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**China's and US' Approaches to the South
China Sea Issue: Changing Patterns
and Strategic Implications**

In the years to come, the South China Sea issue seems to be fore-ordained to remain one of Asia-Pacific key security challenges. Currently, it is at complicated crossroads, and its future evolution to a great extent will be defined by the key regional actors – China and the United States. In this light, to trace the approaches undertaken by Beijing and Washington, offer insights into their current contradictions and assess their possibilities to shape future contours of the issue is a timely and valuable exercise.

The nexus of not only Asia-Pacific, but also global politics, economy and security is and will be formed by relations between China and the United States. With this in view, the questions raised in the paper are not only important for academic purposes but also pose tasks that have to be addressed by policy practitioners.

The paper consists of three parts. Part one provides an assessment of the current state of the South China Sea issue. Part two traces the US and China's approaches to this issue since the end of the Cold War outlining points of their convergence and divergence. Part three assesses possibilities of and prospects for Washington's and Beijing's policies in the short-term and the mid-term perspective. The conclusion summarises the foregoing analysis.

**The South China Sea Issue:
on a Complicating Trajectory**

Much research and debate has been devoted to analysing the South China Sea issue and producing recommendations on how to solve it.

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When failed, the latter were followed by logical and convincing explanations. The result is inevitable: the more efforts have been taken, the more complicated the issue has become. At present, its three layers can be distinguished.

The first layer stands for the sovereignty over the disputed territories of the South China Sea. This side of the problem is very complex. It embraces historic claims laid by China and Vietnam: no matter how well or poorly substantiated they might be¹, neither Beijing nor Hanoi will ever consider even a theoretical possibility to drop them. Also important are the legal aspects of the issue with relevance to sovereignty: the key document laying down the jurisdictional parameters of conflict resolution – Declaration on Conduct of Parties in the South China Sea – doesn't explicitly mention the Paracel islands and the Scarborough Shoal. Last but not least, it encompasses the rise of nationalism: deep social and economic transformations taking place in many countries heated up nationalistic sentiments – to a larger extent than it was before. At this juncture, in order to distract public attention and simultaneously score political points, the leaderships in many South China Sea claimants are trying to compensate aggravating internal social and economic problems by hard-line approaches to territorial issues.

The second layer embraces relations between China and ASEAN. A conspicuous point is lack of progress in translating numerous rhetorical exercises into reality. For instance, it took China and ASEAN a decade to lay down the legal framework of the issue outlined in Declaration on the Conduct of Parties in the South China Sea (DOC)² and another nine years (2002-2011) to produce Guidelines for DOC Implementation. Currently, China and ASEAN are elaborating on Code on Conduct of Parties in the South China Sea (COC), but its prospects seem to be more than unclear.

It is important to stress: practice has lowered previously optimistic expectations that increased economic cooperation could be a safety mechanism against new outbreaks of tension. The launch of China – ASEAN Free Trade Area (CAFTA) coincided with a new escalation of the South China Sea issue.

The third layer is represented by Sino-US contradictions. Their essence centers upon whether Beijing or Washington will set the rules of

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the game in maritime Asia-Pacific. As things are, the two countries have differing views on how to preserve regional stability. Washington sees the key factor in flexing its military muscles and strengthening ties with its allies while for Beijing, the top priority is to create benign external milieu along its borders, a task often complicated by American policy.

The key outcome has been a clash between the Chinese Active Defense (or, to put it differently, Anti-Access/Area Denial) Concept and the American Air-Sea Battle. The former is aimed at undermining the US supremacy and hampering its freedom of action in maritime Asia-Pacific, or at least making these actions highly risky and prohibitively costly. The latter, in its turn, elaborates on measures to preserve American strategic pre-eminence in these waters and conduct any military activity as Washington sees it necessary.

In sum, the South China Sea issue has become more complicated than it previously used to be. Against this line, ASEAN efforts taken to resolve the issue seem to be encountering serious obstacles.

