

Britain's Pivot to Asia: The Big Picture

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Introduction

Despite being the world's fifth largest economy when measured in terms of gross domestic product,¹ having the sixth largest military budget,² being a nuclear power, permanent member of the UN Security Council, and member of, *inter alia*, NATO and the G7, the United Kingdom is facing a period of deep uncertainty. This uncertainty is in part borne out of Brexit, but equally significantly is borne out of a requirement, amid decreasing economic and military power, to redefine its role in the world and adapt to the changing geopolitical, economic and military landscape – a landscape that potentially has Asia as its fulcrum and Southeast Asia at its heart.³

The UK economy is dominated by the service sector that accounts for 80% of GDP⁴ and as such the UK is heavily reliant on trade to satisfy the needs of its citizens and businesses. This trade is in part facilitated by the UK's 'Red Ensign'⁵ merchant navy fleet which is the tenth

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¹"World Economic Outlook Database," International Monetary Fund, July 2018, <https://www.imf.org/external/pubs/ft/weo/2018/01/weodata/index.aspx>.

²"The Military Balance", International Institute for Strategic Studies, (2019), <https://www.iiss.org/publications/the-military-balance/the-military-balance-2019>. However, UK's the defence budget that was only 1.8% of its GDP in 2017, much lower than those of the US and France, having seen a decline from the post-Cold War peak of 9.8%;

Bob Seely and James Rogers, *Global Britain: A Twenty First Century Vision*, (Henry Jackson Society, 2019), <http://www.defencesynergia.co.uk/wp-content/uploads/2019/03/HJS-Global-Britain--A-Twenty-first-Century-Vision-Report-A4-web.pdf>;

Christopher Martin, "The Attributes and Roles of Naval Forces" in *The UK as a Medium Maritime Power in the 21st Century* (London Palgrave Macmillan, 2016), https://doi.org/10.1057/978-1-137-01237-1_2.

³Statista, "The 15 countries with the highest gross domestic product (GDP) in 2030", <https://www.statista.com/statistics/271724/forecast-for-the-countries-with-the-highest-gross-domestic-product-gdp-in-2030/>. Goldman Sachs predict that by 2030 China will be the largest economy in the world when measured by GDP, India third and Japan fifth.

⁴UK Office For National Statistics, "GDP First Quarterly Estimate, UK: April to June 2019," <https://www.ons.gov.uk/economy/grossdomesticproductgdp/bulletins/gdpfirstquarterlyestimateuk/apriltojune2019>.

⁵UK Department for Transport, "Shipping Fleet Statistics 2018," March 13 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785497/shipping-fleet-statistics-2018.pdf. The Red Ensign Group is the collective title for the shipping registers of the UK, the Crown Dependencies and the Overseas Territories. Registration with the Red Ensign Group provides vessels with the support of British consular services worldwide, and British Royal Navy protection.

largest in the world⁶ and the Royal Navy that is widely considered to be one of the top five most powerful navies⁷ – yet both had been in decline until recently, numerically in terms of ship numbers and also in terms of influence.⁸ This decline is not without consequence, most acutely in respect of the Royal Navy's ability to deploy globally and simultaneously to various areas of operation. This has been thrown into sharp relief by events in the summer of 2019, in which the Iranian Revolutionary Guard seized a British-flagged merchant vessel in the Arabian Gulf in retaliation for the Royal Marines detaining Iran's oil tanker 'Grace 1' in Gibraltar on suspicion of EU sanction violation. Should the UK's engagement in South China Sea (SCS) be seen in the same vein of defending international rules and norms? At the same time, emerging threats in multiple maritime theatres are further exposing the Royal Navy's resource constraints.

The UK has a global trading and diplomatic presence with 134 embassies or consulates worldwide including all the states with maritime claims in the South China Sea, yet its military deployments in the South China Sea and diplomatic messaging, specifically with respect to Hong Kong, have met with significant opprobrium from PRC (China) and strongly worded statements 'not to interfere.'⁹ Officials and media in China have accused the UK of showing a misguided intention to meddle in regional affairs and putting up an ineffectual intervention in the form of freedom of navigation (FON) missions, warning of an increase the likelihood of armed conflict at sea and harms to bilateral ties as Beijing would be justified in issuing threats to the UK to curtail lucrative and increasingly important investment and trade deals.¹⁰

Acknowledging the UK's need to expand its horizons post-Brexit, whilst at the same time maintaining cordial and mutually beneficial relationships with its neighbours in Europe and allies across the Atlantic, it is essential that a coherent policy in respect of the South China Sea is developed and implemented. This policy must of course recognize the UK's historical links to the region and allies therein, and have a political, economic and military dimension.

With respect to the South China Sea region the UK had a sovereign presence in Singapore until 1959 and Hong Kong until July 1, 1997, and during the colonial era occupied Penang Island, Malacca and Myanmar. The UK's historic presence in the region continues through close diplomatic and military ties. Militarily, since 1971 the UK has been a member of the

⁶Ibid.

⁷Kyle Mizokami, "The Five Most-Powerful Navies on the Planet," *The National Interest* (The Center for the National Interest, June 6, 2014, <https://nationalinterest.org/feature/the-five-most-powerful-navies-the-planet-10610>).

⁸UK Department for Transport, "Shipping Fleet Statistics" ; David Axe, "The Decline of the Royal Navy," *The Maritime Executive*, (2016), <https://www.maritime-executive.com/editorials/the-decline-of-the-royal-navy>; Niall McCarthy, "The UK's Shrinking Navy," January 1 2018, <https://www.statista.com/chart/12747/the-uks-shrinking-navy/>. There has been a slight upward growth in personnel numbers since 2017 and hull numbers to meet uncertainty over Brexit and protection of UK water; Tony Radakin, "First Sea Lord Speech to Defence and Security Equipment International, Royal Navy News", September 11 2019, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2019/september/11/190911-1sl-speech-dsei>.

