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## **American Rebalancing to Asia and Its Impacts on the Territorial Disputes in the South China Sea**

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# American Rebalancing to Asia and Its Impacts on the Territorial Disputes in the South China Sea

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The American pivot to Asia officially started in 2011, which are reflected in a series of American diplomatic activities, speeches, articles and remarks at official fora by President Obama and Secretary of State Hillary Clinton from 2009-2014. The gist of that rhetoric contains that the US should pay more attention to the Asian-Pacific region than ever, particularly military spending; it should deeply involve the country in the issues concerning Asia's politics, economy and security.

Those diplomatic activities were climaxed by Hillary R. Clinton's, former Secretary of State, remarks at the 17<sup>th</sup> A/ESEAN Regional Forum on July 23, 2010. She declared that 'the United States supports a collaborative diplomatic process by all "claimants for resolving the various territorial disputes without coercion,' and announcement that the United States 'oppose[s] the use or threat of force by any claimant.' This oral attack represented a significant policy change for the US on the disputed territories in the South China Sea (SCS). She and other officials also asked China to abide by the United Nations Convention on the Law of the Sea (UNCLOS), and sign the Declaration of Code of Conduct with other claimers. She also said that sovereignty issues in the South China Sea were a "diplomatic priority" for Washington and proposed dealing with them at the international level. <sup>1</sup>

Of course, the US officials often attempt to make the strategy ambiguous, sometimes confusion lest China and the US will involve into a new Cold War. However the repeated reframing the strategy from originally a "pivot" and then evolved into a "rebalancing", and a "shift" shows policy inconsistency or difference among American agencies. The media portrayals more of the pivot as an essentially military endeavor, <sup>2</sup>but the kernel of it is clearly a comprehensive strategy balancing or offsetting China's expanding influence in Asia.

Currently the strategic focus is more on the disputed territories in the South China Sea, but it also on the other issues related to China rising, which cover more naval warships deployment in Asia-Pacific area, more bilateral and trilateral military exercises in the region; more high-level political and strategic dialogues between the US and Japan, ASEAN, Australia and India; active upgrading East Asia Summit (EAS) role in exerting pressure on China's maritime behavior; expansion Trans-Pacific Economic Partnership (TPP) membership and position in rule-making in the regional economic cooperation.

Since the US urgently takes the growing tension between China vs. Vietnam and the Philippine in the South China Sea and warns China's action as changing status quo of regional order, this issue seemingly has become the key focus that the US pays attention. With this firm support, Vietnam and the Philippines increase their confidence to antagonize China's sovereign rights safeguarding action. <sup>3</sup>This paper will try to explore causality and correlation among the factors of American rebalancing to

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<sup>1</sup> See Li Xiao-kun, "Navigation in South China Sea, not a Problem", *China Daily*, October 23, 2010.

<sup>2</sup> Trefor Moss: "America's Pivot to Asia: A Report Card", *The Diplomat*, May 5, 2013.

<sup>3</sup> Liu Feitao: "Obama's Rebalancing to the Asia Pacific", September 4, 2013, [http://www.csis.org.cn/english/2013-09/04/content\\_6272923.htm](http://www.csis.org.cn/english/2013-09/04/content_6272923.htm)

Asia, growing tension between China vs. Vietnam and the Philippines, and the intention of the US proactive entanglement in the disputes, and China's thinking behind this maritime competition.

## **1. The American Rebalancing to Asia: Regional Demand or Domestic**

### **Urge by Strategy**

When President Obama first came to White House in 2009, Chinese people and officials had a great expectation on him for not repeating the old formalities of bashing China in the beginning of the Presidency. Within almost a year, China and the US were in a relatively-peaceful and a stable time. Though the US was in the economic plight from financial crisis, leaders in Beijing were very cautious about its rising position and were willing to hold out its hands to help the US to overcome its difficulties. They firmly promised to the US government to seek conciliatory way to deal with the financial crisis, and they also declined to accept a G-2 model, which was conferred on China by Zbigniew Brzezinski, the former national security advisor of former President Carter and Fred Bergsten, the director of the Peterson Institute for International Economics.<sup>1</sup>

China warmly welcomed Hillary Clinton first official visit to China as a Secretary of State on February 20, 2009, which was less than one month after she moved into State Department on January 27, and both sides agreed to join hands to deal with the financial crisis and consolidate cooperation on energy, environment, and climate change issues. Both in Beijing and New York, she humbly used ancient Chinese literary allusions: "When you are in a common boat, you need to cross the river peacefully together," Clinton said that she believes the ancient Chinese wisdom must continue to guide both countries today.<sup>2</sup> The friendly ties also could be reflected from President Obama China trip on November 15-18, 2009, which unbelievably occurred less than one year as he swore into office on January 20, 2009. Both sides pledged to "build a Positive, Cooperative and Comprehensive China-US Relationship for the 21st Century".

