



The Carrier Strike Group in the South China Sea

By Dr Bill Hayton

The next few weeks are likely to see plenty of headlines along the lines of ‘The empire strikes back’ as a British-led ‘Carrier Strike Group’ (CSG) steams through the South China Sea and undertakes naval engagement activities in East Asia. The warships, led by the Royal Navy’s aircraft carrier HMS Queen Elizabeth, will be travelling from Singapore to Japan where they have been invited to take part in military exercises. They will then make a return journey. The deployment of the CSG, including also a destroyer, two frigates, a nuclear attack submarine, auxiliary vessels, F35B Lightning II stealth warplanes, and Dutch and American warships, has already triggered plenty of excited commentary, particularly in the Chinese media. It may provoke even more.

This Explainer is intended to provide some background about the purpose of the mission – officially known as ‘Operation Fortis’ – and the politics of the region it will be sailing through. It will also look at potential responses from the People’s Republic of China (PRC), particularly if the CSG (or elements thereof) attempt to assert international law against Chinese restrictions in areas of the South China Sea. It has been written by an independent author for the Council on Geostrategy and no part of Her Majesty’s (HM) Government has been involved in its content.

The geopolitics of the South China Sea

The South China Sea is often described as ‘disputed’ but disputes take many forms. In the past few decades, there have been deadly clashes over the control of rocks and reefs, confrontations between coastguards over oil and gas exploration and near misses between warships contesting ‘freedom of navigation’. These are three different kinds of dispute; the South China Sea is a dangerous place because of the overlaps between them.

The territorial disputes are about which country is the rightful owner of the dozens of islands, rocks and ‘low-tide elevations’ (coral reefs covered at high tide) in the South China Sea. The PRC currently controls the Paracel Islands, in the northern part of the sea, but Vietnam also claims them. The Spratly Islands, in the southern part of the sea, are occupied by Vietnam, the Philippines, Malaysia and the PRC. The PRC and Vietnam claim all of them, the Philippines claims most of them, Malaysia just a few and Brunei, one. In the eastern part of the South China Sea, Scarborough Shoal is unoccupied by any country but claimed by both the PRC and the Philippines. The United Kingdom (UK) takes no position on the rival claims to these disputed territorial features.

Simultaneously, but separately, there are *maritime* disputes about which country’s fishing boats and energy companies can operate in which parts of the South China Sea. All the countries around this sea – the PRC, the Philippines, Malaysia, Brunei, Indonesia and Vietnam – have ratified the United Nations Convention on the Law of the Sea (UNCLOS), which grants them an ‘Exclusive Economic Zone’ (EEZ) up to 200 nautical miles (around 400 kilometres) from their coasts.¹ The PRC, however, also claims ‘historic rights’ in areas that go well beyond its own EEZ; it has never made clear the legal basis of its claims but in recent years it has provoked confrontations in the EEZs of all its South China Sea neighbours over fisheries and oil and gas exploration. In 2016 an ‘International Arbitral Tribunal’ requested by the Philippines, rejected China’s claims to ‘historic rights’ and supported the Philippines’ rights to resources within its claimed EEZ.²

There have also been disputes about ‘freedom of navigation’ in the South China Sea. UNCLOS gives all ships (including warships) the right to steam virtually anywhere in the sea. They can steam through another country’s

¹ For the United Nations Convention on the Law of the Sea, see: ‘United Nations Convention on the Law of the Sea of 10 December 1982: Overview and full text’, United Nations Division for Ocean Affairs and the Law of the Sea, 11/02/2020, <https://bit.ly/2TA1fM7> (found: 26/07/2021).

² ‘The South China Sea Arbitration (The Republic of Philippines v. The People’s Republic of China)’, Court of Arbitration, 12/07/2016, <https://bit.ly/3ryGs8c> (found: 26/07/2021).



territorial sea so long as they do so on the basis of ‘innocent passage’.³ The PRC’s 1992 ‘Law on the Territorial Sea’, which requires military vessels to seek permission before entering the territorial sea (which extends up to 12 nautical miles from its coasts, including islands and rocks), is in violation of the international commitments that Beijing made when it ratified UNCLOS in 1996.⁴ As a result, the United States (US), and some other countries, make demonstration transits – sometimes called ‘Freedom of Navigation Operations’ (FONOPS) – in order to assert and maintain their rights under UNCLOS.⁵ Insofar as the UK has ratified UNCLOS, it does not use the term ‘FONOP’.⁶

