

# China's Assertive Foreign Policy in South China Sea under Xi Jinping: Its Impact on United States and Australian Foreign Policy

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## Abstract

*This essay examines the impact of the assertiveness of China's foreign policy in the South China Sea under Xi Jinping on United States (US) and Australian foreign policy. The essay focuses on the Xi Jinping period from 2013 because Xi has a different approach in foreign policy making from that of his predecessors. His determination to defend and advance maritime claims and interests as well as the external developments, have made his foreign policy more assertive. This essay will argue that China's assertive foreign policy in the South China Sea under Xi Jinping has paved the way for a greater role for the US in Southeast Asia, and deepened the rivalry between China and the US. This rising tension in turn has put Australia in a challenging situation, torn between its security alliance with the US, and its economic interests in China. However, Australia does not have to choose one, but Australia can play a constructive role in the development of some compromise between the two.*

Key words: South China Sea, foreign policy, China, United States, Australia

## Introduction

The South China Sea (SCS) dispute is an unresolved territorial problem in the Asia Pacific region. The dispute has escalated in recent years, especially since 2009 when Malaysia and Vietnam jointly submitted information to the *Commission on the Limits of the Continental Shelf (CLCS)* regarding the outer limits of the continental

shelf beyond 200 nautical miles (nm).<sup>1</sup> One day later, Vietnam made a national submission regarding the outer limits of its continental shelf beyond 200 nm from the baselines of Vietnam. For China, these actions represented a violation of Article 5 of the 2002 Declaration of Code of Conduct (DoC) regarding efforts to refrain from

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<sup>1</sup> W Shicun, *Solving Disputes for Regional Cooperation and Development in South China Sea A Chinese Perspective*, Chandos Publishing, UK, 2013, p. 152.

doing activities that could escalate the conflict. The DoC is an agreement between China and the Association of South East Asia Nations (ASEAN), which paved the way for a seven year period of peace between the SCS claimants which include China, Taiwan, Vietnam, Philippines, Malaysia, and Brunei Darussalam. The 2002-2009 period after the signing of the DoC was a period of peace in the SCS, which was remarked by no significant incidents between conflicting parties during this period. However, after 2009, a few incidents (as discussed later) happened at sea, especially between China and Vietnam, and China and the Philippines, reigniting tensions.

As a response to Vietnam and Malaysia submissions, China then responded by submitting a verbal note to the United Nations, and attaching its "U-shaped Line".<sup>2</sup>

<sup>2</sup> China also responded to Vietnam's declaration over the Paracels and Spratlys in its National Law of Sea by establishing a new city, Sansha, in July 2012, a city that would have jurisdiction over the Paracels, Spratlys, and Macclesfield Bank. Two months later, in November 2012, China issued a new version of its passport which contains a map of China that includes the U-shaped Line. J Zhang, 'China's growing assertiveness in the South China Sea A Strategic Shift?', National Security College, retrieved 20 May 2015, <<http://nsc.anu.edu.au/documents/occasional-5-brief-4.pdf>>.

**Figure 1: China's "U-shaped Line" in the South China Sea**



Source:

<http://www.chinesedefence.com/forums/vietnam-defence/5545-no-dispute-Cinas-1948-nine-dash-line-map-plus-article-15-unclosed-clear.html>, accessed 12 May 2015.

For China, sovereignty claims over the four island groups in the SCS, the Pratas Islands, the Paracel Islands, the Macclesfield Bank and the Spratly Islands, derive from its historical rights as the first country that discovered, named, and continuously used these islands for more than two centuries.<sup>3</sup> Accordingly, for China, no other claimant states in the SCS have sufficient evidence to support claims of sovereignty over the islands.<sup>4</sup> After China declared its "nine-dashed line"<sup>5</sup> in 1953, there was neither

<sup>3</sup> *Ibid*, p. 16.

<sup>4</sup> *Ibid*.

