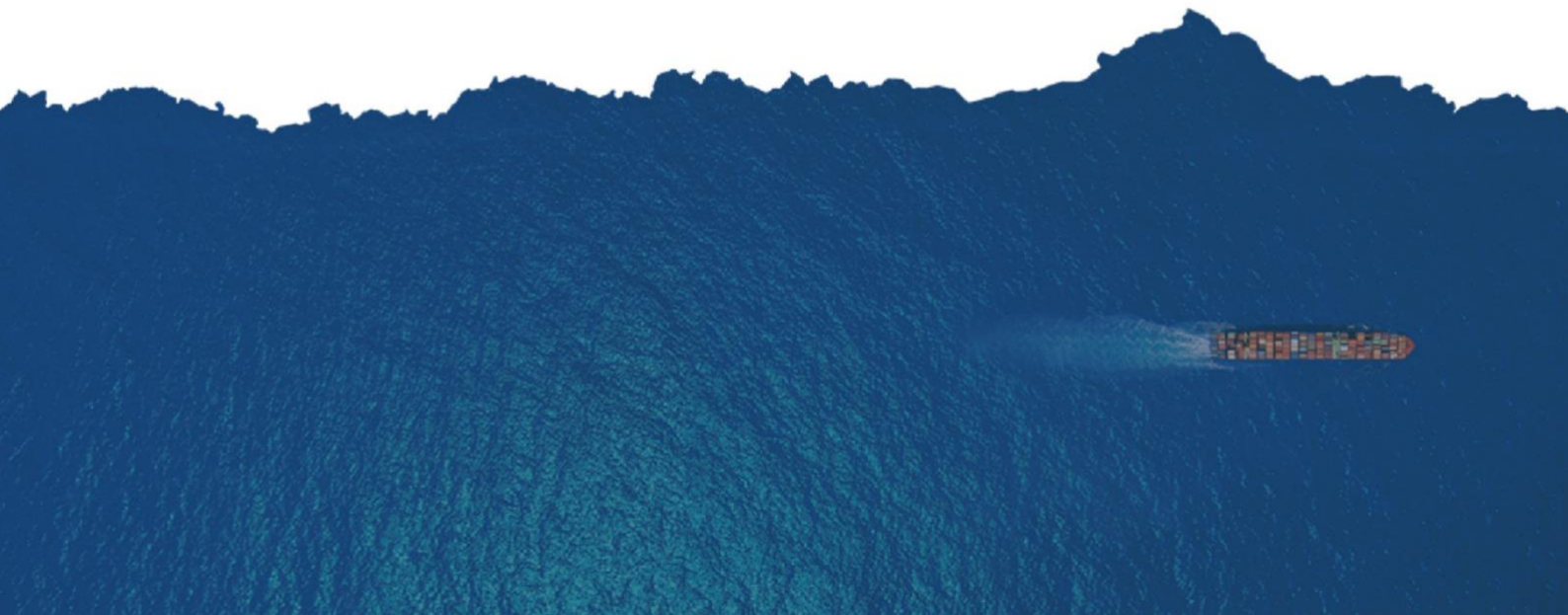




Management of the Sino-US Maritime Interests Divergences

Grandview Institution

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Statement

This research project is based on published documents and references, cites research by scholars and does not involve any official internal documents or classified materials. This research only represents the views of participating researchers and does not represent the institutions to which they belong.

Summary

China is a traditional land power and is currently in the initial stage of building into a maritime power. On the other hand, the United States is a traditional maritime power and has maintained its maritime hegemony and dominance over the global maritime order so far. Different histories, cultures, and political systems have led to many differences in perceptions about national maritime interests. Currently, the increasing maritime competition has become the most likely to worsen and lead to conflict. Confrontation and conflict between the two nuclear powers may lead to severe and uncontrollable consequences. Therefore, officials from both countries have stated that managing differences and preventing conflicts are both sides' most significant convergence and bottom line. This report focuses on analyzing the differences in maritime interests between the two countries at the political and security levels, exploring the convergence of maritime interests between the two sides, assessing the willingness and possibility of the two countries to manage and control the differences in interests, and trying to the policy level provides recommendations for managing differences in maritime interests and avoiding confrontation and conflict.

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Although Chinese officials disagree that "competition" is the orientation of the Sino-U.S. relationship, the current trend is that the two countries are sliding into a fiercely competitive relationship in many fields including politics, economy and military. As a result, maritime competition is likely to deteriorate and lead to conflicts between China and the United States. The main factor fueling the maritime competition between China and the United States is the perception difference of maritime interests. This difference is reflected at the policy level when China firmly opposes the so-called "rules-based" order advocated by the United States and the U.S. military activities in China's coastal waters, seeing it as a severe threat to sovereignty and security. At the same time, the United States firmly insists on its right to freedom of military activities. The differences at the operational level are reflected in the frequent hostile actions of the naval and air forces of the two countries and the regular occurrence of dangerous approaches, deterrence, and provocation.

Where the perception differences in maritime interests between China and the United States cannot be bridged, managing the differences is a more realistic policy option. Currently, China and the United States share common interests in preventing crises, conflicts, and wars. These common interests are based on the premise that both countries want to avoid war. Understanding differences and exploring the convergence of maritime interests are necessary to ensure peaceful coexistence between the two nuclear-armed powers.

I. China's Maritime Interests

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China is a traditional land power. Historically, understanding the ocean was limited to "the benefit of fishing and salt, and the convenience of boating." However, the history of imperialist maritime invasion and the long-term weakness of China's maritime power has deepened China's high emphasis on maritime sovereignty and security. At the end of the 20th century, China put forward the development concept of coordinating land and sea,¹ and only ten years ago established the strategy of building a maritime power (海洋强国).² China's maritime interests

¹ 《中国海洋 21 世纪议程》，第一章 1.15，“要根据海陆一体化的战略，统筹沿海陆地区和海洋区域的国土开发规划，坚持区域经济协调发展的方针”，国家海洋局，1996 年。

² 胡锦涛在中国共产党第十八次全国代表大会上的报告，2012 年 11 月 8 日。

mainly include political, security, economic, and development interests. The maritime interests at the political and security level refer to China's interests in exercising sovereignty and jurisdiction in the maritime areas, maintaining national security, and participating in constructing the maritime order. The maritime interests at the economic and development level refer to China's exploration and development of the oceans and the benefit of using the ocean for economic wealth. This report mainly discusses the differences in maritime interests between China and the United States at the political and security level.

1. Core National Interests in the Maritime Areas - Homeland Defense and Maintaining National Unity

China's core interests were defined for the first time in a white paper titled "China's Peaceful Development" issued by The State Council in 2011. China's core interests include state sovereignty, national security, territorial integrity and national reunification, China's political system established by the Constitution and overall social stability, and the essential safeguards for ensuring sustainable economic and social development.³ China's core interests in the maritime areas are to defend against invasion from the sea, maintain national unity, and contain Taiwan's secession from China. China's policy toward Taiwan strives for peaceful reunification but never promises to give up the use of force. China's intention of not committing to renounce the use of force is to achieve maximum strategic deterrence⁴. If Taiwan splits from China, the Chinese government has made it clear that it will spare no expense in a war, and the ultimate goal is to achieve cross-strait reunification.⁵

Following China's domestic legislation, China's use of non-peaceful (force) means and other necessary measures to safeguard its national sovereignty and territorial integrity may include the following three preconditions. First is that the "Taiwan independence" separatist forces caused Taiwan to separate from China by any name or means. Second is the occurrence of significant events leading to Taiwan's separation from China. The third is that the possibility of peaceful reunification was lost entirely.⁶ In recent years, the military exercises and other activities held by the Chinese army around Taiwan Island are concrete measures to deter Taiwan's independence forces.

³ 《中国的和平发展》白皮书，2011年9月，国务院新闻办公室发表。

⁴ 《台湾问题与新时代中国统一事业》，2022年8月10日，中华人民共和国国务院台湾事务办公室、国务院新闻办公室发表。

⁵ 魏凤和在第19届香格里拉对话会上发言，2022年6月12日，国防部发布。

⁶ 《反分裂国家法》，第八条，2005年3月14日第十届全国人民代表大会第三次会议通过。

Table 1. Military Activities of the Chinese Army near Taiwan Island in the Past Two Years

April 2021	The aircraft carrier Liaoning conducted training in the waters around Taiwan. ⁷
August 17, 2021	The PLA Eastern Theater held military exercises in the air and sea around Taiwan, and will organize joint fire raids and other real-force drills in the surrounding sea and airspaces such as the southwest and southeast of Taiwan Island. China's Defense Ministry called the drill a "solemn response" to the "frequent collusion" between the United States and Taiwan. ⁸
November 9, 2021	The PLA Eastern Theater organized troops to conduct a joint combat readiness patrol in the direction of the Taiwan Strait. The military operation organized by the theater forces was taken against the relevant countries and the "Taiwan independence" separatist forces. ⁹
April 15, 2022	The PLA Eastern Theater dispatched frigates, bombers, fighters, and other forces to organize a multi-service joint combat readiness patrol in the East China Sea and in the sea and airspace around Taiwan Island. The Chinese side claimed that the operation was organized in response to the recent frequent wrong signals released by the United States on the Taiwan issue. ¹⁰
From May 6th to 8th, 2022	The PLA Eastern Theater organized naval, air, and missile troops to conduct military drills in the sea and airspace east and southwest of Taiwan Island. ¹¹
May 25, 2022	The PLA Eastern Theater organized a multi-service joint combat readiness patrol and an actual combat drill in the sea and airspace around Taiwan Island. "This is a solemn warning to the recent US-Taiwan collusion activities," China said. ¹²
August 2, 2022	The PLA Eastern Theater carried out a series of joint military operations around Taiwan Island, and conducted joint sea and air exercises in the sea and airspaces of the northern, southwest, and southeast of Taiwan Island, conducted long-range live ammunition in the Taiwan Strait and organized a regular-guided fire test in the eastern waters of Taiwan Island. ¹³
August 15, 2022	The PLA Eastern Theater organized a multi-service joint combat readiness patrol and actual combat drills in the sea and airspace around Taiwan Island. "This is a solemn deterrent against the US and Taiwan continuing to play political tricks and undermining peace and stability across the Taiwan Strait," China said. ¹⁴