This assessment is substantiated by the evolution of regional multilateral dialogue platforms – namely, rise in number and simultaneously, conservation in substance. The existing institutions like ASEAN Regional Forum, ADMM Plus Eight and East Asia Summit are praiseworthy. ASEAN attempts to create a cooperative security system in Asia-Pacific. Nevertheless, progress in resolving regional issues has been hampered by ASEAN institutional minimalism and its principles of cooperation based on consensus and a pace comfortable to all participants. As a result, these institutions and initiatives are growing in number – as well as seriousness of the problems being discussed – but no significant results have been produced so far.

Another reason for this assessment stems from another trend: while the South China Sea issue is becoming more nuanced and complicated, approaches to resolve it are obviously stagnating. As things have been developing, along with the outbreak of tensions in the South China Sea since 2009, ASEAN-led multilateral dialogue platforms have been unable to offer a novel conceptual framework designated to cope with the emerging challenges. A critical review of ASEAN documents leaves unanswered many questions on what the difference be-

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tween confidence-building measures and preventive diplomacy is and how instruments elaborated on by the association could be applied to the South China Sea issue.³

Last but not least, the main “ace up ASEAN sleeve” – Code on Conduct of Parties in the South China Sea instead of Declaration 2002 – might well turn out useless. Suppose ASEAN could produce a draft that would satisfy its own participants, Beijing and Washington, and suppose China and the ASEAN states agreed to sign it. But what next? ASEAN lacks sufficient institutional resources to capitalise on any document – be it DOC, COC or whatever else. Let us not forget: DOC was signed between China and the ten member states of ASEAN – not the four claimant states.⁴ Nevertheless, mechanisms and resources of ASEAN as a multilateral unity are deliberately ignored. If so, it is not surprising that the situation in the South China Sea has been evolving in a way hardly favorable to the association.

In sum, the contradictions over the South China Sea are growing in scale and complexity while the instruments to resolve them are demonstrating limited effectiveness. Under these circumstances, the future evolution of the issue will be defined by the players which possess the most substantial resources – the United States and China.

China and the US in the South China Sea after the Cold War

In the South China Sea, China and the United States have always regarded each other as *the key* competitors. Suffice it to mention that the two armed clashes that have occurred so far – in 1974 and 1988 – became possible owing to China’s perception that the US wouldn’t interfere. After the Cold War ended, this trend became even more conspicuous, although the policy priorities and instruments adopted by Washington and Beijing have differed. In considering them, two periods – before and under the Obama administration – will be distinguished.

From early-1990s to late-2000s, these approaches can be characterised as *the US reactive vs China’s proactive stances*.

Regarding the US, three factors are noteworthy. First, at that time Washington didn’t raise the issue of freedom of navigation. Or, speak-

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ing in more analytical terms, didn't distinguish between *the trade* and *the military* navigation. To substantiate this argument, suffice it to remind: as early as in 1995, after the Brunei session of the ASEAN Regional Forum at which Beijing promised not to threaten freedom of trade navigation the US preferred not to damage relations with China during simultaneously aggravating Sino-US contradictions over the Mischief reef. Later on, the US didn't raise this issue. As for the freedom of military navigation, this discourse didn't occur at all: in spite of PLAN modernisation it even theoretically couldn't undermine American positions in maritime Asia-Pacific.

Second, Washington initially staked on multilateral diplomacy but later on lost interest in it. In the early 1990s, the US regarded ASEAN-led multilateral dialogue as the key instrument to tackle the situation in the area. Also, Washington supported 1992 ASEAN Declaration on the South China Sea.⁵ In 1999, M. Albright tried to raise the issue at the ARF and collectively elaborate on ways to tackle it⁶; but her calls fell on deaf ears. This added fuel to the growing US irritation at the ARF: the prevailing sentiment was that the Forum concentrated solely on discussions instead of translating their outcomes into reality. Under the Bush administration, the US demonstratively ignored ASEAN-led multilateral platforms, thus letting discussions on the South China Sea issue run their own way.

Third, during and after the Asian economic and financial crisis the US suffered from severe reputational losses. This sentiment was reinforced by American policy in the Middle East and proposals to launch the Container Security Initiative, the Proliferation Security Initiative and Regional Maritime Security Initiative. These developments urged ASEAN to be receptive to China's proposals to speed up negotiations to elaborate on Code on Conduct of Parties in the South China Sea, as well as contributed to its willingness to sign DOC in spite of its obvious pro-Chinese provisions.