⁹"Hong Kong Protests: UK Should Not Interfere, Says Chinese Ambassador," BBC, August 15 2019," <https://www.bbc.co.uk/news/uk-49356495>.

¹⁰Chen Xiangmiao, "Why Is the UK Expanding Its Military Presence in the South China Sea?" *China-US Focus*, January 15 2019, <https://www.chinausfocus.com/peace-security/why-is-the-uk-expanding-its-military-presence-in-the-south-china-sea->.

Five Powers Defence Arrangements with Australia, New Zealand, Singapore and Malaysia that facilitates defence cooperation between the states, albeit does not contain a mutual defence obligation. Southeast Asia is the UK's third largest market for defence exports and the focus of considerable military engagement in the form of military deployments, exercises, knowledge exchange and military-diplomatic effort. The UK's economic relationship with Southeast Asia is not, of course, limited to defence exports.

China, Japan, Hong Kong and South Korea are all top-15 trading partners with the UK and Southeast Asia is the UK's third largest non-EU export market. Significantly, in 2018, the UK had a trade surplus with Hong Kong (\$7.4 billion), Singapore (\$4.8 billion) and South Korea (\$2.4 billion), but a trade deficit of \$35.3 billion with China, although UK exports to China increased 6.9% that year.¹¹ According to the law firm Baker McKenzie the UK received more Chinese investment than any other country in Europe and North America in 2018 at \$4.94 billion.¹² Economic complementarity has fostered stability and goodwill in Britain's bilateral diplomatic and commercial ties to Asian countries. Why then, would British leaders risk the material gains of interdependence?

Defining the British National Interest

The UK sees itself as a global power and, since the Brexit vote on 23 June 2016 to leave the European Union, has championed the term 'Global Britain' to capture and reflect the desire of the UK to 'deliver on its global ambition'.¹³ More specifically, the government considers that 'Global Britain is about reinvesting in our relationships, championing the rules-based international order and demonstrating that the UK is open, outward-looking and confident on the world stage.'¹⁴ The 'Global Britain' initiative undoubtedly recognises the requirement to look well beyond the EU and North America in terms of future trading relationships, but appears to lack any specific or tangible aims or metrics by which initiatives could be undertaken or effects measured. The UK National Security Review of March 2018 stated,

as global Britain, we are reinvesting in our relationships around the world. We are championing the rules-based system, which has served our interests as a global trading nation and is of vital importance as geopolitics becomes more contested..... The rules-based system we helped to develop has enabled global cooperation to protect shared fundamental values of respect for human dignity, human rights, freedom, democracy and equality....we are committed to upholding and renewing the rules-based international system.¹⁵

On any construction the 'championing of the rules-based international system' is one of the central pillars of the 'Global Britain' initiative and also presents one of its greatest

¹¹ Daniel Workman, "United Kingdom's Top Trading Partners," World's Top Exports, <http://www.worldstopexports.com/united-kingdoms-top-import-partners/>. Accessed August 18 2019.

¹² Baker McKenzie, "Chinese FDI into North America and Europe in 2018 Falls 73% to Six-Year Low of \$30 Billion," January 14 2019, <https://www.bakermckenzie.com/en/newsroom/2019/01/chinese-fdi>.

¹³ UK Government, "Global Britain: Delivering on Our International Ambition," June 13 2018, <https://www.gov.uk/government/collections/global-britain-delivering-on-our-international-ambition>.

¹⁴ Ibid.

¹⁵ UK Government, *National Security Capability Review*, (Cabinet Office, March 2018), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705347/6.4391_CO_National-Security-Review_web.pdf.

challenges. Despite numerous references to the significance of a rules-based international order or system both by UK government ministers¹⁶ and the leaders of the G20 in a joint communiqué in 2018¹⁷ the term is ill-defined and beguilingly difficult to measure or determine. But more significantly if it is taken, within the context of the South China Sea, to mean a desire to uphold the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) through ‘freedom of navigation operations’ then this will inevitably lead to confrontation with China. What form this confrontation may take in the future remains to be seen.

Recognizing that the cornerstone of the UK government’s post-Brexit narrative is captured in the ‘Global Britain’ initiative it is problematic that it lacks specificity in terms of any tangible aims or objectives. In terms of UK’s bilateral relations, the “pivot to Asia” since 2010 has been uneven with unconvincing results to show. Former UK Prime Minister David Cameron and Chancellor George Osborne pursued China quite openly, but under Prime Minister Theresa May a divergence in diplomatic approach had emerged in which the UK has been more actively investing in relations with Vietnam, Japan, and Korea, while showing some cooling off toward China – partly reflecting harder stances on China taken by Europeans and Americans, and partly due to Britain’s reduced appeal as an investment destination in face of uncertainties of Brexit politics.¹⁸

From a neorealist perspective, UK does not face any imminent threat of survival from PRC and therefore should have weak traditional security reasons for reacting to Chinese and other powers’ sovereignty and territorial contentions in the South China Sea. Yet strong securitization arguments have been made for UK’s national security interest in defending a rules-based international order in the SCS. One could argue that the militarization of the SCS with interventions from Australia, Japan and the US has created a highly charged climate of distrust and hostility between Chinese and American and other naval forces, increasing the likelihood of an unforeseen escalation that could have adverse global repercussions undermining Britain’s strategic and commercial interests. Hence Britain’s FON missions in the SCS represent a preventive measure – preventing not the rise of Chinese maritime power (i.e. containment in the Cold War), but managing its destabilising effects to avoid any disruption to the accessibility of sea lanes on which British trade and communications depend.

The strongest case for national security and policy recommendations for ‘championing the rules-based international order’ action to support Royal Navy ‘freedom of navigation’ patrols in the South China Sea have not come from Whitehall, but from major think tanks in London including the Royal United Services Institute (RUSI) and the Henry Jackson Society.¹⁹

¹⁶UK Government, “Global Britain”.