⁷ 中国海军辽宁舰航母编队开展远海训练，2021年4月5日，人民海军公众号。

⁸ 东部战区出动多军种力量在台岛周边组织实兵演练，2021年8月17日，中国新闻网，<https://www.chinanews.com.cn/mil/2021/08-17/9545175.shtml>。

⁹ 东部战区在台海方向进行联合战备警巡，进一步检验提升多军兵种联合作战能力，2021年11月9日，国防部发布。

¹⁰ 东部战区在台岛周边战备警巡，2022年4月15日，人民海军公众号。

¹¹ 东部战区组织兵力在台岛以东和西南海空域进行实兵演练，2022年5月9日，国防部发布。

¹² 东部战区在台岛周边海空域组织多军兵种联合战备警巡和实战化演练，2022年5月25日，人民海军公众号。

¹³ 东部战区将在台岛周边开展一系列联合军事行动，2022年8月2日，国防部发布。

¹⁴ 东部战区在台岛周边海空域组织多军兵种联合战备警巡和实战化演练，2022年8月15日，国防部发布。

2. China's Sovereignty and Jurisdiction

China's maritime interests include sovereignty over islands and reefs, as well as sovereign waters and jurisdictional waters in the Bohai Sea, the Yellow Sea, the East China Sea, and the South China Sea. In addition, China claims to enjoy internal waters, territorial seas, contiguous zone, exclusive economic zone, continental shelf, and waters with historic rights in the South China Sea.¹⁵ Regarding sovereignty over islands and reefs, China has disputes with Japan in the East China Sea and disputes with the Philippines, Vietnam, and Malaysia in the South China Sea. In terms of jurisdictional waters, China has disputes with its eight neighboring countries, including North Korea, South Korea, Japan, the Philippines, Malaysia, Brunei, Indonesia, and Vietnam.

On the South China Sea issue, China believes the core issue is the sovereignty dispute over islands and reefs. China claims territorial sovereignty over the islands in the South China Sea, including the Xisha Islands (Paracel Islands), the Dongsha Islands (Pratas Islands), the Zhongsha Islands, and the Nansha Islands (Spratly Islands). Regarding the current disputes with Vietnam, the Philippines, Indonesia, Malaysia, and Brunei, China insists on resolving disputes through bilateral consultations. This is China's effort to balance the relationship between safeguarding national interests and maintaining regional security order from its own standpoint.

Successfully resolved maritime disputes include agreements signed by China and Vietnam on the delimitation of the territorial waters, exclusive economic zone, and continental shelf in the Beibu Gulf, and fishery cooperation agreements signed by China with South Korea, Japan, and Vietnam, respectively. *The Declaration on the Conduct in the South China Sea*, signed by China and ASEAN in 2002, advocated the peaceful settlement of their territorial and jurisdictional disputes without resorting to force or the threat of force. Later, China and ASEAN initiated consultations on the Code of Conduct for the South China Sea to adopt a more substantial and compelling rule.

In response to the so-called "South China Sea Arbitration Case" initiated by the Philippines in 2013, China believes that the essence of the matter submitted by the Philippines is the territorial sovereignty of some islands and reefs in the South China Sea, and the arbitral tribunal has no jurisdiction. Thus, China has adopted a policy of no acceptance and no participation.

Currently, disputes over the sovereignty of islands and maritime jurisdiction between China and neighboring states have not been fully resolved, which is an essential destabilizing factor for regional security. Based on maintaining peace and stability, China has taken measures to "shelve"

¹⁵ 中华人民共和国政府关于在南海的领土主权和海洋权益的声明，2016年7月12日，中国政府网，http://www.gov.cn/xinwen/2016-07/12/content_5090631.htm.

these maritime disputes. "Shelving disputes" refers specifically to the policy of resolving sovereignty disputes. It is a policy proposal by Deng Xiaoping in the 1970s on the territorial dispute over the Diaoyu Islands between China and Japan. It was later applied to the South China Sea issue.¹⁶ Judging from Deng Xiaoping's remarks and the specific measures taken by the Chinese government, "shelving disputes" refers to the policy of temporarily refraining from using force to recover the islands the other side has occupied and promoting peaceful settlement.

Shelving disputes does not mean that China has given up its claim to sovereignty over islands and reefs in the South China Sea, nor does it mean that China recognizes the status quo of the balance of power in the South China Sea. With its strong development, China started large-scale infrastructure construction on the islands and reefs in the South China Sea ten years ago. This is a practical measure by China to reaffirm its sovereignty over the islands and reefs in the South China Sea. In addition, it has changed China's posture towards Vietnam, the Philippines, and Malaysia and balance of power in the South China Sea. Although China currently has an absolute advantage in the garrison and force building of the islands in the South China Sea, China still has not used force to recover the islands occupied, which reflects "the implementation of the "shelving disputes" policy. A successful case of China's efforts to cooperate with neighboring countries to maintain peace and stability in the South China Sea is the signing of the Sino-Vietnamese Naval Joint Patrol Agreement in the Beibu Gulf in 2005. By June 2022, China and Vietnam have successfully carried out 32 joint patrols in the Beibu Gulf.¹⁷ The cooperation between China and Vietnam, the two countries involved in the South China Sea dispute, shows that the "shelving disputes" policy can be included in the security order in the South China Sea.

3. Response to Security Threats in the Maritime Areas

China's perception of maritime security is based on China's holistic approach to the national security concept. The national security system integrates political security, homeland security, military security, economic security, ecological security, resource security, and nuclear security.¹⁸ Maritime security is an integral part of national security and is also included in each of the above areas. From the perspective of traditional and non-traditional security threats, traditional security threats involve China's core national interests, including defending against invasion from the sea, maintaining national unity, and defending the territorial sovereignty of islands. At the same time, non-traditional security threats are rising, including combating maritime crime, countering illegal fishing (IUU), protecting the marine environment, safeguarding China's overseas interests, and

¹⁶ “搁置争议，共同开发”，外交部网站，

http://infogate.fmprc.gov.cn/web/ziliao_674904/wjs_674919/2159_674923/200011/t20001107_10250989.shtml.

¹⁷ 中越北部湾第 32 次联合巡逻圆满结束，2022 年 6 月 24 日，人民海军公众号。

¹⁸ 习近平主持召开中央国家安全委员会第一次会议，2014 年 4 月 16 日，央广网，http://china.cnr.cn/news/201404/t20140416_515302148.shtml.

securing sea lines of communication.

Responding to non-traditional security threats in the maritime direction has become an essential mission of China's maritime power. From 2009 to the present, the Chinese navy has carried out the task of escorting commercial ships in the Gulf of Aden in the Indian Ocean, a typical action to deal with non-traditional maritime security threats. Since 2000, China and the navies of the United States, Russia, Britain, France, Australia, ASEAN countries have held dozens of joint maritime military exercises, which focus on non-traditional maritime security areas, including anti-terrorism, anti-piracy, maritime search and rescue, medical assistance, humanitarian relief and disaster reduction.

4. Freedom of Navigation

China respects and supports the freedom of navigation and overflight enjoyed by all countries under international law. Accordingly, China has formulated domestic laws based on its interpretation of international law and has made specific regulations on navigation rights in its territorial waters and waters under its jurisdiction.

Presently, the differences in maritime interests between China and the United States are mainly reflected in different understandings of the concept of freedom of navigation. Many of China's maritime claims and legal provisions based on national sovereignty and security are viewed by the United States as a violation of freedom of navigation. The specific policy propositions that the United States opposes and challenges China on include the straight baseline, regulations on innocent passage of warships in territorial waters, regulations on security issues in the contiguous zone, jurisdiction over the exclusive economic zone, the legal status of islands in the South China Sea, historic rights in the South China Sea, and specific regulations on the management of the Air Defense Identification Zone in the East China Sea. On the other hand, in response to U.S. military activities in coastal waters, China opposes it from two aspects: first in that it violates Chinese laws, and second in that it jeopardizes China's sovereignty and security.

a. Regarding U.S. warships entering the territorial waters of the Xisha Islands (Paracel Islands), the Chinese side claims: "The U.S. warship illegally intruded into the territorial waters and internal waters of China's Xisha Islands without the approval of the Chinese government.....infringing upon China's sovereignty..."¹⁹ The illegality is that U.S. warships violated the "Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone" that requires approval for foreign military ships to enter China's territorial waters. Moreover, U.S. warships ignored the straight baseline of the Xisha Islands.