China's policy was different. First of all, it was shaped by nationalism, a factor completely absent from the US priorities. With regard to the South China Sea, nationalistic sentiments encompassed historical, economic, political, social, military and other dimensions: other countries had unduly occupied undisputed Chinese territory, deprived China

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of its resources and undermined PRC security. This added a strong emotional component to China's position which, as time passed, became more and more uncompromising.

Second, contrary to the US, initially China was skeptical about the utility of ASEAN-led multilateral dialogue mechanisms. Again, the evidence was provided by the Brunei session of the ARF: while assuring its ARF partners of the freedom of trade navigation via these waters, China flatly refused to let other aspects of the issue be discussed. Later on, however, China willingly embraced negotiations vis-à-vis ASEAN, and these discussions finally produced DOC. Subsequent events demonstrated that the multilateral vector of China's South China Sea strategy – along with its traditional preference for the bilateral format to negotiate on contradictions – was seen by Beijing as its important priority.

Third, again in contrast with the United States, in late-1990s – mid-2000s China significantly improved its image in Southeast Asia. It started during the Asian financial and economic crisis and continued throughout 2000s, when China implemented its “charm and cash offensive” policy towards ASEAN. Expected economic benefits which the association could obtain from CAFTA can be rightfully regarded as the key factor behind the pro-Chinese terms of conflict resolution outlined in DOC.

The trends outlined above amply suggest: before the late-2000s, Washington didn't consider the South China Sea issue as its *self-sufficient* foreign policy priority while Beijing paid the issue a very close attention. As a result, the US lagged behind the developments, while China led and shaped them.

Since the Obama administration came to power, the situation has changed. It can be characterised as *the US proactive vs China's reactive stances* in the South China Sea. But the wording *reactive* and *proactive* should be understood in a proper context: the US proactive stance accounts for gross interference in the issue while China's reactive position has been, although self-restrained, staunch and strategically-oriented. This assessment can be exemplified by looking into three main lines of Sino-US contradictions in the South China Sea.

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The first line relates to an admissibility to violate the letter and spirit of DOC. It was generated by H. Clinton's speech at the Hanoi session of the ASEAN Regional Forum and focused on three components: moving from DOC to COC, an American readiness to act as an intermediary between the parties concerned in translating DOC into reality and the need to distinguish between China's claims on land features and waters of the South China Sea.⁷ This runs contrary to DOC: its article 4 stipulates that all disputes are to be resolved by sovereign states directly concerned.⁸

Under these circumstances, China refrained from statements and actions which would have been equally uncompromising. The maximum what Beijing did was a response at the same session of the ARF that "China is a big country and other countries are small countries, and that's just a fact."⁹ Nevertheless, since then Beijing has repeatedly stressed that progress in resolving this issue can be based only on respecting its existing legal framework outlined in Declaration 2002. Otherwise, in case letter and spirit of DOC are not respected, the idea to find an internationally recognised legal framework in which the issue may be resolved can be discredited for many years ahead.

The second line embraces the freedom of navigation discourse. In the context of Sino-American relations, this should be understood as freedom of military navigation conducted by the US in waters that are covered by the Law on the Territorial Sea and the Contiguous Zone of the People's Republic of China. In concrete terms, contradictions – which started in March 2009 and then continued – stem from admissibility of the US intelligence gathering activities in China's territorial sea and exclusive economic zones. This situation generated the aforementioned clash between China's Anti-Access/Area Denial concept and the US Air-Sea Battle which will define how the situation in the South China Sea will evolve in the years to come.

At this juncture, China prefers to reiterate its adherence to norms and principles of UNCLOS although it doesn't grasp the essence of current Sino-American contradictions. This fact itself confirms China's intentions to keep the situation in a manageable, not explosive state. More than that, China hasn't made any actions that could have stirred up the situation or brought it to extremes.

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The third line focuses upon the exploration of resources of the South China Sea. China stresses: as the South China Sea falls within our internal waters and our “core interests”, any actors attempting to develop the resources of this area should get our permission. The US retorts that the South China Sea and its resources are part of the global commons, and therefore can be developed by any interested party – be it oil companies or fishermen of littoral states.

