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Kerry, Hagel, and Brennan Senate Confirmation Hearings: U.S. Policy on Asia

Dean Cheng, Bruce Klingner, and Walter Lohman

In the coming weeks, the United States Senate will begin the confirmation process for three key Administration positions: Senator John Kerry (D–MA) for Secretary of State, former Senator Chuck Hagel (R–NE) for Secretary of Defense, and White House chief counterterrorism advisor John Brennan for director of the CIA. All three have been prominent backers of President Obama’s foreign and defense policy.

The Senate confirmation process allows the American public an opportunity to learn more about what these candidates believe and how they see America’s role in a dangerous world. The American people deserve clear answers from President Obama’s nominees and a clear-cut commitment from them that they will advance U.S. interests on the world stage and defend America’s national security needs.

Asia Matters. U.S. leadership in Asia should be an especially important issue in the confirmation hearings. Excluding Canada and Mexico, five of America’s top 10 trading partners are in Asia. It is also an international economic engine critical to general American prosperity. It boasts the world’s two largest economies after the U.S. and much of the world’s holdings of U.S. dollars and dollar assets, such as Treasury bonds. Instability in the region would undermine global economic activity and adversely impact the U.S. Moreover, like Europe, conflict and instability in Asia have a historical tendency to draw in the U.S.

For these reasons, it has been in the American interest to preserve regional stability since the end of the Second World War. The U.S. has established a network of formal alliances (Japan, South Korea, Philippines, Thailand, and Australia), and security relationships (e.g., Taiwan and Singapore) to help maintain the regional status quo. This builds upon a long-standing American interest in preventing regional dominance by any hostile powers that predates the Cold War, extending back to the “Open Door” policy toward China in the 19th century and the efforts to limit

Japanese aggression in the 1930s and 1940s.

There are four main issues that underpin U.S.–Asia relations on foreign affairs and defense.

1. The Growing China Challenge. Over the past several years, amidst its two-decades-long massive military modernization, the People’s Republic of China (PRC) has become increasingly intransigent in its dealings with its neighbors. Whether it is in the South China Sea, the East China Sea, or the Yellow Sea, Beijing has been steadily expanding its claims while displaying little interest in compromise or equitable negotiations. While it has thus far chosen not to employ military force, Beijing has also demonstrated a willingness to apply other means, such as extensive use of civilian law enforcement ships to establish a presence in disputed waters, curtailing rare earths exports, and restricting imports in order to get its way.

All of this is backed by a People’s Liberation Army (PLA) that has enjoyed over two decades of double-digit budgetary growth. For American allies and partners such as Singapore, India, and Taiwan, the need for a consistent American diplomatic stance and military presence is greater than ever.

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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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For each of the nominees, it is essential to determine what steps they would recommend to reassure America's friends and allies that the U.S. prepared to stand by them. While the solution has an obvious military component—including arms sales to key partners such as Taiwan—it also involves diplomatic measures, such as relevant interpretations of treaty commitments. It also applies to standing firm on fundamental American principles, such as support for human liberty and America's traditional legal understandings of freedom of navigation.

2. The Ongoing North Korea Threat. Another chronic issue is that of North Korea. The recent North Korean missile test and space launch demonstrates both North Korean willingness to defy the international community (the test was specifically prohibited by various U.N. resolutions) and the unwillingness of the PRC to rein in the North Koreans. North Korea's nuclear program, meanwhile, proceeds unabated, with the high likelihood of another North Korean nuclear test in the next few months.

Given the threat to North Korea's neighbors and the U.S., it is incumbent upon each of the nominees to specify how they see North Korea and what steps they would take to deter Pyongyang from pursuing policies that both undermine international law and potentially jeopardize regional peace and security. This includes not only concerns about bolstering the missile defense capabilities of South Korea and Japan but also measures that could persuade China to more stringently apply

pressure on North Korea to abide by its commitments.

3. Pressures on Alliances. As China's economy continues to dominate East Asia, it raises the possibility that Beijing may be able to prevent America's Asian allies from coalescing in the event of a crisis. The economic stick that Beijing displayed against Japan in the 2010 Senkaku crisis—limiting exports of rare earths—is one method, but it may be joined by economic carrots, such as aid grants, investments, and special market access.

This is exacerbated by historical animosities and territorial disputes among the allies themselves, such as the Dok-do controversy between South Korea and Japan. These limit mutual cooperation, as evidenced by the failure of a proposed intelligence-sharing agreement between Seoul and Tokyo.¹

Preserving and strengthening American security relationships and promoting comity and cooperation will require a carefully thought out strategy so that the U.S. makes clear its ongoing security commitments. What course of action each nominee is likely to pursue in order to prevent the drifting apart of allies and the U.S., or from each other, is an important factor in assessing their qualifications.