<sup>5</sup> The Chinese claim in the South China Sea is called the "nine-dashed line" because as can be seen in Map 1, it has a nine-dashed line (green lines). Another source called it the "U-shaped line" because the lines

opposition from the international community nor diplomatic protest against China from neighboring countries. Therefore, in China's view, the "nine-dashed line" had been approved and recognized by the international community.<sup>6</sup>

2012 was the first time the map delineating China's claims had been officially published since 1948. As argued by Jian Zhang, this action has been perceived by many as an indication of China's growing assertiveness in regard to the SCS dispute.<sup>7</sup> Indeed, since Xi Jinping came to power in 2013, he put "safeguarding the country's sovereignty and security, and defending our territorial integrity"<sup>8</sup> as high priorities. Subsequently, China's foreign policy in the SCS has become more assertive.

Furthermore, 2009 also marked the beginning of the involvement of external powers in the SCS dispute, especially the US. By signing the Treaty of Amity and Cooperation (TAC), US indicated its strategic 'pivot' towards the Asia Pacific. The US intended to play a greater role in the region, particularly in the SCS dispute, on behalf of its commitment to its allies in South East Asia, especially the Philippines. The US position raises questions regarding Australia's position, another US security ally in the Asia Pacific.

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created a U-shape, while others have called it the "nine-dotted line".

<sup>6</sup> Li Jinming dan Li Dexia, "The Dotted Line on the Chinese Map of the South China Sea: A Note", *Ocean Development and International Law* No. 34, 2003.

<sup>7</sup> J Zhang, *op.cit.*

<sup>8</sup> Council on Foreign relations, 'China's Maritime Disputes', retrieved 20 May 2015, <<http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345/#/>>

In light of these arguments, this essay argues that China's assertive foreign policy in the SCS has had an impact on US and Australian foreign policy. The rise of China, to some extent, places Australia in a challenging situation, torn between its security alliance with the US and its economic interests in China, Australia's largest trading partner. However, the growing rivalry between China and the US does not mean Australia must choose one. Meanwhile, Australia can play a constructive role in the development of some compromise between the two.

### **China's Assertive Foreign Policy in the South China Sea Under Xi Jinping**

*"While we pursue peaceful development, we will never relinquish our legitimate rights and interests, or allow China's core interests to be undermined. We should firmly uphold China's territorial sovereignty, maritime rights and interests and national unity, and properly handle territorial and island disputes."*<sup>9</sup>

*Xi Jinping, November 2014*

Xi Jinping has led a transformation in China's domestic and foreign policy. Since Xi Jinping was appointed as the party's general secretary in the 18th Party Congress of November 2012, Xi has put himself at the centre of a new leadership, leaving behind the "collective leadership" style upheld

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<sup>9</sup> Ministry of Foreign Affairs of the People's Republic of China, 'The Central Conference on Work Relating to Foreign Affairs', Beijing, 29 November 2014, retrieved 9 May 2015, <[http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1215680.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1215680.shtml)>.

since Deng Xiaoping.<sup>10</sup> He has put a hallmark on his new leadership by revealing "The Chinese Dream/*Zhongguo Meng*".<sup>11</sup> A year later, after Xi came into power in 2013, he spoke at the Central Conference on Work Relating to Foreign Affairs, announcing a new development in China's foreign policy. At this high level meeting of the China Communist Party on foreign relations, Xi officially laid out his new shift in foreign policy, marking a transformation from Deng Xiaoping's dictum of "keeping a low profile" to "active and creative" strategy. For Xi Jinping, foreign policy should help realise the "Two 100s"<sup>12</sup>, which means "China becomes a "moderately well-off society" by 2020, the 100th anniversary of the Communist Party of China; and that modernizing China becomes a fully developed nation in the year 2049, the celebration of 100 years of the People's Republic of China".<sup>13</sup> According to Medcalf, Xi's speech underlines "China's

determination to defend and advance its maritime claims and interests"<sup>14</sup> and clearly sends a message that China will protect its core interests.<sup>15</sup> However, this is not a new policy because protection of maritime rights and interests was addressed in China's Twelfth Five-Year Plan in March 2011.<sup>16</sup>

