, China's maritime interests include:

**Taiwan.** Unification of Taiwan with the mainland has important implications for China's maritime interests. First, solution of the Taiwan issue will put China in a better geographic position to protect the sea lines of communication in the Taiwan Strait and promote the development of the regional and global economies. Second, China will have more maritime resources under its control and raise its status as a sea power. Third, China can enlarge the depth of its strategic defense and better protect its national security. Fourth, unification will enhance China's comprehensive national power and make great contributions to the rejuvenation of the Chinese nation. Hence, unification is one of China's core interests and China will do whatever it can to protect it.

Considering the complicated situation in the Asia-Pacific region and current cross-Strait relations, unification is the ultimate goal of our efforts. At present we should try to stabilize and improve cross-Strait relations and try to create conditions for eventual unification. Whatever we do now should be a practical step toward that goal. Since Ma Ying-jeou became leader of

Taiwan, significant progress in cross-Strait relations has been made. However, unification still faces serious threats and challenges: (1) the “One China” principle rests on the “1992 consensus” which has different interpretations on each side. (2) Taiwan separatists still seek “Taiwan independence.” (3) The fierce struggles between pan-Blue and the pan-Green forces exert a negative effect upon cross-Strait relations. (4) The Taiwan Relations Act impedes improvement of cross-Strait relations because it requires the US government to sell arms to Taiwan and assist in defending Taiwan. (5) The US AirSea Battle concept constitutes a threat to China’s unification.

***Territorial interest.*** China has territorial water disputes with eight countries in the South China Sea, the East China Sea, and the Yellow Sea. Although China has ample evidence to show its sovereignty over all the disputed islands from both historical and legal perspectives, the other sovereignty claimants reinforce their occupation and sovereignty claims in one way or another. The territorial interest is China’s important national interest and will never be given up. China has continued efforts to negotiate, consult, and cooperate with the countries concerned and tried to find solutions that can be accepted by both sides.

Through hard negotiation, consultation, and cooperation, China and the countries concerned have made progress in solving these disputes. China and Vietnam signed the Agreement on the Delimitation of the Gulf of Tonkin in 2000; China signed the Declaration on the Conduct of Parties in the South China Sea (DOC) with ASEAN countries in 2002. However, most of these disputes remain and China’s territorial interest is threatened because (1) Vietnam continues to reaffirm its sovereignty over the Spratly and Paracel archipelagos and has occupied 30 islands (including islets and reefs); (2) The Philippines claims a sizeable portion of the South China Sea and has occupied eight Spratly Islands; (3) Malaysia’s EEZ overlaps with other countries’ EEZs and continental shelf and has occupied five islands; (4) Brunei has declared sovereignty over Louisa Reef; (5) Indonesia is not involved in any sovereignty dispute but its EEZ claim falls within China’s U-shaped line<sup>1</sup>; (6) in the East China Sea, Japan claims sovereignty over and has administrative control of the Diaoyu (Senkaku) islands; (7) North Korea and South Korea argue that the EEZ should be decided by a median line, which is not fair to China because their coastlines are much shorter than China’s; (8) US intervention in territorial disputes creates more difficulties for final settlements.

***Safeguarding maritime resources.*** Maritime resources are of great importance to China’s sustainable development as its inland resources are being depleted. The 3.38 million km<sup>2</sup> of sea water under China’s jurisdiction abound in maritime resources. (1) China’s near-sea fisheries occupy 2.81 million km<sup>2</sup> with 20,278 maritime biology species, among which are more than 3,000 fish species; (2) oil and gas resources are estimated at about 45 billion tons and 1.4 trillion tons, respectively; (3) there are 65 varieties of coastal minerals, totaled 1.527 billion tons; (4) the theoretical average power of coastal wave and tide energy is estimated to total 26.7 million kilowatts; (5) there are extensive tourism resources with more than 100 beaches and 1,500 scenic spots.<sup>2</sup> From 2000 to 2010, China’s maritime economy amounted to 5 percent of national GDP,

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<sup>1</sup> Wu Shicun, “Opportunities and Challenges for China-US Cooperation in the South China Sea,” *China, The United States And 21<sup>st</sup> Century Sea Power*, edited by Andrew S. Erickson, Lyle J. Goldstein, and Nan Li, pp. 365-366, Naval Institute Press, 2010.

