

# ISSUE BRIEF

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## Not the Time for U.S.–China Conciliation in Southeast Asia

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Indications are that Secretary of State Hillary Clinton goes to Southeast Asia this week in a conciliatory mood. Her Assistant Secretary for East Asian and Pacific Affairs, Kurt Campbell, told a Washington audience recently that the American emphasis at the annual Association of Southeast Asian Nations (ASEAN) meetings in Cambodia this week would be “engagement and cooperation with China.”<sup>1</sup> Much of the regional coverage has picked up on his message.

It is good for the Chinese to know that there is a path open in Southeast Asia for a productive relationship with the U.S. Given China’s behavior in the South China Sea over the past few months, however, now is emphatically not the time for a message of conciliation. This climate demands the Secretary Clinton of 2010, when, in Hanoi for the same

set of ASEAN meetings, she publicly declared American interests in the South China Sea and voiced opposition to “the use or threat of force by any claimant.”<sup>2</sup>

The region rallied to her message of resolve and leadership. In total, 12 of the 27 participants in the Hanoi meetings raised concerns about the South China Sea. They—particularly the Philippines and Vietnam—need to hear American firmness again this week.

**Chinese Remain at Scarborough Shoal.** Lost in the diplomatic shuffle of the past few weeks is the fact that the recent impasse between the Philippines and China a mere 124 miles off the coast of the Philippines is not over. Reports indicate that three Chinese government vessels remain in the vicinity of the shoal. On June 15, Philippines President Benigno Aquino pulled Filipino government vessels out of the area with what he thought was an agreement from the Chinese to do the same—an approaching storm providing face-saving cover for both sides. Instead of reciprocity, however, Aquino got condescending praise from the Chinese for de-escalating the conflict.

The U.S. has been deeply involved in this series of events, advising its

ally in the Philippines and, one can only presume, intervening with the Chinese. If allowed to stand, the current turn in the situation—that is, the Chinese left alone to represent its sovereignty claim in Scarborough—is a defeat for both the Philippines and the U.S.

Clinton’s participation in the ASEAN meetings this week is a prime opportunity to let China and Southeast Asia know that it will not allow this one sided bargain to stand, and to reinforce the red line that the U.S.–Philippines Mutual Defense Treaty draws around the Philippines, its armed forces, and public vessels.

**Chinese Intensify Pressure on Vietnamese.** As with the Philippines claims, the U.S. is neutral regarding Vietnam’s territorial claims in the South China Sea. However, although Vietnam does not have a security pact with the U.S., the U.S. does have reason to be concerned with the aggressive way the Chinese are pressing their vast, extra-legal claims.

On June 23, China opened for tender oil and gas exploration blocks up to 37 nautical miles from Vietnam’s shores—some, in fact, in areas the Vietnamese are already developing. More ominously, on June 28, it announced the establishment of, in

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the words of the Ministry of National Defense, “a normal, combat-ready patrol system” to patrol waters under Chinese jurisdiction—clearly implying the South China Sea and specifically the waters around the Spratlys.<sup>3</sup>

This is more than just another assertion of sovereignty by a government spokesman. China clearly characterized these patrols as military in nature, as opposed to civilian. Chinese reliance on civilian vessels at Scarborough and elsewhere has been one of the reeds preventing escalation of the conflict among the parties.

Vietnam and China have also taken domestic legal steps to reinforce their positions. This most recent spate of activity was preceded by the Vietnamese passing a law reiterating their claims. On the same day, the Chinese established a city-level administration over the various islands and waters of the South China Sea with its seat of government on Woody Island, an island in the Paracels seized from South Vietnam in 1974.

This sort of legal jockeying has become commonplace, even if the tit for tat is intensifying. However, by militarizing the dispute, the Chinese have raised the temperature to a new level. Clinton cannot go to the meetings in Cambodia pretending otherwise.

**Recommendations.** Secretary Clinton should:

- Make strong representations both in private and public during

the ASEAN meetings reiterating American interests in “freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South China Sea” and opposition to the threat or use of force, as she did in 2010, and continue to press the American role in finding solutions.

- Provide immediate assistance to the Philippines in maritime domain awareness. There are conflicting reports over whether the Philippines has requested the U.S. to provide air patrols of the maritime space in question. If it has, there is nothing escalatory with such a request. The U.S. is already working closely with the Philippines to upgrade its domain awareness capabilities with radars and the like. As this critical longer term effort is underway, if the Philippines requests more direct, immediate assistance in the form of American air patrols, it should be provided.
- Support the Philippines in sending its government vessels back to Scarborough Shoal. Possession is nine-tenths of the law. The physical absence of Philippine government vessels gives the appearance that it has ceded its claim. With each passing day, its return becomes diplomatically more difficult.

- Support the conclusion of an effective code of conduct for

the South China Sea, but do not rely on ASEAN’s ability to reach one. A code of conduct has been in the works for more than 10 years. Given the dynamics in the region, ASEAN and China are not likely to reach an agreement on an effective code in the near term. Reliance on the negotiations could easily devolve into a way to kick the can down the road—to a time when the Chinese will essentially own the territory in dispute and be in position to dictate the norms and procedures themselves.

#### **Impress American Resolve.**

The Hanoi meeting in July 2010 was a watershed for the Obama Administration’s Asia policy. Secretary Clinton clearly laid out American interests in the South China Sea and U.S. resolve to play a role in addressing the problem. The countries in the region with the most at stake—the Philippines and Vietnam—responded very well. At the meetings in Cambodia this week, Clinton should pick up where she left off in 2010 and forcefully impress upon all participants America’s determination to protect its interests and allies in the region.

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1. Lauren French, “U.S. to Highlight China Cooperation at ASEAN Forum,” Reuters, June 27, 2012, <http://www.reuters.com/article/2012/06/27/us-usa-china-asean-idUSBRE85Q1Q720120627> (accessed July 9, 2012).

2. Secretary of State Hillary Clinton, remarks at National Convention Center, Hanoi, Vietnam, July 23, 2010, <http://www.state.gov/secretary/rm/2010/07/145095.htm> (accessed July 9, 2012).

3. Dean Cheng, “South China Sea: China Drops a Bombshell,” The Heritage Foundation, *The Foundry*, July 7, 2012, <http://blog.heritage.org/2012/07/07/south-china-sea-china-drops-a-bombshell/>.