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**No. 220**

**Recent Developments in the South China Sea:  
Grounds for Cautious Optimism?**

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Singapore**

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## ABSTRACT

This paper provides a broad overview of four major topics. First, it discusses tensions in China-United States relations and their implications for Southeast Asia. This section will focus on how China and the United States employ naval power to shape the political environment. This section also critically examines the concept of “core national interest” that is attributed to Chinese officials. Second, the paper review multilateral efforts to address the South China Sea with a particular focus on the 17<sup>th</sup> ASEAN Regional Forum ministerial meeting and the inaugural meeting of the ASEAN Defence Ministers Plus Eight. Third, the paper reviews China-Vietnam interaction in the South China Sea with a particular focus on China’s annual unilateral fishing ban and seizure of Vietnamese fishing boats. Fourth, the paper reviews the status of the Declaration on Conduct (DOC) of Parties in the South China Sea and progress by the China-ASEAN working group to implement the DOC. The paper concludes on a note of cautious optimism that there is likely to be some progress in implementing confidence building measures in the South China Sea but that sovereignty claims will remain intractable.

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(Canberra: Australian Strategic Policy Institute, 2010), “Recent Developments in the South China Sea: Implications for Peace, Stability and Cooperation in the Region”, in Tran Truong Thuy, ed., *The South China Sea: Cooperation for Regional Security and Development* (Hanoi: Nha Xuat Ban The Gioi, 2010), “The United States and Chinese Assertiveness in the South China Sea”, *Security Challenges*, 6(2), Winter 2010, and “Vietnam and Rising China: The Structural Dynamics of Mature Asymmetry”, in Daljit Singh, ed., *Southeast Asian Affairs 2010* (Singapore: Institute of Southeast Asian Studies, 2010).

# **Recent Developments in the South China Sea: Grounds for Cautious Optimism?<sup>1</sup>**

## **Introduction**

This Working Paper reviews four major themes in 2010 related to the South China Sea and their implications for Southeast Asia. First, the paper discusses tensions in China-United States relations and their impact on the region. This section focuses on how China and the United States employ naval power to shape the political environment. This section also critically examines the concept of “core national interest” that is attributed to Chinese officials. Second, the paper reviews multilateral efforts to address the South China Sea with a particular focus on the 17<sup>th</sup> ASEAN Regional Forum Ministerial Meeting and the inaugural meeting of the ASEAN Defence Ministers Plus Eight forum. Third, the paper reviews China-Vietnam interaction in the South China Sea with a particular focus on China’s seizure of Vietnamese fishing boats and annual unilateral fishing ban. Fourth, the paper reviews the status the Declaration on Conduct of Parties in the South China Sea (DOC) and progress by the China-ASEAN Working Group to implement the DOC. The paper concludes on a note of cautious optimism that there is likely to be some progress in implementing confidence building measures in the South China Sea in the near term, but that sovereignty claims will remain intractable and great power rivalry will continue to be transmitted into Southeast Asia.

## **China-U.S. Relations and Regional Implications**

This section reviews the South China Sea as an issue between China and the United States. It begins with an assessment of the assertion that China has raised the South China Sea to a “core national interest”. Next it reviews naval exercises conducted by the People’s Liberation Army navy (PLAN) and United States’ responses. Finally, the section reviews bilateral relations during 2010 from China’s suspension of and then resumption of military-to-military contacts.

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<sup>1</sup> This paper was first presented at the 2<sup>nd</sup> International Workshop on “The South China Sea: Cooperation for Regional Security and Development”, co-organized by the Diplomatic Academy of Vietnam and the Vietnam Lawyers’ Association, Ho Chi Minh City, Vietnam, 12-13 November 2010.

## Core National Interest

According to Edward Wong, the Beijing-based correspondent for *The New York Times*:

In March [2010], Chinese officials told two visiting senior Obama administration officials, Jeffrey A. Bader and James B. Steinberg, that China would not tolerate any interference in the South China Sea, now part of China's "core interest" of sovereignty, said an American official involved in China policy. It was the first time the Chinese labeled the South China Sea a core interest, on par with Taiwan and Tibet, the official said.<sup>2</sup>

In August, when the author gave a presentation on Vietnam's security outlook at the Australian National University (ANU) and mentioned the "core interest" media report, one academic participant stated that a recent Chinese visitor had assured an in-house ANU seminar this was not official Chinese government policy.<sup>3</sup> A month later, when the author cited Edward Wong's report in a draft of a Strategy Report he was preparing for the Australian Strategic Policy Institute (ASPI),<sup>4</sup> one well-placed reviewer, with extensive experience in the diplomatic-intelligence communities, commented, "This assertion (in the text) was first mentioned in the NYT, and has subsequently been refuted by the relevant U.S. officials".<sup>5</sup> The author therefore sought to investigate the matter further by contacting key sources in Beijing and Washington for their assessments.

The Beijing-based source who had access to those involved in the March discussions between Chinese and U.S. officials, was categorical that an American official definitely told him "that Chinese officials used the term 'core interest' in relation to

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<sup>2</sup> Edward Wong, "Chinese Military Seeks to Extend Its Naval Power". *The New York Times*, 23 April 2010. Bader is Asia Director at the National Security Council; Steinberg is the Deputy Secretary of State. China's third "core interest" is Xinjiang.

<sup>3</sup> Remarks by Professor Paul Hutchcroft during the question and answer period, Approaches to Asia-Pacific Security, Strategic and Defence Studies course, Strategic and Defence Studies Centre, College of Asia & the Pacific, The Australian National University, Canberra, 31 August 2010

<sup>4</sup> My draft read: "Chinese assertiveness in the South China Sea has accompanied strategic policy reassessments in China. In March 2010, Chinese officials told visiting U.S. envoys that the South China Sea had been elevated to a 'core interest', along with Taiwan and Tibet. The U.S. officials were told bluntly that China would not tolerate any interference in the South China Sea".

<sup>5</sup> Private communication, 30 September 2010.

the S. China Sea. Of course, it's unclear who made this statement, and to what degree it reflects a new policy direction, if any".<sup>6</sup>

My source in Washington replied to my query as follows:

We've had this debate within [deleted]... the China team has been lobbied by Chinese counterparts to say that they never told the USG [United States Government] that the South China Sea was a 'core interest'. This may be technically true, as I don't have a confirmed record of their saying so in a formal China-U.S. or multilateral g to g [government to government] meeting. However, it is clearly on the record that Chinese officials have called the South China Sea a 'core interest' of China. They have done so repeatedly.

I am not aware of any U.S. officials repudiating the NYT report. I may have missed it, but I haven't seen that.

It's is clear the Chinese are trying to distance themselves from their self-imposed policy 'box' on this one. They are wise to do so, and it may be wise to give them room to get out of that box.<sup>7</sup>

There was confusion over which Chinese official spoke to the American officials. One report stated:

In March, Assistant Minister of Foreign Affairs Cui Tiankai told two senior U.S. officials that China now views its claims to the 1.3 million-square-mile sea on par with its claims to Tibet and Taiwan, an island that China says belongs to Beijing.<sup>8</sup>

While another source who is close to official Chinese thinking on defence and security matters, stated it was Chinese State Councillor Dai Bingguo who told Jeffrey Bader that "Hainan Island and surrounding waters" was a "core national interest".<sup>9</sup> This statement was conveyed by the State Councillor at the specific request of the Chinese military. According to this source, the State Councillor did not include the Spratly Islands as a "core national interest;" this was an inference drawn by his

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<sup>6</sup> Private communication, 20 September 2010.

<sup>7</sup> Private communication, 20 September 2010.

<sup>8</sup> John Pomfret, "U.S. takes a tougher line with China". *The Washington Post*, 30 July 2010. See also Kyodo News Agency, 3 July 2010.

<sup>9</sup> Discussion under Chatham House Rules, Canberra, 25 October, 2010.

American interlocutors. Once the remarks were reported in public Chinese officials felt constrained about denying outright that the South China Sea was a not (?) “core national interest” for fear of provoking a domestic backlash among Chinese nationalists.

Secretary of State Hillary Clinton has disclosed that at the 2<sup>nd</sup> U.S.-China Strategic and Economic Dialogue in Beijing (24-25 May 2010) the Chinese stated they viewed the South China Sea as a core interest. Clinton stated in an interview:

And when China first told us at a meeting of the Strategic and Economic Dialogue that they viewed the South China Sea as a core interest, I immediately responded and said, ‘We don’t agree with that’. So they were on notice that if they were –

Question: Was that Dai Bingguo that said that to you?

Yes, yeah. So if they were in the process of extending their efforts to claim and control to the detriment of international law, freedom of navigation, maritime security, the claims of their neighbors, that was a concerning matter. And therefore, we worked with a lot of the ASEAN countries who are directly impacted and 12 of us raised it at the ASEAN Regional Forum last July to make it clear that issues like that have to be resolved in accordance with the rule of law.<sup>10</sup>

Since the initial March report, Chinese officials have been equivocal when questioned whether or not the South China Sea has been raised officially to a “core interest” or “core national interest”. For example, a correspondent who attended the Shangri-la Dialogue in Singapore in June 2010 relayed to me that a People’s Liberation Army Major General told him the South China Sea “was not quite the same as Tibet or Taiwan”.<sup>11</sup>

The Chinese media frequently use the term “core interest”, particularly in the July-August period. For example, an editorial in a leading English-language paper asserted:

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<sup>10</sup> ‘Interview with Greg Sheridan of *The Australian*,’ Hillary Rodham Clinton, Secretary of State, Melbourne, Australia, 8 November 2010.

<sup>11</sup> Private communication, 20 September 2010.