In another law announced in 1996, the PRC declared ‘straight baselines’ around the Paracel Islands and claimed the area within them as its ‘internal waters’.⁷ As with the PRC’s 1992 Law on the Territorial Sea, the UK and most other countries view this as a violation of the rules of UNCLOS, so much so that, in 2018, HMS Albion was sent through the Paracel Islands in order to protest the PRC’s claims to ‘internal waters’.⁸

The PRC’s position

China, or rather the Qing Empire, first made a claim to the Paracel Islands in June 1909. The Republic of China made a claim to the Spratly Islands in December 1946. In December 1947, China published a map of the South China Sea which included a ‘U-shaped line’ around the Paracels, Spratlys and Scarborough Shoal. Today this line is known as the ‘nine-dash line’.⁹

In 1996, the PRC made a claim to ‘historic rights’ in an unspecified area of the South China Sea: a claim apparently without any basis in international law.¹⁰

³ For the definition of ‘innocent passage’, see Part 2, Article 19 of UNCLOS.

⁴ ‘Law on the Territorial Sea and the Contiguous Zone of 25 February 1992’, United Nations Division for Ocean Affairs and the Law of the Sea, 25/02/1992, <https://bit.ly/3x4kJGr> (26/07/2021).

⁵ For an overview of the US FONOPS programme, see: ‘Freedom of Navigation Programme Fact Sheet’, United States Department of Defence, 03/2015, <https://bit.ly/2VezvgJ> (found: 26/07/2021).

⁶ The UK does not use the term FONOP because, unlike the US, it has ratified UNCLOS. As such, when British warships steam through areas where other countries have made illegal or illegitimate claims, HM Government claims that they are merely practicing the legal right of innocent passage. The UK has undertaken a number of such movements, including in the South China Sea.

⁷ ‘Declaration of the Government of the People’s Republic of China on the baselines of the territorial sea, 15 May 1996’, United Nations Division for Ocean Affairs and the Law of the Sea, 15/05/1996, <https://bit.ly/3iTjJULL> (found: 26/07/2021).

⁸ On 28th November 2018, Admiral Philip Jones, then First Sea Lord, confirmed at a conference convened by the International Institute for Strategic Studies, that HMS Albion had challenged the PRC’s ‘straight baselines’ surrounding the Paracel Islands. See: Bill Hayton, Tweet, 28/11/2018, <https://bit.ly/371j8GR> (found: 26/07/2021).

⁹ For more on the history of the nine-dash line, see: Bill Hayton, *South China Sea: The Struggle for Power in Asia* (New Haven, Connecticut: Yale University Press, 2015).

¹⁰ See: Ankit Panda, ‘Bill Hayton on the South China Sea in 2020’, *The Diplomat*, 01/08/2020, <https://bit.ly/3BFaYlz> (found: 26/07/2021).

The PRC has not made clear exactly where it claims these ‘historic rights’, but recent confrontations with its neighbours have all taken place inside the nine-dash line.

The UK’s position

HM Government takes no position on the rival territorial claims in the South China Sea. It does, however, take a strong position on the rival maritime claims. In August 2019, the UK, France and Germany issued a joint statement on the South China Sea, underlining their interest in the universal application of UNCLOS.¹¹ In September 2020, the then Foreign and Commonwealth Office issued a legal paper setting out a more detailed position.¹² It asserted that: ‘The UK is also clear that all government ships, including naval ships, enjoy the rights of innocent passage in the territorial sea and freedom of navigation in the EEZ under UNCLOS.’¹³ In particular, the UK rejects China’s attempts to draw unilateral ‘lines in the sea’ beyond those permitted by UNCLOS.

It is important to understand that when the UK ‘challenges Chinese claims’ in the South China Sea, it is not challenging the PRC’s territorial claims but its excessive or illegal maritime claims.

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HM Government has not announced a full schedule for Operation Fortis in Southeast Asia and the South China Sea. Earlier plans for port visits have been curtailed because of the Covid-19 pandemic. The destroyer HMS Defender has visited Brunei and there have been ‘passing exercises’ with ships from Malaysia and Singapore. There will be a chance for more visits and exercises on the return journey. With nine ships and a submarine taking part, it is likely that individual vessels will make stops in different ports and take part in separate exercises. These are likely to range from ‘search and rescue’ drills to more sophisticated activities.

