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House Foreign Affairs Committee, Indo-Pacific Subcommittee Hearing
“Lasers and Water Cannons: Exposing the CCP’s Harassment in the South
China Sea”

September 28, 2023

Chairwoman Kim, Ranking Member Bera, and Members of the Subcommittee – thank you for the opportunity to appear before you today to testify regarding the South China Sea.

As you know, last year, the Biden Administration unveiled our Indo-Pacific Strategy, in part, to demonstrate our commitment to Southeast Asia – one of the most dynamic and strategically important regions in the world. Maritime security, including in the South China Sea, featured prominently in the IPS. That is because our vision for the Indo-Pacific is one in which the region remains open and accessible, and the region’s seas and skies are governed and used according to international law. Under the IPS, we have worked to build support for rules-based approaches to the maritime domain, including in the South China Sea.

Unfortunately, not all actors are committed to these principles. We have seen a clear and upward trend of PRC provocations in the South China Sea, including efforts to exercise its expansive and unlawful maritime claims. The PRC routinely harasses vessels lawfully operating in their respective EEZs and on their continental shelves. Further, the PRC uses intimidation, harassment, and unprofessional maneuvers at sea in areas where it has failed to put forth lawful maritime claims.

For example, PRC aircraft have increasingly engaged in unsafe intercepts of U.S. and other military aircraft in international airspace over the South China Sea. The PRC likewise has interfered with our ally the Philippines’ exercise of high seas freedoms in conducting routine resupply missions of the Philippine marines stationed aboard the *BRP Sierra Madre* at Second Thomas Shoal, a low-tide elevation located on the Philippines’ continental

shelf, and well within its exclusive economic zone. The world witnessed the PRC's dangerous and provocative conduct on August 5 when the China Coast Guard used water cannons and – along with PRC maritime militia vessels – employed unsafe blocking maneuvers against Philippine vessels. We saw similar behavior during later resupply missions on August 22 and September 8 and again most recently when the PRC reportedly installed a barrier to prevent Philippines fishing vessels from entering Scarborough Reef. We have made clear that we stand with our Philippine allies and have reaffirmed an armed attack on Philippines public vessels, aircraft, and armed forces – including those of its Coast Guard in the South China Sea – would invoke U.S. mutual defense commitments under Article IV of the 1951 U.S.-Philippines Mutual Defense Treaty. We have seen similarly dangerous PRC conduct against a Vietnamese fishing boat on August 28 that resulted in injuries to Vietnamese fishermen.

An open and accessible South China Sea is vital not only to global peace and stability, but also to the global economy. Nearly one third of global trade runs through the South China Sea, worth about three trillion U.S. dollars. We therefore have a strategic interest in upholding the rights of all countries to exercise freedom of navigation and overflight. Indeed, all nations have a vital interest in preserving the international law of the sea from maritime claims that do not comply with international law.

In keeping with our longstanding policy on this vitally important waterway, the United States takes no position on territorial claims to high-tide features in the South China Sea, but we take a strong and principled position that all States, including those with competing claims to parts of the SCS, should comport their maritime claims with international law, as reflected in the 1982 Law of the Sea Convention.

The Administration's approach to protecting this critical maritime domain falls into three key lines of effort: 1) Diplomatic outreach to promote respect for international law and the rules-based order, emphasizing the need for peaceful settlement of disputes; 2) Maritime capacity building programs for the region's maritime law enforcement agencies and

militaries; and 3) Our own operations, including Freedom of Navigation Operations (FONOPs) and routine presence operations, to demonstrate that all countries have the right to fly, sail, and operate anywhere that international law allows.

First, on diplomacy, we have consistently prioritized multilateral engagement through ASEAN and other dialogue mechanisms, and we have called on our ASEAN and other likeminded partners to call out the PRC's egregious behavior. Second, on capacity building, the U.S. government has provided over 1.6 billion dollars in military and law enforcement assistance to Southeast Asian countries over the past five years, with a focus on building maritime capabilities and enhancing maritime domain awareness. Through the Quad-supported Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA), we are also enabling Southeast Asian nations to monitor their maritime areas and international sea lanes via low-Earth-orbit satellites that identify ships by their radio traffic and automated tracking systems.

Lastly, we maintain a long-standing program to uphold freedom of the seas for all nations under international law. The United States conducts regular FONOPs in the South China Sea to demonstrate our commitment to these rights and our firm opposition to the PRC's and other claimants' unlawful maritime claims.

In summary, maintaining peace and stability, and freedom of navigation and overflight in the South China Sea, is part of our larger vision for a free and open Indo-Pacific. We will continue to work with our allies and partners to ensure our skies and seas are governed and used in accordance with international law and grounded in respect for the rules-based maritime domain.

Thank you for inviting me to testify today.