¹⁷G20 Argentina, “Building Consensus for Fair and Sustainable Development,” 2018, <http://templatelab.com/buenos-aires-leaders-declaration/>.

¹⁸Tim Reilly and Kun-Chin Lin, “The Russian Variable in Post-Brexit UK Foreign Relations with China, the US and EU,” *Asia Dialogue* March 3, 2017, <https://theasiadialogue.com/2017/03/03/the-russian-variable-in-post-brexit-uk-foreign-relations-with-china-the-us-and-eu/>.

¹⁹John Hemmings, “Charting Britain’s Moves in the South China Sea,” 2018, <https://rusi.org/commentary/charting-britain%E2%80%99s-moves-south-china-sea>;
John Hemmings and James Rogers, “The South China Sea: Why It Matters To ‘Global Britain,’” (Henry Jackson, 2019), <https://henryjacksonsociety.org/publications/the-south-china-sea-why-it-matters-to-global-britain/>.

Their advocacy of an active British presence in the SCS points to a core problem that some of the options that present are binary and do not allow for a situation where all of the UK's military allies, trading partners, and investors can be satisfied. As an illustration, specifically with respect to the South China Sea, if the UK continues to conduct 'freedom of navigation' patrols with Royal Navy warships in the areas around the Spratly or Paracel Islands this would undoubtedly attract significant criticism from China, and potentially adverse economic consequences. Yet to fail to do so would deeply undermine the UK's purported 'championing of the rules-based international order' and undoubtedly attract significant criticism from allies, most notably the United States. It is in this vein that the situation in the South China Sea and the UK's role in it must be considered. Moreover, and as the Henry Jackson Society suggests, the 'Global Britain' initiative could provide an opportunity to strengthen its global role and position, but this will require a re-engineering of government to provide greater strategic direction.²⁰ John Hemmings of CSIS and HJS has recommended the formulation of a grand strategy, the creation of a National Security Council to oversee it, domestic political management including for the prospect of a loss of British lives, and budget increase for military modernisation,²¹

Critics have recognized the daunting challenges of British power projection in Asia, in terms of domestic politics and generating impact. Rear Admiral James Goldrick of the Royal Australian Navy stated: "[UK's] armed forces have gone far past the point at which their capabilities are aligned with rhetoric of this sort... The promised deployments may be a valuable signal of British interest, but single- or even two-ship efforts run the risk of appearing as tokenism in an environment in which both resolve and military weight are increasingly important... Britain should be focusing its armed forces on Europe and its surrounding seas where such a concentration of effort can more readily provide the necessary military weight – and be sustained."²² In a 1st November 2018 debate on "South China Sea: Royal Navy Deployment" at the House of the Lords, UK politicians grappled with the implications of a potential security-commercial tradeoff.²³ At best one could argue that the long-term interest of securing sea lanes offset the short-term economic threats from China, and seek solace in the fact the Chinese track record does not strongly suggest actions matching the rhetoric in foreign diplomacy.²⁴ If a UK naval presence in SCS is in fact ineffective as the Chinese have claimed, there is no compelling reason for the Chinese to jeopardize a thriving relationship beyond firing off a few rounds of stern warnings.

A related but independent goal for the UK in SCS is Britain's long-standing obligation to several Asian states. Senior British diplomat Sir Eyre Crowe wrote an influential

²⁰ Seely and Rogers, "Global Britain".

²¹ Hemmings, "Charting Britain's Moves in the South China Sea."

²² James Goldrick, "The Limits of Global Britain," *The Lowy Interpreter*, December 5, 2017, <https://www.loyyinstitute.org/the-interpreter/limits-global-britain>; Sam Bateman has made a parallel critique of US FONOPS in SCS, "The Risks of US Freedom of Navigation Operations in the South China Sea," *East Asia Forum* 1 June 2015; Sam Bateman, "US FONOPS: Game on again in the South China Sea," *The Interpreter* May 26 2017, <https://www.loyyinstitute.org/the-interpreter/us-fonop-game-back-south-china-sea>.

²³ Hansard, "South China Sea: Royal Navy Deployment," UK Parliament, November 1 2018, <https://hansard.parliament.uk/lords/2018-11-01/debates/9AD0AA10-3AA5-4338-A8BC-E8C8097333D0/SouthChinaSeaRoyalNavyDeployment>.

²⁴ Mikael Weissmann, "Chinese Foreign Policy in a Global Perspective: A Responsible Reformer "Striving for Achievement," *Journal of China and International Relations*, Vol. 3, No. 1 (2015).

memorandum in 1907, arguing that British naval power should be deployed to protect smaller nations and guarantee their national independence, as well as to champion universal free trade.²⁵ Bew and Jones (2017) advocated a return “East of Suez”: “The first priority of UK strategy in Asia must be to ensure that these alliances are maintained and, where possible, bolstered – particularly in South and Southeast Asia. A strategic stance tuned to twenty-first century realities, rather than appeals to historical sentiment, will provide a far more effective basis for utilizing Commonwealth links to India, Pakistan, Malaysia, Singapore, Australia and New Zealand.” However, as these responsibilities are now firmly in American hands in the 21st Century, the UK faces pressure to fit into the US-led collective security framework even if it aims to bolster former dependents such as Singapore and Malaysia or new strategic partners such as Vietnam. When Washington DC makes a play for “offshore balancing” – i.e. minimalist maintenance of seapower as last resort force and assignment of active responsibility for balance of power to local actors – UK, along with other American allies in the region, are expected to pick up the slack.²⁶ Carl Thayer pointed out a side benefit of potential business opportunities for UK arms sales to regional powers upgrading their hardware to face threats of militarization, if the UK continues to showcase its advanced military technology through regular FON and joint naval exercises.²⁷