China's tolerance was sometime taken advantage of by neighboring countries to seize unoccupied islands and grab natural resources under China's sovereignty.

China's long-term strategic plan should never be taken as a weak stand. It is clear that military clashes would bring bad results to all countries in the region involved, but China will never waive its right to protect its core interest with military means.<sup>12</sup>

A review of Chinese academic and media commentary on this question concluded:

While no Chinese official has spoken about what "core national interests" means, there is a growing chorus from within the country for the People's Liberation Army to defend these core interests in the disputed region. Recent news coverage has brought the term "core national interests" into the same spotlight as "national sovereignty" and "territorial integrity" and raises the issue of how China defines the term and what it covers.<sup>13</sup>

Walter Lohman, an analyst with Washington-based Heritage Foundation, concluded that "China's characterization of South China Sea as a 'core interest'... is just a big misunderstanding or in the process of being walked back by the Chinese".<sup>14</sup>

As a result of the foregoing, I reached the following net assessment in my ASPI Strategy Report:

Chinese assertiveness in the South China Sea has generated special concerns. In March 2010, U.S. media reported that Chinese officials told senior State Department envoys that the South China Sea had been elevated to a 'core interest' along with Taiwan and Tibet and China would not tolerate any interference in the South China Sea. Chinese officials repeated this assertion

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<sup>12</sup> *Global Times*, 26 July 2010.

<sup>13</sup> Cary Huang, "A bolder China asserts 'core' interests – but will it act?". *South China Morning Post*, 12 August 2010. For an example of Chinese media dissimulation see: Le Hongmei, "Unwise to elevate 'South China Sea' to be core interest?", *People's Daily Online*, 27 August 2010.

<sup>14</sup> Walter Lohman, "Not the Time to Go Wobbly: Press U.S. Advantage on South China Sea". *Web Memo* No. 3023, The Heritage Foundation, 22 September 2010. Note also the assessment that "China does appear to be gradually pulling back from its 'core interest' assertion, with some Chinese experts suggesting it was an unwise move, and others disputing that it happened at all". Jeremy Page, Patrick Barta and Jay Solomon, "U.S., Asean to Push Back Against China". *The Wall Street Journal*, 22 September 2010.

in private conversations with foreign diplomats and the term ‘core interest’ was used in Chinese media reports. These statements generated a new level of anxiety about Beijing’s strategic ambitions in the South China Sea. Subsequently, Chinese officials backtracked and now deny making such a statement...

If Chinese political leaders are committed to raising the South China Sea to a ‘core interest’, that would imply Beijing would be willing to use force or the threat of force to defend its sovereignty.<sup>15</sup>

In October 2010, a U.S. official noted that there was an internal debate in China about the “core interest” issue. “They now, in at least some of our interactions with them, appear to have backed away from the core interest argument and seem to be seeking other ways to articulate their approach to these issues”, he said.<sup>16</sup>

### **PLAN Maritime Exercises**

In 2010, China-United States relations in the Asia-Pacific were largely shaped by China’s sharp response to the announcement in January that the Obama Administration would resume arms sales to Taiwan and U.S.-South Korean naval exercises following the sinking of the Republic of Korea Navy frigate *Cheonan* in March. In July, for example, thousands of military personnel, hundreds of aircraft, F-22 stealth fighter-bombers, the USS *George Washington* and three U.S. Navy destroyers participated in military exercises with South Korea in the Sea of Japan. China suspended high-level military-to-military relations with the United States, including the bilateral Military Maritime Consultative Agreement.

During the year China conducted four high profile naval exercises to showcase the growing prowess of the People’s Liberation Army Navy (PLAN). The PLAN conducted three large-scale maritime exercises between April and July 2010 and a fourth in November. The first exercise, held in early April, involved the long-range

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<sup>15</sup> Carlyle A. Thayer, *Southeast Asia: Patterns of Security Cooperation*, ASPI Strategy Report. Canberra: Australian Strategic Policy Institute, 2010, 35 and 59.

<sup>16</sup> Quoted in Phil Stewart and John Ruwitch, “U.S. see crisis fear easing over South China Sea”. Reuters, 13 October 2010. A high-ranking U.S. official is cited as making the same point in Kazuto Tsukamoto, Yusuke Murayama and Kenji Minemura, “At key meet, Beijing tones down stance on South China Sea”. *The Asahi Shibun*, 14 October 2010.

deployment of sixteen warships from the PLAN drawn from the North Sea, East Sea and South Sea Fleets. The combined fleet sailed down the China coast, conducting live firing and anti-submarine warfare exercises and defending itself against simulated attacks launched from the mainland. The PLAN warships sailed past Okinawa through the Bashi Channel, conducted live firing exercises north of the Philippines before steaming toward the South China Sea. Up until this exercise the South Sea Fleet was the only PLAN fleet to operate in the South China Sea. The South Sea Fleet is currently being modernised with the deployment for the first time of a *Jin*-class nuclear submarine and amphibious landing craft to Yulin Naval Base on Hainan island. Yulin already houses surface combatants and conventional submarines. China is expected to deploy more nuclear submarines to Yulin. According to one naval analyst:

This [April] exercise showed that the PLAN was acquiring a much higher level of operational flexibility in the simultaneous deployment of underwater, surface and air assets, as well as possessing the confidence to sail over longer distances than before in order to shore up Chinese territorial claims in the South China Sea.<sup>17</sup>

The second exercise was held in early July in response to a combined United States-Republic of Korea naval exercise in the Yellow Sea. This exercise involved ten ships including two *Sovremenny*-class destroyers, two *Kilo*-class submarines and Type 022 *Houbei*-class fast missile attack craft armed with YJ-82 long range anti-ship missiles from the East Sea Fleet's 16<sup>th</sup> Fast Attack Flotilla. The exercise involved 'wolf pack' tactics in simulated attacks on enemy fleet formations, such as a carrier task group. PLAN warships also conducted anti-submarine exercises, while land-based aircraft conducted simulated bombing raids.

The third naval exercise, the largest of its kind, was conducted in late July and once again involved a combined fleet from the North Sea, East Sea and South Sea Fleets. At least a dozen warships took part including all four *Sovremenny* destroyers from the East Sea Fleet, as well as the most modern ships in the PLAN order of battle such as the Type 051C *Luzhou*, Type 052B *Luyang* I, Type 052C *Luyang* II, Type 054A

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<sup>17</sup> Gary Li, "Deployments, Drills and Diplomacy: China's Three-Pronged Naval Strategy". draft September 2010.

*Jiangkai II*, and *Kilo*-class submarines. JH-7/7A fighter bombers provided air cover. This exercise was notable for the prominent Chinese media coverage of live missile firings and the presence of senior commanders from the Central Military Commission and the PLA Chief of Staff, General Chen Bingde.<sup>18</sup>

On November 2, 2010 the PLA Marine Corps held the fourth major exercise, Jiaolong 2010, in the South China Sea. This exercise involved more than 100 ships, submarines and aircraft and 1,800 marines. According to military analyst Li Jie, the exercise was conducted partly in response to the intervention of unnamed countries in recent times “so it’s time to oppose those interventions with power politics”.<sup>19</sup>

These four PLAN exercises were viewed as a demonstration by China that it was now capable of deploying beyond the first island chain to the second.<sup>20</sup> The implications for Southeast Asia are clear: China is developing the capacity to sustain larger naval deployments in the Spratly archipelago and further south in the eastern approaches to the Straits of Malacca for longer periods. In August 2010, a Chinese submersible vessel planted a Chinese flag at the bottom of South China Sea to demonstrate sovereignty.<sup>21</sup>

### **U.S. Military Response to the PLAN’s Assertiveness**

The United States has responded to China’s naval build-up and development of anti-access/area denial capabilities by strengthening its posture on Guam and by new arrangements with Australia giving the U.S. greater and more permanent access to defence facilities. Significantly, in response to China’s development of a large submarine force, the U.S. has deployed thirty-one of its fifty-three fast attack submarines to the Pacific. Eighteen of these subs are home-ported in Pearl Harbor,

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<sup>18</sup> “PLA Navy Conducts live-ammunition training in South China Sea”. Xinhua, 29 July 2010 and “China conducts naval drill in South China Sea”. Agence France-Presse, 30 July 2010.

<sup>19</sup> Michael Wines, “China Stages Naval Exercises”. *The New York Times*, 3 November 2010.

<sup>20</sup>The first island chain refers to the line of islands that runs north–south from the Kuriles, Japan, the Ryukyu Islands, Taiwan, the Philippines, and Indonesia. The second island chain extends further east of China’s coast and includes a line running north-south from the Kuriles through Japan, the Bonins, the Marianas, the Carolines, and Indonesia. The first second island chain embraces an area 1,800 nautical miles from China’s coast and includes most of the East China Sea and East Asian SLOCs.

<sup>21</sup> Heda Byron, “Obama to Meet with ASEAN Leaders as Territorial Tensions Flare”. *Voice of America News*, 22 September 2010.

others are based in Guam.<sup>22</sup> The United States has also deployed three *Ohio*-class nuclear submarines (so-called boomers) to the Asia-Pacific Indian Ocean region. Each has been modified to carry 154 conventional Tomahawk cruise missiles. In late June-early July 2010, in a calculated demonstration of naval power, the USS *Florida*, USS *Michigan*, and USS *Ohio* submarines, simultaneously appeared in Diego Garcia (Indian Ocean), Busan (South Korea) and Subic Bay (the Philippines), respectively.<sup>23</sup> The United States has stationed the fifth-generation *Raptor* aircraft in Hawaii. Finally, the United States is developing an air-sea battle concept to counter China's development of area-denial/anti-access capabilities. The air-sea battle concept is being drawn up to enable the United States to prevail in conflicts where area-denial/anti-access capabilities are well developed.