¹¹ ‘E3 joint statement on the situation in the South China Sea’, Foreign and Commonwealth Office, 29/08/2019, <https://bit.ly/3l3yi6R> (found: 26/07/2021).

¹² ‘UK government’s position on legal issues arising in the South China Sea’, United Kingdom Parliament, 03/09/2020, <https://bit.ly/3eTZJMb> (found: 26/07/2021).

¹³ *Ibid.*



On its return journey in October, the CSG is expected to join exercises of the Five Power Defence Arrangements (FPDA).¹⁴ The FPDA originated in 1971 and groups the UK, Australia, Malaysia, New Zealand and Singapore in a loose security relationship. This year is its fiftieth anniversary and as a result the annual FPDA military exercise is likely to be a more high-profile event than in recent years.

On one or both of the CSG's transits of the South China Sea, one or more ships from the CSG may assert maritime rights as granted by international law (UNCLOS). It is unlikely (but not impossible) that a Royal Navy warship will steam within 12 nautical miles of a disputed feature. If a British vessel did so, it would be for one of two reasons:

- To demonstrate the right to innocent passage through a territorial sea;
- To denote that the UK recognises no national legislation beyond UNCLOS that governs maritime activities near particular rocks or low-tide elevations, even those with artificial islands on top.

Similarly to HMS Albion's transit in August 2018, it is more likely that a British warship might steam through the Paracel Islands to demonstrate the UK's rejection of the PRC's claim to 'internal waters' there.

The presence of a US warship in the CSG and of US Marine Corps jets and crews on board HMS Queen Elizabeth mean the transit through the South China Sea will be heavily coordinated with the US. As a result, there will be more assets available to support the CSG (including satellites and over-the-horizon aircraft) than if a single British warship were making the journey on its own.

PRC responses to the CRG's presence

Insofar as the CSG's deployment to East and Southeast Asia is, at the time of writing, still underway, the extent of the Chinese response is not known. The PRC may downplay the deployment; however, even before the naval group left Portsmouth, its official media had whirred into action. Chinese commentary on British foreign policy is known to follow a handful of tropes:

¹⁴ 'Carrier Strike Group deployment to visit 40 countries', Royal Navy, 26/04/2021, <https://bit.ly/2WhsHPH> (found: 26/07/2021).



- **‘An infringement of China’s sovereignty’**: When HMS Albion steamed through the Paracel Islands in late August 2018, the Chinese Ministry of Foreign Affairs complained the transit had ‘violated Chinese law and relevant international law, and infringed on China’s sovereignty.’¹⁵ Yet, warships from the People’s Liberation Army Navy (PLAN) have steamed through the UK’s territorial waters and EEZ on at least four occasions in recent years: twice in July 2017 and twice in August 2019.¹⁶ The military vessels sailed through the English Channel and North Sea en route to and from exercises with Russia in the Baltic. On all four occasions, British, Dutch and other North Atlantic Treaty Organisation (NATO) warships monitored the passage of the warships but did not hinder or harass them. In other words, the PLAN warships enjoyed a right of innocent passage through territorial seas. Neither the UK nor the Netherlands or any other country regarded the transits as an infringement of sovereignty.
- **‘Colonialism redux’**: The classic cliché of CCP commentary on anything that the UK does, or says, regarding Asia, is a ‘return to colonialism’, to ‘colonial attitudes’, or ‘to reviving its past glory’.¹⁷ It is both lazy and inaccurate. The UK departed its colonies in what are now Malaysia and Singapore in 1957 and 1963, sixty years ago. Brunei became fully independent in 1984. Britain continues to have defence relations with all three countries at their request, not as part of a colonial relationship. Moreover, all those countries – and many others besides – have invited the UK to make port visits during Operation Fortis and take part in combined exercises because of their own concerns about security in the region.¹⁸ In their perception, the primary risks to peace are the attitudes and behaviour of the PRC. In an uncertain environment, these countries are reaching out to countries that share the same concerns, such as the UK, for mutual support.
- **‘Another Opium War’**: Recent English-language commentaries in the Chinese media on the CSG’s journey have made reference to Britain’s

¹⁵ Tim Kelly, ‘Exclusive: British Navy warship sails near South China Sea islands, angering Beijing’, *Reuters*, 06/09/2018, <https://reut.rs/2V9Njzi> (found: 26/07/2021).