China's core national interests have driven China's foreign policy, with domestic political stability also related to foreign policy.<sup>17</sup> These core national interests include sovereignty, territorial integrity, and sustainable socio-economic development. The report of the 18th CCP Congress of 2012, a guide for the next five years, emphasized the importance of protecting these interests and sovereign rights of China, and of not surrendering to outside pressure. The 18<sup>th</sup> CCP Congress also reclassified the South China Sea as a "core national interest".<sup>18</sup> Xi Jinping also put nationalism, patriotism and pride, at the centre of his leadership.<sup>19</sup> As argued by Huang, Xi Jinping realized that nationalism is a powerful notion in Chinese society.<sup>20</sup>

China's grand new strategy certainly attracted international attention, especially

<sup>10</sup> 'The Power of Xi Jinping', *The Economist*, retrieved 10 May 2015, <<http://www.economist.com/news/china/21618882-cult-personality-growing-around-chinas-president-what-will-he-do-his-political>>.

<sup>11</sup> The "Chinese Dream" includes four important things, namely Strong China (economic, political, diplomatic, scientific, and military), Civilized China (equality and fairness, rich culture, high morals), Harmonious China (friendship between social classes), and Beautiful China (healthy environment and less pollution).

<sup>12</sup> T Shi & D Tweed, 'Xi Jinping Outlines 'Big Country Diplomacy for China'', *Sydney Morning Herald*, 2 December 2014, retrieved 19 May 2015, <<http://www.smh.com.au/world/xi-jinping-outlines-big-country-diplomacy-for-china-20141202-11yaj5.html>>.

<sup>13</sup> Kuhn R L, 'Xi Jinping's Chinese Dream', *New York Times*, 4 June 2013, retrieved 10 May 2015, <[http://www.nytimes.com/2013/06/05/opinion/global/xi-jinpings-chinese-dream.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/06/05/opinion/global/xi-jinpings-chinese-dream.html?pagewanted=all&_r=0)>.

<sup>14</sup> R Medcalf, 'Xi Jinping Speech: More Diplomacy, Less Raw Power', 1 December 2014, retrieved 19 May 2015, <<http://www.lowyinterpreter.org/post/2014/12/01/Xi-Jinping-speech-More-diplomacy-less-raw-power.aspx?COLLCC=272644824&>>.

<sup>15</sup> F Cameron, 'China's Foreign Policy under the New Leadership-More Continuity than Change', retrieved 10 May 2015, <[http://www.eu-asiacentre.eu/pub\\_details.php?pub\\_id=124](http://www.eu-asiacentre.eu/pub_details.php?pub_id=124)>.

<sup>16</sup> J Zhang, *op.cit.*

<sup>17</sup> F Cameron, *op.cit.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> C Huang, 'Xi's Chinese Dream', in J Sharp, *The China Renaissance The Rise of Xi Jinping and the 18<sup>th</sup> Communist Party Congress*, World Scientific Publishing, Singapore, 2013, p. 37.

on the SCS territorial and island disputes, as illustrated by China's 2009 sovereignty claim (the "nine-dashed line"). There are several other indications of China's growing assertiveness in the South China Sea under Xi Jinping.

First, China actively conducts military exercises in the SCS in order to strengthen its claims. Also, China regularly sends patrol boats to the area, and has even built military posts and airstrips on some islands. In December 2013, China sent its first aircraft carrier, the Liaoning, to the SCS. These moves heightened regional tensions, especially following China's unilateral declaration of an Air Defense Identification Zone/ADIZ in the East China Sea. Some people worried that China would make a similar declaration regarding the SCS.<sup>21</sup>

Second, the 2014 placement of the Haiyang Shiyou-981 oil rig at a location within Vietnam's Exclusive Economic Zone (EEZ) triggered massive anti-Chinese protests in Hanoi.<sup>22</sup> After nearly two months, on July 16, 2014, the China National Petroleum Corp finally shut down the rig and moved it closer to Hainan Island in southern China.