<sup>2</sup> 王立东, 《国家海上利益论》, 第 161~162 页, 国防大学出版社, 2007 年 9 月。

reaching the average world level. China plans to maintain average growth of 10.8 percent in the maritime economy, amounting to 8 percent of national GDP from 2010 to 2020 and 10 percent of national GDP after 2030.<sup>3</sup> To achieve these objectives China will have to safeguard and make best use of its maritime resources.

However, China faces grave challenges in safeguarding its maritime resources. (1) Eight countries have sovereignty claims to China's territorial waters. (2) China's ability to open up undersea resources is limited. (3) Some claimants are exploiting maritime resources in disputed waters without agreements with parties concerned. (4) Illegal fishing occurs.

***Protecting maritime trade and infrastructure.*** China is a big exporting and importing country and is increasingly dependent on the global maritime commons. Every day, ships bring oil and other key raw materials into China and carry finished goods to overseas markets. Maritime transportation plays an important role in China's foreign trade: in 2009, China imported and exported about \$2.12 trillion worth of products<sup>4</sup>, more than 90 percent of which depended on maritime transportation. Maritime transportation depends on maritime-related infrastructure, including ports, shores, waterways, and ships. China has built a large number of ports, eight of which are among the 10 largest deep-water harbors in the world. To protect maritime trade and maritime-related infrastructures, China has and will continue to: (1) strengthen its maritime administration and law-enforcement forces to ensure the security of ports, shores, waterways, and ships; (2) participate in the Container Security Initiative (CSI) and related programs such as the US Coast Guard Program, the Megaports/Secure Freight Initiative, and the Export Control and Related Border Security Assistance Program; (3) send warships to the Gulf of Aden and waters off Somalia to fight pirates and escort its ships since December 2008, (4) try to ensure freedom of navigation according to UNCLOS, (5) try to ensure that its maritime territory, its EEZ, and the air above them will not be invaded or encroached upon.

China adheres to the concepts of overall security, cooperative security, and common security and tries to deal with security challenges through negotiation, consultation, and cooperation with other countries. Generally speaking, China's maritime environment is safe and stable. However, because of territorial water disputes, rampant piracy, and transnational crime, China's maritime trade and infrastructure face a variety of challenges: (1) US military reconnaissance activities in China's EEZ or close to its coast; (2) US military exercises close to China's maritime infrastructure, military bases, and important cities; (3) piracy activities; (4) arms and drug trafficking; (5) WMD and nuclear materials proliferation; (6) organized crime; (7) illegal fishing; (8) natural resource exploitation in disputed waters without agreement; (9) natural disasters such as earthquakes and tsunami; (10) greenhouse gases and pollution.

## **US Maritime Interests**

After the Cold War, the US became the sole superpower and its interests spread all over the world. With the rapid rise of China and the rapid economic development of the Asia-Pacific region, the US has gradually shifted its strategic center of gravity from Europe to the Asia

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<sup>3</sup>同上，第 151~152 页。

<sup>4</sup> Wu Shicun, "Opportunities and Challenges for China-US Cooperation in the South China Sea," op. cit.

Pacific. According to the US *National Security Strategy*, *National Defense Strategy*, *National Military Strategy*, the *National Strategy for Maritime Security*, and *A Cooperative Strategy for 21st Century Seapower*, the US has wide and enormous maritime interests in the seas and oceans all over the world and the chief threats to its vital maritime interests come from a blend of traditional and irregular tactics and nonstate actors using simple and sophisticated technologies in innovative ways. US maritime interests include:

***Protecting Critical Maritime-Related Infrastructures.*** The US depends on networks of critical infrastructure (both physical and cyber networks). The critical infrastructure and key resources of the maritime domain constitute a vital part of the national economy and security and are essential for the free movement of passengers and goods throughout the world. Some physical and cyber assets, as well as associated infrastructure, also function as critical defense infrastructure, which must be constantly assured for national security operations worldwide. Hence, protecting these critical infrastructures has become a vital US national interest.

The US has taken a variety of measures to strengthen the security of critical maritime-related infrastructure. However, as the ports, waterways, and shores of the maritime domain are lined with military facilities, nuclear power plants, locks, oil refineries, levees, passenger terminals, fuel tanks, pipelines, chemical plants, tunnels, cargo terminals, and bridges, and are easily accessible by water and land, close to crowded metropolitan areas, and interwoven with complex transportation networks,<sup>5</sup> they are vulnerable to: (1) terrorist attacks; (2) piracy; (3) transnational crimes; (4) drug and arms trafficking; (5) illegal seaborne immigrations; (6) WMD proliferation.