¹⁶ For details of these movements, see: Bill Hayton, ‘Britain Is Right to Stand Up to China Over Freedom of Navigation’, Chatham House, 01/06/2018, <https://bit.ly/3y5WMjp> (found: 26/07/2021) and ‘Royal Navy shadows Chinese warships through Dover Strait’, Royal Navy, 03/08/2019, <https://bit.ly/3eWUbrj> (found: 26/07/2021).

¹⁷ Zhang Hui and Zhao Yusha, ‘UK tilting toward Indo-Pacific to counterweight China “immature” decision’, *Global Times*, 16/03/2021, <https://bit.ly/3ei0z4m> (found: 26/07/2021).

¹⁸ See, for example: ‘Japan welcomes UK plan to deploy aircraft carrier in Indo-Pacific’, *ANI*, 28/04/2021, <https://bit.ly/36Y3U5w> (found: 26/07/2021).



imperial past in other ways. ‘Opium War’ and ‘gunboat policy’ are a common theme, a reference to the two conflicts between the UK and the Qing Empire nearly two centuries ago.¹⁹ The idea that HM Government is seeking a return to the geopolitics of the mid-nineteenth century is laughable. Nonetheless, ‘opium wars’ continues to be a crowd-pleaser for an audience which likes to absolve the PRC of any blame for the current tensions in the South China Sea.

- **‘American stooge’**: A common theme in Chinese commentary about the UK’s dissatisfaction with the CCP’s behaviour is to assert that it is ‘blindly following Washington’ or playing ‘tactical tag-along’.²⁰ Less courteously, Britain is described as an American ‘henchman’ or ‘toady’.²¹ Implicit in such claims is the patronising view that independent governments have no ability to make their own minds up about issues but only criticise the PRC because they are told to do so. It is a foolish response that fails to alert Chinese elites to the disquiet that their actions cause around the region and the wider world.
- **‘Making trouble where there is none’**: A China Daily article earlier this year asserted: ‘The UK joining allies in boosting military presence in the region will do nothing except escalate tensions, and perpetuate the already vicious circle where distrust and tensions are mutually consolidating.’²² If this were truly the case, then the other countries of the region would not be inviting the CSG to visit and take part in joint exercises. Chinese commentators are unwilling to acknowledge that it is their own government’s actions that are creating distrust and tension in the region. It is this tension that concerns countries such as the UK. The same China Daily article warned that ‘Britain should refrain from fanning the flames of confrontation’.²³ If China really seeks to extinguish the flames of

¹⁹ See, for example: Li Qingqing, ‘Is UK trying to launch another opium war against China?’, *Global Times*, 05/07/2020, <https://bit.ly/2QCdSoc> (found: 26/07/2021) and Cui Hongjian, ‘Indo-Pacific tilt won’t help UK regain market share in China’, *Global Times*, 09/03/2021, <https://bit.ly/3eZ7nVF> (found: 26/07/2021).

²⁰ See: Shen Jiru, ‘By blindly following Washington, London risks shooting itself in the foot’, *Global Times*, 17/02/2019, <https://bit.ly/3iIccnu> (26/07/2021) and Chen Lufan, ‘Stirring up South China Sea with aircraft carriers detrimental to UK’s reputation’, *China Military Online*, 17/07/2020, <https://bit.ly/3rNm9Et> (found: 26/07/2021).

²¹ See: Zhang Junshe, ‘UK needs a realistic view of its military strength’, *Global Times*, 15/07/2020, <https://bit.ly/3eXGkKi> (found: 26/07/2021) and Zhang Hui and Zhao Yusha, ‘UK tilting toward Indo-Pacific to counterweight China “immature” decision’, *Global Times*, 16/03/2021, <https://bit.ly/3ei0z4m> (found: 26/07/2021).

²² ‘UK parades its two-faced desperation: China Daily editorial’, *China Daily*, 24/05/2021, <https://bit.ly/3j5CDUv> (found: 26/07/2021).

²³ *Ibid.*



confrontation in the South China Sea, it could simply live up to the international agreements it has already signed and respect the rights of smaller countries in the region.