4. Potential Instability in China and North Korea. Both Beijing and Pyongyang saw new leaders take office in 2012, which limits the ability to predict future behavior. Moreover, there is some evidence that both North Korea and the PRC are experiencing more internal unrest.

For the nominees, this means not only questioning the extent to which they have considered the ramifications of these developments but assessing how each is likely to interact with American allies in coordinating responses. Given its strength and patronage of the North Korean regime, PRC reticence about any discussions regarding a crisis on the peninsula is particularly disturbing.

Commitments Needed. Given the importance of East Asia to the U.S., the Senate should seek the following commitments from the nominees and make clear the following red lines.

Senators should ask Senator Kerry to:

- Make clear that the U.S. will not pay yet again for North Korea's nuclear program after having done so under Presidents Clinton and Bush. He should also be asked to explain his belief that “[f]ruitful talks between the U.S. and North Korea can lay the groundwork for resumption of the Six Party Talks.”²
- Clarify how the U.S. views the South China Sea and reiterate the assurances offered to the Philippines in 1999 about application of the U.S.–Philippines Mutual Security Treaty.
- Clarify his views regarding the utility of a space arms control treaty or space code of conduct in light of the specific restrictions placed upon such efforts in the recently passed 2013 National Defense Authorization Act

1. See K. J. Kwon, “South Korea and Japan Put Military Intelligence Pact on Hold After Outcry,” CNN.com, June 29, 2012, <http://www.cnn.com/2012/06/29/world/asia/south-korea-japan-pact/index.html> (accessed January 18, 2013).

2. Senator John Kerry (D-MA), “Opening Statement for ‘Breaking the Cycle of North Korean Provocations,’” March 1, 2011, http://www.foreign.senate.gov/imo/media/doc/Kerry_Statement.pdf (accessed January 18, 2013).

(NDAA). The Senate should ask how Kerry would reconcile the 2013 NDAA—which he voted in support of—with the President’s signing statement, which rejected the relevant section.

- Explain his view of the U.S.–Thailand alliance in light of its long-referenced founding documents, the Manila Pact (1954) and Thanat–Rusk Communique (1962).

Senators should ask Senator Hagel:

- How he would enforce the fiscal year (FY) 2000 NDAA restrictions on contacts with the PLA and to make a commitment to continuing the annual assessment of the Chinese military in the form currently required under the FY 2000 NDAA. The Senate should make clear that it expects Hagel, as Secretary of Defense, to enforce these provisions.
- About his assessment regarding the balance of airpower over the Taiwan Straits and regarding the state and requirements of Taiwan’s air force. It should ask him to clarify whether he would support the sale of new F-16 C/Ds, as requested by the Republic of China since 2006.
- To clarify his views regarding the utility of a space arms control

treaty or space code of conduct in light of the specific restrictions placed upon such efforts in the recently passed 2013 NDAA.

- Whether he is prepared to consider the sale of the F-35 Joint Strike Fighter to India if the Indian government expressed an interest.
- To explain his view of the value of the Navy’s Freedom of Navigation Program in physically asserting American legal claims to operate in international waters. It should press him to make a commitment to continue to authorize such operations in line with long-standing American principles—even in the face of opposition from states such as the PRC.

Senators should ask Brennan to:

- Explain his views on the utility of the intelligence the U.S. Navy gathers in the seas and airspace off China’s coast. They should make clear that they will not tolerate a reduction in such operations, given the message that would send to the PRC and to U.S. allies about the firmness of the U.S. commitment.
- Explain, given the repeated failures of U.S. intelligence regarding North Korean nuclear activities, including the sale of a reactor to Syria and the construction of a 2,000-centrifuge

uranium-enrichment facility, what operational and analytic measures he expects to implement to improve American understanding of North Korea. Given the dangers posed by North Korea’s nuclear and missiles programs, the Senators should make clear that they expect the CIA to not be subject to yet another surprise by Pyongyang.

Growing Challenges. President Obama will be confronted by a growing set of challenges in East Asia in his second term. The forthcoming confirmation hearings are a vital opportunity for the Senate to pose key questions about how the Administration, and especially key advisors, see those problems and potential solutions.

Given both the importance of the region to the U.S., as well as American capabilities to regional stability, there is a clear need for strong leadership from Washington to help the region weather this period of potential instability. Congress should strive to ensure that the Administration will advance ties with its key allies and friends in Asia while supporting economic freedom and national sovereignty across the Pacific.

—**Dean Cheng** is Research Fellow in Chinese Political and Security Affairs, **Bruce Klingner** is Senior Research Fellow for Northeast Asia, and **Walter Lohman** is Director of the Asian Studies Center at The Heritage Foundation.