***Preserving freedom of navigation.*** Preserving freedom of the seas is a top US national interest. The right of vessels to travel freely in international waters, engage in innocent and transit passage, and have access to ports is an essential element of national security. Every year, more than 60,000 ships pass through the South China Sea transporting 50 percent of the world's crude oil, 66 percent of its gas and 33 percent of world trade. The US Pacific Fleet with 180 ships, 1,500 airplanes and 125,000 soldiers, operates from the Pacific coast of the US to the Indian Ocean, with some 50-60 of its ships in transit in this area every day<sup>6</sup>. If freedom of navigation was halted, the global economy and security would suffer tremendously.

Despite enjoying freedom of navigation, the US thinks that it faces the following threats and challenges. (1) China and some other countries do not allow foreign military ships and planes to pass or have military exercises within their EEZ without asking permission. (2) The US military thinks "The Chinese People's Liberation Army's ongoing efforts to field robust anti-access/area-denial capabilities are threatening to make US power projection increasingly risky and, in some cases and contexts, prohibitively costly."<sup>7</sup> (3) Terrorist attacks, criminal acts, and hostile acts pose serious threats to freedom of navigation.

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<sup>5</sup> *The National Strategy for Maritime Security*, September 2005, p. 9.

<sup>6</sup> Pham Thuy Trang, *Eastern Sea Disputes and United States Interests*, Pacific Forum CSIS *Issues & Insights*, Vol.9-No.13, July 2009, p. 11.

<sup>7</sup> Center for Strategic and Budgetary Assessments, *AirSea Battle: A Point-of-Departure Operational Concept*, 2010, p.x.

***Facilitating and defending commerce.*** “In today’s economy, the oceans have increased importance, allowing all countries to participate in the global marketplace. More than 80 percent of the world’s trade travels by water and forges a global maritime link. About half the world’s trade by value and 90 percent of the general cargo, are transported in containers.”<sup>8</sup> As a major trading nation, the US economy, environment, and social fabric are inextricably linked to the oceans and their resources. The adoption of a just-in-time delivery approach to shipping by most US industries means that a disruption or slowing of the flow of any item can have widespread implications for the national economy. Thus, maritime commerce contributes greatly to the growth of the US economy.

US maritime commerce has been well defended. However, it faces the following threats: (1) terrorists in major trading hubs and at strategic chokepoints; (2) piracy; (3) sovereignty claims that block some sea lines of communications; (4) blockade of important trading hubs and strategic chokepoints by hostile nations; (5) transnational crimes.

***Safeguarding the ocean and its resources.*** The US has a substantial economic and security interest in preserving the health and productive capacity of the oceans. The US predicts that there might be increased foreign fishing vessel incursions into its EEZ to unlawfully exploit its maritime resources, which may have serious economic consequences. Moreover, the US should assist regional partners to maintain sovereignty of their territorial seas and internal waters and enhance their ability to combat unlawful or hostile exploitation of their maritime resources. Therefore protecting its living marine resources from unlawful or hostile damage has become a national concern and the US will continue to monitor and patrol its EEZ and certain high seas areas of national interest.

The US coast line is more than 220,000 km. It has a large area of territorial waters and EEZ, with abundant maritime resources. Although all other countries (beside Canada and Mexico) are far from the US coast, the US territorial waters and EEZ are increasingly threatened by illegal exploitation of living marine resources and increased competition over nonliving marine resources. At present, the US faces the following threats and challenges: (1) illegal exploitation of resources, including illegal fishing; (2) military reconnaissance, including ocean-geographic survey; (3) maritime disasters such as typhoons, tsunamis, earthquakes, shipwrecks, oil leaks, and radioactive contamination.

***Protecting allies.*** The US has a long history of alliances with other countries and alliance strategy constitutes an essential part of its strategic thought. With the help of its allies the US successfully fought World War II, the Persian Gulf War, and Kosovo War. In the Asia-Pacific region, the US has alliance relationships with Japan, South Korea, the Philippines, Thailand, and Australia. Before 1979 Taiwan was a US ally because of the Mutual Defense Treaty between the USA and ROC. In 1979, the US established formal diplomatic relations with the People’s Republic of China (PRC), which automatically invalidated the Mutual Defense Treaty between the USA and ROC and Taiwan was no longer its ally. However, the US Congress passed Taiwan Relations Act the same year, which made Taiwan its ally in essence but not in name. Now the US regards Taiwan as an example of democracy and tries to protect it in every way.