- **‘Dismissal’**: Another popular line is to brush Britain off as a waning power. The UK is frequently dismissed as a ‘declining empire’, a power ‘not...strong enough to achieve its ambitions’, a country which ‘lacks power’ and faces a ‘crisis of identity whereby it is unable to realistically come to terms with its place in the world today’, and a nation ‘biting off more than it can chew’.²⁴ These tropes contradict other commentators who suggest that Britain poses a threat to the PRC. It is a tough balancing act for CCP outlets such as the *Global Times* and *People’s Daily* to argue that the British focus on the Indo-Pacific and the deployment of the CSG is both a mortal threat to regional security and simultaneously a pointless, militarily-insignificant piece of gesture politics.
- **‘Expulsion’**: Chinese spokespeople and media commentators commonly assert that PRC forces ‘expel’ warships steaming through or aircraft flying over the South China Sea.²⁵ It sounds brave but it is inaccurate. These transits are intended to be brief, none of them need to be ‘expelled’. In each case where this term has been used, the ships and aircraft involved have left of their own accord.

In addition to enhanced narrative projection, Chinese naval forces (particularly PLAN warships) can be expected to ‘shadow’ the CSG almost from the time it enters the South China Sea until it leaves (HMS Albion was shadowed when it was in the region in 2018).²⁶ The PRC could also employ more robust measures, including:

- **Naval encounters**: It is unlikely that Chinese warships or patrol vessels will directly confront vessels of the CSG. The most likely response is for the

²⁴ For a selection, see: Lan Jianxue, ‘India beckons UK to Asia, but really Washington’s bidding’, *Global Times*, 16/12/2020, <https://bit.ly/3rF2JBl> (found: 26/07/2021); Lu Yuanzhi, ‘Joining Quad will see London following the same folly as US’, *Global Times*, 31/01/2021, <https://bit.ly/3eUM3AU> (found: 26/07/2021); He Zhigao, ‘London lusts to ride Indo-Pacific PR wave, but lacks power to pull it off’, *Global Times*, 18/03/2021, <https://bit.ly/3eYBBS2> (found: 26/07/2021); Tom Fowdy, ‘Britain’s China imbroglio destined to produce nothing’, *Global Times*, 18/02/2021, <https://bit.ly/3eZIWaF> (found: 26/07/2021); Zhang Junshe, ‘UK needs a realistic view of its military strength’, *Global Times*, 15/07/2020, <https://bit.ly/3eXGkKi> (found: 26/07/2021).

²⁵ See, for example: Didi Tang, ‘China claims US ship expelled for ‘illegal trespass’ in South China Sea’, *The Times*, 29/04/2020, <https://bit.ly/3rAIzBA> (found: 26/07/2021) and ‘China says US warship illegally enters its territory in S. China Sea’, *Reuters*, 20/05/2021, <https://reut.rs/2Uilc4c> (found: 26/07/2021).

²⁶ ‘British navy’s HMS Albion warned over South China Sea “provocation”’, *BBC News*, 06/09/2018, <https://bbc.in/3i42ZXm> (found:26/07/2021).



PLAN and China Coast Guard to shadow the various ships of the CSG and then, after they leave a particular area, for CCP officials to heroically declare that they have been ‘expelled’. There has only been one known physical confrontation between Chinese and other warships in recent years: a September 2018 incident in which a Chinese destroyer, the Luyang, attempted to shoulder an American destroyer, the USS Decatur. In that case, the American ship was forced to change course to avoid a collision while undertaking a FONOP.²⁷

- **Maritime militia actions:** Less likely responses to the CSG’s presence might include attempts by the China Coast Guard or Chinese paramilitary forces – known as the ‘Maritime Militia’ – to block the passage of a warship. The Maritime Militia is an organised force comprised of fishermen from ports in southern China who have been provided with state funding and uniforms. They are often tasked with defending the PRC’s supposed maritime rights and interests. In effect, this means they are primarily used as semi-deniable ‘muscle’ in confrontations with neighbouring countries.²⁸

Maritime militia vessels have been built with heavy ‘ramming bars’ around their bows, although they are highly unlikely to attempt to ram a warship many times larger than themselves. However, Maritime Militia vessels have rammed and sunk Philippine fishing boats and confronted Vietnamese boats.²⁹ They have also employed other methods. During a 2009 confrontation with an American surveillance ship, the USNS Impeccable, militia boats dropped heavy wooden objects in the path of the vessel and forced it to stop.³⁰ A flotilla of fishing vessels lashed together and deliberately placed in the path of a warship in an area of sea with complex coral reefs and narrow channels would represent a significant obstacle.