UK leaders have also made an argument that European security and security in the Indo-Pacific are not mutually exclusive but increasingly interlinked. Former PM Theresa May advocated closer UK-EU security alignment post-Brexit in the 2018 Munich Security Conference.²⁸ Furthermore, the coordination of UK and European navies could allow a more rational distribution of forces to uphold the continent’s defence and the security of the most important European maritime communication line from Suez to Shanghai.²⁹ Collective actions such as a “multiple hulls” programme with a FON mission as part of a bigger joint operation could alleviate the Chinese backlash.³⁰ Such multilateral approach would require the UK to calibrate its support contingent on the Asian allies’ demand and needs. Bew and Jones (2017) stated clearly that a return “East of Suez” as an “[e]xpressions of intent to ‘engage’ more with the region’s leading states only provide a starting point. From this point,

²⁵Wu Zhengyu, “The Crowe Memorandum, the Rebalance to Asia, and Sino-US Relations,” *Journal of Strategic Studies*, Vol. 39, no. 3, 2016: 389-416.

²⁶Randall Schweller, “Opposite but Compatible Nationalisms: A Neoclassical Realist Approach to the Future of US–China Relations,” *Chinese Journal of International Politics*, 11/1 (2018): 23–48. American public intellectuals have applauded British FONs in SCS, e.g. Michael Austin, “Britain is Right to Send its Navy to the South China Sea,” *The Spectator*, January 21 2019, <https://blogs.spectator.co.uk/2019/01/britain-is-right-to-send-its-navy-to-the-south-china-sea/>; John Holmes, “Britannia Helps Rule the Waves,” *Foreign Policy*, February 20 2018, <https://foreignpolicy.com/2019/02/20/britannia-helps-rule-the-waves/>

²⁷Carl Thayer, “After Brexit: Global Britain Plots Course to Return to the Far East,” *The Diplomat*, January 17 2019, <https://thediplomat.com/2019/01/after-brexit-global-britain-plots-course-to-return-to-the-far-east/>.

²⁸Shashank and Graham, “‘Global Britain’ on the Line in South China Sea,” *The Interpreter*, February 22 2018, <https://www.lowyinstitute.org/the-interpreter/global-britain-line-south-china-sea>; Ian Bowers, “Can the Burden be Shared? Europe, the Sea and the Liberal Order in Asia,” *Global Asia* 13, no. 2 (2018): 102-107, http://www.globalasia.org/v13no2/focus/can-the-burden-be-shared-europe-the-sea-and-the-liberal-order-in-asia_ian-bowers; for a more fundamental analysis of European security interests in Asia see: Benjamin Schreer and Yves-Heng Lim, “Embracing the Dragon? Europe’s Major Powers and the Rise of China,” *Global Affairs*, 3:2, 153-163, DOI: 10.1080/23340460.2017.1364.

²⁹Hemmings and Rogers, “The South China Sea: Why it Matters to ‘Global Britain’” January 31 2019.

³⁰Hemmings, “Charting Britain’s Moves in the South China Sea.”

each step towards greater involvement must come with greater consciousness of cause and effect.”³¹ The process of harmonizing interests could take place in various security forums in Asia, including the Five Powers Defence Arrangements, Five Eyes intelligence alliance, the Quadrilateral Security Dialogue, ASEAN Defense Ministers Meetings, ASEAN Strategic Partnerships, etc. and more broadly in the Anglosphere of Commonwealth countries (sometimes called CANZUK movement).³² The nesting of British interests in the broader regional context would help to justify specific actions on the SCS.

Formal Discourse vs State Behaviour

Notwithstanding the UK’s muted response to the Permanent Court of Arbitration ruling in the *Philippines v. China* case in 2016 it has, since 2018, been far more active in the South China Sea region. In February 2018, the then Secretary of State for Defence, Gavin Williamson, in an interview with *The Australian* newspaper gave the first public pronouncement of the UK’s policy in respect of the South China Sea. He stated that the Type 23 frigate, *HMS Sutherland*, would ‘be sailing through the South China Sea ... and making it clear our navy has a right to do that’, he went on to say that it was important for the UK to ‘assert our values in the South China Sea.’³³ Mr. Williamson did not particularize or specify what amounted to ‘our values’, but it could be inferred that this was a reference to, at least in part, the rules-based international system. This announcement was followed by *HMS Sutherland* sailing through the South China Sea in May 2018 although the Secretary of State for Defence did not confirm that *HMS Sutherland* had sailed within 12 nautical miles (the maximum extent of a state’s territorial sea as stated in UNCLOS and recognised as customary international law) of a disputed maritime feature. On board *HMS Sutherland* while the ship was docked in Singapore in June 2018, following a freedom of navigation operation, Gavin Williamson reiterated that ‘the reason that they [*HMS Sutherland*] are here and the reason that we are visiting is to send the strongest of signals. We believe that countries should play by the rules’; the rules he referred to clearly include UNCLOS and he further asserted that the UK has ‘been sending a clear message to all that the freedom of navigation is absolutely critical’.³⁴ It is thus clear that the UK considers freedom of navigation patrols as a mechanism to reinforce the rules-based international system by challenging actions of states, including but not limited to China, that do not conform to UNCLOS. Such action is notwithstanding the fact that, unlike the US, the UK does not have a formal freedom of navigation policy. At first glance a formal written UK freedom of navigation policy is appealing and championed by the Henry Jackson Society³⁵ in the following terms:

³¹Ibid.