¹⁹ 国防部新闻发言人吴谦就美舰擅闯中国西沙领海发表谈话，2022年1月21日，中国政府网，http://www.gov.cn/xinwen/2022-01/21/content_5669616.htm.

b. In response to U.S. warships entering the adjacent waters of the Nansha Islands (Spratly Islands), the Chinese side claims: "The U.S. warships (illegally²⁰) entered the waters adjacent to the relevant islands and reefs of China's Nansha Islands without the permission of the Chinese government. The actions of the United States violated Chinese law and relevant international law, seriously harmed China's sovereignty and security, and endangered the lives of front-line personnel on both sides."²¹ There is no clear definition of the "adjacent waters." It is speculated that because China has not demarcated the territorial sea baseline in the Nansha Islands, the adjacent waters refer to the territorial sea within 12 nautical miles around the islands and reefs.

c. Regarding U.S. warships entering 12 nautical miles of Huangyan Island (Scarborough Shoal), the Chinese side claims: "The U.S. warships entered the waters adjacent to China's Huangyan Island (within 12 nautical miles) without permission of the Chinese government. Therefore, the relevant actions of the U.S. warships damage China's sovereignty and security interests."²² Since the Chinese side has not delimited the territorial sea baseline on Huangyan Island, it is speculated that the 12 nautical miles around Huangyan Island refer to the territorial sea.

d. In response to U.S. airspace reconnaissance over China's offshore waters, the Chinese side claims: "The U.S. military aircraft seriously threatens and damages China's national security. The relevant actions deliberately create sea and air tensions and increase the risk of regional conflicts."²³ China's offshore waters specifically mean the exclusive economic zone. The large-scale and high-frequency reconnaissance of U.S. warships and airplanes against China for a long time is the root cause of endangering the military safety and causing incidents in the sea and air.²⁴ Although China treats foreign military activities in the exclusive economic zone as endangering China's national security, China's domestic law does not stipulate it. According to foreign media reports, in the past ten years, Chinese military reconnaissance ships have begun to conduct activities in foreign exclusive economic zones, including reconnaissance around the RIMPAC exercise near Hawaii in 2012, 2014, 2018, and 2022²⁵ surveillance of a field test of

²⁰ 外交部发言人陆慷就美国拉森号军舰进入中国南沙群岛有关岛礁邻近海域答记者问，2015年10月27日，外交部网站，https://www.fmprc.gov.cn/web/fyrbt_673021/dhdw_673027/201510/t20151027_5433982.shtml.

²¹ 外交部发言人耿爽就美国军舰擅自进入中国南沙群岛有关岛礁邻近海域答记者问，2017年8月10日，外交部网站，https://www.fmprc.gov.cn/web/fyrbt_673021/201708/t20170810_405104.shtml.

²² 外交部发言人陆慷答记者问，2018年1月20日，外交部网站，https://www.fmprc.gov.cn/web/fyrbt_673021/dhdw_673027/201801/t20180119_5434645.shtml.

²³ 2021年12月3日外交部发言人赵立坚主持例行记者会，2021年12月3日，外交部网站，https://www.mfa.gov.cn/web/fyrbt_673021/jzhsl_673025/202112/t20211203_10462100.shtml.

²⁴ 国防部：美军舰机长期对华大范围高频度抵近侦察，2016年5月26日，中国新闻网，<https://www.chinanews.com.cn/mil/2016/05-26/7884533.shtml>.

²⁵ Chinese spy ship lurks around U.S.-led Pacific naval drills, July 21, 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/07/21/chinese-spy-ship-lurks-around-u-s-led-pacific-naval-drills/>. China Defends RIMPAC Spy Ship, July 18, 2014, USNI News, <https://news.usni.org/2014/07/22/china-defends-rimpac-spy-ship>. Navy: Chinese Spy Ship Monitoring RIMPAC Exercise Again, July 13, 2018, USNI News, <https://news.usni.org/2018/07/13/navy-chinese-spy-ship-monitoring-rimpac-exercise>. China Spied On 'World's Largest Naval Drills' – RIMPAC; PLA Navy Spy Ship Comes Uninvited, Yet Again, August 19, 2022, <https://eurasianimes.com/china-sent-a>

THAAD missile defense system in the Aleutian Islands in July 2017,²⁶ and operating off the coast of Australia in July 2017, July 2021, and May 2022.²⁷ These activities may illustrate the legitimacy of China's assertion that it conducts military reconnaissance activities in foreign EEZs.

However, the number of Chinese military activities in foreign EEZs is entirely different from the number of US military activities in China's EEZs, and the impact on national security is very different. In the first half of 2020, the United States dispatched 3,000 military aircraft and more than 60 warships in the South China Sea.²⁸

Table 2. U.S. Warships and Aircraft Transit the Taiwan Strait in 2022

January 22, 2022	USS Dewey destroyer transit the Taiwan Strait
February 26, 2022	USS Johnson destroyer transit the Taiwan Strait
March 17, 2022	USS Johnson destroyer transit the Taiwan Strait
April 26, 2022	USS Sampson destroyer transit the Taiwan Strait
May 10, 2022	USS Port Royal cruiser transit the Taiwan Strait
June 24, 2022	US P-8A patrol aircraft transit the Taiwan Strait
July 19, 2022	USS Benford destroyer transit the Taiwan Strait
August 29, 2022	USS Antietam and USS Chancellorsville cruisers transit the Taiwan Strait
September 20, 2022	USS Higgins and the Canadian HMCS Vancouver transit the Taiwan Strait

e. The passage of foreign military ships and aircraft through the Taiwan Strait. China claims sovereignty and jurisdiction over the Taiwan Strait while respecting the legitimate rights of other countries in the relevant waters. The Chinese side claims regarding U.S. warships passing through the Taiwan Strait: "The United States creates security risks and undermines regional stability."²⁹ Regarding U.S. military aircraft flying over the Taiwan Strait, the China side claims: "The U.S. act deliberately disrupts the regional situation and endangers the peace and stability of the Taiwan

spy-ship-to-the-us-rimpac-yet-again/.

²⁶ Chinese spy ship lurks off the coast of Alaska during missile defense test, July 13, 2017, CNN, <https://www.cnn.com/2017/07/13/politics/chinese-spy-ship-coast-alaska/index.html>.

²⁷ Chinese Navy spy ship rattles Talisman Sabre war games off Queensland coast, July 22 2017, ABC News, <https://www.abc.net.au/news/2017-07-22/chinese-navy-spy-ship-rattles-talisman-sabre-war-games-off-quec/8732944>. Chinese spy ship returns to waters off Queensland ahead of Defence's largest war-fighting exercise, July 13, 2021, ABC News, <https://www.abc.net.au/news/2021-07-14/chinese-spy-ship-returns-to-australian-waters/100289192>.

Australia says Chinese spy ship's presence off west coast 'concerning', May 13, 2022, REUTERS, <https://www.reuters.com/world/asia-pacific/australian-defence-minister-says-chinese-spy-ship-waters-an-act-aggression-2022-05-13/>.

²⁸ 王毅国务委员兼外长在第十届东亚峰会外长会上的发言，2020年9月10日，外交部网站，https://svideo.mfa.gov.cn/wjzb_673089/zyjh_673099/202009/t20200910_7588969.shtml.

²⁹ 美军驱逐舰过航台湾海峡 解放军对美舰警告力度升级，2021年11月24日，新华网，http://www.news.cn/mil/2021-11/24/c_1211459340.htm.

Strait."³⁰ The Chinese official statements do not object to the right of foreign military ships and aircraft to sail and fly over the Taiwan Strait under international law. However, it opposes U.S. military intervention in the Taiwan issue from a political point of view.

China does not object that military ships have the right to pass through international straits under international law, and has repeatedly sailed its own ships through the Osumi Strait, Tsugaru Strait, Tsushima Strait, and Miyako Strait around the Japanese archipelago.³¹ On July 2, 2017, in response to the passage of Chinese warships through the Tsugaru Strait, the Ministry of National Defense stated that the Tsugaru Strait is a non-territorial sea strait, and all national ships, including military ships, have the right to pass.³² In September 2015, a Chinese naval fleet sailed in the Bering Sea and entered U.S. territorial waters of the Tanaga Strait. A spokesman of the Ministry of National Defense stated that the Tanaga Strait is a strait used for international navigation, and military ships and aircraft of various countries have the right of transit.³³ Therefore, China supports the right of warships to pass through the strait under international law.

f. For foreign aircraft entering the Air Defense Identification Zone (ADIZ) in the East China Sea, China claims that they should obey the instructions of the Chinese management agency. This claim shows China's concern about national security interests in adjacent airspace beyond its territorial airspace. Before China established the ADIZ in 2013, 21 countries and regions had already established an ADIZ.³⁴ Following international practice, China published ADIZ management rules. The United States criticized China applying its ADIZ procedures to foreign aircraft that do not intend to enter its national airspace. From China's view, the purpose of rules is to monitor the flight of aircraft that may threaten China's national security, not to violate the freedom of overflight.³⁵

³⁰ 东部战区新闻发言人就美 P-8A 反潜巡逻机穿航台湾海峡发表谈话, 2022 年 6 月 25 日, 新华网, http://www.news.cn/mil/2022-06/25/c_1211660666.htm.

³¹ 国防部: 中国海军舰艇编队通过大隅海峡符合国际法, 2012 年 5 月 1 日, 央视网, <http://news.cntv.cn/20120501/104426.shtml>.

中国海军舰艇编队通过宫古海峡进入西太平洋海域, 2013 年 1 月 31 日, 中国政府网, http://www.gov.cn/jrzq/2013-01/31/content_2323944.htm.

中国海军舰艇编队通过对马海峡进入日本海, 2017 年 9 月 15 日, 中新网, <https://www.chinanews.com.cn/mil/2017/09-15/8331842.shtml>.

China, Russia navy ships jointly sail through Japan strait, Reuters, <https://www.reuters.com/world/asia-pacific/china-russia-navy-ships-jointly-sail-through-japan-strait-2021-10-19/>.