In this realm, China cannot boast of conciliatory attitude to those who “illegally and unduly exploit Chinese resources on China’s territory.” Nevertheless, one important point is noteworthy. China’s position to prolong with the Code on Conduct of Parties in the South China Sea may be seen as grist to the mill of other parties with stakes in the area, including the US. The reason is simple – in case these negotiations accelerate, many uncomfortable questions relating to the economic activity in the area, will have to be raised and discussed.

In sum, trends in the US and China’s approaches to the issue suggest that Washington has preferred to break the rules while Beijing, on the whole, adopted a conciliatory position. The latter doesn’t mean weakness and readiness to make concessions. On the contrary, this stance is strategically-oriented and might give China considerable and very useful assets.

Whither Beijing and Washington in the South China Sea?

A Scenario

In the circumstances described above, the key question is what tactics Washington and Beijing are likely to adopt in the years to come. The further analysis will stem from the following factors.

First, the US is facing too serious financial constrains to strengthen and even maintain its presence in Asia-Pacific. Although the White House has repeatedly emphasised that budget cuts will not come at the expense of Asia-Pacific as a critical region for the US interests,¹⁰ previous responsibilities might be too heavy for Washington. Now that budgetary cuts are in sight, American top figures express doubts that a higher level of military presence in the Asia-Pacific would be necessary.¹¹ In these circumstances, US ambitious plans to increase its mili-

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tary presence in the region in qualitative and quantitative terms by 2020 might well fall short.

Second, currently a new development is taking place in Asia-Pacific – an emerging regional power network transformed from the US hub and spoke system. While bracketing out reasons for this – ranging from a response to strategic uncertainty generated by Sino-US contradictions to an enhanced cooperation in order to tackle non-traditional security challenges – one point should be made. This nascent security architecture reflects a stark reality: American allies are exploring alternative means to maintain security in Asia-Pacific as they cannot rely on US guarantees. In the years to come, this trend – as well as doubts about the US future role in the region – will probably strengthen.

Third, the Trans-Pacific Partnership as the economic leg of the American pivot to Asia might well await an inglorious end. The way these negotiations have been developing indicates that prospects for TPP are poor: its expected benefits are far from clear, while disadvantages are obvious. In case the project fails, which is likely, it will further weaken American regional positions.

On the contrary, China's economic growth based on an acceleration of domestic demand, although not always smooth and without setbacks, will probably continue. As well as China's active support of multilateral economic initiatives – like the project Regional Comprehensive Economic Partnership – to which ASEAN attaches profound significance and which are generally seen by both the association and its partners as producing an overall consolidating effect on the region. This will give Beijing extra opportunities to further strengthen its regional positions and therefore – to tackle issues as it sees appropriate.

Simultaneously, the regional middle powers will be further increasing their profiles in the South China Sea. It will be exemplified, first and foremost, by India promoting its economic interests and strengthening naval cooperation with Southeast Asian states in the area. Japan – in tandem with the US or even independently – is also likely to follow a more active policy in the South China Sea. The construction of ROK naval base at Jeju island might also play an important role

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in shaping the strategic landscape in maritime Asia-Pacific, including the South China Sea.

All this will exert influence upon China's and the US stances on the issues under consideration. Consequently, the following steps taken by Beijing and Washington appear logical.

First, China will under any pretext prolong moving from Declaration 2002 to Code on Conduct of Parties in the South China Sea. The contours of this approach are fairly clear: as stressed by Beijing diplomats, the parties should first build consensus at the informal level before advancing any formal agenda for negotiations and proposals on COC.¹² Needless to say that this consensus at the informal level will be a continual stumbling block. If so, the negotiations may be held for years with no end and no progress in sight.

With this in view, it is worth reminding again that it took ASEAN and China nearly a decade to move from DOC to Guidelines for DOC Implementation. The latter hasn't brought remarkable changes to the issue: the provisions of the document are too general, and the principle of "consensus among parties concerned" is reiterated.¹³ If so, why should progress on COC be faster?

Second, China may test grounds for new precedents of the 45th ASEAN Ministerial Meeting. The Cambodian chairmanship in ASEAN exemplified that the previous investment might bring a good feedback. With this in view, new attempts to implement its "divide and rule" policy towards ASEAN's next chairs might be a likely scenario.