However, 2011 witnessed the turning point of Sino-American relations from good to sour, which was symbolically represented by the practice of "Pivot to Asia" or "Rebalancing to Asia". Beijing and Washington may have different interpretation for the cause of the US China policy change. Some American people thought because Chinese people had a mis-judging notion that the US was declining, while China becoming a powerful country, it became more assertive and intransigent in protecting its interests in contending issues, in multilateral negotiations on climate change and trade with the US and other parties. Also in Iran, North Korea issue, the US didn't see China as a full collaborator. In terms of Chinese new behavior, the US decided to take an offensive strategy to balance China.

On the Chinese side, they feel this American strategy adjustment actually derived from its strategic judgment. Ben Rhodes, Obama's deputy national security adviser for strategic communications said that the United States is acting "in response to demands from within the region", and that "the nations of the region have signaled that they want the United States to be present, and they would like, in many respects and instances, increased partnership with the United States". Bader,

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<sup>1</sup> Richard Bush: "The United States and China: A G-2 in the Making?" October 11, 2011, <http://www.brookings.edu/research/articles/2011/10/11-china-us-g2-bush>; Bergsten held in January, 2010 that there are so many challenges, the G-2 partners should manage the world economy and become an informal management committee. See Fred Bergsten: "A Partnership of Equals: How Washington Should Respond to China's Economic Challenge?" *Foreign Affairs*, August, 2008.

<sup>2</sup> "Hillary Clinton Highlights Asia, China In First Major Speech", *People's Daily Online*, February 14, 2009, <http://english.peopledaily.com.cn/90001/90776/90883/6592674.html>

Former East Asia Senior Director at National Security Council at Obama's Administration, said in his memoir that in Bush's Administration, Southeast Asia was substantially neglected and countries of the region were in addition anxious about China's military spending. In other words, as far as in the earliest time of first Obama's Administration, their security team had a growing anxiety that in Asia the US was losing ground, while China was gaining influence, based on this strategic judgment, the US decided to implement the strategy of "pivot to Asia", enhancing its strategic presence there.<sup>1</sup>

Whether this strategy focuses on China, there are divergent arguments: the US officially always deny such an intention, it is not a containment policy against China, which is repeatedly stressed openly by many American high-level officials, including President Obama. General Martin Dempsey, the US Chairman of the Joint Chiefs of Staff, described the American approach to Asia as one of 'three mores' – more interest, more engagement, and more quality assets.<sup>2</sup> However, this sort of defensive excuse, in fact, doesn't completely hold water. It is fairly correct, this strategy doesn't fully aim at China, and it has various purposes that include maintaining American economic stake, the consolidation of its leadership in Asia.

However, all the other factors in the strategy have some indirect linkage with China, China factor is in no way to be covered. All those factors fall into American concerns: Chinese economic expansion through East Asian economic integration, its astonishing military capability boost, its growing influence in South East Asian countries, the much incisive territorial disputes in South China Sea and East China Sea and the regional power tilting towards China. The US strategic priorities are to upgrade military deterrence against Chinese military capabilities; prevent the disputes competition from turning into China favor---obtaining more uninhabited islands, reefs, shoals, cays within 9 dotted-line that is claimed by China.

The rebalancing strategy has many components, some are designed evolutionally, like consolidated military deployment in Asia-Pacific region; Trans-Pacific Partnership Agreement (TPP); some are policy redressed, like participation in East Asia Summit (EAS), institutionalization the ASEAN-US Leaders Meeting ; but for the South China Sea territorial disputes, the US takes it as imminent and growingly heightens its comprehensive involvement. Of course, this reading for the focus of the strategy may not identical with American official explanation. Former President Obama's National Security Advisor Tom Donilon said in March 2013: the US is seeking to achieve its end through action in five specific areas:

- Strengthening alliances
- Deepening partnerships with emerging powers.
- Building a stable, productive and constructive relationship with China.
- Empowering regional institutions.
- Helping to build a regional economic architecture.