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<sup>8</sup> The National Strategy for Maritime Security, September 2005, pp. 1-2.

To maintain the credibility of its defense commitments to allies, the US is prepared to help its allies militarily if there is a need. However, sometimes this puts the US in a difficult position. For example, if Taiwan declares independence, the Mainland will be forced to resort to force to realize reunification. Would the US then help defend Taiwan? If it did, the US would become the enemy of the Chinese people and lose all its interests in the Mainland; if it did not, it would lose its credibility. The US would have to choose between two unpleasant alternatives. The same thing would happen if its other allies have armed conflicts with China over territorial waters disputes.

***Strengthening maritime hegemony.*** Since the end of World War II, the US has maintained unchallenged freedom of action on the world's oceans. This has enabled the US Navy to operate globally at will in pursuit of US interests, to provide US armed forces unchallenged space for strategic maneuver and operational reach, to use sea space to project power ashore without serious concern of disruption, and to ensure that most threats to US interests remain far from American shores. Since the Cold War, the US Navy has had no counterpart in the oceans and seeks to maintain and strengthen its maritime hegemony by increasing its military presence and strengthening alliance relations. Despite China's repeated strong protests, the US navy still conducts frequent military reconnaissance and joint military exercises (even with aircraft carriers) in China's EEZ and close to China's key military bases and cities.

The US sees China as its greatest competitor for hegemony and presumes that a rising China is likely to pose the following challenges: (1) it will challenge US leadership both in the Asia-Pacific region and worldwide. (2) China's naval strength is growing fast and the PLA Navy is going to challenge the US presence in the Asia-Pacific region. (3) It is going to be more assertive and will try to change international norms. (4) It is trying to obstruct freedom of navigation.<sup>9</sup> (5) China will coerce small countries such as the Philippines and Vietnam to give up their territorial maritime interests by use or threat of force.

## **Shared Interests**

This analysis makes clear that China and US maritime interests converge at (1) defending critical maritime-related infrastructures; (2) protecting and facilitating maritime trade; (3) protecting sea lines of communication and maintaining freedom of navigation; (4) safeguarding the ocean and maritime resources.

Given these shared interests, China and the US also face the same threats and challenges: (1) terrorist attacks; (2) piracy; (3) transnational crimes; (4) drug and arms trafficking; (5) WMD and nuclear materials proliferation; (6) illegal seaborne immigrants; (7) illegal exploitation of resources, including illegal fishing; (8) maritime disasters such as typhoons, tsunami, earthquakes, shipwrecks, oil leaks, and radioactive contamination; (9) greenhouse gases and pollution.

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<sup>9</sup> Michael J. Green and Daniel M. Kliman, "China's Hard Power and the Potential for Conflict in Asia," *SERI Quarterly*, Vol. 4-No.2, April 2011, p. 33

As “no one nation has the resources required to provide safety and security throughout the entire maritime domain,”<sup>10</sup> China and the US have to enhance their cooperation in dealing with these threats and challenges. China and the US have already cooperated in maritime affairs. In 1974, China joined the International Maritime Organization and designated 620 port facilities for port inspection. In 1998, China and the United States concluded the Military Maritime Consultative Agreement (MMCA) and began to conduct consultations on military maritime security issues. In 2003, China formally joined the Container Security Initiative (CSI) and later joined CSI-related programs such as the US Coast Guard Program, the Megaports/Secure Freight Initiative and Export Control and Related Border Security Assistance Program. In 2006, China and the US began joint maritime search-and-rescue exercises. Cooperation has effectively promoted the maritime interests of both sides.

## Conflicts

In spite of the extensive common maritime interests that exist and the fact both China and the US would like to cooperate, the two countries diverge when it comes to (1) Taiwan; (2) territorial water disputes; (3) the right of innocent passage; (4) and maritime hegemony.

**Taiwan.** There would be no “Taiwan issue” if there were no Taiwan Relations Act (TRA) after China and the US established formal diplomatic relations. According to the TRA, the US is committed to help defend Taiwan; this can include the sale of defensive weapons to Taiwan. The US pledge to help defend Taiwan and its arms sales to Taiwan obstructs the building of strategic trust between China and the US. Therefore the TRA is poison for Sino-American relations. To improve relations and avoid potential conflict, the US should abolish the Taiwan Relations Act or at least amend it.