In this connection, food for thought is provided by readiness of the next three ASEAN chairs to drive the South China Sea issue towards a resolution at the expense of good relations with China. It seems that Myanmar and Laos will be unwilling to damage these relations for an issue that is not their top priority; as for ASEAN common good, much evidence, provided, for instance, by Xayaburi dam construction, suggests that it has never been very important to these countries. As far as Malaysia is concerned, let us not forget: this country has traditionally been receptive to China's expectations – to an extent that it proposed DOC instead of the COC in 2002.

Third, China will probably increase efforts aimed at accelerating PLAN modernisation in order to produce a necessary demonstrative

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effect upon its neighbours. At the same time, however, saber-rattling, including military stand-offs, seems unlikely. Beijing will carefully learn lessons and come to an obvious conclusion: any sentiments associated with force or threat to use it will be counter-productive for China and bring it more losses than benefits.

In response to all this, the US can be expected to repeatedly raise the issue at the regional multilateral platforms, first of all – ASEAN Regional Forum and East Asia Summit. The current practice of discussing it within narrow formats – for instance, at the trilateral setting between the US, Australia and Japan – in pan-regional multilateral formats, as was the case on the sidelines of APEC summit in Bali¹⁴ – may continue. The emphasis will be placed upon the common good like freedom of navigation or exploitation of natural resources of the South China Sea. Simultaneously, Washington might well encourage its allies and partners to adopt more proactive stances on the issue – in the form of conducting more naval drills or expanding their economic activity in the area. Also, it cannot be excluded that the US will enhance its rhetoric on its unique and indispensable role as the security provider in Asia-Pacific and intentions to always remain a Pacific nation.

But the results are very likely to be very different from those obtained in 2009-2013. Budget cuts coupled with reputational losses will do their job. No less important is another factor: ASEAN, as well as its individual members, appears to have realised that further stirring up the South China Sea issue will be contrary to their internal interests and undermine their prospective plans. With this in view, their initial interests in the US as a counterbalance to China will be flagging.

Under these circumstances, the US policy is unlikely to present a really challenging task to China. All means that could have been used have already been tested; to move forward with new ones along with financial constraints will be too costly. Beijing, in its turn, will be increasing its capabilities and diversifying policy instruments to shape the issue in a way favourable to itself. There are all reasons to expect that Beijing will succeed in it.

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Conclusion

Sino-American contradictions over the South China Sea cannot last indefinitely long, and with the course of time the parties will have to develop a *modus vivendi* on the issue. But what outcome can be expected?

Under current trends, a COC embracing both Beijing's and Washington's expectations is out of the question. China has invested too many resources to let the US join the game. In case COC is developed, which in itself is very unlikely, not even the most veiled reference to the US will be there.

Equally problematic appears to be another scenario: Beijing heeds Washington's calls to become a responsible and constructive member of the globalising world and not to object to the activity undertaken by the international community – including the US and its allies – in the South China Sea. No convincing evidence can support this.

There is only one available option left, and it seems the most realistic. Beijing will slowly but steadily implement a strategy aimed at converting its previously developed economic, political, military and reputational potential into diminishing the US abilities to shape the situation in the South China Sea. This task will not be solved overnight, of which China is perfectly aware. But it is well aware of another thing: time is on its side.

With all this in view, it is more than logical to expect that with the course of time the South China Sea will become a “Chinese lake,” whether other parties with stakes in the area may like it or not. All that they can do is to grin and bear it.

Notes

¹ This can be exemplified by China's uncompromising position on its sovereignty over the South China Sea islands based on historical evidence although the latter is often disputed. This has become – and is likely to remain – an endless story. For recent examples, see: Chu Hao, China's Sovereignty over South China Sea Indisputable. China.org.cn. 23.05.2012. http://www.china.org.cn/opinion/2012-05/23/content_25454569.htm vs M. Malik, “History the Weak Link in Beijing's Mari-

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time Claims,” *The Diplomat*. 30.08.2013. <http://thediplomat.com/2013/08/30/history-the-weak-link-in-beijings-maritime-claims/>

² The author considers as the starting point the year 1992 when ASEAN Declaration on the South China Sea was elaborated on, and China didn’t leave it unnoticed.