³² 国防部新闻局就我军舰正常通过津轻海峡答问, 2017 年 7 月 3 日, 央视网, <http://m.news.cctv.com/2017/07/03/ARTI84YJAcYMzl4XbrlBr1A6170703.shtml>.

³³ 国防部回应中国军舰进美国领海: 享有过境通行权, 2015 年 9 月 25 日, 新华网, http://www.xinhuanet.com/mil/2015-09/25/c_128266714.htm.

³⁴ 目前世界上设立防空识别区的国家和地区包括: 中国、美国、加拿大、澳大利亚、缅甸、韩国、古巴、芬兰、希腊、冰岛、意大利、日本、利比亚、阿曼、巴拿马、菲律宾、德国、泰国、土耳其、印度、越南、中国台湾地区。引自: Air Defense Identification Zones, International Law Studies, Volume 97, 2021, Office of the Staff Judge Advocate, U.S. Indo-Pacific Command.

³⁵ Statement on the East China Sea Air Defense Identification Zone, John Kerry, Secretary of State, November 23, 2013, <https://2009-2017.state.gov/secretary/remarks/2013/11/218013.htm>.

As a traditional continental country, China emphasizes the importance of maritime sovereignty, security and jurisdiction, and its understanding of the interests of freedom of navigation ranks second. The main reason is that it has been threatened by national security from the maritime direction for a long time in modern times. On the other hand, as the only global maritime hegemony at present, the United States emphasizes the interests of freedom of navigation. One of the reasons is that its national security is less threatened, and the tradition of free trade profoundly impacts its maritime policy. There seems to be no sign of convergence in the relevant policies of China and the United States in the short term. But from another perspective, the Chinese navy is increasingly going to the ocean to safeguard the country's overseas interests and the security of the global maritime strategic channel closely related to the country's interests. Therefore, the demand for the right to freedom of navigation in the worldwide ocean will become increasingly urgent, and the understanding will become more and more comprehensive.

A typical example is that from 2009 to the present, the Chinese navy dispatched more than 100 warships to the Gulf of Aden in the Indian Ocean to perform escort missions and routinely carried out military operations within 200 nautical miles of the coastal countries of Yemen, Oman, Djibouti, and Somalia. This frequency of activity was taken as an opportunity to establish the first overseas military base in Djibouti, Horn of Africa. Global sea lines' security has ever been closely linked to China's national interests.

Table 3. China's Navy and Air Force Ocean-going Activities in the Past Two Years

February 2021	Chinese and Singapore navies held a joint maritime exercise near Singapore. The exercise mainly includes communication, maneuvering, search and rescue. ³⁶
February 2021	Chinese navy fleet participated in the "Peace-21" multinational naval exercise near Karachi, Pakistan. This is the eighth time the Chinese navy has participated in the "Peace" series exercises organized by the Pakistani navy. ³⁷
May 2021	Chinese navy rescue ships arrived in Indonesian waters to assist in rescuing the wrecked Indonesian submarine. ³⁸
May 2021	Chinese navy training fleet held a joint maritime exercise with the Indonesian navy near Jakarta, Indonesia. The drills include maneuvering, communication, search and rescue. ³⁹
From May to June 2021	Chinese navy training fleet carried out combat exercises for more than 20 days. The fleet transited the South China Sea, the Sulawesi Sea, and the Western Pacific

³⁶ 中国新加坡海军将举行海上联合演习，2021年2月23日，人民海军公众号。

³⁷ 海军舰艇编队赴巴基斯坦参加“和平-21”多国海军联合演习，2021年2月11日，人民海军公众号。

³⁸ 中国舰船编队协助救援印尼失事潜艇取得阶段性成果，2021年5月19日，人民海军公众号。

³⁹ 中国印尼海军举行海上联合演练，2021年5月9日，人民海军公众号。

	and conducted drills such as using weapons, joint defense, and replenishment at sea. ⁴⁰
September 2021	Chinese and Singapore navies held a joint maritime exercise on maneuvering, communication, and mutual helicopter landing. ⁴¹
From October 17 to 23, 2021	Chinese and Russian navies carried out the first joint maritime cruise. The Sino-Russian joint formation started from Peter the Great Bay, crossed the Japan Sea, the Tsugaru Strait, went south through the Western Pacific Ocean, crossed the Osumi Strait, and entered the East China Sea. During the cruise, the Sino-Russian joint formation organized drills on navigation, maneuvering, and using weapons. ⁴²
October 2021	Chinese and Russian navies held the "Joint Sea-2021" military exercise in Peter the Great Bay. The Joint Maritime exercise is the largest maritime exercise within the Sino-Russian bilateral framework and has been held nine consecutive times since 2012. ⁴³
November 19, 2021	China and Russia conducted a joint air strategic cruise in the Asia-Pacific region. Two Chinese H-6K bombers and two Russian Tu-95MC bombers organized joint patrols in the Japan Sea and the East China Sea. ⁴⁴
By November 2021	Chinese navy hospital ship Peace Ark has gone overseas to provide humanitarian medical services. It has gone abroad nine times, sailing more than 240,000 nautical miles, serving more than 230,000 person-times in 43 countries and regions. ⁴⁵
December 2021	Chinese navy aircraft carrier Liaoning formation conducted more than 20 days of actual combat training in the open sea. ⁴⁶
January 2022	Chinese navy and air force delivered emergency relief supplies to Tonga. ⁴⁷
From January 18 to 20, 2022	China, Iran, and Russia held the second joint maritime military exercise in the waters of the Gulf of Oman. ⁴⁸
January 24, 2022	Chinese and Russian navies sent five ships to conduct an anti-piracy joint exercise in the northern Arabian Sea. ⁴⁹
From February to March 2022	Chinese navy training fleet conducted combat readiness patrols and training in the South China Sea, the East Indian Ocean, and the Western Pacific Ocean. ⁵⁰
May 24, 2022	Chinese and Russian Air Forces organized a routine joint air strategic cruise over the Japan Sea, East China Sea, and Western Pacific. This is the fourth strategic cruise jointly implemented by the two air forces since 2019. ⁵¹
June 2022	Chinese navy escort fleet has sent more than 100 warships and more than 30,000

⁴⁰ 砺剑大洋！南部战区海军组织舰艇编队远海训练，2021年6月5日，人民海军公众号。

⁴¹ 南部战区海军远海训练编队完成远海训练任务凯旋，2021年10月1日，人民海军公众号。

⁴² 中俄海军首次海上联合巡航圆满结束，2021年10月23日，人民海军公众号。

⁴³ 中俄“海上联合-2021”联合军事演习开幕，2021年10月14日，人民海军公众号。

⁴⁴ 中俄两军组织实施2021年度联合空中战略巡航，2021年11月19日，国防部发布。

⁴⁵ 国防部：海军“和平方舟”号医院船，航行万里守卫和平的友谊使者，2021年11月25日，人民海军公众号。

⁴⁶ 辽宁舰编队完成远海实战化训练，2021年12月30日，人民海军公众号。

⁴⁷ 中国军队派遣舰机向汤加运送救援物资，2022年1月26日，人民海军公众号。

⁴⁸ 中伊俄三国举行第二次海上联合军事演习，2022年1月20日，人民海军公众号。

⁴⁹ 中俄海军举行反海盗联合演习，2022年1月25日，国防部公众号。

⁵⁰ 南部战区海军远海联合训练编队完成训练任务返回湛江，2022年3月3日，人民海军公众号。

⁵¹ 中俄两军组织实施联合空中战略巡航，2022年5月24日，国防部发布。

	soldiers to complete 1,500 escort missions for more than 7,000 Chinese and foreign merchant ships in the Gulf of Aden in 13 years. ⁵²
August 2022	Chinese and Thai Air Force held the "Eagle Strike-2022" joint training in Thailand, the fifth joint training between the two countries. ⁵³
September 2022	Chinese navy held the "Oriental-2022" exercise with Russia in the Japan Sea. This is the fourth time the Chinese military has participated in the Russian military's annual strategic exercise. ⁵⁴
From September to October 2022	Russian and Chinese navies launched the second joint cruise in the Pacific, sailing 7,000 nautical miles together. Two sides held several joint exercises and training, including anti-submarine, air defense, live firing, and ship-borne helicopter landing. On September 19, seven Chinese and Russian naval ships appeared in the Bering Strait, about 75 nautical miles north of Alaska.

5. Participate in Global Ocean Governance

The goal of China's participation in global ocean governance is to build a "community with a shared future for the ocean" as its vision and fundamental pursuit and to advocate a fair and just new international order of the ocean. The two primary ways for China to implement the concept of global ocean governance are to build the "21st Century Maritime Silk Road" and "Blue Partnership" to strengthen maritime cooperation with the international community from the two critical dimensions of economy and politics.

As a major country, it is reasonable for China to advocate a role commensurate with its status in maintaining and developing the global ocean order and governance. However, global ocean governance includes many fields such as politics, economy, environment, security, science and technology, and law. Currently, China's marine legal system, marine scientific and technological innovation capability, and marine management system have many deficiencies. As a result, China's ability to participate in global ocean governance and influence is not enough for it to reach these goals.