In sum, China-United States great power rivalry is being projected into the maritime domain in the western Pacific and directly transmitted into Southeast Asia via the South China Sea.

### **Shangri-la Dialogue**

The downturn in China-U.S. military relations, including differences over international law and maritime security, was quickly transmitted to regional fora. This section reviews China-United States interaction at the annual meeting of the Shangri-la Dialogue in June and the bilateral meeting of defence ministers on the sidelines of the ASEAN Defence Ministers Meeting Plus Eight (ADMM Plus Eight) in October. It should be noted that immediately prior to the Shangri-la Dialogue China turned down a request by U.S. Defense Secretary Robert Gates to visit Beijing.

Secretary Gates aroused Chinese ire with his remarks to the 9<sup>th</sup> Shangri-La Dialogue in Singapore (4-6 June). After announcing his acceptance of an invitation to attend the inaugural meeting of the ADMM Plus Eight in Hanoi,<sup>24</sup> Gates then called for "open, transparent, and equal access to the global common", including the maritime

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<sup>22</sup> Oyaol Ngirainki, "Guam Gets New Sub Buildings". *NavyTimes*, 21 July 2010.

<sup>23</sup> "U.S. Posts Pictures of Nuclear Sub in 'Show of Force'". *The Chosun Ilbo*, 8 July 2010 and Mark Thompson, "U.S. Missiles Deployed Near China Send a Message". *Time Magazine*, 8 July 2010, internet edition.

<sup>24</sup> Apparently the United States was the first of eight invited dialogue partners to accept.

commons, “for security, for trade and commerce, and free passage”. He then pointedly directed his remarks to the South China Sea:

In this respect, the South China Sea is an area of growing concern. This sea is not only vital to those directly bordering it, but to all nations with economic and security interests in Asia. Our policy is clear: it is essential that stability, freedom of navigation, and free and unhindered economic development be maintained. We do not take sides on any competing sovereignty claims, but we do oppose the use of force and actions that hinder freedom of navigation. We object to any effort to intimidate U.S. corporations or those of any nation engaged in legitimate economic activity. All parties must work together to resolve differences through peaceful, multilateral efforts consistent with customary international law. The 2002 Declaration of Conduct [sic] was an important step in this direction and we hope that concrete implementation of this agreement will continue.<sup>25</sup>

China has consistently declined to send its defence minister to the Shangri-la Dialogue. In 2010, China was represented by Lt. Gen. Ma Xiaotian, deputy chief of the PLA General Staff who laid the blame for the suspension of military-to-military cooperation on U.S. arms sales to Taiwan, U.S. surveillance activities in China’s Exclusive Economic Zone and U.S. domestic legislation that curtailed cooperation with the PLA. These and other exchanges at the Shangri-la Dialogue clearly revealed tensions in bilateral relations.<sup>26</sup>

### **Meeting of U.S. and China Defence Ministers**

In October both the U.S. and Chinese defence ministers attended the inaugural meeting of the ADMM Plus Eight in Hanoi. This meeting provided the opportunity for Secretary Gates and China’s Defence Minister Liang Guanglie to hold a 50-minute bilateral on 11 October on the eve of the meeting. Minister Liang invited Secretary Gates to visit Beijing early in 2011 thus ending the freeze on high-level defence

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<sup>25</sup> Dr. Robert M. Gates. Secretary of Defence, United States, “Strengthening Security Partnerships in the Asia-Pacific”. presentation to the First Plenary Session, the 9<sup>th</sup> IISS Asian Security Summit, The Shangri-La Dialogue, Singapore, 5 June 2010. IISS is an acronym for International Institute of Strategic Studies.

<sup>26</sup> Ian Storey, “Shangri-La Dialogue Highlights Tensions in Sino-U.S. Relations, *China Brief*, X(13), 24 June 2010, 10-12.

contacts imposed by China in January 2010 in reaction to the sale of U.S. arms to Taiwan. China's position was signaled earlier when, on September 30, 2010, Major General Qian Lihua told visiting U.S. Assistance Deputy Secretary of Defense Michael Schiffer that regular dialogue and exchanges on military safety at sea and other issues would be resumed.<sup>27</sup>

China and the U.S. held talks on maritime security in Hawaii from 14-15 October. These discussions were aimed at improving security on the high seas when naval forces operated in close proximity to each other.<sup>28</sup> The results of this discussion are scheduled to be reported to the bilateral defence Consultative Talks scheduled for 9-10 December in Washington. China is likely to be represented by Lt. General Ma Xiaotian.<sup>29</sup> According to Yuan Peng, director of the Institute of American Studies at the China Institutes of Contemporary International Relations, the talks between the two defence ministers "will pave the way for the U.S.-China Defense Consultative Talks and the re-establishment of a communication mechanism between the two".<sup>30</sup> This breakthrough in bilateral military relations paralleled an upswing in political relations when it was announced that China's President, Hu Jintao, would visit the United States in the northern Spring.<sup>31</sup>

### **ASEAN and the South China Sea**

This section reviews ASEAN's role in multilateral efforts to address the South China Sea issue. It assesses the 43<sup>rd</sup> ASEAN Ministerial Meeting, 17<sup>th</sup> ASEAR Regional Forum, 2<sup>nd</sup> U.S.-ASEAN Leaders' Meeting and the inaugural ADMM Plus Eight.

In 2010, China attempted to thwart efforts by Vietnam, the chair of ASEAN, to forge a united front against China on the South China Sea. In a series of ASEAN-related meetings held in Hanoi in the first half of 2010, for example, Vietnam attempted to

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<sup>27</sup> Audrey McAvoy, "U.S., China hold maritime security talks in Hawaii". *The Jakarta Post*, 16 October 2010.

<sup>28</sup> Audrey McAvoy, "U.S., China hold maritime security talks in Hawaii". *The Jakarta Post*, 16 October 2010. China was represented by Rear Admiral Liao Shining and the U.S. was represented by Major General Randolph Alles, USMC.

<sup>29</sup> Huang Xiaoyong, "Gates to visit China, defense ties normalize". Xinhua, 12 October 2010.

<sup>30</sup> Huang Xiaoyong, "Gates to visit China, defense ties normalize". Xinhua, 12 October 2010.

<sup>31</sup> Huang Xiaoyong, "Gates to visit China, defense ties normalize". Xinhua, 12 October 2010 and CNN, "China confirms president's visit to the U.S".. 22 October 2010.

get the South China Sea issue on the agenda and kick start diplomatic efforts to forge a more binding code of conduct in the South China Sea. The South China Sea issues were relegated to the ASEAN–China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea, a body that has been totally ineffective in addressing this issue since it was set up.

### **43<sup>rd</sup> ASEAN Ministerial Meeting**

The 43<sup>rd</sup> meeting of ASEAN Foreign Ministers underscored that they considered the Declaration on Conduct of Parties in the South China Sea (DOC) “a benchmark document between ASEAN and China”.<sup>32</sup> ASEAN Foreign Ministers issued a statement on 20 July 2010 agreeing to “foster efforts to ensure effectiveness of the DOC to settle disputes in the [South China Sea] by applying peaceful measures suitable with the spirit of the DOC and its principles acknowledged by international law, including UN convention on the Law of the Sea 1982 (UNCLOS 1982) assigning high-ranking officials to strictly cooperate with their Chinese counterparts to summon the ASEAN-China summit again on DOC as soon as possible” to advance a set of common regulations on the South China Sea.<sup>33</sup>

### **17<sup>th</sup> ASEAN Regional Forum**

Prior to the 17<sup>th</sup> ARF ministerial meeting in July 2010, several ASEAN members encouraged the United States to make a statement on the South China Sea.<sup>34</sup> The U.S. responded affirmatively and privately advised selected members of the ARF of the position that Secretary of State Hillary Clinton would adopt and lobbied them in advance to make supporting statements.<sup>35</sup>

China’s Foreign Minister Yang Jiechi tabled five proposals in his address to the ARF meeting:

Firstly, countries should bear in mind the overall situation and interests when dealing with sensitive regional issue, and always safeguard regional peace and

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<sup>32</sup> Quoted in Danh Duc, “What East Sea Needs?”. *Tuoi Tre*, 1 August 2010.

<sup>33</sup> Quoted in Danh Duc, “What East Sea Needs?”. *Tuoi Tre*, 1 August 2010.

<sup>34</sup> Jeremy Page, Patrick Barta and Jay Solomon, “U.S., Asean to Push Back Against China”. *The Wall Street Journal*, 22 September 2010.

<sup>35</sup> Barry Wain, “Asean caught in a tight spot”. *The Straits Times*, 16 September 2010.



stability.

Secondly, countries should adopt a new security concept by seeking cooperation instead of confrontation, and respecting and taking care of each other's core interest and security.

Third, countries should respect each other, strengthen political mutual trust, improve and develop long-term, healthy and stable relations.

Fourthly, countries should exercise restraint when disputes arise and settle disputes through peaceful means.

Fifthly, countries should make use of multilateral mechanism like Shanghai Cooperation Organization, ASEAN Regional Forum and Six-Party Talks to promote common interest and common security.<sup>36</sup>

When Secretary Clinton spoke at the ARF meeting and urged a multilateral approach to resolving South China Sea disputes, she received a “sharp rebuke” from her Chinese counterpart. According to Singapore's Foreign Minister, George Yeo, “There was quite an interesting and sharp exchange between the Americans and the Chinese. At some points, the atmosphere was just a little tense”.<sup>37</sup>

The discussions at the 17<sup>th</sup> ARF were not public. Secretary Clinton, however, spoke to reporters immediately after the ministerial meeting and stated:

The United States, like every other nation, has a national interest in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the South China Sea. We share these interests with not only ASEAN members and ASEAN Regional Forum participants but with other maritime nations and the broader international community.