Indeed, strengthening alliances vis-à-vis a rising China should be in the foremost, but among its five allies---Japan, South Korea, Australia, the Philippines and Thailand, their strategic value for the US are different: South Korea's value is regularly set for resisting North Korea invasion; and Thailand is not the key ally for the US to rely on. The rest three have growing values for countering China rising. Most of the US military investment in these allies is, more or less, relevant to the capabilities consolidation in their maritime security and territorial disputes. Allies---Japan, Australia, the Philippines and, non-allies--- Vietnam, Singapore and India are both on the priority list for providing

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<sup>1</sup> Jeffrey Bader: *Obama and China's Rise: An Insider Account of America's Asia Strategy*, Brookings Press, March 2012, pp. 2-3.

<sup>2</sup> Trefor Moss: "America's Pivot to Asia: A Report Card", *The Diplomat*, May 5, 2013.

military equipment or conducting military exercises.

The South China Sea covers an area of more than 648,000 sq miles (1.7 million sq km), containing more than 200 mostly uninhabitable small islands, rocks and reefs. It has huge reserves of natural gas and oil. China's estimate it has 213 billion barrels of oil lie untapped in the South China Sea (a U.S. Geological Survey estimate is only 28 billion barrels of crude oil) which would make it the largest oil reserve outside Saudi Arabia according to the U.S. Energy Information Administration.<sup>1</sup> Given this prospective resources, all claimants take a strong position to obtain as more territorial water and reefs as possible. The US sees the imminent importance of the maritime territories for Vietnam, the Philippines and thinks it is in its interests to offer support to these China's rivals.

The starting point of the rebalancing strategy is on South China Sea territorial disputes, which is epitomized in Hillary Clinton's remarks at ASEAN Regional Forum Foreign Ministers' Meeting (ARF) to be held on July 23, 2010 in Hanoi, Vietnam. Before the meeting, the US and some other ASEAN countries carried a set of behind-scene policy coordination for a unified tone at ARF. The focal points Hillary Clinton stressed include: 1. Claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features. 2. The importance and urgency of maintaining navigation freedom in the South China Sea. 3. Objection to coercion and to the threat or use of force in the South China Sea.<sup>2</sup>

## **2. The Conflicting Position on SCS Dispute: the Different Interests and Goal behind China and the US Competition**

American position and public opinion are much shaped by its allies' interests, customary sympathy towards small countries claimers, the inertial mind about the territorial status quo in this area and a strong cognition on American established superiority in the sea. Over a long time, the US and all China's neighbors are used to Deng Xiao-ping's low-profile and tolerance policy towards the US pressure on political issues and insulting weapons sale to Taiwan and, all claimants unbridle exploration of oils and harassment of Chinese fishers in the South China Sea. Now Beijing is changing this pattern of behavior and become more assertive to protect its claimed territorial interest.

Therefore, they hold China is using "salami slicing" tactics featuring the use of intimidating and coercive means to achieve a goal of controlling more islands, reefs, shoals. Based upon this view, the US decides to side with the Philippines and Vietnam's position on the dispute issue.<sup>3</sup>

Why the US took an offensive posture at South China Sea disputes, the main reasons may lie at the American, Japanese, Vietnamese as well as the Philippines media long-time negative coverage on the China's new behavior; the Philippines and Vietnam's repeated complaint to the US about China's administrating activities in the disputed water of South China Sea (In China's view, it is China's territories and maritime rights); the US worries that if China possesses more maritime space, it will pose a threat against American fleets operation and commands passage of sea-lanes. And more, if the Philippines and Vietnam have to be receptive of China's sovereign rights over this disputed water, the US leadership position, prestige and security credibility will be severely damaged.

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<sup>1</sup> Kevin Voigt and Natalie Robehmed: "Explainer: South China Sea - Asia's Most Dangerous Waters", June 28, 2011, CNN, [http://edition.cnn.com/2011/WORLD/asiapcf/06/27/south.china.sea.conflict/index.html?hpt=hp\\_c2](http://edition.cnn.com/2011/WORLD/asiapcf/06/27/south.china.sea.conflict/index.html?hpt=hp_c2).

<sup>2</sup> "Chinese FM Refutes Fallacies on the South China Sea", *China Daily*, July 25, 2010, [http://www.chinadaily.com.cn/china/2010-07/25/content\\_11046054.htm](http://www.chinadaily.com.cn/china/2010-07/25/content_11046054.htm)

<sup>3</sup> Robert Sutter: "Obama's Trip to Asia---How to Deal with China in the 'Grey Zone'", the ASAN Forum, March/April issue, Vol.2, No. 2, 2014.

