

APCAN Hearing
Maritime Security in the Indo-Pacific and the UN Convention on the Law of the Sea
Opening Remarks, Chairman Ami Bera
April 29, 2021

Thank you, Chair Courtney, for your leadership on these important issues, and to the HASC Seapower and Force Projection Subcommittee for partnering with us on today's hearing.

The United States is a Pacific nation, and our economic and strategic interests are closely intertwined with those of the Indo-Pacific region. As I have often said, the Indo-Pacific is the most consequential for American security and prosperity in the 21st century: By many measures, Asia is home to nearly 40% of the world's exports¹ and nearly 60% of the world's population.²

It is also a maritime region – where the ability of people and goods to move freely across waterways is essential to our ability to do business and interact with this dynamic part of the world. Approximately \$3.4 trillion in ship-borne commerce transits the South China Sea alone each year.

The Indo-Pacific is also home to some of our most important allies and partners, ranging from Japan to Taiwan to the Freely Associated States—all of which depend on the ability to move freely by sea across the region. If we want our partners to work with us on the challenges we face, we must also be committed to addressing their most serious challenges.

That is why I have long been concerned about maritime security in the Indo-Pacific. Over the past decade we have seen the Chinese government build and fortify artificial islands in disputed waters, use gray zone tactics to harass commercial and military shipping vessels, and generally increase the risk of a military conflict. In the past year, those trends have only accelerated.

Last year, we saw a Chinese vessel sink a Vietnamese fishing boat carrying eight fishermen near the Paracel islands, at the same time as an unprecedented level of Chinese incursions into waters around the Senkaku Islands – territory claimed by Japan, China, and Taiwan.

Then in January, Beijing authorized its Coast Guard to use force to enforce China's claims in ongoing territorial and maritime disputes, establishing legal precedent that is, at best, more explicitly provocative than most Coast Guard guidance in the region.³ More recently still, some 200 Chinese fishing boats and People's Armed Forces Maritime Militia swarmed Whitsun Reef in attempt to expel Filipino vessels – and those of other countries – from the contested waters.

This behavior come in the context of China's expanding maritime infrastructure across the region. Through the Belt and Road Initiative, the Chinese government has built commercial ports

¹ <https://www.unescap.org/resources/trade-goods-outlook-asia-and-pacific-20202021#:~:text=As%20a%20result%2C%20the%20region's,%25%20and%2036.9%25%20in%202019.>

² <https://asiapacific.unfpa.org/en/node/15207>

³ <https://amti.csis.org/force-majeure-chinas-coast-guard-law-in-context/#:~:text=Passed%20by%20the%20National%20People's,China's%20sovereignty%20and%20maritime%20ri ghts.>

across East and South Asia, which many experts suggest the Chinese military could use in a time of conflict to cut off access for non-friendly actors to key maritime corridors in the region.

Taken together, these actions pose real challenges to U.S. commercial and security interests, to the region's security architecture, and to international norms that aim to reduce the risk of war.

In addition to the serious security implications of the Chinese government's actions, Beijing is using its increasing foothold in the South China Sea to try to control key sectors of the regional economy – including fishing operations and oil and gas exploration activities. For example, China's illegal, unregulated fishing in the South Pacific has devastated some island economies. These actions constrain our partners ability to grow their economies and expand economic opportunity.

That's why I have been considering a series of initiatives that could help. First, we must continue to elevate the importance of these issues – which is why I am so grateful to my colleagues on HASC for the collaboration on this joint hearing today. Second, we must reinforce the international norms that guide and regulate maritime operations in the region – I look forward to discussing where tools like UNCLOS fit into that discussion, and what Congress can do to advance those efforts. Third, and importantly, we in Congress have a role to play in providing additional resources to reinforce our values and enhance the credibility of our deterrence. I am exploring a series of initiatives in that realm, from supporting funding for maritime security cooperation activities to developing legislation to enhance deterrence for Taiwan.

Finally, I want to highlight some important work my friends on the Congressional Pacific Islands Caucus have been leading. Representative Ed Case and others have been working tirelessly to advance legislation that would meaningfully benefit the Pacific Islands and help strengthen maritime security in the South Pacific – as Co-Chair of that caucus, I have been working closely with them on those efforts, and look forward to moving them forward this Congress.

There is much work to be done on these pressing issues. We must tackle these challenges head on, with our allies and partners. I look forward to hearing from our witnesses today about how we can use strengthen dispute resolution mechanisms, build regional capacity to resist Beijing's aggression and coercion, and preserve a free and open Indo-Pacific.