The United States supports a collaborative, diplomatic process by all claimants for resolving the various territorial disputes without coercion. We oppose the use or threat of force by any claimant. While the United States does not take sides on the competing territorial disputes over land features in the South China Sea, we believe claimants should pursue their territorial claim and the company [sic] and rights to maritime space in accordance with the UN

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<sup>36</sup> “Chinese FM makes five proposals to strengthen regional security”. Xinhua, 23 July 2010.

<sup>37</sup> Sarah Stewart, “Asia wary as China asserts territorial ambitions”. Agence France-Presse, 23 September 2010.

convention on the law of the sea. Consistent with customary international law, legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features.

The U.S. supports the 2002 ASEAN-China declaration on conduct of parties in the South China Sea. We encourage the parties to reach agreement on a full code of conduct. The U.S. is prepared to facilitate initiatives and confidence building measures consistent with the declaration. Because it is in the interest of all claimants and the broader international community for unimpeded commerce to proceed under lawful conditions. Respect for the interests of the international community and responsible efforts to address these unresolved claims and help create the conditions for resolution of the disputes and a lowering of regional tensions.<sup>38</sup>

Clinton said that resolving disputes related to the South China Sea was “pivotal to regional stability”.

Veteran journalist Barry Wain wrote that China was aware of U.S. plans to raise the South China Sea issue and approached individual ASEAN countries and made its objection to internationalizing the issue clear.<sup>39</sup> China argued that negotiations on the South China Sea should be settled bilaterally between China and each claimant. Nonetheless, eleven of the ARF’s twenty-seven members joined the United States in raising maritime security/South China Sea issues: Brunei, Malaysia, the Philippines, Vietnam, India, Indonesia, Singapore, Australia, European Union, Japan and South Korea. Cambodia, Laos and Myanmar did not raise the South China Sea issue, while Thailand was most vocal in urging a non-confrontational stance towards China.

The Chinese Foreign Minister Yang Jiechi was visibly taken aback and described Clinton’s remarks as orchestrated,<sup>40</sup> “virtually an attack on China” and asserted “nobody believes there’s anything that is threatening the region’s peace and

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<sup>38</sup> Hillary Rodman Clinton, Secretary of State, Remarks at Press Availability, National Convention Center, Hanoi, 23 July 2010.

<sup>39</sup> Barry Wain, “Asean caught in a tight spot”. *The Straits Times*, 16 September 2010.

<sup>40</sup> Mark Landler, “Offering to Aid Talks, U.S. Challenges China on Disputed Islands”. *The New York Times*, 23 July 2010.

stability”.<sup>41</sup> Greg Torode reported that Foreign Minister Yang was shocked and accused his U.S. counterpart of unleashing an anti-China plot. “Yang left the closed-door meeting”, Torode wrote, “and later gave a rambling speech in which he threatened economic punishment for Southeast Asian nations that sought to stand up to Beijing.”<sup>42</sup>

John Pomfret collaborates this account:

Foreign Minister Yang reacted by leaving the meeting for an hour. When he returned, he gave a rambling 30-minute response in which he accused the U.S. of plotting against China on this issue, seemed to poke fun at Vietnam’s socialist credentials and apparently threatened Singapore, according to U.S. and ASEAN officials in the room. “China is a big country and other countries are small countries, and that is just a fact”. he said staring directly at Singapore’s foreign minister, George Yeo, according to several participants at the meeting.<sup>43</sup>

On 1 August Yang stated, “What will be the consequences if this issue is turned into an international or multilateral one? It will only make matters worse and the resolution more difficult. International practices show that the best way to resolve such disputes is for countries concerned to have direct bilateral negotiations”.<sup>44</sup> Wain argues that ASEAN members were “taken aback by the ferocity of Beijing’s counterattack” and began to have “second thoughts about having urged American intervention”.<sup>45</sup>

On 30 Jul, Geng Yansheng, spokesperson for the Chinese Ministry of Defense, responded to Secretary Clinton at a press conference at the State Council for Information. He declared, “China opposes the internationalization of the South China

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<sup>41</sup> “Battle of the South China Sea”. *The Wall Street Journal*, 28 July 2010.

<sup>42</sup> Greg Torode, “Vietnam revives guerilla tactics”. *South China Morning Post*, 13 October 2010.

<sup>43</sup> John Pomfret, “U.S. takes a tougher line with China”. *The Washington Post*, 30 July 2010. See the follow up account by Donald K. Emmerson, “China’s ‘frown diplomacy’ in Southeast Asia”. *Asia Times Online*, 4 October 2010.

<sup>44</sup> Quoted in Wendell Minnick, “China is Checkmated at ASEAN”. *Defense News*, 2 August 2010. See also Andrew Jacobs, “China Warns U.S. to Stay Out of Islands Dispute”. *The New York Times*, 26 July 2010 and Daniel Schearf, “U.S.-China Tensions Flare Over South China Sea Disputes”. *Voice of America News*, 29 July 2010.

<sup>45</sup> Barry Wain, “Asean caught in a tight spot”. *The Straits Times*, 16 September 2010.

Sea issue. At the same time, China will, in accordance with the requirement of international law, respect the freedom of relevant countries to conduct navigation and flights on the South China Sea as compatible with the requirement of international law”.<sup>46</sup>

## **2<sup>nd</sup> U.S.-ASEAN Leaders Meeting**

Prior to the 2nd U.S.-ASEAN Leaders Meeting a copy of the draft joint statement drawn up by the United States, as host, was leaked by the media in Manila. Associated Press reported, for example, that the U.S. draft statement included the wording that the leaders “oppose the use or threat of force by any claimant attempting to enforce disputed claims in the South China Sea”<sup>47</sup> and reaffirmed the importance of freedom of navigation, regional stability, respect for international law and unimpeded commerce in the South China Sea. Some ASEAN members supported the draft, while others had reservations.<sup>48</sup> However, both the U.S. and ASEAN were in agreement on supporting a full implementation of the 2002 Declaration of Conduct of Parties in the South China Sea and encouraging the eventual conclusion of a regional code of conduct for the South China Sea.

Another Manila-based media source speculated that territorial disputes in the South China Sea would be discussed under the agenda item headed “Maintenance of Regional Stability”.<sup>49</sup> This report claimed that ASEAN preferred to limit the draft U.S. text to “reaffirming the importance of freedom of navigation, regional peace and stability, unimpeded commerce in respect for relevant universally agreed principles of international law and the peaceful settlement of dispute [sic] in the SCS [South China Sea]”.

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<sup>46</sup> Tao Shelan and Ying Ni, “Chinese Military Responds to U.S. Secretary of State’s Statements on South China Sea: [We] Oppose Internationalization of South China Sea Issue”. Zhongguo Xinwen She News Agency, Beijing, in Chinese, 30 July 2010.

<sup>47</sup> Teresa Cerojano, “Obama, ASEAN to call for peaceful end to sea spats”, Associated Press, 19 September 2010.

<sup>48</sup> Jeremy Page, Patrick Barta and Jay Solomon, “U.S., Asean to Push Back Against China”. *The Wall Street Journal*, 22 September 2010.

<sup>49</sup> Tessa Jamandre, “RP faces new tensions with China over Spratly Islands”. VERA Files, 20 September 2010.

Three days prior to the 2<sup>nd</sup> U.S.-ASEAN Leaders Meeting, Chinese foreign ministry spokesperson Jiang Yu stated

We are concerned about any kind of statement that might be issued by the U.S. and ASEAN over the South China Sea. Words or acts that play up tensions in the region and concoct conflicts and provocations in relations between countries in the region are against the common wish of the countries in the region to seek peace and development.<sup>50</sup>

Finally, Jiang concluded, “We firmly oppose any country having nothing to do with the South China Sea issue getting involved in the dispute. This will only complicate rather than help solve the issue”.<sup>51</sup>

The official Joint Statement dropped references to the use or threat of force and did not even mention the South China Sea by name. Paragraph eighteen (of twenty-five paragraphs) declared:

We reaffirmed the importance of regional peace and stability, maritime security, unimpeded commerce, and freedom of navigation, in accordance with relevant universally agreed principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS) and other international maritime law, and the peaceful settlement of disputes.<sup>52</sup>

But we do know officially that the 2<sup>nd</sup> U.S.-ASEAN Leaders Meeting discussed South China Sea issues. An official “read-out” by The White House issued immediately after the summit stated: “The President and the leaders also agreed on the importance of peaceful resolution of disputes, freedom of navigation, regional stability, and respect for international law, including in the South China Sea”.<sup>53</sup>

Why was the Joint Statement watered down? The 2<sup>nd</sup> U.S.-ASEAN leaders meeting took place at a time of growing tensions in relations between Beijing and Tokyo over

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<sup>50</sup> Quoted in Christopher Bodeen, “China Criticizes planned U.S.-ASEAN statement on South China Sea”. Canadian Press, 21 September 2010.

<sup>51</sup> Xinhua, “China ‘Concerned’ about Possible U.S.-ASEAN Statement on South China Sea Issue”. 21 September 2010.

<sup>52</sup> The White House, Office of the Press Secretary, “Joint Statement of the 2<sup>nd</sup> U.S.-ASEAN Leaders Meeting”. 24 September 2010.

<sup>53</sup> The White House, Office of the Press Secretary, “Read-out of President Obama’s Working Luncheon with ASEAN Leaders”. 24 September 2010.

a fishing incident in which a Chinese boat captain rammed two Japanese Coast Guard vessels. Japan detained the boat captain and China reacted in a very aggressive manner and threatened unspecified action. The China-Japan dispute cast a shadow over the U.S.-ASEAN discussions in New York.