The Taiwan Relations Act was developed more than 30 years ago. Since then, great changes have taken place: the Cold War came to an end; the US became the sole superpower; China has carried out its opening and reform policy and become much stronger; relations between Taiwan and the Mainland have greatly improved since Ma Ying-yeou became leader; the US and China are trying to become cooperative partners. So many things have been changed, why then has the Taiwan Relations Act remained unchanged?

**Territorial water disputes.** After the Cold War, the US gradually changed its position in South China Sea disputes from neutral and nonintervention to “active neutrality,” “active concern,” and overt intervention by saying at the July 2010 ASEAN Regional Forum in Hanoi that “The United States supports a collaborative diplomatic process” to resolve territorial disputes and it “opposes the use or threat of force.” When a Chinese fishing boat collided with two Japanese Coast Guard vessels at Diaoyu Island on Sept. 7, 2010, Secretary of State Hillary Clinton said in October that the Senkaku (Diaoyu Islands) fell within the scope of Article 5 of the US-Japan Security Treaty, indicating that the US had an obligation to help Japan defend the islands if they were attacked. These statements demonstrate that the US intends to interfere in territorial disputes both in the South China Sea and the East China Sea.

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<sup>10</sup> “A Cooperative Strategy for 21<sup>st</sup> Century Power” (Washington, D.C.: Department of the Navy, October 2007), <http://www.navy.mil/maritimestrategy.pdf>, 2.

If the US intervenes in territorial water disputes in the South China Sea and the East China Sea, it will only intensify tensions and make these disputes even more difficult to resolve. For example, after Clinton's statement in Hanoi, Vietnam might think it could get support from the US whatever it does in the South China Sea. Hence it violated the DOC and conducted live-fire artillery exercises to show its resolution to own the occupied islands in the South China Sea on June 13, 2011, which greatly intensified the situation there.

**Right of innocent passage.** Article 19 of UNCLOS stipulates "Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if **in the territorial sea** it engages in any of the following activities: ... (b) any exercise or practice with weapons of any kind; (c) any act aimed at collecting information to the prejudice of the defense or security of the coastal State... (j) the carrying out of research or survey activities..." Here UNCLOS bans these activities if they occur "in the territorial sea" and does not mention the EEZ. Thus, the US thinks it has the right to collect military intelligence and conduct military exercises in the EEZ. But China, Vietnam, Malaysia, and other countries believe that these activities should also be banned in an EEZ because they can be as prejudicial to the peace, good order or security of the coastal State if conducted there as if they occur in the territorial sea. Considering the increasing capabilities of long-range-strike weapons and long-range reconnaissance instruments, it is quite necessary to restrict these activities and ban them from the EEZ.

Before UNCLOS has been revised, perhaps the best way to handle such situations is that both sides should have consultations over the 12 activities forbidden in territorial seas when there is a real need to conduct them in the EEZ.

**Maritime hegemony.** The US usually follows international laws and international norms. But it has become to consider itself the adjudicator of international laws and norms. Whatever the US says is right; whatever the US does is an example. After the "9/11 event," this mindset reached its peak: if you stood by the US, you were a friend, if not, you were an enemy. As the only superpower, the US is no longer used to hearing different opinions. What it wants is obedience and agreement. After the South Korean warship *Cheonan* was sunk, the US imposed its investigation report on China though it was not persuasive (if the investigation group were composed of representatives from UN Security Council member states, South Korea and North Korea, the report would have been more widely accepted and trusted); despite China's strong protests, the US sent an aircraft carrier to the Yellow Sea to conduct joint military exercises. (If the US thought the exercises were really necessary to signal North Korea that it could not threaten South Korea, it should consult with China beforehand. Besides, a joint military exercise without an aircraft carrier could achieve the same effect if it could work). All these incidents have demonstrated US power politics and maritime hegemony.

To avoid direct confrontation and maintain peace and stability in Northeast Asia, China restrained from taking further actions when the US Navy sent the aircraft carrier *George Washington* into the Yellow Sea. The US forcibly held joint exercises in China's EEZ. However, this event left a deep impression upon the Chinese people that the US did not respect China's security concerns and bullied China into concessions, which greatly hurt the Chinese people's feeling and did serious damage to the US international image. I don't know whether China will allow such things to happen again in the future.