6. China's Maritime Strategy and Policy to Safeguard Maritime Interests

Currently, China's maritime strategy is to adhere to the coordinated development of land and sea to build a maritime power. For a long time after the founding of the People's Republic of China in 1949, China's maritime concepts and policies were mainly reflected in the emphasis on

⁵² 1500批，中国海军护航编队再创新纪录，2022年6月10日，人民海军公众号。

⁵³ 国防部：“鹰击-2022”中泰空军联合训练深化两军务实合作，2022年8月25日，国防部发布。

⁵⁴ “东方-2022”演习举行全要素实兵实弹合练，2022年9月4日，国防部发布。

coastal defense. The report of the 18th National Congress of the Communist Party of China in 2012 put forward the strategic goal of building a maritime power, which stated that building a maritime power is an integral part of the cause of socialism with Chinese characteristics, and directed the country to adhere to the overall planning of land and sea, enriching and strengthening the country by the sea, harmony between the people and sea, and win-win cooperation through peace, development, cooperation, and win-win ways to solidly promote the construction of maritime power.⁵⁵

Coordination of land and sea refers to China's overall deployment of land and sea from the economic and social perspective and to promote the coordinated development of the land and sea in all aspects of spatial layout, industrial development, infrastructure construction, resource development, and environmental protection. In 2013, China put forward the initiative of building the Maritime Silk Road at the level of the marine economy as an integral part of the "Belt and Road Initiative" to promote the development of the blue economy. Furthermore, the report of the 19th National Congress of the Communist Party of China in 2017 pointed out that it is necessary to "adhere to the overall planning of land and sea and accelerate the construction of a maritime power."⁵⁶

China's marine power strategy focuses on four areas: marine economy, marine development, marine science and technology, and marine rights and interests. Its goals in these areas are as follows:

Firstly, to improve resource development capabilities and focus on promoting the transformation of the marine economy to a quality-benefit type.

Secondly, to protect the marine ecological environment and promote a shift to recycling in marine development.

Thirdly, to develop marine science and technology and to promote the transformation to an innovation-led type.

Fourthly, to safeguard the country's marine rights and interests and adhere to the policy of "sovereignty in me, shelving disputes, and joint development".⁵⁷

In 2019, China proposed for the first time the concept of building a community with a shared future for the oceans and committed itself to global ocean governance. This is an essential

⁵⁵ 胡锦涛在中国共产党第十八次全国代表大会上的报告，2012年11月8日。

⁵⁶ 习近平在中国共产党第十九次全国代表大会上的报告，2017年10月18日。

⁵⁷ 习近平：进一步关心海洋认识海洋经略海洋 推动海洋强国建设不断取得新成就，2013年7月30日，新华网，http://www.xinhuanet.com/politics/2013-07/31/c_116762285.htm。

development of China's maritime strategy, marking that China's maritime strategy contains a global pattern and an international perspective. The community with a shared future for the ocean includes common marine security, common marine well-being, joint construction of marine ecological civilization, and joint promotion of maritime connectivity.

The current strategy adopted by China in safeguarding national maritime sovereignty and interests is to focus on establishing comprehensive and balanced maritime rights protection, coordinating the overall *stability maintenance and rights protection situation*, and insisting on the unity of safeguarding national sovereignty, security, and development interests. Furthermore, China's current policy is to resolve disputes through peaceful means and negotiation, adhere to the "sovereignty in me, shelve disputes and develop together" policy, and strive to maintain regional peace and stability. At the same time, the Chinese government has highlighted marine rights protection, emphasizing that "the struggle for rights protection at sea will exist for a long time."⁵⁸

II. U.S. Maritime Interests in China's Offshore Seas

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The United States determines its maritime interests in the waters off China based on the following organizing principle: to ensure the interests of the United States and its allies and to guard against China as a potential challenger to regional security and order.⁵⁹ The leading maritime interests of the United States in the offshore waters of China include:

1. Safeguarding the Security of U.S. Allies and Partners and the U.S.-supported Regional Security Architecture

This is the core interest of the U.S. Indo-Pacific strategy and America's commitment to allies and partners in the Indo-Pacific. Currently, the United States is concerned that China's anti-access/area denial (A2/AD) capabilities will hinder the U.S. military's role in the Indo-Pacific region. China's military power will impede U.S. military movement in the first island chain in

⁵⁸ 《中国的军事战略》白皮书，第一节，2015年5月，国务院新闻办公室。

⁵⁹ U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress, Updated January 26, 2022, <https://sgp.fas.org/crs/row/R42784.pdf>.

wartime, or potentially will make it impossible for the U.S. military to enter the first island chain. In short, China's military development has weakened the dominant position of the U.S. military in the Indo-Pacific region.

The U.S. Indo-Pacific strategy is based on a strategic threat assessment such as that above. The measures to implement the strategy include increasing the deployment of naval and air forces in the region, strengthening relations with allies and partners, and promoting the construction of new security architectures.

China has opposed the regional security architecture constructed by the United States and the formation of an "anti-China alliance," including the Quadrilateral Security Dialogue and AUKUS. China believes these are closed and exclusive "small circles," a product of Cold War mentality and a tool of zero-sum games. A regional security architecture that excludes China is unacceptable to China and is also a strategic divergence between China and the United States that is difficult to reconcile. China strongly needs a peaceful and stable regional maritime order as a maritime power under construction. As China becomes the most significant maritime power in the Asia-Pacific region, China will become more and more confident in leading the construction of a new regional maritime order. The divergence of the new maritime order that embodies China's will and the U.S.-led maritime order may become the main content of Sino-U.S. maritime competition for some time.

2. Preventing China's Use of Force or Coercion on Neighboring Countries

The United States believes that it has led the Asia-Pacific regional order led since World War II. Nevertheless, China's actions in the South China Sea and the East China Sea challenge the U.S.-led order. The United States believes that China is establishing the principle of "might is right" in international relations. On the Taiwan issue, the United States has gradually increased official exchanges through its military deployment in the Indo-Pacific region and arms sales to Taiwan, providing political and military assistance to "Taiwan Administration", and trying to prevent the mainland from using force against Taiwan, to maintain the current "de facto split" status quo. U.S. allies in the Western Pacific region, South Korea, Japan, and the Philippines, all have disputes over jurisdictional waters or islands' sovereignty with China. Currently, the United States is particularly concerned about improving the ability of allied and partners in the Asia-Pacific region by assisting the development of their navies and maritime law enforcement forces.

China rejects the charge that it is bullying its neighbors. Since the 1970s, China has proposed "shelving disputes and joint development" to resolve territorial disputes with maritime neighbors. Currently, China advocates to "persistently resolve relevant disputes in the South China Sea through negotiation and consultation with the countries directly concerned based on respecting

historical facts and under international law."⁶⁰ After the local conflict in 1988, the disputes around China are in a state of "shelving." As a result, the South China Sea has generally maintained peace and stability.

At present, China has the most powerful military force in the South China Sea. Through the land reclamation and construction, China has expanded the land area of the islands, strengthened the military force stationed, and gained the strength superiority in the South China Sea. But China has not used force to reclaim islands occupied by Vietnam, the Philippines and Malaysia in the South China Sea. This is China's policy of "shelving disputes".

3. Safeguarding Freedom of Navigation, Especially the Freedom of Military Activities

Since the founding of the United States, freedom of navigation has been established as one of its core national interests and diplomatic principles. One of the goals of the U.S. Indo-Pacific strategy is to maintain freedom of navigation and flight over the seas. Specifically reflected in China's coastal waters, the U.S. maritime interests are mainly manifested in the freedom of maritime military activities. Specific actions include:

- U.S. warships entering China's territorial waters to conduct freedom of navigation operations,
- U.S. military reconnaissance ships and survey ships conducting military reconnaissance and military surveys in China's exclusive economic zone,
- U.S. military reconnaissance aircraft and bombers conducting military reconnaissance and exercises over China's exclusive economic zone,
- U.S. unmanned underwater vehicles and drones operating in and over China's exclusive economic zone, and
- U.S. warships and aircraft sailing through and flying over the Taiwan Strait.

A prominent feature of recent years is that the frequency of these military activities has increased yearly. For example, from the inauguration of the U.S. Biden administration in January 2021 to April 2021, the frequency of U.S. warships' activities in China's waters in person has increased by more than 20% compared with the same period last year, and the frequency of reconnaissance aircraft activities has exceeded 40%.⁶¹

⁶⁰ “搁置争议，共同开发”，外交部网站，<https://www.fmprc.gov.cn/chn/pds/ziliao/wjs/2159/t8958.htm>.

⁶¹ 国防部：中国海军舰艇警告驱离抵近侦察的美舰“马斯廷”号，2021年4月29日，人民海军公众号。

The United States believes that China's domestic law and maritime operations limit navigation freedom and undermine this customary international law regime. Further, the United States is concerned that China's practice of restricting freedom of navigation may become widely accepted as an international practice and affect global navigation. Were that to happen, China's practice would restrict the activities of the U.S. Navy in international waters and may force the United States to make significant changes in military, foreign, and grand strategy.

The United States considers some of China's maritime claims to be *excessive maritime claims* and continues to challenge China's claims through the implementation of freedom of navigation operations by warships and military aircraft. The United States asserts that China's *excessive maritime claims* include:⁶²

- China's historic bay/water claims, including the Nine-Dash Line in the South China Sea, and China's internal water claims, such as the Qiongzhou Strait;
- China's straight territorial baseline claims, including China's straight baselines along the coast of the mainland and the Xisha (Paracel) Islands;
- China's legal requirements for foreign warships in territorial waters requiring prior approval;
- China's claim to have jurisdiction on security issues in the contiguous zone;
- China's claim to have jurisdiction over foreign military survey activities in the exclusive economic zone and China's claim that the military activities in and over the exclusive economic zone threaten China's national security;
- China's claim that the Nansha (Spratly) Islands are a whole archipelago and enjoy the territorial sea, contiguous zone, and exclusive economic zone;
- China's claim that aircraft flying into its ADIZ should be under control even if they do not intend to enter China's airspace.