Several ASEAN states took the view that now was not the time to antagonize China further. They also argued that it was not in ASEAN's interest to be seen as leaning towards the United States in a dispute over the South China Sea. One senior ASEAN official was quoted as saying, "It didn't seem like the right time to get into heavy China-bashing".<sup>54</sup> Another source reported a high-ranking ASEAN diplomat as observing, "It would not have been fair to include the issue in a statement from a meeting in which China was not present. We also did not want to give the impression that we were willing to do whatever the United States said. By deleting 'South China Sea,' we saved the face of both China and the United States".<sup>55</sup> Barry Wain offered the assessment that China's remarks prior to the 2<sup>nd</sup> U.S.-ASEAN Leaders Meeting were aimed at ASEAN members and "had the desired response" in getting them to tone down the U.S. draft.<sup>56</sup>

### **ASEAN Defence Ministers Plus Eight**

The ASEAN Defence Ministers Meeting Plus Plus Eight comprised eighteen defence ministers, ten from the ASEAN states and eight dialogue partners: Australia, China, India, Japan, South Korea, New Zealand, Russian Federation and the United States.<sup>57</sup> The theme of the inaugural meeting held on October 12, 2010 was "Strategic Cooperation for Peace, Stability and Development in the Region".

On the eve of the meeting PLAN Rear Admiral Guan Youifei, Deputy Director of the Ministry of Defence's Foreign Affairs Office, announced that China's Defence

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<sup>54</sup> Quoted in Jeremy Page, Patrick Barta and Jay Solomon, "U.S., Asean to Push Back Against China". *The Wall Street Journal*, 22 September 2010

<sup>55</sup> "Seas fill with tension over China's moves". *The Asahi Shimbun*, 2 October 2010.

<sup>56</sup> Banyan's Notebook, "Be careful what you wish for". *The Economist*, 23 September 2010, electronic edition.

<sup>57</sup> The Defence Minister from Russia did not attend; Russia was represented by the Deputy Chief of Staff (Valery Gerasiov). The U.S. delegation was the largest with thirty-five officials out of fifty delegates in attendance. China withheld the titles and areas of responsibility of its delegation but analysts who poured over their names were quick to spot that all were important experts involved in South China Sea affairs.

Minister, Liang Guanglie, would meet his American counterpart, Secretary of Defense Robert Gates. Admiral Guan also noted in a barbed reference to the United States, “the security situation in the South China Sea is very stable, but at the same time we discover that some non-claimant countries are trying to have an increased role in the issue. Why is that? We do not understand?”<sup>58</sup> Guan also denied that China was responsible for raising tensions over the South China Sea. He argued it was other countries that were “giving a louder voice over the issue and worse, what they said is not true”.

ASEAN Defence Ministers reached prior consensus that issues related to the South China Sea would not be part of the formal agenda and that no reference to the South China Sea would be included in the final joint declaration.<sup>59</sup> ASEAN defence ministers decided that the formal agenda would include five defence-related issues: humanitarian assistance and disaster relief, maritime security, counter-terrorism, peacekeeping operations and military medicine.<sup>60</sup> The ADMM Plus meeting was structured to identify common interests and areas for practical cooperation in order to avoid becoming, to use the words of Lt. Gen. Nguyen Chi Vinh, “a place for a war of words”.<sup>61</sup> But no restrictions or pre-conditions were put on the eight non-ASEAN ministers. When directly asked about this point, Australia’s Defence Minister Stephen Smith replied, “as far as Australia is concerned, and I’m sure it applies generally and broadly, there were no preconditions for this”.<sup>62</sup>

On the day before the ADMM Plus meeting, Secretary Gates addressed an audience at the Vietnam National University. He pointedly noted that “relying exclusively on bilateral relationships is not enough” to resolve territorial disputes and that multilateral approaches were necessary.<sup>63</sup> After the ADMM Plus concluded, China’s Defence Minister Liang Guanglie delivered this riposte: “Practical cooperation within

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<sup>58</sup> Ben Bland and Geoff Dyer, “Vietnam demands release of fishermen”. *The Financial Times*, 6 October 2010.

<sup>59</sup> Kazuto Tsukamoto, Yusuke Murayama and Kenji Minemura, “At key meet, Beijing tones down stance on South China Sea”. *The Asahi Shibun*, 14 October 2010.

<sup>60</sup> “VN set for defence ministers meeting”. *Viet Nam News*, 8 October 2010.

<sup>61</sup> Quoted in John Ruwitch, “Vietnam defence talks to steer clear of controversy”. Reuters, 8 October 2010.

<sup>62</sup> “Minister for Defence Stephen Smith, MP Interview with Linda Mottram, Radio Australia”. Defence Media Centre, Canberra, 13 October 2010.

<sup>63</sup> Quoted in Deutsche Presse-Agentur, “Defence meeting in Hanoi calms South China Sea disputes”. 12 October 2010.

multilateral frameworks does not mean settling all security issues, which is not consistent with the principles of gradualism and taking into account the comfort levels of all parties”.<sup>64</sup>

Seven participants, including the United States, Japan, South Korea, Australia, Malaysia, Singapore and Vietnam, raised concerns about territorial disputes in the South China Sea.<sup>65</sup> Secretary Gates began his presentation by arguing, “What is now essential is that these bilateral relationships be supplemented by strong multilateral institutions” to promote regular dialogue and consultation. Gates argued that in order to enhance the region’s common security “we must establish both shared ‘rules of the road’ and pursue greater transparency – meaning that as we improve our military capabilities, we must discuss these developments together. This provides assurance that our capabilities are not directed against others in the region and that they will be used for common ends”. These remarks were clearly aimed at China’s modernization and transformation of its military.

Gates then enunciated four principles essential to regional peace and stability: free and open commerce, a just international order that emphasizes rights and responsibilities and fidelity to the rule of law, open access by all to the global commons (sea, air space and cyberspace), and resolution of conflict without the use of force.

Secretary Gates then framed U.S. policy towards the South China Sea with these words:

Disagreements over territorial claims and the appropriate use of the maritime domain appear to be a growing challenge to regional stability and prosperity.

On that note, we are encouraged to see claimant nations in the South China Sea making initial steps to discuss the development of a full code of conduct, in line with the 2002 ASEAN Declaration on the Conduct of Parties. We

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<sup>64</sup> Quoted in Deutsche Presse-Agentur, “Defence meeting in Hanoi calms South China Sea disputes”. 12 October 2010.

<sup>65</sup> Kazuto Tsukamoto, Yusuke Murayama and Kenji Minemura, “At key meet, Beijing tones down stance on South China Sea”. *The Asahi Shimbun*, 14 October 2010 and Lt. Gen. Nguyen Chi Vinh quoted in Deutsche Presse-Agentur, “Defence meeting in Hanoi calms South China Sea Disputes”. 12 October 2010. Some reports claims eight ministers spoke on the South China Sea if so this would probably include India.



applaud this multilateral approach and we stand ready to help facilitate such initiatives.

The U.S. position on maritime security remains clear: We have a national interest in freedom of navigation; in unimpeded economic development and commerce; and in respect for international law. We also believe that customary international law, as reflected in the UN Convention on Law of the Sea, provides clear guidance on the appropriate use of the maritime domain, and rights of access to it. By adhering to this guidance, we can ensure that all share equal and open access to international waterways.

The United States has always exercised our rights and supported the rights of others to transit through, and operate in, international waters. This will not change, nor will our commitment to engage in activities and exercises together with our allies and partners.<sup>66</sup>

Secretary Gates reiterated Secretary Clinton's offer to facilitate multilateral discussions on a code of conduct for the South China Sea. Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell indicated that the Obama Administration favoured "a process of open diplomacy and dialogue [as] the best way to create clear expectations and rules of the road", including resolving tensions over fishing boats, scientific craft and other maritime vessels in the area.<sup>67</sup> Campbell also clarified the potential U.S. role. What the South China Sea claimant states want, he said, "is for the United States to support a process. There's not a desire for a facilitator, to be perfectly honest".<sup>68</sup>

Rear Admiral Guan Youfei, deputy director of the external affairs office in China's Defence Ministry, noted that the issue of the South China Sea was "mentioned" but not raised "formally". "It is their problem, it is not our problem", Guan said

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<sup>66</sup> "U.S. Secretary of Defense Robert Gates Remarks at ASEAN Defense Ministers Meeting Plus 8 in Hanoi". 12 October 2010. For assessments see: Greg Torode, "U.S., neighbours push China on sea rights". *South China Morning Post*, 13 October 2010 and Merle David Kellerhalls, "At ASEAN Meeting, U.S. Defense Secretary Calls for Greater Trust". Bureau of International Information Programs, U.S. Department of States, 12 October 2010, [America.govCompList@State.gov](mailto:America.govCompList@State.gov).

<sup>67</sup> Stanley Kaufman, "No Desire for Direct U.S. Role in South China Sea Dispute". Bureau of International Information Programs, U.S. Department of State, 7 October 2010, [America.govCompList@State.gov](mailto:America.govCompList@State.gov).