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<sup>21</sup> A Panda, 'One Year of ADIZ: What Next for China?', *The Diplomat*, 27 November 2014, retrieved 20 May 2015, <<http://thediplomat.com/2014/11/one-year-of-adiz-what-next-for-china/>>.

<sup>22</sup> At least 1000 people took to the street protests against the Chinese actions. This unrest not only attacked the Chinese passport workers, but also destroyed and looted Chinese-owned companies and factories which were operating in Vietnam. More than 3,000 Chinese nationals were evacuated from some parts of Vietnam after riots since mid-May 2014. The Chinese Foreign Ministry immediately responded by evacuating its citizens and did not allow its citizens to travel to Vietnam.

Third, China has carried out extensive land reclamation projects in the SCS. However, Article 121 of the 1982 UN Convention on the Law of the Sea (UNCLOS) declares that submerged features (such as shoals) cannot be claimed by any party and that "rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf"<sup>23</sup>. China is now building new islands on five different reefs and is creating conditions to sustain human habitation to bolster its claims.<sup>24</sup> In January 2014, a massive land reclamation was done at Johnson South Reef.<sup>25</sup> Since 2014, additional land reclamation is also being done on Woody Island, Duncan Island, and Drummon Island, accompanied by infrastructure.<sup>26</sup> According to Tiezzi, Johnson South Reef will be the home to a new South China Sea airbase.<sup>27</sup>

Fourth, in June 2014, The Hunan Map Publishing House issued a Chinese map, which displayed a ten-dashed line of the South China Sea that incorporated

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<sup>23</sup> United Nations, 'United Nations Convention on the Law of the Sea', retrieved 20 May 2015, <[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)>.

<sup>24</sup> S Tiezzi, 'Why Is China Building Islands in the South China Sea?', *The Diplomat*, 10 September 2014, retrieved 20 May 2015, <a>.

<sup>25</sup> R Wingfield-Hayes, 'China's Island Factory', 9 September 2014, retrieved 20 May 2015, <[http://www.bbc.co.uk/news/special/2014/newsspec\\_8701/index.html](http://www.bbc.co.uk/news/special/2014/newsspec_8701/index.html)>.

<sup>26</sup> V R Lee, 'South China Sea: China Is Building on the Paracels As Well', *The Diplomat*, 14 April 2015, retrieved 21 May 2015, <<http://thediplomat.com/2015/04/south-china-sea-china-is-building-on-the-paracels-as-well/>>.

<sup>27</sup> S Tiezzi, *op.cit.*

Taiwan into mainland China.<sup>28</sup> And fifth, in March 2014, China blocked two civilian ships chartered by the Philippines navy to send logistics to the Philippines Marine Unit stationed on Second Thomas Shoal. This disputed shoal in the Spratly Islands is located 200 km from Kalayaan Islands-Western Philippines, and has been claimed as part of the Philippines' continental shelf.

There are several factors contributing to Xi Jinping's more assertive policies in the South China Sea. First, recent external developments have driven China to adopt a more assertive position in the South China Sea. As argued by Zhang, these developments to be, in part, the result of Beijing's previously more moderate position, one that failed to effectively protect China's sovereignty and maritime interests against intensified disruption by other claimants.<sup>29</sup> China believes that the DoC has enabled a growing number of foreign oil companies to exploit SCS energy resources, and enabled fishing by foreign ships leading to growing disputes, given that the SCS is considered by China as its historical fishing ground.<sup>30</sup> Moreover, China's historical claims over the SCS are unlikely to be accepted in the modern international legal system.<sup>31</sup> At the same time, ASEAN's insistence on the development of a multilateral Code of

Conduct (CoC) in the SCS has deepened China's anxiety.