³²Christian Wirth, “Whose ‘Freedom of Navigation’? Australia, China, the United States and the Making of Order in the ‘Indo-Pacific’,” *The Pacific Review*, 32:4, (2019) 475-504, <https://doi.org/10.1080/09512748.2018.1515788>; Nick Bisley and Benjamin Schreer, “Australia and the Rules-Based Order in Asia Of Principles and Pragmatism,” *Asian Survey*, 58, no. 2 (2018):302-319, <http://doi.org/10.1525/as.2018.58.2.302>; David Scott, “Britain Returns to the Indian Ocean?,” *The Round Table*, 107 No.3:307-316, (2018), <https://doi.org/10.1080/00358533.2018.1476096>; Martin, “The Attributes and Roles”.

³³Gavin Fernando, “British Warship to Sail from Australia to South China Sea,” (2018), <https://www.news.com.au/world/asia/british-warship-to-sail-from-australia-to-south-china-sea/news-story/c19ae4bf66d4c341457a9f5e0fc379dc>.

³⁴Nicola Smith “UK Sends ‘Strongest of Signals on Free Navigation in South China Sea,” *The Telegraph*, (June 3 2018), <https://www.telegraph.co.uk/news/2018/06/03/uk-sends-strongest-signals-free-navigation-south-china-sea/>.

³⁵Hemmings and Rogers, *The South China Sea*.

to dissuade the PRC from seeking to further unilaterally revise the rules-based system, the UK should adopt its own Freedom of navigation Policy. This would empower the Royal navy to assist British allies and partners – not least the US, Japan, the Philippines, Vietnam and the countries of the FPDA – to prevent the further erosion of the Law of the sea in the south China sea, along with the wider rules-based system.³⁶

However, the UK would be unwise to adopt a freedom of navigation policy. The reason is simple and one of limited resources. At present the Royal Navy has only 13 frigates, six destroyers, one operational amphibious landing ship and one aircraft carrier.³⁷ Of these, perhaps one third could be fully operational at any given time, and recognizing the UK's other enduring commitments in the Gulf, Indian Ocean, the South Atlantic and the Caribbean, and to NATO, to protect home waters and an ability to respond to any emerging maritime challenges, a freedom of navigation policy with respect to the South China Sea would risk overpromising and underdelivering. Prior to 2018 the UK had not deployed a warship to the Pacific region since 2013. It is submitted that to be effective any freedom of navigation policy must be supported by a fleet capable of regular and enduring deployments to the South China Sea region. At present, and particularly noting the volatile maritime environment in the Arabian Gulf, it is unlikely that the Royal Navy could satisfy such demand without drastically reducing its ability to complete its other enduring commitments. The solution of course is simple – greater numbers of frigates and destroyers.

The freedom of navigation patrol by *HMS Sutherland* in the South China Sea is important for a number of reasons. First, it demonstrates the global reach of the Royal Navy and the willingness of the UK to enact its policy pronouncements in respect of the 'rules-based international system'. Second, in so doing the UK has aligned itself with, *inter alia*, the US, Japan, and Australia in challenging China's claims in the South China Sea. Third, every indication is that the route taken by *HMS Sutherland* through the South China Sea did not pass within 12 nautical miles of a disputed maritime feature unlike regular US military freedom of navigation patrols in the South China Sea. This is particularly significant as it could be viewed as a way to assuage the concerns of the US founded on the lack of international support for its freedom of navigation policy in the South China Sea, whilst at the same time not taking the most provocative of routes within what could potentially constitute the 12 nautical mile territorial waters of a Chinese-claimed maritime feature. Under the terms of UNCLOS, however, a warship would have a legal right to exercise the right of innocent passage through the territorial waters of any state and therefore the actions of *HMS Sutherland* could perhaps be construed as a 'mild' form of freedom of navigation patrol. The actions of *HMS Sutherland* did, however, set the scene for more UK naval activity in the South China Sea in 2018 and 2019.

Military Build-Up, Organization, and Applications in the SCS

The freedom of navigation patrol conducted by *HMS Sutherland* was followed on 31 August 2018 by the 19,500-tonne amphibious landing ship, *HMS Albion*, conducting a freedom of navigation patrol within 12 nautical miles of the Paracel Islands. Unlike the patrol of *HMS*

³⁶Ibid.

³⁷Royal Navy, "Ships: Naval Power and Prowess," 2019, <https://www.royalnavy.mod.uk/the-equipment/ships>.

Sutherland, the patrol of *HMS Albion* could be construed as a more direct challenge to Chinese assertions in respect of the Paracel Islands given the proximity of the warship to the islands themselves. The military and diplomatic response by China was predictable and robust. *HMS Albion* was approached and challenged by a Chinese frigate and two military aircraft, although it was reported that all parties remained calm during the incident. Diplomatically, the Chinese Ministry of Foreign Affairs sent a faxed statement to Reuters in which they asserted:

[*HMS Albion*] had entered Chinese territorial waters around the Paracel Islands on Aug. 31 without permission, and the Chinese navy had warned it to leave. The relevant actions by the British ship violated Chinese law and relevant international law, and infringed on China's sovereignty. China strongly opposes this and has lodged stern representations with the British side to express strong dissatisfaction. China strongly urges the British side to immediately stop such provocative actions, to avoid harming the broader picture of bilateral relations and regional peace and stability. China will continue to take all necessary measures to defend its sovereignty and security.³⁸

In a further statement, a Chinese Ministry of Foreign Affairs spokesperson stated that *HMS Albion's* transit would risk any future UK-PRC trade agreement.³⁹

These statements are interesting for a number of reasons. First, irrespective of the legal classification of the Paracel Islands or issues of sovereignty, noting that China exclusively occupies the islands, but Taiwan and Vietnam also have claims of sovereignty, UNCLOS would not require the UK to request permission to transit within 12 nautical miles of the islands. Second, the actions of *HMS Albion* did not contravene UNCLOS or any international law. Third, the Chinese Ministry of Foreign Affairs has explicitly linked military actions of the UK to an area of perceived vulnerability, namely a post-Brexit UK-PRC trade deal and, finally, the UK does not object when Chinese warships exercise their rights of innocent or transit passage in UK territorial waters.