The moral banner that the US upholds to criticize and isolate China on the maritime dispute in the international forum is freedom of navigation on the sea. In China's view, there is no any problem for free and safe passage of ships in South China Sea, and this accusation is just a pseudo issue. Chinese then Premier Wen Jiabao reaffirmed at the 6th East Asia Summit at BALI, Indonesia, November 19, 2011 that Chinese government has made a positive contribution to safeguard the navigation security in the South China Sea.<sup>1</sup>

It is likely that there exist other factors pushing the US suddenly deep involvement in the South China Sea issue. One view argues that because of Bush Administration preoccupation with "combating terrorism" and negligence of Southeast Asia, China kept expanding influence during these years.<sup>2</sup> Further more, the burgeoning Asian regional integration organizations excluding the United States will have a negative impact on the U.S. companies' economic interests in ASEAN, marginalizing the United States role in Asia.<sup>3</sup>

From the point of strategic logics of maintaining superiority and containing the rising power growth in Asia, the United States needs to apply ingenious means and constant, new balanced policy to reverse the considerable gap between Sino-ASEAN and the US-ASEAN relationships.<sup>4</sup> Therefore the US "Returning to Asia" is to proactively re-engage most of ASEAN countries and re-gain their strategic trust. Among them, the territorial issue must be a core concern that ASEAN most demands from an extraneous player. Only through firm support to the ASEAN claimants on South China Sea disputes can the US own a foothold to resist China's expanded influence.

Of course, there is also representative of an accumulative and a series of negative reaction on the side of the US towards China's intensified sovereign rights administration on South China Sea, on China's passive position on the Iran nuclear issue, the *Renminbi* appreciation and climate change from 2009-2010.

One of the biggest incidents occurred on March 14, 2009 when five unarmed Chinese vessels blocked the USNS Impeccable's, an ocean surveillance ship, spying activities with pieces of wood in China's Exclusive Economic Zone (EEZ). China claimed that was an illegal military activity---monitoring Chinese submarine activity south of Hainan Island. The U.S. Navy dispatched a guided-missile destroyer to the area to escort the mission. This stand-off gave out a message that China will no longer acquiesce in a more than 50-year American practice of conducting regular reconnaissance along a border-line of a potential adversary.

Another big issue that frustrated China-US fragile trust was their antagonistic action at the Copenhagen climate summit during the period of December 7-18, 2009. Based upon the principle of "common but differentiated responsibilities, China refused to accept an American proposal that China should make a same pledge with the US to realize a specific target goal of reducing carbon emission before 2020, while demanding the US cuts more emissions and criticizing it lacking sincerity in meeting the climate change. China's Premier Wen Jiabao did not attend the consultation meeting organized by President Obama and instead he just sent a low diplomat for the meeting. The US

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<sup>1</sup> "Chinese Premier Restates China's Stance on South China Sea", Xinhua News, November 19, 2011, [http://news.xinhuanet.com/english2010/china/2011-11/19/c\\_131257599.htm](http://news.xinhuanet.com/english2010/china/2011-11/19/c_131257599.htm)

<sup>2</sup> BOWER, Ernest, "A US Strategy for ASEAN," <http://csis.org/publication/us-strategy-asean>, March 1, 2010.

<sup>3</sup> Feigenbaum, Evan and Manning, Robert, "The United States in the New Asia," Council on Foreign Relations, *Special Report 50*, November 2009, p.4.

<sup>4</sup> Liu Ming: "meiguo aobamazhengfu dongyazhanlue tiaozhengpinggu: duidongyazhixudeyingxiang yuwuowaijiaoyingdui" (Evaluation of Barack Obama Administration's East Asia Strategic Adjustment: Impact on East Asia Order and China's Diplomatic Reaction), *Contemporary International Relations Studies*, No. 2, 2011.

president clearly regarded Premier Wen's absence as a major diplomatic insult.<sup>1</sup> Obama even angrily ran into the meeting room that Mr. Wen and other newly-emerged countries were discussing a deal.

Other problems and regional issues also considerably contributed mutual suspicion and disappointment: Obama Administration announced the sale of \$6 billion worth of Patriot anti-missile systems, helicopters, and communications equipment to Taiwan on January 29, 2010; Obama met Tibet's spiritual leader Dalai Lama on February 9, 2010. China announced a revenge on the US. Then a ROK Navy corvette *Cheonan* was mysteriously sank in the Yellow Sea with 46 sailors dead on March 26, 2010, but China didn't believe an international investigation conclusion that the North Korea was the culprit. One more big issue occurred in March, 2010, China elevated South China Sea issue as one of their "core national interests" that equal to Taiwan, Tibet and Xinjiang sovereignty issue when China held the "Strategic & Economic Dialogue" with American interlocutor.

