

112TH CONGRESS
1ST SESSION

H. RES. 352

Calling for a peaceful and collaborative resolution of maritime territorial disputes in the South China Sea and its environs and other maritime areas adjacent to the East Asian mainland.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2011

Ms. ROS-LEHTINEN (for herself, Mr. MANZULLO, Mr. FALEOMAVAEGA, Mr. ROYCE, Mr. GALLEGLY, Mr. KING of New York, Mr. BURTON of Indiana, Mr. CHABOT, Mr. RIVERA, Mrs. ELLMERS, Mr. MCCOTTER, Mr. POE of Texas, Mr. CRAVAACK, Mr. JOHNSON of Ohio, Mrs. SCHMIDT, Mr. COBLE, Mr. MILLER of Florida, Mr. FORBES, Ms. BORDALLO, Mr. SABLAN, Mr. PIERLUISI, Mr. PAYNE, Mr. ENGEL, Ms. HIRONO, Ms. HANABUSA, Mr. BACA, and Mr. KELLY) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Calling for a peaceful and collaborative resolution of maritime territorial disputes in the South China Sea and its environs and other maritime areas adjacent to the East Asian mainland.

Whereas the South China Sea contains vital commercial shipping lanes and points of access between the Indian Ocean and Pacific Ocean and provides a maritime lifeline to Taiwan, Japan, and the Korean peninsula;

Whereas China, Vietnam, the Philippines, Taiwan, Malaysia, and Brunei have disputed territorial claims over the Spratly Islands, and China, Taiwan, and Vietnam have disputed territorial claims over the Paracel Islands;

Whereas the Government of the People's Republic of China claims most of the 648,000 square miles of the South China Sea, more than any other nation involved in those territorial disputes;

Whereas although not a party to these disputes, the United States has a national economic and security interest in ensuring that no party uses force unilaterally to assert maritime territorial claims in East Asia, including in the South China Sea, the East China Sea, or the Yellow Sea;

Whereas, on May 26, 2011, a maritime security vessel from China cut the cables of an exploration ship from Vietnam, the Binh Minh, in the South China Sea in waters near Cam Ranh Bay;

Whereas, on May 31, 2011, three Chinese military vessels used guns to threaten the crews of four Vietnamese fishing boats while they were fishing in the waters of the Truong Sa (Spratly) archipelago;

Whereas, on June 3, 2011, Vietnam's Foreign Ministry released a statement that "Vietnam is resolutely opposed to these acts by China that seriously violated the sovereign and jurisdiction rights of Viet Nam to its continental shelf and Exclusive Economic Zone (EEZ), running counter to the 1982 United Nations Convention on the Law of the Sea, and going against the spirit and wording of the Declaration on the Conduct of Parties in the East Sea (South China Sea) signed between ASEAN and China in 2002";

Whereas, on June 9, 2011, three vessels from China, including one fishing vessel and two maritime security vessels, ran into and disabled the cables of another exploration ship from Vietnam, the Viking 2;

Whereas, on June 13–14, 2011, the Government of Vietnam held a live-fire military exercise on the uninhabited island of Hon Ong, 25 miles off the coast of Vietnam in the South China Sea;

Whereas, on June 25, 2011, Chinese Peoples' Liberation Army Major General (Ret.) Peng Guangqian stated in a television interview that "China once taught Vietnam a lesson. If Vietnam is not sincere, it will receive a bigger lesson", adding that "If Vietnam continues to act tough, play with the knife, sooner or later it will get cut";

Whereas, on June 26, 2011, the Chinese news agency Xinhua announced that China and Vietnam had agreed to hold talks on how to resolve conflicts arising from a sovereignty dispute over the South China Sea after a June 25 meeting in Beijing between Dai Bingguo, the senior Chinese official in charge of foreign affairs, and Vietnamese Vice Foreign Minister and Special Envoy Ho Xuan Son;

Whereas, on February 25, 2011, a frigate from China's navy fired shots at 3 fishing boats from the Philippines;

Whereas, on March 2, 2011, the Government of the Philippines reported that two patrol boats from China attempted to ram one of its surveillance ships;

Whereas it was reported, on June 17, 2011, that the Philippines removed a string of wooden markers that Manila determined was placed by China in disputed areas of the South China Sea amid growing regional tensions;

Whereas, on June 23, 2011, Secretary of State Hillary Rodham Clinton told visiting Philippines Foreign Secretary Albert del Rosario that “We are determined and committed to supporting the defense of the Philippines”;

Whereas Philippines Foreign Secretary del Rosario stated that the Philippines is a small country, but is “prepared to do what is necessary to stand up to any aggressive action in our backyard”;

Whereas the United States, on June 23, 2011, stated that it was ready to provide hardware to modernize the military of the Philippines;

Whereas the United States and the Philippines conducted combined naval exercises in the Sulu Sea, near the South China Sea, from June 28 to July 8, 2011;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks and the establishment of Joint Development Authorities in disputed areas to jointly develop the areas, without settling the issue of sovereignty;

Whereas in 2002, ASEAN and China signed a Declaration on the Conduct of Parties in the South China Sea;

Whereas that declaration committed all parties to those territorial disputes to “reaffirm their respect for and commitment to the freedom of navigation in and overflight above the South China Sea as provided for by the universally recognized principles of international law”, and to “resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force”;

Whereas a spokesperson for Singapore’s Ministry of Foreign Affairs pointed out, on June 20, 2011, that “as a major

trading nation, Singapore has a critical interest in anything affecting freedom of navigation in all international sea lanes, including those in the South China Sea.”;

Whereas Singapore further urged China to clarify its claims in the South China Sea with more precision as the current ambiguity as to their extent has caused serious concerns in the international maritime community;