As China's PLA (Navy) increases in size, capability, ambition and reach it is likely that it will increase its global deployments and demonstrate its abilities as a powerful 'blue water' navy. As such, it will increasingly become reliant upon UNCLOS provisions in order to, for example, exercise its rights of innocent passage through another state's territorial waters; transit passage through international straits; and conduct military exercises in the exclusive economic zone of another state. This has the potential to be problematic for China in terms of political messaging and reciprocity. On the basis of reciprocity, states against whom China takes military action in the South China Sea may either require that all Chinese warships request permission to transit through their waters or harass them and make diplomatic protests when they do not comply with these demands. Or alternatively, and far more likely,

³⁸Tim Kelly, "Exclusive - British Navy Warship Sails Near South China Sea Islands, Angering Beijing," September 6, 2018, <https://uk.reuters.com/article/uk-britain-china-southchinasea-exclusive/exclusive-british-navy-warship-sails-near-south-china-sea-islands-angering-beijing-idUKKCN1LM00V>.

³⁹"China Slams British Navy's South China Sea Intrusion," *Global Times*, September 6, 2018, <http://www.globaltimes.cn/content/1118686.shtml>.

expose significant duplicity on the part of China by allowing Chinese warships to freely navigate in their waters in a way in which China fails to do in the South China Sea. As recently as 14 July 2019 the PLA(Navy) destroyer *Xian* sailed through UK territorial waters unchallenged and unimpeded.⁴⁰

The freedom of navigation patrol conducted by *HMS Albion* was followed in January 2019 by the Type 23 frigate *HMS Argyll* conducting joint military exercises in the South China Sea with the US Arleigh-Burke guided missile destroyer *USS McCampbell* and the *USNS Henry J Kaiser* from the US Seventh Fleet.⁴¹ These exercises did not take place near any disputed maritime features and as such the Chinese response was more muted and in stark contrast to both the response to the transit of *HMS Albion* and their 'furious' reaction to *USS McCampbell* sailing within 12 nautical miles of the Paracel Islands a week prior to the military exercises with *HMS Argyll*.⁴²

Tactics and Strategies Employed in Relation to Competing or Complementary Interests

The UK could be seen to be walking a tightrope in its military activities in the South China Sea with mutually exclusive and incompatible demands being made by China on the one hand and long-standing allies such as the US and Australia on the other. But this discrete issue must also be viewed within the broader context of the relationship with China that includes, *inter alia*, the UK's response to protests in Hong Kong and the granting of elements of the 5G mobile phone network contract to Huawei. As such, policy coherence can be found to the extent that the UK has not shied away from taking a robust position with respect to citizens' rights in Hong Kong and the potential security issues that might arise through Huawei's participation in the 5G mobile phone network. What emerges therefore is some evidence of a coherent policy with regards both China generally and the South China Sea specifically, in which the UK is seeking to assert the significance of the rules-based international system. Such a policy is not, however, without significant risk insofar as it might undermine the UK's future relationship with China. That said, there must also be a recognition that China is not the 'only show in town' and the UK must also be willing to engage with emerging Asian economic powers such as India, Indonesia and Vietnam to name but three.

Impact of Political, Economic, and Military Goals, Tactics, and Strategies Towards the SCS

The actions of the UK in the South China Sea and the policy that underpins this has not been without consequence. There has been a military response to the freedom of navigation patrols of *HMS Sutherland* and *HMS Albion* insofar as the PLA(Navy) have deployed vessels and aircraft to intercept and interact with the British warships. Beyond the military response, and arguably more significantly, there has been a robust political response with the associated threats of adverse economic consequences for the UK. It was widely

⁴⁰Royal Navy, "HMS St Albans shadows Chinese Destroyer Through English Channel," July 14 2019, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2019/july/14/190714-st-albans-shadows-chinese-destroyer>.

⁴¹Royal Navy, "HMS Argyll's US Navy Link-up in South China Sea," January 16, 2019, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2019/january/16/190116-argylls-us-link-up-south-china-sea>.

⁴²Ben Westcott, "US, UK Hold Rare Joint Drills in the South China Sea, CNN," January 17, 2019, <https://edition.cnn.com/2019/01/16/asia/uk-us-south-china-sea-intl/index.html>.

reported that, following a speech to the Royal United Services Institute in February 2019 by the then Secretary of State for Defence, Gavin Williamson, in which he stated that:

We and our allies must deter and be ready to defend ourselves. Ready to show the high price of aggressive behaviour. Ready to strengthen our resilience. And ready, where necessary, to use hard power to support our global interests..... we need to build on our established relationship with.... Singapore and Malaysia in the Five Powers Defence Arrangement. With other ASEAN nations, with Japan, the Republic of Korea and India.⁴³

A planned visit to China for trade talks by the then Chancellor, Philip Hammond, was cancelled.⁴⁴ The reason for the cancelled trade talks was reported to be China's irritation at Gavin Williamson's veiled reference to Chinese activity in the South China Sea, although the UK Treasury claimed that the trade talks were 'ever announced or confirmed'⁴⁵ and did not comment further. Beyond the cancellation of these trade talks China has made explicit threats that military activity by the UK in the South China Sea will jeopardise any future economic relationship between the UK and China.⁴⁶ It remains to be seen what specific form adverse Chinese economic action against the UK might take.