The negative impact on the US strategic thinking derived from above actions could not be underestimated. One view point outs that soon after the *Impeccable* affair, Hillary Clinton re-affirmed America's 'national interest' in the area and made US 'intervention' in the South China sea more likely, not less.<sup>2</sup> Before Clinton's first trip to Asia, she touted China's positive role and the importance of Sino-American relations into a high pitch at Asia Society, New York on February 13, 2009, such as "*You know very well how important China is and how essential it is that we have a positive cooperative relationship. It is vital to peace and prosperity not only in the Asia-Pacific region but worldwide.*" *It is even clearer now in economic hard times and in the array of global challenges we face, from nuclear security to climate change to pandemic disease and so much else.*<sup>3</sup> At that time, she didn't mention any thing about South China Sea.

Just after one and half a year, her tone about China had a dramatic change. The reasons must have something to do with American security team new assessments and understanding about China. They probably thought a rising China must be a challenge or threat to its hegemonic position in Asia; they must take a stiff policy to China. Ms. Clinton revealed the US China policy adjustment in her memoir, *Hard Choices* that since China changed its restraint and tolerance policy and, became more assertive in the disputed waters in the sea; and hardliners in the Party and the PLA to adopt a "more assertive approach" and become a "selective stakeholder," picking and choosing when to act like a responsible great power and when to assert the right to impose its will on its smaller neighbors", she decided to seize a chance to reverse the situation (what she called an effective counter strategy).<sup>4</sup> And after the 17<sup>th</sup> ARF meeting, she felt more confidence to promote "pivot" or re-balancing strategy to show American power and position.

In China, in addition to the Foreign Minister Yang Jiechi's refutation on Clinton's remarks on South China Sea at the 17<sup>th</sup> ARF, many officials and experts thought Ms. Clinton plays a central role in President Barack Obama's pivot to Asia that began in 2011, seen by the Chinese as an attempt to contain China.<sup>5</sup> Following this confrontation between two Foreign Ministers at ARF, there were more unwanted incidents happened in East Asia in 2010 that related to China's diplomatic stance, which further precipitated the US's strategic distrust on China and strategic involving in the territorial

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<sup>1</sup> Chris Green: "China's Delaying Tactics Threaten Climate Deal", December 18, 2009, <http://www.independent.co.uk/environment/climate-change/chinas-delaying-tactics-threaten-climate-deal-1844661.html>

<sup>2</sup> Brantly Womack: "Vietnam: Friend Yes, Ally No", *Defense News*, September 27, 2010.

<sup>3</sup> "Hillary Clinton Highlights Asia, China In First Major Speech", *People's Daily Online*, February 14, 2009, <http://english.peopledaily.com.cn/90001/90776/90883/6592674.html>

<sup>4</sup> Amitai Etzioni: "Hillary Clinton China Policy", *The Diplomat*, August 6, 2014.

<sup>5</sup> Esther Teo: "Clinton's Potential White House Bid Sparks Wave of Negative Press in China", *The Strait Times*, June 18, 2014.

disputes in the sea. These incidents are as follows:

China used harsh approach to force Japan to release a Chinese captain detained by Japanese local prosecutors, whose fishing boat collided with two Japanese patrol boats in waters off the Diaoyu Islands on September 9, 2010; North Korea bombarded Yeonpyeong island with dozens of rounds of artillery, reportedly killing two South Korean soldiers and injuring around 20 people on November 23, 2010. Though the North Korea's action was not a fault of China, Beijing's silence to North Korea provocation led to Washington disappointment with China's responsibility.

### **3. American Deep Involvement in the SCS and Its Impacts on the**

#### **Regional Relations**

After more than 4 years re-balancing strategy implementation, in addition to the other progress of the strategy, the impacts of America's South China Sea policy is seen clearly in several aspects in terms of its practically unpublished policy taking position on the SCS sovereignty disputes.

The Philippines is one of the two small allies of the US in ASEAN, as the re-balancing strategy moves forward, the US takes the Philippines as the focal point and the 1951 US-Philippine Mutual Defense Treaty as a legal basis to counter China's sovereign claim and administration action on South China Sea. As Aquino III became the Philippines President, he and his foreign minister took a high profile approach to intensify its claims and maritime actions in the disputed water, and Aquino's government warmly embraces the American re-balancing strategy. Both the US and the Philippines high-level officials have maintained a close interaction on the territorial dispute issue, particularly on the coordinated stance on China.