Second, Xi Jinping wants to define his leadership by reasserting China's core interests and nationalism. Xi has great influence in the foreign policy making process. As argued by Huang, Xi is a very different leader from his predecessor, Hu Jintao, as "Xi's style is more like a strongman leader".<sup>32</sup> Xi is the first member of the Politburo,<sup>33</sup> the elite group of the CCP which consists of seven people and which oversees China's policy-making (*primus inter pares*). President Xi leads a number of committees that deal with different aspects of foreign and security policy and he has a decisive voice.<sup>34</sup>

Third, as a result of the increasing global influence of China, the number of domestic actors involved in the foreign policy making process has increased. Besides the Politburo and party organs, there are also financial and business groups, regional and city bosses, the media (conventional and modern), research institutes, the People Liberation Army (PLA) and branches of the armed forces.<sup>35</sup> These agencies certainly influence China's foreign policies. Sometimes their priorities and interests are not always in line with Beijing. For example, in 2014 when The Hunan Map Publishing House issued the ten-dashed line map mentioned above. This incident is similar to the one that occurred in 2012 when Hainan Province, without

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<sup>28</sup> Nguyen Thi Lan Anh, 'New ten-dashed line map revealed China's ambition', 19 July 2014, retrieved 30 May 2015, <[www.thanhniennews.com/commentaries/new-tendashed-line-map-revealed-chinas-ambition-28816.html](http://www.thanhniennews.com/commentaries/new-tendashed-line-map-revealed-chinas-ambition-28816.html)>.

<sup>29</sup> J Zhang, *op.cit.*, p. 19.

<sup>30</sup> *Ibid.*, p. 21.

<sup>31</sup> International Crisis Group, *Stirring Up the South China Sea (I)*, Asia Report No. 223, 23 April 2012, in J Zhang, *op.cit.*

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<sup>32</sup> C Huang, 'Change Agent or Steady as She Goes?', in J Sharp, *op.cit.*, p. 28.

<sup>33</sup> President Xi Jinping is a member of the Politburo along with Prime Minister Li Keqiang, Wang Qishan, Zhang Dejiang, Yu Zhengsheng, Liu Yunshan, Zhang Gaoli.

<sup>34</sup> F Cameron, *op.cit.*

<sup>35</sup> *Ibid.*

permission from Beijing, issued passports with the U-shaped line map that depicted China's SCS claims.

China's recent moves have raised some doubts that China has become more assertive in South China Sea. In turn, it has been reasons for the US to play a greater role in Southeast Asia.

### **The United States's Interests in the South China Sea**

*"We do not have a position on the legal merits of the competing sovereignty claims to the islands, but we do have a position under the 1982 UN Convention on the Law of the Sea on the potential maritime claims."*<sup>36</sup>

It has been argued that 2009 was not only a turning point regarding China's assertiveness in the South China Sea dispute, but also a turning point regarding the US position in this dispute. On 23 July 2009, Hillary Clinton, US Secretary of State, signed TAC at the Sixteenth ASEAN Regional Forum (ARF). This was the US "Pivot", the starting point for the "back to Asia" policy. The Obama administration wished to enhance US presence in Southeast Asia.<sup>37</sup> The US policy on the SCS was made clear one year later, when Hillary Clinton attended the Seventeenth ARF in Hanoi, Vietnam. Clinton clearly declared that the

United States has a national interest in the freedom of navigation in the South China Sea.<sup>38</sup>

However, this was not the first time that the United States declared an interest in the SCS. On 10 May 1995, the United States issued a US Department of State Daily Press Briefing, which stated that maintaining freedom of navigation in the region is a fundamental interest of the United States. The United States clarified its position by saying that:

*"The US takes no position on the legal merits of the competing claims to sovereignty over the various island, reefs, atolls, and cays in the South China Sea". The United States would, however, view with serious concern any maritime claim or restriction on maritime activity in the South China Sea that was not consistent with international law, including the 1982 UNCLOS.*<sup>39</sup>

The United States has consistently used the issue of freedom of navigation as its primary reason for showing interest in the South China Sea. Since the 'pivot' in 2009, the United States consistently has raised this issue at annual ARF Meetings. In 2011, at the first East Asia Summit (EAS) attended by US President Barack Obama, the US restated its previous position that it

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<sup>36</sup> US Department of State, 'U.S. Department of State Daily Press Briefing', 10 May 1995, retrieved 10 May 2015, <[http://dosfan.lib.uic.edu/ERC/briefing/daily\\_briefings/1995/9505/950510db.html](http://dosfan.lib.uic.edu/ERC/briefing/daily_briefings/1995/9505/950510db.html)>.