In short, the PRC’s Maritime Militia are organised to act as a ‘grey zone’ force, neither military or civilian, to complicate other countries’ efforts to uphold their rights under UNCLOS. However, as a state-funded organisation, legally it has

²⁷ Ben Werner, ‘Destroyer USS Decatur Has Close Encounter With Chinese Warship’, *USNI News*, 01/10/2018, <https://bit.ly/3x6AHQj> (found: 26/07/2021).

²⁸ For further information on the Maritime Militia, see: Jonathan Manthorpe, ‘Beijing’s maritime militia, the scourge of South China Sea’, *Asia Times*, 28/04/2019, <https://bit.ly/3kXqAuX> (found: 26/07/2021).

²⁹ See: Shashank Bengali and Vo Kieu Bao Uyen, ‘Sunken boats. Stolen gear. Fishermen are prey as China conquers a strategic sea’, *Los Angeles Times*, 12/11/2020, <https://lat.ms/3i59ycr> (found: 26/07/2021).

³⁰ For more on this incident, see: Michael Green *et al.*, ‘Counter-coercion series: Harassment of the USNS Impeccable’, *Asia Maritime Transparency Initiative*, 09/05/2017, <https://bit.ly/3x4ozzl> (found: 26/07/2021).



exactly the same rights and obligations as a coastguard or navy. It is likely that British officials have communicated this interpretation of international law to their Chinese counterparts.

How HM Government can avoid Chinese escalation

The CSG will need to be ready for potential Chinese ‘grey zone’ tactics possibly involving a combination of naval, coastguard and maritime militia ships and boats. There are some obvious responses to the PRC’s framing of the Royal Navy’s deployment to the Indo-Pacific, specifically the South China Sea. HM Government should highlight these aspects of Operation Fortis at every opportunity:

- The UK is visiting the South China Sea region at the request of most countries there. The fact that the CSG has been invited to make port calls and take part in naval exercises with local states demonstrates this.
- The Royal Navy’s actions in the South China Sea are no different from the PLAN’s actions in the English Channel in recent years. The CSG is simply sailing through the EEZs and territorial seas of other countries en route to visits and naval exercises with friendly countries.
- In making its transit and asserting freedom of navigation, the UK is upholding UNCLOS and the international law of the sea. Moreover, maintaining these rules benefits the whole region and the wider world.
- It is the PRC’s violations of UNCLOS that have raised the tension in the South China Sea over the past few decades. There are many mechanisms that the PRC could use to de-escalate tensions – ranging from a putative ‘code of conduct’ with its Southeast Asian neighbours to international legal tribunals. The PRC has stonewalled the former for 25 years and denounced the latter.
- The CSG should be prepared to respond to any humanitarian emergencies that develop during the period of its deployment. In recent years, several deadly typhoons have hit Southeast Asia between August and October. In 2013, the assistance rendered by HMS *Illustrious* and HMS *Daring* after



Typhoon Haiyan was much appreciated by the government and people of the Philippines.

Conclusion

Operation Fortis should really be no more controversial than any warship's voyage between two points. However, given the deteriorating state of relations between the PRC, its neighbours and many free and open countries, the CSG's transits of the South China Sea are likely to generate plenty of attention and comment. While the temptations to 'hype-up' the expedition, particularly during the media's 'silly season' in August are strong, journalists and analysts on all sides should take care not to repeat lazy talking points based upon incomplete understandings of regional politics or international law.

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About the author

Dr Bill Hayton is the author of *The South China Sea: The struggle for power in Asia* (Yale University Press, 2014). He is an Associate Fellow with the Asia–Pacific Programme at Chatham House. He worked for BBC News for 22 years, including periods as a reporter in Vietnam and a media advisor in Myanmar. His other books include *Vietnam: Rising dragon* (Yale University Press, 2010) and *The invention of China* (Yale University Press, 2020).

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Address: 14 Old Queen Street, Westminster, London, SW1H 9HP

Phone: 020 3915 5625

Email: info@geostrategy.org.uk

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