Hillary Clinton even ran counter to the international law to support the Philippines illegal action to rename part of the South China Sea into the West Philippine Sea. As the Philippines failed to control the Huang-yan Island (Scarborough Shoal) in a stand-off with Chinese maritime agency in 2012, a senior Philippine defense official said American troops, warships and aircraft could once again use their former naval and air facilities of Subic Bay Naval Base and Clark Air Base, but due to constitutional constraints, the establishment of a US military facility only could be under the control of the Philippine military.<sup>1</sup>

The US tacitly echoed by saying the USA was working with the Philippines on were:

Maritime domain awareness; building up the capacities of the Armed Forces of the Philippines, and counter terrorism.<sup>2</sup> In April 2014, a ten-year pact (EDCA - Enhanced Defense Co-operation Agreement) was signed between the U.S. President Obama and the Philippine President Benigno Aquino III, allowing U.S. forces temporary access to select Philippine bases and allow them to position planes and ships there.

Notwithstanding a weak and ill-equipped navy, and a poor economy in ASEAN countries, the Philippines has a unbending determination and action to confront with China on many relevant issues with the territorial disputes. The focal point is two China controlled reefs--- the Huang-yan Island (Scarborough Shoal) and Ren-ai Reef (Second Thomas Shoal). The Philippines refuses to abandon a stranded ship with eight-man military crew on board on the way to Ren-ai Reef, and it continually challenges China's actual control by sending supplies to the crews and arranging foreign correspond

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<sup>1</sup> US Troops Can Use Clark, Subic Bases, *Philippine Star*, June 6, 2012.

<sup>2</sup> Cheryl Pellerin: "Carter: U.S.; Philippines Enjoy Longstanding Alliance", American Forces Press Service, MANILA, Philippines, March 19, 2013.

to cover the confrontation.

In 2013, the Philippines decided to put the negotiation with China aside and filed a suit against China's nine - dotted line at the international tribunal for arbitration under the United Nations' Convention on the Law of the Sea. A ruling on the submission — which includes 4,000 pages and 40 maps and was written by a Washington law firm — was expected in 2015.

With this firm confrontation attitude, the Philippines usually will force ASEAN to sides with its position on the territorial disputes, criticizing China's maritime actions in the joint statements at every regular summits and ministerial meetings. Generally speaking, ASEAN wants to keep its neutrality and help Beijing and Manila to have negotiation, but the Philippines has no interests to have the bilateral talks with China. Faced with position from the Philippines, China almost loses its patience and trust on the Philippines.

As more military equipment provided to the Philippines and more US-Philippines military exercises for enhancing the latter's defense capabilities, the Philippines' defense confidence in dealing with Chinese maritime enforcement team and their naval capabilities in meeting a maritime skirmish and conflicts with China is upgraded, which, on the one hand, could deter China from taking a military action to drive the Philippines' warships away from the surrounding waters of China's controlled reefs; on the other hand, will ease Manila to take a miscalculated reaction towards an unexpected accidents involving China.

American re-balancing strategy also greatly affects Vietnam's behavior in dealing with China in the maritime disputes. The US and Vietnam are not an ally, but their security relations are getting closer and closer in terms of hedging China's power in the region.

Of course, Hanoi is facing a dilemma: economically it heavily depends upon China's investment and imports, while ideologically they share the similar identity, therefore they can't afford to worsen relations with Beijing; however, Vietnam has a very strong sense of nationalism in terms of territories, and they claim a vast part of water in the South China Sea (Xisha Islands in Chinese, Paracels in English), and (Nansha Islands; in the West as Spratly), which approximately equals to the same space of water area that China claimed. Now Paracels is fully controlled by China since 1973. But in Spratly, they've occupied 29 islands and have long explored a great quantity of offshore oil and gas in the contested South China Sea, while China only exercises administration in 9 islands without a single oil well.

Vietnam is not ally of the US, the way of military support offered to the Philippines could not be fully replicated to Vietnam by the US, therefore, Washington will take more approach other than the military to assist Hanoi. Diplomatic support to the position that Vietnam stands for on the principles of addressing the territorial disputes is the most common approach. Hillary Clinton first criticism on China's position and approach in handling the territorial disputes was on 17<sup>th</sup> ARF meeting in Hanoi, this is not a coincidence, but a special arrangement. Since Vietnam kept complaining to the US about China's behavior in the South China Sea before America launching a re-balancing strategy: such as Chinese fishing boat of cutting a seismic cable attached to Vietnam's vessels exploring for oil and gas near the Gulf of Tonkin; arresting Vietnamese fishing men in the disputed waters. And the US sent its Deputy Secretary, William J. Burns and Assistant Secretary of State for East Asia Affairs Kurt Campbell to Hanoi for consultations about how to wage a diplomatically joint accusation on China at 17<sup>th</sup> ARF meeting.