<sup>37</sup> Manyin, ME, Garcia, MJ, Morrison WM, 'U.S. Accession to ASEAN's Treaty of Amity and Cooperation (TAC)', *CRS Report for Congress*, 5 May 2009, retrieved 21 May 2015, <<http://fpc.state.gov/documents/organization/124064.pdf>>.

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<sup>38</sup> R Emmers, 'The US Rebalancing Strategy: Impact on the South China Sea', National Security College, retrieved 21 May 2015, <<http://nsc.anu.edu.au/documents/occasional-5-brief-8.pdf>>.

<sup>39</sup> US Department of State, *op.cit.*

takes no position in the dispute, but that freedom of navigation is its core interest.<sup>40</sup>

However, according to Fravel, the US has two principal interests in the South China Sea. First is the freedom of navigation. Here the US refers to Articles 87 of the UNCLOS, which declares that "The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States: (a) freedom of navigation; ...".<sup>41</sup> The US asserts it has legitimate economic and military interests in freedom of navigation in the SCS. According to Glaser, more than US 1 trillion dollars' worth of the US trade comes through the SCS every year.<sup>42</sup> In addition, US naval vessels from the US West Coast and Japan pass through the South China Sea on their way to the Indian Ocean and Persian Gulf. The second principal US interest is peace and stability in Southeast Asia region. This relates to trade and economic development – any disruption to the security of sea-lanes in the SCS would affect cross-border trade and investment.<sup>43</sup>

The United States has raised these principal interests in the SCS since it poses several security threats. According to Fravel, since the 2001 incident in which a

US reconnaissance plane and a Chinese jet fighter collided<sup>44</sup>, China has tried to restrict US military activities in this zone, especially regarding surveillance and reconnaissance. Furthermore, the modernization of the PLA Navy poses a challenge to US Naval vessels in the SCS.<sup>45</sup> Accordingly, in light of these security threats in the SCS, Fravel also argued that the US has to maintain three interests: "its commitments to allies in the region, its stable and cooperative relations with China, and finally its neutrality regarding the sovereignty of land features".<sup>46</sup>

Therefore, the US's support to the Philippines can be put in the context of the US commitment to its ally. The Philippines, one of the claimant states in the South China Sea dispute, is a US ally based on the 1951 Mutual Defense Treaty. Article VI provides the mechanism for the two countries to respond if there is an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific, or on its armed forces, public vessels or aircraft in the Pacific.<sup>47</sup> Although there is debate about whether the South China Sea is a part of the US obligation under the treaty<sup>48</sup>, President

<sup>40</sup> R Emmers, *op.cit.*

<sup>41</sup> United Nations Convention on the Law of the Sea, <[http://www.un.org/depts/los/convention\\_agreement/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreement/texts/unclos/unclos_e.pdf)>.

<sup>42</sup> B S Glaser, 'Armed Clashes in the South China Sea', New York, Council on Foreign Relations, 2012, p. 4, <<http://www.cfr.org/world/armed-clash-south-china-sea/p27883>>.

<sup>43</sup> M T Fravel, 'US Policy Towards the Disputes in the South China Sea Since 1995', *Policy Report*, March 2014, p. 2.

<sup>44</sup> Incident happened when a US EP-3 reconnaissance plane and a China's F-8 fighter jet collided near Hainan Island.

<sup>45</sup> M T Fravel, *op.cit.*

<sup>46</sup> *Ibid.*

<sup>47</sup> Yale Law School, 'Mutual Defense Treaty between the United States and the Republic of the Philippines', 30 August 1951, retrieved 10 May 2015, <[http://avalon.law.yale.edu/20th\\_century/phil001.asp](http://avalon.law.yale.edu/20th_century/phil001.asp)>.