## Solutions

Maritime interests are an indispensable part of national interests. Both China and the US will try to protect and facilitate their maritime interests. However, in today's complicated maritime environment, neither China nor the US can cope with threats and challenges single-handedly. They should strengthen and expand cooperation based upon the principles of equality, mutual respect, and mutual benefit. "Equality" means that though China is not a superpower and is not as strong as the US, yet both countries should discuss and solve issues on an equal footing because China is a big sovereign country and is second to none in dignity. "Mutual respect" means that China should respect US positions and national interests and the US should also respect China positions and national interests. "Mutual benefit" means that China takes care of US interests and the US takes care of China interests and both strive for win-win cooperative solutions.

### What China should do

To strengthen and expand cooperation with the US, China should:

- (1) Join the Global Maritime Partnership (GMP) to widen and deepen maritime cooperation. In October 2007, the US Navy together with the US Marine Corps and Coast Guard promulgated a new maritime strategy, "A Cooperative Strategy for 21st Century Seapower." To implement this strategy, the US Navy advocated a Global Maritime Partnership Initiative, which was widely welcomed and accepted. As GMP emphasizes cooperation, conflict prevention, and humanitarian operations, which are compatible with Chinese strategic culture, doctrine, and interests, China should join and use it as a platform to widen and deepen cooperation with the US and other navies.
- (2) Strengthen the consultation mechanism to improve maritime security. After establishment of the MMCA, China and the US have held eight annual meetings, 13 working group meetings, and two special meetings. Initially the agreement was directed at establishing a forum for dialogue on maritime safety and communication issues. Later it expanded cooperation in a number of related areas including search and rescue at sea and humanitarian assistance. While these meetings are useful to discuss incidents, they are not much help when events are unfolding rapidly on, over, or under the sea. Therefore MMCA should also try to address practical maritime security issues such as maritime terrorism, maritime crime, piracy, trafficking in humans, drugs, and other illegal goods, maritime environmental protection, maritime search and rescue.
- (3) Help regional fisheries management organizations and other international organizations meet their mandates to reduce illegal, unreported, and unregulated (IUU) fishing and create opportunities for IUU fish and fish products to enter global markets.
- (4) Join Combined Task Force 150 to make counter-piracy operations more efficient. Since 2008, the Chinese Navy has dispatched, in seven sorties, 18 ship deployments, 16 helicopters, and 490 Special Operation Force (SOF) soldiers to conduct escort operations in the Gulf of Aden and waters off Somalia. In these operations, the PLA Navy established mechanisms for regular intelligence exchange and exchanged boarding visits with commanders from the US and other navies. This is not enough. The PLA Navy escort force should join Combined Task Force 150 to better cooperate with the US and other navies and make operations more efficient.

- (5) Join the Proliferation Security Initiative (PSI). PSI is a global effort that aims to stop trafficking of weapons of mass destruction (WMD), their delivery systems, and related materials to and from states and non-state actors of proliferation concern; it has over 90 member nations. It is an important tool in efforts to break up black markets, detect and intercept WMD materials in transit, and use financial tools to disrupt this dangerous trade. China should join PSI and do more to help build a world without nuclear weapons.

#### What the US should do

To strengthen and expand cooperation with China, the US should:

- (6) Review the Taiwan Relations Act, to see how it has been implemented, what benefits and damages it has brought, and whether it should be abolished or amended. The review should be conducted by representatives from the US government, the US Congress, and nongovernment organizations, especially independent think-tanks.
- (7) Stay out of territorial water disputes in the South China Sea and the East China Sea. Asian countries do not have any territorial water disputes with the US. Therefore the US should stay out of the disputes and let the countries involved solve the disputes themselves. The US should believe that Asian countries have the ability and wisdom to recognize their own national interests and know how to realize them. Bilateral negotiations over the territorial water disputes proceeded very well before the US intervened. Some Americans might argue that if those countries ask the US to play a role, or the US is allied with some claimants, why shouldn't it do something? If some countries or US allies ask the US to play a role in territorial disputes, it means they want to obtain more control in disputed areas with US backups. The US would better remind them that the US is not the United Nations or an international court, and that they should submit the disputes to the UN or international courts for a fair solution instead of turning to the US for help.
- (8) Stop military reconnaissance in China's territorial sea and EEZ. To protect, maintain and expand US national interests, the US military has been collecting military intelligence from China all the time. When the reconnaissance is done in space or global maritime commons, China cannot legally protest. However, when it is done in China's territorial waters and EEZ or close to China's military bases and important cities, China will surely protest and take measures to disrupt or stop it. When China takes measures to cope with the US reconnaissance, direct conflict might occur. To avoid potential conflicts and increase strategic trust, the US military should stop military reconnaissance in China's territorial sea and EEZ.
- (9) Not conduct military exercises in another country's EEZ without permission. Though there is no provision to forbid military exercises in EEZ in the UNCLOS, it clearly aims to protect the peace, good order and security of the coastal state. Given the development of science and technology, US military capabilities to launch long-range strikes and reconnaissance exceed 200 nautical miles. Thus the US should respect the coastal state's security interests and not conduct military exercises in a coastal state's EEZ without permission.