In response to U.S. warships and aircraft activities in China's coastal waters, China has taken countermeasures, including official protests, diplomatic negotiations, navy and air force tracking, monitoring, warnings, and repelling. Several dangerously close encounters have occurred between the naval and air forces of the two countries.

After a U.S. EP-3 and China J-8 collided in the South China Sea in 2001, a consensus on

⁶² DoD Annual Freedom of Navigation (FON) Reports, 1992-2021, <https://policy.defense.gov/OUSDP-Offices/FON/>.

avoiding incidents was reached between the two countries. In 1998, China and the United States established a Consultation Mechanism to Strengthen Military Maritime Safety (MMCA). In 2014, China and the United States adopted the Code for Unexpected Encounters at Sea (CUES) at the Western Pacific Naval Symposium and signed the Rules of Behavior for Safety of Air and Maritime Encounters. These mechanisms have played an influential role in avoiding air and sea incidents. Although the naval and air forces of the two countries have approached dangerously several times in the last twenty years, there has been no collision so far.

4. Maintain a Favorable Balance of Maritime Power for the United States and Offset

China's Advantages

In the face of the rapid development of China's naval forces, the United States believes that China's growing military capabilities are eroding U.S. military superiority, so U.S. maritime power will take action to reverse this trend. The latest U.S. maritime strategy is to guide U.S. maritime power to compete with China, compete for sea dominance, and gain advantages. In the next Sino-U.S. maritime competition, the Navy, Marine Corps, and Coast Guard services will work together to shape a favorable balance of maritime power for the United States and offset China's advantages. The implementation of U.S. maritime strategy entails several objectives:⁶³

- Integrate the three services of the Navy, the Marine Corps, and the Coast Guard to generate a comprehensive and all-domain maritime force;
- Strengthen the relationship between the United States and allies and partners;
- In peacetime, to prevent U.S. competitors from conducting military operations;
- In the event of a conflict, control the oceans and defeat the enemy;
- Maintain U.S. maritime superiority.

III. Convergence of Sino-U.S. Maritime Interests

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⁶³ Advantage at Sea Prevailing with Integrated All-Domain Naval Power, December 2020, the U.S. Navy, Marine Corps, and Coast Guard.

While China and the United States have important divergences in their maritime interests, it is important to recognize that there is a large body of security, economic, and environmental interests which they both share and on which there is potential for cooperation. By many measures the world's two largest maritime powers, China and the United States both benefit from several rights and freedoms enshrined in international maritime law that their large maritime capacities are uniquely suited to take advantage of.

1. Shared Security Interests

Even as media, scholarly, and official attention has often focused on divergences between China and the United States' maritime security interests, there remains substantial areas of commonality.

Both countries hold a strong interest in maintaining freedom of navigation for both commercial and military ships. Any disruption in the free flow of trade through maritime chokepoints in the region would have hugely negative ramifications for both countries, as they are both deeply connected to globalized trade streams and remain vulnerable to shortages, despite efforts to increase self-sufficiency in key sectors. Both militaries also have a strong interest in maintaining the right to pass through international straits and to operate within foreign exclusive economic zones. The free navigation of military ships is essential to the United States' ability to project power globally, which underpins the credibility of its alliance commitments and security strategy. China's increasing overseas interests have spurred the development of its naval and maritime forces, which also depend on free navigation to project power beyond China's near waters. Since 2012, Chinese military ships have been observed conducting surveillance within foreign EEZs on numerous occasions.⁶⁴ As China's forces operate in distant waters more regularly, its interest in maintaining the current freedoms allotted to military ships within the EEZ will only increase.

Beyond traditional security threats, there are also a range of non-traditional security threats that both China and the United States have a shared interest in confronting. Piracy remains a perennial problem in Southeast Asia and spiked during the height of the Covid-19 pandemic in 2020.⁶⁵ Arms, drug, and human trafficking are also major vectors in transnational crime in the

⁶⁴ See Section I.4.d

⁶⁵ Storey, Ian. Piracy and the Pandemic: Maritime Crime in Southeast Asia, 2020-2022. Fulcrum. 2022. <https://fulcrum.sg/piracy-and-the-pandemic-maritime-crime-in-southeast-asia-2020-2022/>

region.⁶⁶⁶⁷⁶⁸ And the need for humanitarian assistance and disaster relief operations is likely to grow due to increasing frequency of extreme weather events due to climate change. China and the United States have an interest in partnering with other nations in the region to address these challenges not just to reduce the impact of these phenomena on their own citizens, but also to create a more stable regional environment and enable regional economic development.

Both China and the United States also have an essential interest in maintaining safe interactions between their militaries at sea and in the air, as well as ensuring that any accidental incident can be de-escalated. U.S. officials in July accused the Chinese military of conducting an increasing number of unsafe intercepts of U.S. military assets in the South China Sea, and Australia's Defense Ministry reported an interaction in June between a Chinese fighter jet that risked the safety of an Australian surveillance plane.^{69 70} These types of incidents are a reminder of the need to carefully manage military interactions in order to prevent an incident that could lead to unintended conflict.

2. Shared Economic Interests

As two countries with significant capacity in maritime industries and demand for maritime resources, China and the United States share an interest in economic exploitation of maritime areas. The main areas of activity include fishing and hydrocarbon exploration and development. In both industries, both China and the United States benefit from the current regime of international maritime law as defined by UNCLOS.

China is the largest capture fisheries producer by far, producing double that of the second largest; the United States also ranks highly as the fourth largest.⁷¹ Both countries' fishing industries benefit from the regime of international maritime law and UNCLOS, albeit in somewhat different ways. The United States has the world's largest EEZ.⁷² While China's EEZ

⁶⁶ Arms Smuggling: Overview. ASEAN Political Security Community. 2020. <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/arms-smuggling/>

⁶⁷ UNODC report: over one billion methamphetamine tablets seized in East and Southeast Asia in 2021 as the regional drug trade continues to expand. UN Office on Drugs and Crime. 2022. <https://www.unodc.org/unodc/en/frontpage/2022/June/unodc-report-over-one-billion-methamphetamine-tablets-seized-in-east-and-southeast-asia-in-2021-as-the-regional-drug-trade-continues-to-expand.html>

⁶⁸ Caballero-Anthony, Mely. A Hidden Scourge. International Monetary Fund. 2018.

<https://www.imf.org/en/Publications/fandd/issues/2018/09/human-trafficking-in-southeast-asia-caballero>

⁶⁹ Ali, Idrees; Brunnstrom, David; and Martina, Michael. U.S. says Beijing's South China Sea 'provocations' risk major incident. Reuters. 2022. <https://www.reuters.com/world/china/us-says-beijings-south-china-sea-provocations-risk-major-incident-2022-07-26/>

⁷⁰ Lendon, Brad. Chinese fighter jet "chaffs" Australian plane near South China Sea, Canberra alleges. CNN. 2022.

<https://www.cnn.com/2022/06/05/australia/australia-china-plane-intercept-intl-hnk-ml/index.html>

⁷¹ Capture fisheries production (metric tons). World Bank. 2018.

https://data.worldbank.org/indicator/ER.FSH.CAPT.MT?most_recent_value_desc=true

⁷² The United States is an Ocean Nation. National Oceanic and Atmospheric Administration. 2011.

https://www.gc.noaa.gov/documents/2011/012711_gcil_maritime_eez_map.pdf

is comparatively smaller, it possesses the world's largest distant water fishing fleet, with an estimated 3,000 vessels operating in every major region in the world.⁷³ Thus, both countries benefit from the freedoms and rights allotted to states under UNCLOS: the United States from the exclusive right to fishing within EEZs, and China from the shared right of all states to fish in the high seas.

China and the United States also share an interest in offshore energy production. The United States is both the world's largest consumer of oil and the largest producer.⁷⁴ China is the world's second largest consumer and fifth largest producer. Both countries have significant offshore oil reserves: the United States in the Gulf of Mexico, and China in the Bohai Sea, East China Sea, and South China Sea. Thus, both countries benefit from the exclusive right as defined in UNCLOS to exploit seabed resources within the continental shelf.

3. Shared Environmental Interests

China and the United States share a common interest in the health of the marine environment both in the region and globally. Marine health in China's surrounding waters is at risk. Fish stocks are threatened by overfishing and habitat destruction, with catch levels in the South China Sea and the East China Sea having peak in 2014 and declining since then to match catch rates of the 1990, despite an increasing number of active fishing vessels.⁷⁵ Globally, nearly half of all fish stocks are overfished and nearly 10 percent are on the brink of collapse.⁷⁶

China and the United States both have several interests in the health of fish stocks and the marine environment more broadly. China, as the world's largest fishing nation, has an interest in protecting fish stocks for future exploitation, both in its surrounding waters as well as the international waters its distant water fishing fleets operate in. Both the United States and China also have an interest in protecting regional food security and fishing industries which are threatened by the declining marine environment. Asia has the largest number of people employed in fishing industries of all major regions; a fisheries collapse could trigger serious economic, social, political, and humanitarian consequences for China's neighbors and the United States' allies and partners, and would contribute to regional instability.⁷⁷ Finally, ocean health is also

⁷³ Shining a Light: The Need for Transparency across Distant Water Fishing. Stimson Center. 2019. <https://www.stimson.org/2019/shining-light-need-transparency-across-distant-water-fishing/>

⁷⁴ The 20 largest oil producers and share of total world oil production in 2021. U.S. Energy Information Administration. 2022. <https://www.eia.gov/tools/faqs/faq.php?id=709&t=6>

⁷⁵ Sink or Swim: The future of fisheries in the East and South China Seas. ADM Capital Foundation. 2021. https://www.admcf.org/wp-content/uploads/2021/11/Sink-or-Swim-Full-Report_171121.pdf

⁷⁶ Global Fishing Index. Minderoo Foundation. 2021. <https://www.minderoo.org/global-fishing-index/results/key-findings/#finding-one>

⁷⁷ The State of World Fisheries and Aquaculture. Food and Agriculture Organization. 2020. <https://www.fao.org/3/ca9231en/ca9231en.pdf>

related to the larger environmental issues surrounding greenhouse gas emissions and climate change, an issue both countries have pledged to address.⁷⁸

4. The Priority of Divergent and Convergent Interests

While the United States and China share many maritime interests, it is important to recognize that China's emergence as a global maritime power has occurred rapidly and only recently, and though its interests will in some regards come to resemble more closely those of the United States in time, in several areas it will continue to prioritize its immediate sovereignty interests over global maritime advantages. In this way, China's definition of freedom of navigation will likely not align with that of the United States in the near term, as it will continue to prioritize what it sees as security concerns in its near waters over the benefits that a more expansive concept of freedom of navigation would offer its own military. In light of this dynamic, it is possible that Chinese and U.S. views on freedom of navigation may only come to align more closely once security and sovereignty concerns in China's near waters can be sufficiently managed.