<sup>68</sup> Quoted in Stanley Kaufman, "No Desire for Direct U.S. Role in South China Sea Dispute". Bureau of International Information Programs, U.S. Department of State, 7 October 2010, [America.govCompList@State.gov](mailto:America.govCompList@State.gov).

dismissively.<sup>69</sup> However, Secretary Gates noted in remarks to the media that China's recent actions in the seas were "clearly on everybody's mind and fall within the rubric of maritime security".<sup>70</sup> Lt. Gen. Nguyen Chi Vinh offered this assessment, "I think there is good progress... so far. The South China Sea was not on the agenda, but ministers were still free to raise it in their speeches, and I think there is momentum there now".<sup>71</sup>

The inaugural ADMM Plus adopted a Joint Declaration and the chairman issued a summary. The Joint Declaration included an undertaking by the eighteen defence ministers to

Strengthen regional defence and security cooperation through conduct of concrete and practical cooperation to address defence and security issues of mutual interest, with a view to building capacity, developing expertise, and enhancing coordination in areas that can contribute to regional peace and security.<sup>72</sup>

Towards this end, the ADMM Plus welcomed initiatives for practical cooperation contained in the Discussion Paper on "Potential, Prospects and Direction of Practical Cooperation within the Framework of the ADMM-Plus". This Discussion Paper set out five areas for potential cooperation: humanitarian assistance and disaster relief, maritime security, military medicine, counter-terrorism and peacekeeping operations. More concretely, the ADMM Plus established the ASEAN Defence Senior Officials' Meeting Plus (ADSOM Plus) to implement understandings and decisions reached by defence ministers. ADSOM-Plus was tasked with setting up five Expert Working Groups (EWG). Despite calls by some ministers to convene either annually or every

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<sup>69</sup> Greg Torode, "Vietnam revives guerilla tactics". *South China Morning Post*, 13 October 2010 and Phil Stewart and John Ruwitch, "U.S. see crisis fear easing over South China Sea". Reuters, 13 October 13, 2010.

<sup>70</sup> Daniel Ten Kate, "Vietnam Calls for Peaceful Resolution of Maritime Disputes as China Balks". Bloomberg News, 12 October 2010.

<sup>71</sup> Quoted in Greg Torode, "Vietnam revives guerilla tactics". *South China Morning Post*, 13 October 2010.

<sup>72</sup> The full text of the Joint Declaration (October 12, 2010) may be found in "Hanoi joint declaration on the first ADMM+ issued". 13 October 2010, <http://en.vietamplus.vn/Utilities/PrintViet.aspx?ID=12984>.

two years, it was agreed to stick to the original triennial schedule with the second ADMM Plus scheduled to be held in Brunei in 2013.<sup>73</sup>

More significant was the statement issued by Vietnam as Chairman of the ADMM Plus that specifically mentioned the South China Sea. Paragraph 12 stated:

The meeting noted that the member states are interested in maritime security cooperation and agreed that the collective efforts are required to address the challenges of piracy, human trafficking and disasters at sea. Some delegates touched upon traditional security challenges, such as disputes in the East Sea [sic]. The meeting welcomed efforts by concerned parties to address the issue by peaceful means in conformity with the spirit of the Declaration on the Conduct of Parties in the East Sea (DOC) of 2002 [sic] and recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS 1982).<sup>74</sup>

Vietnam, as host, will convene the first meeting of ADSOM WG Plus in December 2010 to further cooperation on the five main agenda items through Expert Working Groups.<sup>75</sup> China and Vietnam expressed interest in co-chairing the Humanitarian Assistance and Disaster Relief Expert Working Group, the Philippines offered to explore with New Zealand an EWG on peacekeeping operations, and Malaysia and Australia offered to co-host the Maritime Security Expert Working Group.<sup>76</sup> There were no volunteers for the other two working groups. According to Defence Minister Stephen Smith, Australia, with respect to the Maritime Security EWG, would focus on “harmonizing regional understanding of international maritime law, promoting mutual understanding of maritime capability development, and measures to reduce the

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<sup>73</sup> “ADMM-Plus Reaffirms the ASEAN Way”. 12 October 2010, <http://www.aseansec.org/25310.htm>, and Daniel Ten Kate, “Vietnam Calls for Peaceful Resolution of Maritime Disputes as China Balks”. Bloomberg News, 12 October 2010.

<sup>74</sup> Full text of ASEAN official statement: “First ADMM+ Chairman’s Statement”. Vietnam News Agency website, Hanoi, in English, 13 October 2010.

<sup>75</sup> Vietnam News Agency, “Regional security cooperation ADMM+ priority”. *Communist Party of Vietnam Online Newspaper*, 8 October 2010.

<sup>76</sup> Full text of ASEAN official statement: “First ADMM+ Chairman’s Statement”. Vietnam News Agency website, Hanoi, in English, 13 October 2010 and “ADMM+ ends with vow to promote peace”. VietNamNet Bridge, 13 October 2010.

risk of misunderstanding.<sup>77</sup> U.S. officials reportedly proposed the organization of a maritime security dialogue and joint anti-piracy patrols.<sup>78</sup>

### **China-Vietnam Interaction in the South China Sea**

This section reviews the interaction between China and Vietnam over the issues related to the South China Sea. It focuses on China's repeated seizure of Vietnamese fishing boats and China's imposition of annual unilateral fishing ban.

According to Vietnamese media reports, China detained or seized thirty-three Vietnamese fishing boats and 433 crewmembers in 2009.<sup>79</sup> Among this number were several Vietnamese fishing boats that were seized by China when they sought shelter in the Paracel Islands during storms in August and October 2009.<sup>80</sup> During 2010, China continued its harassment and detention of Vietnamese fishing boats, particularly in waters near the Paracels. During the first quarter of the year, there were 30 cases when Chinese authorities seized Vietnamese fishing craft and detained more than 200 fishermen.<sup>81</sup> Four of these cases involved 107 Vietnamese fishermen from Quang Ngai province who were held in detention for two months.<sup>82</sup>

The following list provides snapshots of six incidents that provide insights into Chinese actions.

1. On 2 February 2010 a Chinese patrol boat stopped and boarded a Vietnamese fishing craft and seized its catch, navigational aids, spare parts and tools.<sup>83</sup>
2. On 22 March 2010 Chinese patrol boats detained a Vietnamese fishing boat and its twelve-member crew who were sheltering near Woody Islands in the

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<sup>77</sup> "Defence Minister's diplomatic mission". *Defence News*, 13 October 2010, <http://www.defence.gov.au/defencenews/stories/2010/Oct/10>.

<sup>78</sup> "ADMM+ ends with vow to promote peace". VietNamNet Bridge, 13 October 2010.

<sup>79</sup> "China seizes Vietnamese fishing boat". Deutsche Presse-Agentur, 19 April 2010 and "China releases Vietnamese fishermen but keeps boat". Deutsche Presse-Agentur, 4 May 2010.

<sup>80</sup> "Vietnam protests Chinese ship seizure". Deutsche Presse-Agentur, 30 March 2010.

<sup>81</sup> Nga Pham, "Vietnam put Paracel row on summit agenda". BBC News, 8 April 2010.

<sup>82</sup> "China releases 23 detailed fishermen – Vietnamese official". *Thanh Nien News*, 1 May 2010.

<sup>83</sup> "Vietnam protests Chinese ship seizure". Deutsche Presse-Agentur, 30 March 2010.

- Paracels. Chinese authorities demanded payment of a U.S. \$10,000 fine. This prompted a protest by Vietnam on 30 March.<sup>84</sup>
3. On 13 April 2010 a Chinese naval patrol seized a second Vietnamese fishing boat and its crew of nine near Da Loi island (near the Paracels) and demanded payment of a U.S. \$10,000 fine.<sup>85</sup>
  4. On 4 May 2020, Chinese Fishery Administration officials seized a Vietnamese fishing boat in the Paracel archipelago and demanded a fine of U.S. \$8,000.<sup>86</sup>
  5. In June, China seized three Vietnamese fishing boats and arrested the crew in waters east of the Gulf of Tonkin and near the Paracel Islands.<sup>87</sup>
  6. 11 On September 2010 China seized a Vietnamese fishing trawler and arrested its crew of nine in waters near the Paracels.<sup>88</sup> Four days later, China officially notified Vietnam that the boat had been seized for violating China's territorial waters and the crew detained.

The above list is not exhaustive. For example, it was reported that Chinese authorities seized 31 Vietnamese fishing boats between mid- and late June.<sup>89</sup> Another report in early October stated that “in recent months China has seized hundreds of Vietnamese fishing boats” in waters around the Paracel and Spratly islands.<sup>90</sup> Vietnamese figures are often contradictory and details of Chinese seizures are not provided on a systematic basis.

### **Vietnamese Responses**

A serious incident developed in the Spratly Islands in March when Chinese fishing trawlers reported that they were being harassed by Vietnamese fishing boats and called for assistance. China dispatched two Fishery Administration vessels from

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<sup>84</sup> “Trung Quoc lai bat giu tau ca VN: Nang nguoc va vo ly!”. *Thanh Nieu Online*, 29 March 2010 and “China seizes Vietnamese fishing boat”. Deutsche presse-Agentur, 29 March 2010 and “Vietnam protests Chinese ship seizure”. Deutsche Presse-Agentur, 30 March 2010.

<sup>85</sup> “China continues seizure of Vietnamese fishermen”. Vietnam.Net Bridge, 19 April 2010 and “China seizes Vietnamese fishing boat”. Deutsche Presse-Agentur, 19 April 2010.

<sup>86</sup> “Vietnam Says China Fishing Ban in East Sea ‘Illegitimate’”. Vietnam News Brief, 7 May 2010.

<sup>87</sup> Wendell Minnick, “China is Checkmated at ASEAN”. *Defense News*, 2 August 2010.

<sup>88</sup> Daisuke Furuta and Kazuto Tsukamoto, “Hanoi demands Beijing let fishermen go”. *The Asahi Shimbun*, 11 October 2010 and “After Senkaku dispute, China-Vietnam crisis looms in South China Sea”. *Asianews*, 6 October 2010.

<sup>89</sup> “Seas fill with tension over China’s moves”. *The Asahi Shimbun*, 2 October 2010.