³ Among these documents, the key are: ASEAN Regional Forum (ARF) Concept and Principles of Preventive Diplomacy. Adopted at the 8th ARF. 25.07. 2001.

<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports/159.html>; ASEAN Regional Forum Preventive Diplomacy Work Plan. Approved by ARF SOM. 10.06.2011.

<http://aseanregionalforum.asean.org/files/library/ARF%20Chairman's%20Statements%20and%20Reports/The%20Eighteenth%20ASEAN%20Regional%20Forum.%202010-2011/2%20-%20ARF%20Work%20Plan%20on%20Preventive%20Diplomacy.pdf>

⁴ 2002 Declaration on the Conduct of Parties in the South China Sea. Adopted by the Foreign Ministers of ASEAN and the People’s Republic of China at the 8th ASEAN Summit in Phnom Penh, Cambodia on 4 November 2002.

<http://cil.nus.edu.sg/rp/pdf/2002%20Declaration%20on%20the%20Conduct%20of%20Parties%20in%20the%20South%20China%20Sea-pdf.pdf>

⁵ J. A. Baker III, “America in Asia: Emerging Architecture for a Pacific Community,” *Foreign Affairs*. – N.Y., 1991/1992. Vol. 70. – No. 5. – p. 5.; R. Tasker, “End of the Sentry. US Military Withdrawal Prompts Security Fear,” *Far Eastern Economic Review*. – Hong Kong, 1992. – Vol. 155. – No. 47. – pp. 18-20. – p. 20.

⁶ Security Challenges Confronting the Asia-Pacific Region. Secretary’s Albright Intervention at Sixth ASEAN Regional Forum. Singapore, July 26, 1999, in *US Department of State Dispatch*. – Washington, 1999. – Vol. 10. - No. 7. – pp. 3-6.

⁷ Remarks at Press Availability. Hillary Rodham Clinton. Secretary of State. National Convention Center. Hanoi, Vietnam. July 23, 2010.

<http://www.state.gov/secretary/rm/2010/07/145095.htm>

⁸ 2002 Declaration on the Conduct of Parties in the South China Sea. Adopted by the Foreign Ministers of ASEAN and the People’s Republic of China at the 8th ASEAN Summit in Phnom Penh, Cambodia on 4 November 2002.

<http://cil.nus.edu.sg/rp/pdf/2002%20Declaration%20on%20the%20Conduct%20of%20Parties%20in%20the%20South%20China%20Sea-pdf.pdf>

⁹ J. Pomfret, “U.S. Takes a Tougher Tone with China,” *Washington Post*, July 30, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/29/AR2010072906416.html>

¹⁰ Panetta Answers Troops’ Questions in Japan. US Department of Defense. 24.10.2011. <http://www.defense.gov/news/newsarticle.aspx?id=65786>; Remarks by the President on the Defense Strategic Review. The Pentagon. 5.01.2012.

<http://www.whitehouse.gov/photos-and-video/video/2012/01/05/president-obama-speaks-defense-strategic-review#transcript>

¹¹ For more details, see: H. LaFranchi, US Pivot to Asia: Is John Kerry Retooling It? *The Christian Science Monitor*, 20.02.2013. <http://www.csmonitor.com/USA/Foreign-Policy/2013/0220/US-pivot-to-Asia-Is-John-Kerry-retooling-it>

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¹² See: Cina Berkomitmen pada Perdamaian Laut Cina Selatan, *Tempo*, 31.07.2013. <http://www.tempo.co/read/news/2013/07/31/118501267/Cina-Berkomitmen-pada-Perdamaian-Laut-Cina-Selatan>

¹³ Draft of Guidelines of the Declaration of the Code of Conduct of Parties in the South China Sea (DOC). 22 July 2011. <http://www.newsbreak.ph/2011/07/22/draft-of-guidelines-of-the-declaration-of-the-code-of-conduct-of-parties-in-the-south-china-sea-doc/>

¹⁴ China Warns U.S., Japan, Australia Not to Gang Up in Sea Disputes. Reuters. 6.10.2013. <http://www.reuters.com/article/2013/10/07/us-asia-southchinasea-china-idUSBRE99602220131007>