In the US thinking, Vietnam, as a junior brother of China in ideology and a leading member of ASEAN, can be the optimal partner for the US to expand its primacy power to balance China's rising

influence through intervening in the territorial disputes because Hanoi strongly wants Washington to voice sharp criticism on China and support Vietnam's position in the public occasions, while flexing muscle on the sea. Vietnam, as a matter of fact, becomes a real driving force behind the "pivot to Asia".

The deviation impacts of American firm backing for Vietnam and the Philippines contest on the marine reef and marine rights and interests in the South China Sea could be seen in the following development. First, the US has set, or rather, consolidated a rhetoric tone in the region and the world media that the approach to resolving the maritime disputes should be solely based on United Nations Convention on the Law of the Sea (UNCLOS), in which the land features underlies the law practices,<sup>1</sup> but the rights of historical claims, taking over Japan's illegal rule in 1946, actual control and delimitation on the map after Second World War (1947 and 1948) by China, which had been acquiesced then by many countries are excluded.

Second, China becomes a target of almost all regional security forums (ARF, East Asia Summit), in which the US would mobilize most of ASEAN members and other countries to accuse of China blockage of navigation freedom and employment of coercive power for administration in the South China Sea. In these regional meetings, the present Chinese leaders would have to defend their position, the legitimacy and self-restraint in employment of its administration power when an incursion of or infringement of sovereignty occurring. Usually only the leaders of Myanmar, Lao and Cambodia would keep silence. Through these diplomatic actions, China's image is heavily damaged, which is depicted as a country without adhering to the principle of justice. Then the US deems itself highly as a moral leader in protecting small countries rights and successfully let East Asian countries bandwagon with it in the regional contest with China.

Third, the US knows only the diplomatic pressures on China in the few regional forums are not sufficient to restrain China's actions, and one of the best means is directly getting involved in the negotiation with the issue by itself, realizing the internationalization of the issue. Currently, there exist two tracks of negotiations for the South China Sea disputes: respective bilateral tracks between China and other claimants on the specific disputes; China-ASEAN track on political negotiation on the documents about the principle of resolution of the disputes. Beijing only accepts this two-track approach, with which it could have leverages and maneuvering room to manage the directions, rhythms and terms. The US wants to join the second track talks on the Code of Conduct in the South China Sea (COD), but China rejected American participation. However, the US, as an extraneous party, still attempted to influence the process through setting up deadline for the outcome of the negotiation and repeatedly asking China to restrain its action within the COD.<sup>2</sup>

Though it fails to join in the process through the internationalization of the dispute issue, Washington successfully wins the right to speak on the issue and partially changes the original course of focusing on talking implementation of the Declaration on the Code of Conduct on the South China Sea (DOD), which China argues it is still effective and has a lot of room for improvement in the practice, and COC cannot be set in a rush as it concerns the interests of many countries and must be consensus-based and takes lots of work.<sup>3</sup> So far, the US will not make its approach changed, its focal point will still be the COD, which, differing with DOD, is regarded as a binding mechanism for China.

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<sup>1</sup> See Hillary Clinton's remarks at the 17<sup>th</sup> ASEAN Regional Forum meeting on July 23, 2010.

<sup>2</sup> On September 3, 2012, U.S. Secretary of State Hillary Clinton, in a meeting with Indonesian Foreign Minister Natalegawa, urged ASEAN and China to make meaningful progress toward finalizing a comprehensive code of conduct, she even demanded a progress be made before the East Asia Summit in November, see [http://www.huffingtonpost.com/2012/09/03/south-china-sea-dispute-clinton\\_n\\_1852692.html](http://www.huffingtonpost.com/2012/09/03/south-china-sea-dispute-clinton_n_1852692.html).

<sup>3</sup> Please refer to Chinese Foreign Minister Wang Yi's comment on August 5, 2013 in Hanoi, [http://news.xinhuanet.com/english/china/2013-08/05/c\\_132603785.htm](http://news.xinhuanet.com/english/china/2013-08/05/c_132603785.htm).