<sup>90</sup> Deutsche Presse-Agentur, “Asian defence meeting to avoid South China Sea dispute”. 7 October 2010.

Hainan. On arrival, they were surrounded by Vietnamese fishing craft. China then ordered PLAN warships from the East Sea Fleet taking part in exercises (discussed above) to rescue the stranded fishery vessels. By the time the warships arrived, all the Vietnamese fishing boats had departed. The PLAN ships then anchored off Fiery Cross Reef before proceeding to conduct exercises in the South China Sea.

While the above incident was unfolding, Vietnam responded with renewed determination to assert its sovereignty. On 1 April 2010, President Nguyen Minh Triet sailed to Bach Long Vi Island in the Gulf of Tonkin accompanied by two naval escorts. Wide publicity was given in the Vietnamese media to President Triet's declaration that Vietnam would "not let anyone infringe on our territory, our sea, and islands".<sup>91</sup>

On 21 September, the Vietnamese Foreign Ministry officially lodged a protest with the Chinese Embassy in Hanoi and demanded the immediate and unconditional release of the trawler and its crew.<sup>92</sup> China then announced that the crew had been fishing with explosives and demanded payment of a fine of U.S. \$10,500. Vietnam rejected the Chinese allegation pointing out that the boat had been inspected before putting to sea and the Chinese note delivered to the Vietnamese Embassy on 15 September did not mention the issue of explosives.<sup>93</sup>

On the eve of the inaugural ADMM Plus Meeting (12 October), Vietnam's Defence Minister Phung Quang Thanh announced that China would unconditionally release the nine detained Vietnamese fishermen.<sup>94</sup> Minister Thanh's remarks were quoted in the local press. However his remarks were abruptly pulled off the internet when the

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<sup>91</sup> "On South China Sea island, Vietnam leader vows to protect territory". Deutsche Presse-Agentur, 2 April 2010.

<sup>92</sup> "Vietnam Demands Unconditional Release of Fishermen Held by China". *Thanh Nien*, 8 October 2010.

<sup>93</sup> "Vietnam demands China release fishermen". Deutsche presse-Agentur, 6 October 2010, Mark Tran, "Latest dispute in South China Sea fuels tensions over control of oil-rich region". *The Guardian*, 6 October 2010 and Associated Press, "Vietnam: Seeking fishermen's Release". *The New York Times*, 7 October 2010.

<sup>94</sup> "China backs down, releases Vietnamese fishermen". Deutsche Presse-Agentur, 12 October 2010. On 9 October China released the crew but the saga did not end there. The fishermen were caught up in a tropical depression, contact was lost, the crew were then rescued by a Chinese search and rescue boat, and eventually returned to Vietnam. See: "Vietnam unable to contact fishermen reportedly released by China". Deutsche Presse-Agentur, 14 October 2010; Associated Press, "Vietnamese fishermen released by China not home". 14 October 2010 and Reuters, "Vietnam: 9 Missing Fishermen Found". *The New York Times*, 17 October 2010.

Foreign Ministry revealed that China had requested withholding the announcement of the fishermen's release until after the ADMM Plus Eight had concluded.<sup>95</sup> 28 On April 2010, China freed the twenty-three Vietnamese fishermen detained on 25 March and 13 April, after confiscating one of the boats and property valued at U.S. \$26,370.<sup>96</sup>

### **China's Unilateral Fishing Ban**

On 1 April 2010 China announced it was dispatching two Fishery Administration ships to patrol disputed areas in the South China Sea prior to its announcement of its annual moratorium on fishing.<sup>97</sup> This action provoked another Vietnamese protest.<sup>98</sup> On 29 April 2010, China once again announced it was imposing a unilateral fishing ban in the South China Sea north of 12 degrees north latitude, to take effect from 16 May to 1 August. China has been imposing this ban annually since 2001. At this time China dispatched a Fishery Administration patrol boat to keep watch over an estimated 1,000 Chinese fishing craft.<sup>99</sup> A spokesperson for Vietnam's Ministry of Foreign Affairs declared on 6 May that the ban was "totally worthless" and a violation of national sovereignty.<sup>100</sup>

China is likely to enforce its annual ban in coming years. In October 2010, for example, China announced it would build thirty more fishery patrol craft for maritime law enforcement over the next five years<sup>101</sup>. On 29 September 2010 the most recent patrol boat, displacing 2,500 tonnes and equipped to carry a helicopter, was launched in Zhangjiang, Guangdong province.<sup>102</sup> Japan's *Defence Paper*, issued in September 2010, concluded that China would step up patrols in the South China Sea.<sup>103</sup>

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<sup>95</sup> Deutsche Presse-Agentur, "Asean defence meeting in Hanoi avoids South China Sea disputes". 12 October 2010.

<sup>96</sup> "China releases 23 detained fishermen – Vietnamese official". *Thanh Nien News*, 1 May 2010 and "China releases Vietnamese fishermen but keeps boat". Deutsche Presse-Agentur, 4 May 2010.

<sup>97</sup> "On South China Sea island, Vietnam leader vows to protect territory". Deutsche Presse-Agentur, 2 April 2010.

<sup>98</sup> "Vietnam protests Chinese patrols in Spratlys". Deutsche Presse-Agentur, 6 April 2010.

<sup>99</sup> "Seas fill with tension over China's moves". *The Asahi Shimbun*, 2 October 2010.

<sup>100</sup> "Vietnam says China's fishing bans in East Sea 'totally worthless'". Vietnam News Agency website, 6 May 2010.

<sup>101</sup> Edward Wong, "China: Plans to Build 30 Sea Vessels". *The New York Times*, 4 October 2010.

<sup>102</sup> "Seas fill with tension over China's moves". *The Asahi Shimbun*, 2 October 2010.

<sup>103</sup> Agence France-Presse, "U.S., Asian defence ministers to meet amid China tensions". 10 October 2010.

## **Paracel Islands**

Vietnam continues to assert sovereignty over the Paracels and protests at Chinese actions designed to demonstrate that these features generate economic activities. Early in 2010, Vietnam protested when China announced plans to develop tourism in the Paracels. These protests were renewed in late May 2010, when the Chinese seismic survey vessel M/V *Western Spirit* and escorts, commenced seismic studies in the waters off Tri Ton island and in Vietnam's oil and gas exploration lots 141, 142 and 143. At the same time, China carried out ground levelling activities on Tri Ton island in preparation for construction. On 5 August the Vietnamese government formally protested and demanded an immediate cessation of activities.<sup>104</sup> On 22 June 2010, the Vietnamese foreign ministry officials protested once again at a Chinese plan to develop tourism centre on Hainan Island with air and sea services to the Paracel and Spratly archipelagoes.<sup>105</sup>

## **Status of the DOC**

This section reviews current developments related to the implementation of the Declaration on Conduct of Parties in the South China Sea. The DOC was signed by China and ASEAN members in November 2002 after seven years of negotiations. The DOC was to be a guideline for inter-state behaviour until final agreement could be reached on a more formal code of conduct.

Under the terms of the DOC, the signatories agreed to build trust and confidence, respect freedom of navigation and over flight, resolve territorial and jurisdictional disputes by peaceful means, and exercise self-restraint “in the conduct of activities that would complicate or escalate disputes” and refrain from occupying uninhabited features. Until territorial and jurisdictional disputes were settled, the DOC urged signatories to build trust and confidence in four areas: dialogue between defence and military officials, humane treatment of persons in distress, voluntary notification of

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<sup>104</sup> “Vietnam protests Chinese seismic study on Paracel Islands”. Deutsche Presse-Agentur, 5 August 2010 and “Vietnam asks China to stop South china Sea ‘sovereignty violations’”. Vietnam News Agency website, 5 August 2010.

<sup>105</sup> “Vietnam protests Chinese plans in South China Sea”. Deutsche Presse-Agentur, 25 June 2010 and Beth Thomas, “Vietnam Opposes China’s Tourism Plan in Disputed Area”. Bloomberg Businessweek, 10 July 2010.



joint/combined exercises, and voluntary exchange of “relevant information”. Finally, the DOC suggested that signatories “may explore” cooperation in select areas: marine environment protection; marine scientific research; safety of navigation and communication at sea; search and rescue; and combating transnational crime (trafficking in illicit drugs, piracy and armed robbery at sea and illegal traffic in arms). Neither the spirit nor the letter of the DOC has been implemented despite ASEAN representations to China.

### **China-ASEAN Working Group to Implement the DOC**

During the first half of 2010, South China Sea issues were relegated to the ASEAN–China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea. The Working Group has so far been totally ineffective in addressing this issue. For example, on 16 April 2010 the ASEAN–China Joint Working Group met in Hanoi for two days to discuss “concrete measures for coordination and effective realization” of the DOC.<sup>106</sup> Although one press reported that the meeting discussed “new ways to promote the effectiveness” of the DOC, no progress was announced.<sup>107</sup> In April 2010, a Vietnamese government spokesperson stated that Vietnam hoped the ASEAN summit scheduled for October would endorse a code of conduct in the South China Sea to be signed by China in the future.<sup>108</sup>

In July, ASEAN Secretary General Surin Pitsuwan revealed that negotiations on a regional code of conduct were still under discussion and ministers hoped that the code could be concluded by the end of the year.<sup>109</sup> This code of conduct would build on the DOC. Three months later, when specifically asked what his expectations were about early agreement to promote technical discussions on a code of conduct, Secretary General Surin replied, “I hope that we can promote discussions, exchanges and I believe that ASEAN and China would prove to the international community that we can achieve that code and we can deal with differences. And it would be the

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<sup>106</sup> “ASEAN-China joint working group meets in Hanoi”. Vietnam News Agency, 17 April 2010 and “China seizes Vietnamese fishing boat”. Deutsche Presse-Agentur, 19 April 2010.