UK Military Activity in Support of the Rules-Based International System

The UK's freedom of navigation operations in the South China Sea should not be viewed as isolated activity in pursuance of the rules-based international system. Nor should they be viewed as activity exclusively directed against Chinese expansionist activity in the South China Sea or driven by US intervention in the region. Rather, in the past few years alone, the UK has undertaken numerous military operations that sit comfortably within the broader ambit of upholding the rules-based international system, of which military activity in the South China Sea is but one. Moreover, this activity has resulted in diplomatic tension most notably with Spain, Libya and Iran thereby demonstrating a willingness on the part of the UK to uphold the rules-based international system despite an entirely predictable and adverse reaction by affected States. Recent examples of UK maritime activity in support of a rules-based international system include operations in support of the UN arms embargo in respect of Libya; the seizing of the *Grace I* by Royal Marines in support of EU regulation 36/2012; counter-piracy and maritime security operations in support of the multi-national Combined Maritime Forces based in Bahrain; the conduct of convoys to ensure the safety of shipping and rights of transit passage in the Straits of Hormuz following Iranian aggression; and the patrolling of Gibraltar territorial waters to challenge numerous Spanish incursions that do not comply with the rules of innocent passage codified within the UN Convention on the Law of the Sea.

⁴³UK Government, "Defence in Global Britain: Defence Secretary Gavin Williamson Gave a Speech at RUSI Outlining the Future Direction of the UK Armed Force," February 11, 2019, <https://www.gov.uk/government/speeches/defence-in-global-britain>.

⁴⁴Mattha Busby, "Hammond's Trip to China Scuppered by Williamson's 'Gunboat Diplomacy'," *The Guardian*, February 16, 2019, <https://www.theguardian.com/politics/2019/feb/16/gavin-williamson-china-warship-threat-philip-hammond>.

⁴⁵Ibid.

⁴⁶Global China, "China Slams British".

In response to gross violations of human rights by the Libyan government against their own people, the UN Security Council unanimously adopted Security Council Resolution 1970⁴⁷ on 26 February 2011 which imposed sanctions against Libya. These sanctions included an open-ended embargo on the supply of arms and military equipment to and from Libya. On 14 June 2016 the UN Security Council adopted Resolution 2292⁴⁸ that authorized states to inspect vessels on the high seas believed to be in violation of the arms embargo. This authorization remains extant. In support of the UN and the European Union Operation Sophia⁴⁹ the UK has deployed four warships to the region to, *inter alia*, enforce the UN arms embargo and in turn uphold the international rules-based system.

In July 2019, 30 Royal Marine commandos boarded and seized the Iranian-owned oil tanker 'Grace I' (later renamed 'Adrian Darya I') in Gibraltar territorial waters. The *Grace I* was carrying 2 million barrels of oil that were loaded in Iran and bound for Syria in contravention of EU Regulation 36/2012⁵⁰ that prohibits the export to Syria of, *inter alia*, 'crude oil and petroleum products.' The vessel was subsequently released by a Gibraltar court following assurances from Iran that the oil was not bound for Syria.

Since 2001 the UK has been a constant participant in the activities of the 33-member nation Combined Maritime Forces⁵¹ (CMF) based in Bahrain. Pursuant to upholding the rules-based international system, the CMF is a 'multinational naval partnership which exists to promote security, stability and prosperity across approximately 3.2 million square miles of international waters, which encompass some of the world's most important shipping lanes.'⁵² More specifically, the CMF mission is to 'defeat terrorism, prevent piracy, encourage regional cooperation, and promote a safe maritime environment' and in order to achieve this the CMF conduct 'Maritime Security Operations, counters terrorism and narcotics smuggling in maritime areas of responsibility; works with regional and other partners to improve overall security and stability; helps strengthen regional nations' maritime capabilities and, when requested, responds to environmental and humanitarian crises.'⁵³ Beyond the provision of numerous warships and military aircraft to CMF operations the UK has established a permanent military base in Bahrain that serves as a physical manifestation of the UK's commitment to maritime security in the region.

Notwithstanding that it has attracted diplomatic protest by Spain, the UK has vigorously and consistently challenged Spanish incursions into Gibraltar territorial waters that do not

⁴⁷United Nations Security Council, "Resolution 1970 (2011)," [https://www.undocs.org/S/RES/1970%20\(2011\)](https://www.undocs.org/S/RES/1970%20(2011)).

⁴⁸United Nations Security Council, "Resolution 2292 (2016)," <http://unscr.com/en/resolutions/doc/2292>.

⁴⁹European Union, "Council Decision (CFSP) 2015/972 of 22 June 2015 Launching the European Union Military Operation in the Southern Central Mediterranean (EUNAVFOR MED)," *Official Journal of The European Union* L 16/1, 2016, <https://www.operationsophia.eu/wp-content/uploads/2018/03/Council-Decision-CFSP-2015972-of-22-June-2015.pdf>.

⁵⁰European Union. "Council Regulation (EU) No 36/2012 of 18 January 2012 Concerning Restrictive Measures in View of the Situation in Syria and Repealing Regulation (EU) No 442/2011," *Official Journal of the European Union*, January 19, 2012, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:016:0001:0032:EN:PDF>.

⁵¹Combined Maritime Forces (CMF), "About Combined Maritime Forces (CMF)," 2019, <https://combinedmaritimeforces.com/about/>.

⁵²Ibid.

⁵³Ibid.

comply with the UNCLOS innocent passage regulations.⁵⁴ The Royal Navy's warships, permanently stationed in Gibraltar for this purpose, have taken robust action, including the firing of warning flares,⁵⁵ to prevent unlawful activity by Spanish vessels. This is clear evidence of the UK's willingness to uphold UNCLOS and in turn the rules-based international system despite the diplomatic tension that inevitably results.

Across a broad range of contemporary activity around the world it can be seen that in the maritime domain the UK is proactively promoting and enforcing the rules-based international system. This is both pursuant to UN and EU authorisation and based upon international treaties and law, most notably UNCLOS and in concert with allies or alone. Most significantly, however, UK maritime activity often results in diplomatic tension akin to that resulting from freedom of navigation operations in the South China Sea. As such, and within this context, a persuasive case can be submitted that UK activity in the South China Sea is not just a knee-jerk reaction to Chinese expansionist activity and US interventions, but part of wide-ranging international activity underpinned by a desire to uphold the rules-based international system.