Fourth, the US clear attitude to the disputes and firm backing for Vietnam and the Philippines lead to a status that these two countries harden their reaction towards China's maritime administration, exploration, contest for certain reef or atoll and tend to adopt an uncompromising stance on political negotiation with China. Sometimes some high-level officials even frequently provoke China's position in an insulting manner, on that score, the Philippines moves to the acme. In an ASEAN Ministerial Meeting in 2012 in Phnom Penh, they attempted to force the ministers to criticize China in a customary joint statement over an armed stand-off with the Philippines on a rocky outcrop---Huang Yan Island (Scarborough Shoal) occurred in July of 2012, but Cambodia, chair of the meeting, resisted, as a result, they failed to issue a statement for the first time in 45 years. <sup>1</sup>

Hanoi is also poised its national power for launching a counterattack at China's consolidation of its sovereign administration rights in the disputed waters and exploration of resources in the overlapping Economic Exclusive Zone (EEZ) of China's controlled Xi-Sha Islands (Paracels) between Vietnam.

During May to July in 2014, China's first deep-water drilling platform CNOOC 981 had its first drilling on the South China Sea, the site of rig 981 is southeast of Zhongjian Island, one of the Xisha Islands, 17 nautical miles from the baseline of the territorial sea of the Xisha Islands and 160 nautical miles away from Vietnam. This exploration has been ongoing for 10 years with other rigs. Within one month, the Vietnamese various vessels rammed Chinese vessels on the scene for over 1,200 times, and has set up large floating objects and obstacles. China has sent government and civilian vessels to safeguard the order of normal operation and security of Chinese people and facilities.

Hanoi charged the drilling site was located in its economic zone, but Beijing also responded it falls within the contiguous zone and its economic zone of Xisha Islands. The dispute also led to large anti-China riots in Vietnam. Vietnamese destroyed Chinese-owned factories, killing and wounding many people. Finally, China transferred the platform to other place one month earlier than planned, the incident died down.

Having seen the escalating confrontation between China and Vietnam in this rig 981 case and being no formal defense treaty between the US and Vietnam, the US thinks it is important to further upgrade Vietnam's military capabilities. Therefore Washington announced it has partially lifted a 40-year ban on lethal weapons to Vietnam.

Fifth, As a regional main organization, ASEAN, over a long-run, has maintained good relations with the US and China, and achieved significant progress in the 10+1 and 10+3 cooperation process with China, over the territorial disputes, it doesn't want to either divide its internal unity nor simply sides with the US, offending China too much, since now only Vietnam and the Philippines have sharp conflicts with China in the organization. However with the US pivot to Asia and growing pressure on China and these two ASEAN countries are spearheading the confrontation with China, ASEAN is now facing a grave dilemma.

## **Conclusion**

The burgeoning and evolution of American "pivot to Asia" or "rebalancing strategy" is an echo to China's alarming ascent and the deteriorating Sino-American relations. The goal of the strategy is to keep American primacy in East Asia, prolong the current regional order and cement its credibility of

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<sup>1</sup> Erlinda Basilio:"Why There Is No ASEAN Joint Communiqué", *The Nation*, July 20, 2012, <http://www.nationmultimedia.com/opinion/Why-theres-no-Asean-joint-communicue-30186530.html>

security assurance to its allies. For the US, SCS issue is not just a territorial dispute among the claimants, but a major place for China's power projection and re-gaining lost maritime rights and power, and it will become a contest hub between China and the US for the commanding of the sea-lines. And it is also a linchpin for testing whether Washington can defend the existing rule of game on the sea, which is in its favor since WWII.

Over past 20 years, China stuck to the dictum by Deng Xiao-ping that we should hide our capacities and bide our time, keeping tolerance to the American bashing, and bullying and even other claimants' reckless exploitation of oil in the SCS. Revising the unfavorable development in the maritime rival and controlling some uninhabited island within its 9 dotted-line at SCS are its goal. However, any kind of China's intolerance behavior and offensive actions in the SCS will be regarded as a challenge to American leadership's position and its unlimited access of naval power.

The impacts of the "rebalancing strategy" are palpable: as USA openly siding with the Philippines, Vietnam on their position over the disputes and firmly bolster these two countries military, more tension and confrontation will arise at SCS in the near future. China will show more skepticism over the US role in the region and will try its best to develop more capabilities to offset the growing power from Vietnam, the Philippines that stems from the American supply and interoperability. Beijing will also take more measures to consolidate its military facilities at its various reefs, atolls as strategic fulcrums at SCS. China-ASEAN cooperation will be considerably affected, the political negotiation for COD will take a long time.

Of course, China will not put all its diplomatic resources on zero-sum game with the United States for an influence on the East Asia, for more competition, or for completely changing the regional status quo. Maintaining a balance between protecting sovereign territories at sea and peaceful rising, and good relations with most East Asian countries are China's long-term objectives. A great nation and strive not to violate international laws and conventions.

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