IV. Policy Suggestions on the Management of Sino-U.S. Maritime Divergence

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In the context of China-U.S. strategic competition, China and the United States adhere to their respective perceptions of maritime interests, making concessions and compromises difficult. Therefore, it is unlikely that the divergence will be bridged in the short term. However, in another way, the overlap of perceptions should be given serious consideration. Managing divergence and cooperation based converging areas of interest is a strategic choice that is seriously ignored. In the reality of increasingly intensified competition, management of divergence is not the result of competition but should be regarded as a means of reducing the risks of competition.

⁷⁸ U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s. U.S. Department of State, Office of the Spokesperson. 2021. <https://www.state.gov/u-s-china-joint-glasgow-declaration-on-enhancing-climate-action-in-the-2020s/>

1. Avoiding Conflicts and Escalation Between Military Forces

Currently, the high-frequency interaction between the naval and air forces of China and the United States in China's coastal waters has become the most intense field in the comprehensive strategic competition, and it is most likely to deteriorate into a conflict. Preventing this interaction from deteriorating into conflict or war is the primary convergence and the bottom line of China-U.S. strategic competition. Policy proposals to achieve this goal include:

- maintaining communication and engagement at the strategic and policy levels to ensure consensus on the bottom line;
- implementing rules of behavior at the operational level, preventing hostile and dangerous activities;
- sustaining communication and consultation mechanisms, which can be involved in crisis management when unexpected events occur.

**Table 4. Dangerous Military Interactions Between China and Foreign Militaries
in the Past Two Years**

April 2021	USS Mustin continued to conduct close-range reconnaissance of the Chinese fleet during the training activities of the Chinese naval aircraft carrier Liaoning. The Chinese Ministry of National Defense said that the U.S. warship seriously interfered with China's exercise and training activities and threatened the safety of both ships' navigation and personnel. Chinese navy ships warned U.S. ships to leave. ⁷⁹
February 17, 2022	Chinese naval ship and an Australian P-8 anti-submarine patrol aircraft met at close range in northern Australia. The Chinese side said that the military aircraft was only 4 kilometers away from the Chinese warship and dropped sonar buoys around the Chinese warship. The Australian side said that Chinese military boats used lasers to irradiate Australian anti-submarine patrol aircraft. ⁸⁰
March 2022	The US Pacific Air Force Commander recently stated that the US F-35 fighter jet had recently encountered a Chinese J-20 fighter jet at close range over the East China Sea. ⁸¹
March 2022	Aquilino, commander of the U.S. Indo-Pacific headquarters, took a P-

⁷⁹ 国防部：中国海军舰艇警告驱离抵近侦察的美舰“马斯廷”号，2021年4月29日，人民海军公众号。

⁸⁰ 国防部新闻发言人谭克非就中澳舰机相遇答记者问，2022年2月21日，国防部发布。

⁸¹ Aerospace Nation: Gen Kenneth S. Wilsbach, 2022-3-15, <https://www.youtube.com/watch?v=GNP6S5uwZQ>.

	8A patrol plane to the South China Sea. During the flight, the Chinese military repeatedly used radio to warn the P-8A Poseidon that the plane had illegally entered what they said was Chinese territory and ordered it to leave. ⁸²
May 26, 2022	The Australian Ministry of Defence stated that an Australian military aircraft was intercepted by a Chinese fighter while performing a reconnaissance mission in the airspace of the South China Sea. Australian Defense Minister Richard Marles said the Chinese jet flew very close in front of the RAAF aircraft and released a "bundle of chaff" containing small pieces of aluminum that were ingested into the Australian aircraft's engine. ⁸³ The Chinese side said an Australian P-8A aircraft approached China's Xisha airspace for reconnaissance. The Australian military plane seriously threatens China's sovereignty and security. The Chinese PLA Southern Theater naval and air forces identified the Australian aircraft and issued a warning to drive them away. ⁸⁴
June 6, 2022	The Canadian Armed Forces issued a statement claiming that on several occasions, while conducting security patrol near North Korea, the People's Liberation Army Air Force (PLAAF) harassed a Royal Canadian Air Force CP-140. Global News, citing anonymous sources, reported there have been about 60 intercepts of the CP-140, which is the Canadian designation of the P-3 Orion maritime patrol aircraft, over international waters by Chinese fighter jets since December 2021. The Chinese side said that Canadian military planes used the implementation of UN Security Council resolutions as an excuse to step up reconnaissance and provocations against China, endangering China's national security and endangering the safety of front-line personnel on both sides. ⁸⁵

China and the United States have established communication and exchange mechanisms which have played an active role in the past twenty years. These mechanisms include military hotlines, high-level dialogues, military consultation mechanisms, joint exercises, and exchange activities between academies and services. Those measures are not expected to resolve policy divergence, but they can achieve the functions of managing divergence and avoiding conflict.

⁸² AP Exclusive: US admiral says China fully militarized isles, By JIM GOMEZ and AARON FAVILA, March 22, 2022, <https://apnews.com/article/business-china-beijing-xi-jinping-south-china-sea-d229070bc2373be1ca515390960a6e6c>.

⁸³ Australia says Chinese fighter jet intercepted surveillance craft in May, JUN 5, 2022, REUTERS, <https://www.rappler.com/world/asia-pacific/australia-says-chinese-fighter-jet-intercepted-surveillance-craft-may-2022/>.

⁸⁴ 国防部新闻发言人谭克非就澳大利亚炒作中国军机“干扰”澳大利亚军机事件答记者问，2022年6月7日，国防部发布。

⁸⁵ 加拿大炒作中加军机相遇事件 国防部、外交部双双回应，2022年6月7日，中华人民共和国驻加拿大大使馆，http://ca.china-embassy.gov.cn/zjwl/202206/t20220607_10699403.htm。

In addition, the U.S. Department of Defense is also hoping to open more hotlines with China. The U.S. side seeks to establish better communication channels between the U.S. Secretary of Defense, the U.S. Joint Chiefs of Staff Chairman, the Commander of the U.S. Indo-Pacific Headquarters, and the corresponding Chinese officials.⁸⁶ However, because of the different mechanisms and authorities of the foreign exchanges between the Chinese and American militaries, more levels of hotlines between the Chinese and American militaries may not be realized in the short term.

After the airplane collision between China and the United States in the South China Sea in April 2001, China and the United States strengthened their attention and consultation on maritime military safety. Afterward, the USNS Impeccable incident occurred in 2009. In addition, USS Decatur and the Chinese destroyer Lanzhou approached within a dangerously close distance in the South China Sea in 2018. Moreover, Chinese and U.S. warships and aircraft have had unsafe encounters frequently because of disagreements over U.S. freedom of navigation operations and military reconnaissance operations. However, there has been no severe incident of the sea and air collisions between ships and aircraft between China and the United States since 2001.

In 2014 and 2015, China and the United States accepted the Code for Unplanned Encounters at Sea at the Western Pacific Naval Symposium. They established Rules of Behavior for Safety of Air and Maritime Encounters to regulate the actions of warships and aircraft. Therefore, China and the United States have established rules for preventing dangerous military incidents, managing crises, and avoiding conflicts in the sea and air. In the future, the focus of China and the United States should be on implementing, evaluating and revising the rules.

Due to the deterioration of Sino-US relations in recent years, the number of exchange activities between the two militaries has dropped sharply. For example, there were ten more academic exchanges in 2019, but it had reduced to one in 2020.⁸⁷ On August 5, 2022, China announced eight countermeasures against the U.S. side, including canceling a phone call between the leaders of the two military theaters, canceling a working meeting of the Chinese and U.S. Department of Defense, and canceling the meeting of the China-U.S. Maritime Military Safety Consultation Mechanism (MMCA). The MMCA is a mechanism established by the Chinese and U.S. Defense Departments in 1998 to enhance maritime military safety. Through this mechanism, the two countries exchange information on the current Sino-US maritime and air safety situation, evaluate the implementation of the "Code of Conduct for the Safety of China-US Maritime and Air Encounters," and discuss measures to improve China-US

⁸⁶ Pentagon Hopes for More China Hotlines, JUNE 9, 2022, Foreign Policy, <https://foreignpolicy.com/2022/06/09/pentagon-china-hotlines-diplomacy/>.