Conclusion: Establishing a New Status Quo in the UK's Approach to the SCS⁵⁶

Like many other middle powers in Asia and elsewhere, the UK faces a dilemma of diminished foreign policy autonomy and efficacy from the new G2 contention between US and PRC, which in the forms of unilateralism and grand bargains have diminished the role of middle powers in the renegotiation of the security rules of global order. Despite the limited leeway to deviate from American preferences and severe domestic constraints, it is possible to discern some coherence and consistency in the UK's diplomatic policy towards China and military activity in the South China Sea. The role of the National Security Council, chaired by the Prime Minister, will approve any freedom of navigation activity in the South China Sea and therefore this activity ought to sit comfortably within the broader ambit of the 'Global Britain' vision. The 'Global Britain' vision is not, however, without difficulty given its lack of specific aims and objectives and determinable metrics. That said, the rules-based international system is a central tenet of 'Global Britain' and the freedom of navigation operations undertaken by the Royal Navy fit within this policy insofar as they challenge the activities of China and other regional states activity in the Spratly and Paracel Islands.

The conceptual debate over "status quo" and "revisionism" in describing the intentions and behaviour of states toward the regional and international order remains relevant.⁵⁷ The UK experience shows that these are not necessarily dichotomous categories - not only because the starting point and degree of change are understood differently from the vantage points of competing stakeholders, but also because each country maintains a degree of autonomy

⁵⁴George Allison. "Royal Navy Chase Away Spanish Vessel from Gibraltar," *UK Defence Journal*, May 23, 2018, <https://ukdefencejournal.org.uk/royal-navy-chase-away-spanish-vessel-from-gibraltar/>.

⁵⁵George Allison, "Royal Navy Fire Warning at Spanish Vessel Near Gibraltar as it Approaches Nuclear Submarine," September 20, 2018, <https://ukdefencejournal.org.uk/royal-navy-fire-warning-at-spanish-vessel-near-gibraltar-as-it-approaches-nuclear-submarine/>.

⁵⁶Alastair Iain Johnston, "Is China a Status Quo Power?," *International Security* 27, no 4 (2003): 5-56.

⁵⁷Alexander Cooley, Daniel Nexon, and Steven Ward, "Revising order or challenging the balance of military power? An alternative typology of revisionist and status-quo states," *Review of International Studies*, No. 45, Iss. 4 (October 2019): 689-708; Barry Buzan, "The Logic and Contradictions of 'Peaceful Rise/Development' as China's Grand Strategy," *The Chinese Journal of International Politics*, Vol. 7, Iss. 4 (Winter 2014): 381-420.

in interpreting the means-and-end to maximise its policy gains and legitimacy.⁵⁸ For UK, the “status quo” of a rule-based international order conveniently downplays the contentious maritime history and continual conflicts among the claimants, even prior to China’s escalating presence in the SCS. It draws a baseline from the 2017 Arbitral Tribunal decision, by which Chinese actions are judged to be in contravention of the status quo, even as the UK has taken no position in respect of sovereignty of the maritime features in the SCS and prefers to let the US lead in spelling out the legal implications of the claimants’ rights of maritime zones in the SCS.⁵⁹ The UK is “revisionist” in contributing to American and other powers’ FON missions to affect the distribution of naval power in the region to restore this imagined status quo that is actually not a return to the prior state, but a new equilibrium whose stability is guaranteed by military interventions and in compliance with international law.

That said, whether the UK’s freedom of navigation activities in the South China Sea will continue remains to be seen. Further questions would arise if FON exercises go beyond innocent passage of FON operations and if the UK gets serious about building additional naval bases in the Indo-Pacific.⁶⁰ Would these actions then indicate that the UK is willing to face the risks of confrontation and escalation *vis-à-vis* the Chinese, and to bear the bilateral diplomatic and economic costs of Chinese displeasure? Would this apparent commitment through militarization detract from alternative, legal-institutional options in defense of the rules-based regional order, including leading discussions in international legal forums on unresolved issues of innocent passage, use of force, EEZ, etc.? Would the UK’s strong and clear position on international law be compromised by its use of naval power?⁶¹ These unintended consequences would have long-term effects on the sound principle of the defence of a rules-based international order. It seems sensible that Britain should make tough decisions on a limited operationalization of its principled stance based on: a) specific invitations of its historical partners in the Asian region; b) an active strategic coordination of European and American navies in various maritime hotspots around the world; and c) the level of domestic support for military modernisation and the commensurate fiscal expenditure and legal and soft power investment.

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⁵⁸ Kun-Chin Lin and Andrès Villar Gertner, *Maritime Security in the Asia-Pacific: China and the Emerging Order in the East and South China Seas*. Chatham House, London, 2015.

⁵⁹ U.S. Secretary of State Michael R. Pompeo, “U.S. Position on Maritime Claims in the South China Sea,” Press Statement, July 13, 2020, U.S. Department of State. <https://www.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/>

⁶⁰ Henry Jones, “UK Should Establish Military Presence in South China Sea Says Report,” *UK Defence Journal*, January 30, 2019, <https://ukdefencejournal.org.uk/uk-should-establish-military-presence-in-south-china-sea-says-report/>.

⁶¹ Critical cases include: Cameron Moore, “The Arbitral Award in the Matter of the South China Sea Between the Philippines and China. What are the Implications for Freedom of Navigation and the Use of Force?,” *Asia-Pacific Journal of Ocean Law and Policy* 2 no. 1 (July 2017): 117-139, <https://doi.org/10.1163/24519391-00201007>; Stephen Rose, “Naval Activity in the Exclusive Economic Zone—Troubled Waters Ahead?,” *Ocean Development & International Law*, 21:2, (1990), 123-145, <https://doi.org/10.1080/00908328909545927>.

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