Whereas, on June 17, 2011, China dispatched one of its largest patrol ships, the Haixun 31, on a voyage through disputed areas of the South China Sea in a deliberate show of force en route to a port of call in Singapore;

Whereas China’s official media stated that the sailing route of the Haixun 31 in the South China Sea was determined to protect its “rights and sovereignty”;

Whereas in September 2010, tensions were raised in the East China Sea off of the Senkaku (Diaoyutai) Islands, a territory under the legal administration of Japan, when a Chinese fishing vessel deliberately rammed Japanese Coast Guard patrol boats;

Whereas the Government of the People’s Republic of China deliberately heightened these tensions by making a series of diplomatic protests, including on one occasion summoning the Japanese Ambassador after midnight, by threatening “further repercussions” if Japan did not immediately release the Chinese ship captain involved in the collisions, and by encouraging anti-Japanese demonstrations in Chinese cities;

Whereas at a press roundtable in Beijing, China, held on January 15, 2008, former Commander of the Pacific Command, Admiral Timothy Keating, stated that “We (the United States) don’t need China’s permission to go

through the Taiwan Strait. It's international water. We will exercise our free right of passage whenever and wherever we choose as we have done repeatedly in the past and we'll do in the future.”;

Whereas in July 2010, People's Daily, the official newspaper of the Chinese Communist Party, reported that General Ma Xiaotian, deputy chief of the general staff of the People's Liberation Army, said that China “strongly opposed” combined naval exercises to be conducted in the West (Yellow) Sea by the United States and the Republic of Korea;

Whereas these exercises were to be conducted in international waters, as well as Republic of Korea territorial waters, in the vicinity of the site of the March 2010 North Korean torpedo attack on the South Korean military vessel Cheonan, which resulted in 46 deaths;

Whereas these exercises were to include participation by the USS George Washington aircraft carrier group;

Whereas in July 2010, Chinese Major General Luo Yuan, a researcher at the Chinese Academy of Military Sciences, in an interview with a Hong Kong TV station, stressed the importance of the Yellow Sea as “a gateway to China's capital region” and said that “if a U.S. aircraft carrier enters the Yellow Sea, it will become a living target.”;

Whereas the actions of the Government of the People's Republic of China in the South China Sea have also affected United States military and maritime vessels transiting through international air space and waters, including the collision of a fighter plane of China with a United States surveillance plane in 2001, the harassment of the USNS

Impeccable in March 2009, and the collision of a Chinese submarine with the sonar cable of the USS John McCain in June 2009;

Whereas, on July 23, 2010, Secretary of State Hillary Rodham Clinton stated at the Association of Southeast Asian Nations Regional Forum that “the United States, like every nation, has a national interest in freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South China Sea”;

Whereas Secretary Clinton further expressed the support of the United States for the Declaration by the Association of Southeast Asian Nations and China in 2002 on the Conduct of Parties in the South China Sea, and stated, “The United States supports a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion.”;

Whereas, on October 12, 2010, former Secretary of Defense Robert Gates stated at the ASEAN Defense Ministers Meeting-Plus, “The U.S. position on maritime security remains clear: we have a national interest in freedom of navigation; in unimpeded economic development and commerce; and in respect for international law.”;

Whereas former Secretary Gates further maintained “The United States has always exercised our rights and supported the rights of others to transit through, and operate in, international waters.”;

Whereas, on June 4, 2011, at the Shangri-La Dialogue in Singapore, former Secretary Gates stated that “maritime security remains an issue of particular importance for the region, with questions about territorial claims and the ap-

propriate use of the maritime domain presenting on-going challenges to regional stability and prosperity”;

Whereas, on June 5, 2011, at the Shangri-La Dialogue, Liang Guanglie, the Defense Minister from China, said, “China is committed to maintaining peace and stability in the South China Sea”;

Whereas, on June 14, 2011, Hong Lei, the spokesman for the Chinese Foreign Ministry, stated that “China always upholds and has been committed to a proper resolution of differences and disputes over the South China Sea in a peaceful manner through bilateral direct negotiation and friendly consultation with relevant countries.”;

Whereas, on June 22, 2011, Chinese Vice Foreign Minister Cui Tiankai told reporters, in reference to the South China Sea disputes, that “I believe the individual countries are actually playing with fire, and I hope the fire will not be drawn to the United States.”; and

Whereas, on June 29, 2011, the Defense Ministry of the People’s Republic of China stated that “Recent drills by the Chinese navy are routine and not connected to the situation in the South China Sea”, further calling for people to view the exercises in a “rational” way: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) reaffirms the strong support of the United
3 States for the peaceful resolution of maritime territorial
4 disputes in the South China Sea, the East
5 China Sea, and the Yellow Sea and pledges continued
6 efforts to facilitate a collaborative, peaceful
7 process to resolve these disputes;

1 (2) condemns the use of force by naval, mari-
2 time security, and fishing vessels from China in the
3 South China Sea and the East China Sea as well as
4 the use of force by China's North Korean ally in the
5 Yellow Sea;

6 (3) notes that overt threats and gun boat diplo-
7 macy are not constructive means for settling these
8 outstanding maritime disputes;

9 (4) calls on all parties to these territorial dis-
10 putes to refrain from threatening force or using
11 force to assert territorial claims;

12 (5) welcomes the diplomatic efforts of Associa-
13 tion of Southeast Asian Nations (ASEAN) and the
14 United States allies and partners in Taiwan, Japan,
15 and the Republic of Korea to amiably and fairly re-
16 solve these outstanding disputes; and

17 (6) supports the continuation of operations by
18 the United States Armed Forces in support of free-
19 dom of navigation rights in international waters and
20 air space in the South China Sea, the East China
21 Sea, the Taiwan Strait, and the Yellow Sea.

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