⁸⁷ Military and Security Developments involving the People's Republic of China, 2020, 2021, Office of the Secretary of Defense.

maritime military safety issues.⁸⁸ The cancellation of the MMCA marks the temporary suspension of one of the most mature channels between China and the United States to manage and control maritime military crises.

China's "cancellation" of the meeting did not make it clear whether it was only "canceling" the previous year's meeting or whether it "canceled" the exchange mechanism ultimately, nor did it rule out the possibility of resuming these meetings in the future. In addition, the hotlines of the Ministry of Defense of China and the United States still exist, and the embassy attachés of the two countries still maintain communication and operation. The communication channels between the Chinese and American militaries to manage and control the crisis have not been completely cut off. As risks to China-US maritime military safety still exist, the two sides should actively resume these dialogues and meetings in due course.

Table 5. China-US Military Exchanges in the Past Two Years

August 19, 2021	The leaders of the International Military Cooperation Office of the Central Military Commission had a video call with the Deputy Assistant Secretary of Defense of the United States. ⁸⁹
From September 28 to 29, 2021	The leaders of the International Military Cooperation Office of the Central Military Commission and the Deputy Assistant Secretary of Defense of the United States co-chaired the 16th China-U.S. Department of Defense Working Meeting via video. This is the first institutional dialogue between the Chinese and American militaries since the Biden administration took office. ⁹⁰
From December 14 to 16, 2021	Military representatives from U.S. Indo-Pacific Command, U.S. Pacific Fleet, and U.S. Pacific Air Forces met virtually with People's Republic of China (PRC) People's Liberation Army (PLA) Navy and Air Force representatives for the Military Maritime Consultative Agreement (MMCA) Working Group and Flag Officer annual session. ⁹¹
April 20, 2022	State Councilor and Defense Minister Wei Fenghe had a phone call with U.S. Secretary of Defense Austin at request. This is a practical measure to implement the critical consensus reached by President Xi Jinping and President Biden. The two sides agreed that the two militaries should keep

⁸⁸ 国防部介绍 2021 年度中美两军海上军事安全磋商机制会议情况，2021 年 12 月 30 日，国防部发布。

⁸⁹ 2021 年 9 月国防部例行记者会文字实录，2021 年 9 月 30 日，国防部发布。

⁹⁰ 国防部：美方应重构正确对华认知 推动两军关系健康稳定发展，2021 年 10 月 28 日，国防部发布。

⁹¹ U.S. Indo-Pacific Command representatives to meet virtually with Chinese counterparts for Military Maritime Consultative Agreement working group, Dec. 13, 2021, U.S. Indo-Pacific Command.

	communication channels open, manage risks, and advance the construction of a crisis communication mechanism. ⁹²
June 10, 2022	State Councilor and Defense Minister Wei Fenghe held talks with U.S. Secretary of Defense Austin during the Shangri-La Dialogue. The two sides believe that the two militaries should maintain high-level strategic communication, manage and control conflicts and differences, and not turn conflicts and differences into conflicts and confrontations. ⁹³
July 7, 2022	Li Zuocheng, the member of the Central Military Commission and chief of staff of the Joint Staff Department of the Central Military Commission, had a video call with Milley, chairman of the U.S. Joint Chiefs of Staff. The two sides believe that it is in the common interests of both sides to maintain the stable development of the relationship between the two militaries and avoid conflicts and confrontations. ⁹⁴

2. Jointly Protect Passage Right of Sea Lines of Communication

China's offshore waters are an essential commercial channel connecting the Western Pacific and the Indian Ocean, and it is the only waterway for East Asian countries to import crude oil. This strategic sea line of communication plays a vital role in the economy of East Asia. Maintaining the security of the global sea lines of communication, including China's offshore waters, is also a significant maritime interest of both the United States and China. Therefore, China and the United States are in consensus on this issue.

As the world's largest commercial shipping country and the second large naval force, China's understanding, proposition, and practice of strategic sea lines of communication will have a meaningful impact on developing the world's maritime legal order. On this issue, there will be more convergence points between the interests of China and the United States and more consensus between the two countries. The specific issues that the two countries can discuss and agree on include: the passage of the straits used for international navigation, the passage of the straits between the Japanese archipelago, the passage of the waters of the Philippine archipelago and the Indonesian archipelago, and the conducting of military activities in the exclusive economic zone.

In the contemporary international practice of law of the sea, some countries' claims of

⁹² 魏凤和同美国国防部长通电话，2022年4月20日，国防部发布。

⁹³ 魏凤和与美国国防部长举行会谈，2022年6月10日，国防部发布。

⁹⁴ 李作成与美军参联会主席米莱视频通话，2022年7月8日，人民海军公众号。

maritime jurisdiction conflict with other countries' passage of international shipping lanes. For example, in 2009, India demarcated a straight territorial baseline in the Lakshadweep Islands, including the Nine-degree channel, which was previously used for free navigation. As a result, military ships could not conduct innocent passage through the Nine-degree channel without permission. The United States regards this as an excessive maritime claim.⁹⁵ In this instance, and potentially others, China's navigation rights would also be affected, as the Nine-degree channel is also an essential waterway for Chinese navy ships sailing across the Indian Ocean to the Gulf of Aden.

With the continuous expansion of the country's overseas interests, the correlation between China's national interests and freedom of navigation has increased. China's navy is sailing the global ocean to defend its overseas interests.⁹⁶ Under international law, the right to navigation will become China's primary interest as a maritime power. China and the United States will have more common interests on this issue.

3. Seek Cooperation in Non-traditional Security Fields

Under the current overall slump in Sino-US relations, the cooperation between the two countries in the maritime field will inevitably stagnate or go backward. But both China and the United States are an integral part of each other's economies, and both China and the United States will have to deal with each other for the foreseeable future. The U.S. government also recognizes that competition and cooperation are integral to the U.S.-China relationship. Even as it competes, the United States must cooperate with China in areas where its interests align. Areas of future Sino-US cooperation may include:⁹⁷

- Tackling climate change,
- Reducing carbon emissions,
- Tackling pandemics,

⁹⁵ Limits in the Seas, No. 150, January 2022, United States Department of State, Bureau of Oceans and International, Environmental and Scientific Affairs.

⁹⁶ 中国海军在亚丁湾完成 1500 批护航任务 2022 年 6 月 11 日, 国防部网, http://www.mod.gov.cn/action/2022-06/11/content_4912708.htm.

中国军舰第 3 次进入日本领海, 2017 年 7 月 3 日, 日经中文网, <https://cn.nikkei.com/politics/economy/politics/society/25852-2017-07-03-10-31-48.html>.

菲律宾控中国军舰非法闯入 召见中国大使, Mar 15, 2022, the Australian, <https://cn.theaustralian.com.au/2022/03/15/64610/>.

中国核潜通过马六甲海峡引关注, 2016 年 6 月 30 日, 新华网, http://www.xinhuanet.com/mil/2016-06/30/c_129103434.htm.

⁹⁷ 布林肯国务卿在乔治·华盛顿大学的讲话 本届政府对中华人民共和国的方针, 2022 年 5 月 26 日。

- Tackling the proliferation of weapons of mass destruction and arms control,
- Combating illegal narcotics,
- Tackling the global food crisis,
- Conducting global macroeconomic coordination.

China-US coast guard cooperation was once a model for the two countries to deal with non-traditional security threats in the maritime domain. China and the United States signed the Memorandum of Understanding on Effective Cooperation and Implementation of U.N. General Assembly Resolution 46/215 in 1993. Under the agreement, the China Coast Guard cooperates with the U.S. Coast Guard to conduct fishery law enforcement on the high seas of the North Pacific and jointly crackdown on illegal fishing operations such as drift nets on the high seas and maintain the order of fishery products on the high seas. But after 2020, the agreement has effectively lapsed. In August 2021, Carl Schultz, the commander of the U.S. Coast Guard, said that he was renegotiating with the Chinese Coast Guard and seeking to restore the cooperation agreement to jointly carry out maritime law enforcement and combat "illegal, unreported and unregulated" (IUU) fishing. As a growing maritime power, China cannot ignore the current status of the United States as a global maritime hegemon. Therefore, even as relations between the two countries deteriorate, China needs to seek possible areas of cooperation to safeguard its maritime interests in its interactions with the United States.

During the writing of this report, due to several visits to Taiwan by U.S. House of Representatives Speaker Nancy Pelosi and U.S. congress members, the Chinese military held successive military exercises near the Taiwan Strait and announced eight countermeasures against the U.S. As a result, the contradiction between China and the United States on the Taiwan issue has intensified again, and some foreign media have called it the "fourth Taiwan Strait Crisis." However, judging from the maritime actions of the two countries, China and the United States still have a specific tacit understanding to avoid direct maritime conflicts. During the Chinese exercise, the U.S. military maintained a certain distance from the exercise area announced by the Chinese side. U.S. ships and planes did not enter the Taiwan Strait during the exercise. The U.S. military has always emphasized the professionalism of its operations during several close encounters with Chinese ships and aircraft. The Chinese side has always stressed that military action is only a deterrent to Taiwan's independence forces and has not focused on third parties.

In the intensified strategic competition, China and the United States still adhere to their

respective perceptions of maritime interests and show no signs of making concessions or compromises. As a result, the differences in maritime interests between China and the United States will be difficult to bridge in the short term. In the future, the willingness and motivation of the two countries for maritime cooperation may continue to decline, and the difficulty of managing differences in maritime interests may continue to increase. However, managing and avoiding differences from escalating into conflicts should still be the bottom line of strategic competition between the two countries.