<sup>107</sup> “ASEAN, China reiterate respect for East Sea code of conduct”. *Thanh Nien News*, April 18, 2010.

<sup>108</sup> Nga Pham, “Vietnam puts Paracel row on summit agenda”. BBC News, 8 April 2010.

<sup>109</sup> Catriona Richards, “Hanoi meeting shows the ‘world has returned to ASEAN’”. *The Jakarta Post*, 30 July 2010 and Bloomberg, “U.S. Says Stealing South China Sea Disputes ‘Pivotal’”. Bloomberg Businessweek, 23 July 2010

constructive and peaceful code of conduct”.<sup>110</sup> Surin also remarked that ASEAN hoped to achieve a breakthrough in 2012, the tenth anniversary of the DOC.<sup>111</sup>

Writing in September 2010, Barry Wain wrote that “Beijing’s failure to give a public reason for refusing to go ahead with the DOC’s implementation provisions has frustrated Asean” and, according to an insider, the DOC was on “life support”.<sup>112</sup> Wain concluded that a fourth formal meeting of the joint ASEAN-China Joint Working Group on the 2002 DOC, scheduled for Beijing later in the year, was likely to be postponed as China had lost interest in proceeding with six agreed projects to implement the DOC.

Nevertheless, the following month the Chinese Ambassador to the Philippines and U.S. Secretary of State offered upbeat assessments. In early October, the Chinese Ambassador to the Philippines, Liu Jianchao, revealed that a draft code of conduct was being discussed with ASEAN members at the working level. According to Ambassador Liu, “They have worked on some of the outlines of the document and I think that consultations are still going on”.<sup>113</sup> He further remarked that sanctions in the draft against claimant states that violate the code “is under the process of consultations” but no deadline had been set. In a display of conciliation, Liu stated that China was now “open to different formulas and initiative[s]”, whereas previously China had rejected a formal code of conduct. Secretary Clinton speaking in Hawaii later that month put on record: “we [U.S. government] are encouraged by China’s recent steps to enter discussions with ASEAN about a more formal, binding code of conduct [for the South China Sea]”.<sup>114</sup>

The 17<sup>th</sup> ASEAN Summit issued the following statement through its chairman:

We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DOC) signed between ASEAN and China, which

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<sup>110</sup> Xuan Linh, “Sea security is not only ASEAN’s concern”. VietNamNet Bridge, 12 October 2010.

<sup>111</sup> Daniel Ten Kate, “Vietnam Calls for Peaceful Resolution of Maritime Disputes as China Balks”. Bloomberg News, 12 October 2010.

<sup>112</sup> Barry Wain, “Asean caught in a tight spot”. *The Straits Times*, 16 September 2010.

<sup>113</sup> Michaela P. del Callar, “ASEAN, China start dialogue on South China Sea disputes”. *The Daily Tribune*, 1 October 2010.

<sup>114</sup> Hillary Rodham Clinton, Secretary of State, “America’s engagement in the Asia-Pacific”. Speech at Kahala Hotel, Honolulu, Hawaii, 28 October 2010.

embodies the collective commitment to promoting peace and stability in this area through dialogue and cooperation and peaceful resolution of disputes in accordance with universally agreed principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS 1982) and other relevant international maritime laws. We stressed the need to intensify efforts to ensure the effective implementation of the DOC and move toward the eventual conclusion of a regional Code of Conduct in the South China Sea (COC). In this connection, we encouraged continued consultations between ASEAN and China, including the early convening of the ASEAN-China SOM on the DOC.<sup>115</sup>

It is likely that Secretary of State Clinton's intervention at the 17<sup>th</sup> ARF ministerial meeting proved to be a catalyst breathing new life into the Joint Working Group. China may have calculated that negotiations with ASEAN members were preferable to U.S. intervention in a sensitive issue of national sovereignty. For example, the following statement was issued after the 13<sup>th</sup> ASEAN-China Summit immediately following the 17<sup>th</sup> ASEAN Summit:

We reaffirmed our commitment to fully and effectively implement the Declaration on the Conduct of Parties in the South China Sea (DOC) and work towards the eventual adoption, on the basis of consensus, of a code of conduct in the South China Sea, to further contribute to peace, stability and cooperation in the region. We welcomed the progress made in this regard, including the convening of the 4<sup>th</sup> Meeting of the ASEAN-China Joint Working Group on the Implementation of the DOC, and stressed the importance of close consultation and coordination between the ASEAN Member States and China in the implementation of the DOC, including the re-convening of the ASEAN-China SOM on the DOC.<sup>116</sup>

## **Conclusion**

There are grounds for cautious optimism that there is likely to be some progress in implementing confidence-building measures in the South China Sea spelled out in the

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<sup>115</sup> Chairman's Statement of the 17<sup>th</sup> ASEAN Summit, Hanoi, 28 October 2010.

<sup>116</sup> Chairman's Statement of the 13<sup>th</sup> ASEAN-China Summit, Hanoi, 29 October 2010.

2002 DOC and perhaps even progress in agreeing to a more binding code of conduct as noted in the statements issued after the 17<sup>th</sup> ASEAN Summit and 13<sup>th</sup> ASEAN-China Summit.

Tensions have eased between China and the United States. In August, U.S. Assistant Secretary of Defense Robert Scher, acknowledged “I am not aware of any recent examples of Chinese intimidation of global oil and gas companies operating in the South China Sea”.<sup>117</sup> Also, Scher did not anticipate another USNS *Impeccable*-type incident. “Both navies are very responsible entities and I don't foresee any kind of clashes”, he said. After the meeting between Defense Secretary Gates and Defence Minister Liang on the sidelines of first ADMM Plus Meeting, a senior U.S. defense official noted that “crisis concerns [over the South China Sea] were easing” and “I would say we feel that there is less of a sense of immediate crisis today”.<sup>118</sup>

Secretary of State Hillary Clinton, in a major policy address given in Hawaii enroute to the ASEAN and related summits in Hanoi in October 2010, also put a positive emphasis on the trajectory of bilateral relations with China:

Now the relationship between China and the United States is complex and of enormous consequences, and we are committed to getting it right. Now, there are some in both countries who believe that China's interests and ours are fundamentally at odds. They apply a zero-sum calculation to our relationship. So whenever one of us succeeds, the other must fail. But that is not our view. In the 21<sup>st</sup> century, it is not in anyone's interest for the United States and China to see each other as adversaries. So we are working together to chart a positive, cooperative, and comprehensive relationship for this new century.<sup>119</sup>

But these positive trends are at the margins of great power rivalry and sovereignty claims in the South China Sea will remain intractable. China is developing even greater capability to enforce its sovereignty claims in the South China Sea through the

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<sup>117</sup> Daniel Ten Kate, “U.S. Sees No ‘Recent’ China Pressure on Global Oil Companies in South Sea”. Bloomberg News, 17 August 2010.

<sup>118</sup> Phil Stewart and John Ruwitch, “U.S. see crisis fear easing over South China Sea”. Reuters, 13 October 2010.

<sup>119</sup> Hillary Rodman Clinton, Secretary of State, “America's Engagement in the Asia-Pacific”. Kahala Hotel, Honolulu, October 2010.

construction of more Fishery Administration vessels. China's rise and military modernisation and transformation continue to reinforce strategic uncertainty in the minds of regional defence planners.<sup>120</sup> China's lack of transparency has raised legitimate questions about its strategic intentions.

One key question is the staying power of the United States and its willingness to maintain the balance of power in the maritime domain, including in the South China Sea. Singapore Prime Minister Lee Hsien Loon in an interview with *The Wall Street Journal* on eve of 2<sup>nd</sup> U.S.-ASEAN Leaders Meeting urged the U.S. to stay engaged. Lee stated that the U.S. needs to maintain an activist position in Asia to demonstrate that it is "here to stay" and "America plays a role in Asia that China cannot replace... maintaining peace in the region".<sup>121</sup>

Southeast Asia will continue to be affected by great power rivalry and peer competition in the military domain. In August 2010, for example, Rear Admiral Yang Yi wrote an editorial in the *PLA Daily*, arguing that the U.S. "wants China to play a role in regional security issues. On the other hand, it is engaging in an increasingly tight encirclement of China and is constantly challenging China's core interests".<sup>122</sup> The Chinese media have warned Vietnam "that it would 'regret' its evolving military relationship with Washington".<sup>123</sup>

Regional responses to China's military transformation have included quiet support for U.S. engagement and defence self-help, naval and missile procurements, and modernisation programs to hedge against strategic uncertainty.<sup>124</sup>

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<sup>120</sup> Carlyle A. Thayer, *Southeast Asia: Patterns of Security Cooperation*, ASPI Strategy Report. Canberra: Australian Strategic Policy Institute, 2010, 35-36.

<sup>121</sup> Quoted in Jeremy Page, Patrick Barta and Jay Solomon, "U.S., Asean to Push Back Against China". *The Wall Street Journal*, 22 September 2010, and Jeremy Page, Patrick Barta and Jay Solomon, "U.S., Asian Allies Take Firmer Stance on China". *The Wall Street Journal*, 23 September 2010.

<sup>122</sup> Quoted in Edward Wong, "China's Disputes in Asia Buttress Influence of the U.S". *The New York Times*, 22 September 2010.

<sup>123</sup> Greg Torode, "Neighbourly strife". *South China Morning Post*, 24 August 2010.

<sup>124</sup> Carlyle A. Thayer, *Southeast Asia: Patterns of Security Cooperation*, ASPI Strategy Report. Canberra: Australian Strategic Policy Institute, 2010, 37-38

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