<sup>48</sup> Some in the Philippines refer to the 1999 diplomatic letter from the U.S. Ambassador to the Philippines, Thomas Hubbard, to the Philipinnes' Foreign Secretary Domingo Siazon, which affirmed William Cohen's statement that the South China Sea is



Obama seemed to make it clear on his visit to the Philippines in May 2014 when he stated that: "... our commitment to defend the Philippines is ironclad and the United States will keep that commitment, because allies never stand alone."<sup>49</sup> Moreover, the US and the Philippines signed the Enhanced Defense Cooperation Agreement (EDCA) in 2014 which updated and upgraded their defense commitments.<sup>50</sup>

Since the US declared its renewed interest in the South East Asian region, the SCS dispute has been mentioned in other ARF and EAS participants' statements. Initially China did not expect the international exposure of the SCS dispute, but since Vietnam and Indonesia chaired the ASEAN in 2010 and 2011 respectively, ongoing exposure is inevitable. However, in 2012, when ASEAN was chaired by Cambodia, a close economic partner of China, ASEAN failed to issue a joint communique regarding the SCS dispute. This was because Cambodia refused to incorporate the April 2012 Scarborough Shoal incident into the final document of

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considered as part of the Pacific area, to ensure that it is part of the treaty.

Fonbuena, C, 'Old letter of US envoy details US pledge to defend West PH Sea', 14 May 2014, retrieved 21 May 2015, <<http://www.rappler.com/nation/58048-edca-hearing-congress>>.

<sup>49</sup> Fonbuena, C, 'Obama: U.S. commitment to PH 'ironclad'', 29 April 2014, retrieved 21 May 2015, <<http://www.rappler.com/nation/56690-obama-ironclad-support-philippines>>.

<sup>50</sup> US support for the Philippines is increasingly evident with the signing of the Improved Defense Treaty, the ten-year agreement that allows the US military greater presence in the Philippines signed on 28 April 2014 between the Philippine Defense Secretary Voltaire Gazmin, and US Ambassador to the Philippines, Philip Goldberg, a few hours before Obama's arrival in the Philippines.

ASEAN Ministerial Meeting. At the ASEAN Summit of November 2012, ASEAN and China also failed to negotiate a multilateral Code of Conduct (CoC) for the SCS. ASEAN has not yet reached a consensus on a multilateral code as four of the six SCS claimants were ASEAN member states. Indeed China insists on negotiating bilaterally with ASEAN members.

The disagreement between ASEAN member countries is actually unfavorable for regional security, and as argued by Emmers, has reduced the strategic benefits which are provided by US rebalancing strategy in Southeast Asia,<sup>51</sup> something that is not desirable for the US from its greater involvement in the Southeast Asia region since regional peace and stability in Southeast Asia is one of the principal US interests in the SCS.

### **Australia's Interests in the South China Sea**

*"It shows the United States can say a lot about regional prosperity but doesn't do much. China only says some things, but does a lot."*<sup>52</sup>

It has been argued that Australia has no direct interests in the South China Sea. But, since Australia has a security alliance with the United States, has close economic relations with China, and is a member of both the ARF and EAS, the South China Sea

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<sup>51</sup> R Emmers, *op.cit*, p. 43.

<sup>52</sup> J Perlez, 'Asia's 'Big Guy' Spreads Cash and Seeks Influence in Pacific Region', 22 November 2014, retrieved 21 May 2015, <<http://www.nytimes.com/2014/11/23/world/asia/asia-s-big-guy-xi-jinping-spreads-cash-and-seeks-influence-in-pacific-region.html>>.

dispute does have an impact on Australia's strategic considerations and interests regarding regional stability. Furthermore, Australia's 2013 Defense White Paper clearly stated that: "Australia has interests in the peaceful resolution of territorial and maritime disputes including in the South China Sea in accordance with international law, the prevention of aggression within Southeast Asia, and freedom of navigation and maritime security in the region's sea lanes".<sup>53</sup> Therefore, a peaceful SCS is in Australia's interests, particularly as Australia's extensive shipping trade with East Asia passes through this region.<sup>54</sup>