### China - US joint activities

To maintain peace and stability in the Asia-Pacific region and promote shared maritime interests, China and the US should cooperate in the following areas:

- (10) Increase high-level exchanges to deepen strategic mutual trust. At present, there is a lack of strategic trust between leaders in both countries. Both China and the US should try to increase president/chairman-level and secretary/minister-level exchanges to understand each other's strategic intentions on certain world events and issues and find out better solutions for important world affairs. For example, when there is a financial crisis, there should be more finance minister meetings; when there is a energy crisis, there should be more energy minister meetings.
- (11) Increase exchanges between the US National Oceanic and Atmospheric Administration (NOAA) and the China State Oceanic Administration (SOA) to consult on, strengthen maritime cooperation, and develop a maritime cooperation roadmap.
- (12) Increase exchange visits of working-level maritime officials and visits of each other's maritime law enforcement vessels to improve maritime governance.
- (13) On the basis of agreements reached at the 18th NOAA-State Oceanic Administration (SOA) Joint Working Group Meeting on the Cooperation on Marine and Fishery Science and Technology, they should formulate a US-China 2011-2015 Framework Plan for Ocean and Fishery Cooperation to guide further cooperation between NOAA and SOA, and to further develop a China-US large-scale multidisciplinary joint program for the Indian and Southern Oceans in the near future.
- (14) Collaborate on humanitarian assistance and disaster relief operations. In the past, the PLA Navy did not participate in international humanitarian assistance (HA) and disaster relief (DR) operations because of its limited capabilities. Now it has a significant number of medium- and large-size amphibious ships, hospital ships and aircraft, and can carry out HA operations. The US Navy has participated in many large-scale HA and DR operations and accumulated lessons and experience. In 2009 the US Navy cooperated with the PLA Navy by inviting four of its doctors to spend a week aboard the USNS hospital ship Comfort, where they learned how the US Navy promotes goodwill by delivering high-quality, efficient medical care to people in need. Since 2010, the PLA Navy hospital ship Peace Ark began to make port calls in the Middle East and Africa. Such collaboration builds mutual trust between the two navies, and should be expanded to areas such as tsunami and radiation leak relief operations.
- (15) Expand maritime joint military exercises. In 2006 the PLA Navy and the US Navy collaborated in a series of small-scale search-and-rescue exercises for the first time. Such joint maritime exercises help build confidence. In the future, the PLA Navy and the US Navy should not only increase the number and scale of such joint exercises, but should also expand joint exercises to humanitarian assistance, maritime communication, counter-terrorism, disaster relief, and counter-drug-and-arms trafficking.
- (16) Increase maritime educational cooperation. Although the PLA Navy and the US Navy have some educational exchanges, they are limited to short visits to each other's naval schools by higher-ranking officers; no institutionalized, long-term exchange programs exist between US and Chinese naval education systems. In the future, the PLA Navy and

the US Navy can establish student exchange programs that send cadets to the other's naval school to study or run joint courses on the subjects of coastal water security, maritime search and rescue, countering terrorism and piracy, countering WMD proliferation by sea, maritime humanitarian assistance, disaster relief, and so on. Such educational cooperation will help to cultivate a group of academic and operational experts for China-US maritime partnership.

- (17) Enhance maritime academic exchanges to promote mutual understanding. Successful cooperation between the US Coast Guard and China's civil maritime counterparts demonstrates that when dialogue is opened, engagements expand rapidly. The North Pacific Coast Guard Forum has played a very important role in Sino-American cooperation. To enhance maritime academic exchanges, both the PLA Navy and the US Navy should: (1) establish a Sino-American Maritime Forum to hold regular academic conferences to exchange lessons and experiences learned from maritime cooperation; (2) enlarge visiting scholar exchange programs to strengthen maritime research work; (3) strengthen the study of maritime laws and try to solve or narrow differences in some provisions; (4) translate important maritime academic papers or books into English or Chinese to facilitate knowledge and information sharing.
- (18) China and the US should jointly set up a project team to review the three joint communiqués, to see how they have been implemented, the benefits and damages they brought to both sides, and whether there is a need to sign a new communiqué or agreement.
- (19) China and the US should both declare to firmly oppose "Taiwan Independence" activities and try to maintain peace and stability in Taiwan.
- (20) China should remove missiles deployed close to Taiwan while the US should suspend arms sales to Taiwan to shape a peaceful atmosphere and environment for the improvement of cross-Strait relations.
- (21) China and the US should launch a joint project to study the right of "innocent passage" (whether it should be applicable to EEZs) and other issues concerned with UNCLOS. China signed and ratified UNCLOS, but included five declarations and statements to reserve its own rights. Through joint research and consultations, China and the US can try to reach agreements on the right of "innocent passage" and other key provisions, thus establishing unified norms.
- (22) Establish a notice mechanism. The PLA Navy and the US Navy should establish a mechanism to avoid misunderstanding and miscalculation. As the PLA Navy and the US Navy both have many activities in the western Pacific, they might come across each other unexpectedly or have unexpected accidents. Before one side enters the other side's area of concern or when one side has an unexpected accident, it is better to let the other know of its activities or conditions so that misperception, misunderstanding, and miscalculation can be avoided.

#### What China and other governments should do

To protect and facilitate maritime interests, China should cooperate with other governments in the following areas:

- (23) The mainland and Taiwan should establish a joint project team to assess current and future cross-Strait relations, common concerns of Taiwan and Mainland people and see whether there is a need to sign a peace agreement. The team should be composed of representatives from governments and nongovernment organizations from both sides.
- (24) The Mainland understands Taiwan's urgent desire to enlarge its international space. However, international space is closely linked with the "one-China" policy and is a political issue. The Mainland and Taiwan should hold negotiations on how to enlarge Taiwan's international space as soon as possible.
- (25) "Maintain sovereignty, shelf disputes and pursue joint development." As territorial water disputes are inherited from history and very complicated and cannot be solved within a short time, China proposes that sovereignty belongs to China, All claimants shelf disputes and pursue joint development. China welcomes and encourages enterprises and companies of the US and other countries to participate in joint development in disputed areas.
- (26) Establish a crisis management mechanism. China, Vietnam, the Philippines, Malaysia, Indonesia, and Brunei can establish a joint crisis management team to prevent a crisis or to control a crisis after it occurs in the South China Sea. China and Japan can establish a joint crisis management team for the same purpose in the East China Sea. With such mechanisms, unexpected incidents will be handled rapidly and will be less likely to evolve into conflict.

Both China and the US might have difficulties trying to achieve these objectives. However, if both sides follow the principles of equality, mutual respect, mutual benefit, respect of sovereignty and territorial integrity, and noninterference in internal affairs, all these activities are possible.

## **Conclusion**

During the second decade of the 21<sup>st</sup> century, both China and the US urgently need a peaceful, stable, and cooperative environment to rejuvenate their economic and social development. The maritime domain is a critical part of this environment and has captured the attention of both governments; this lays a solid foundation for China-US maritime cooperation.

In recent years, China and the US have achieved great success in the Container Security Initiative, search-and-rescue operations, and fisheries enforcement. However, these are only tactical successes. Sino-US maritime cooperation needs a strategic breakthrough, but such breakthroughs are difficult today because of significant barriers, including the Taiwan issue, US military reconnaissance, high-tech export limitation, limits in transparency, and turbulent mil-to-mil relations.

In spite of the obstacles, growing numbers of Chinese and Americans have realized that their countries have more convergences and shared interests than divergences, and deeper and more extensive maritime collaboration is indispensable to peace, stability, cooperation and prosperity in the Asia-Pacific region. The leaders of China and the US are trying to create political and institutional space for maritime and naval professionals to structure maritime

cooperation. Each year's Strategic and Economic Dialogue gives great impetus to maritime cooperation. Plainly there is reason to be optimistic about China-US maritime cooperation.

## Appendix

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