Australia and the United States have a security treaty entitled the Australia New Zealand United States (ANZUS) Treaty, signed on 1 September 1951. The focus of this treaty is the security guarantee provided to Australia by the US, although this guarantee does not seem to be as explicit as the one relating to the North Atlantic Treaty Organization (NATO).<sup>55</sup> The ANZUS treaty involves not only security guarantees for Australia, but also provides Australia access to US intelligence and military technologies that it could not

produce itself.<sup>56</sup> In addition, as Kelton argues, the ANZUS alliance enhances the prospects of Australian influence in the region which benefits Australia's long-term interests.<sup>57</sup> However, as a consequence, the US almost certainly expects diplomatic and military support from Australia in any major US maritime military measures in East or South East Asia.<sup>58</sup> Australia has previously proved its commitment to the alliance by joining major US military actions in Afghanistan and Iraq.

The US has clearly committed itself to a rebalance of power in the South East Asian region, making commitments regarding the security of South East Asian allies involved in the South China Sea dispute. There are questions, however, about the extent to which Australia would support the US in an East Asian conflict.

As mentioned, in the 2013 Defense White Paper, Australia strongly supports the continued engagement and enhanced presence of the United States in South East Asia. However, that does not necessarily mean that Australia would militarily support the US in any South China Sea dispute. Australia may be confronted with a situation similar to when President Bush declared China as a strategic competitor, but Prime Minister John Howard and Foreign Minister Alexander Downer did not follow US's China Policies.<sup>59</sup> Australia chose to play its own strategy, choosing to actively support the US in

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<sup>53</sup> Department of Defence, *Defence White Paper 2013*, retrieved 22 May 2015, <[http://www.defence.gov.au/whitepaper/2013/docs/WP\\_2013\\_web.pdf](http://www.defence.gov.au/whitepaper/2013/docs/WP_2013_web.pdf)>.

<sup>54</sup> Northeast Asia is the destination of 55 percent of Australia's merchandise export, based on Australian Government, Department of Foreign Affairs and Trade, *Country and Region Factsheets*, in Dupont, A Dupont, 'Living with the Dragon: Why Australia needs a China Strategy', Lowy, Sydney 2011, retrieved 25 May 2015, <[http://www.lowyinstitute.org/files/pubfiles/Dupont%20Living\\_with\\_the\\_dragon\\_web.pdf](http://www.lowyinstitute.org/files/pubfiles/Dupont%20Living_with_the_dragon_web.pdf)>.

<sup>55</sup> P Edwards, 'Permanent Friends? Historical Reflections on the Australian-American Alliance', *Lowy Institute Paper*, No. 8, 2005, pp. 16-17.

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<sup>56</sup> Department of Defence, *op.cit*

<sup>57</sup> M Kelton, *More than an Ally? Contemporary Australia-US Relations*, Ashgate, USA, 2008, p. 187.

<sup>58</sup> A Behm, in J Lee, *op.cit*, p. 404.

<sup>59</sup> C Tubilewicz, 'The 2009 Defence White Paper and the Rudd Government's Response to China's Rise', *Australian Journal of Political Science*, Vol. 45, No. 1, March 2010, pp. 149-157.

Afghanistan and Iraq, while at the same time refraining from opposing China on issues related to China's core strategic interests. Further, in 2003, Australia surprisingly rejected an invitation from the US to join in secret meetings on how to deal with the rise of China. UK, Canada, New Zealand, and Japan, which are called as the Halibut Group, attended the meeting. Concerned about offending China, Australia preferred to talk bilaterally with the US. Australia considered that it would gain more through individual talks with the US, and at the same time avoids offending China.<sup>60</sup>

Australia's pragmatic foreign policies have helped Australia build a strategic economic partnership with China. China is now Australia's largest trading partner and second-biggest export market.<sup>61</sup> According to Griffiths and Wesley, pragmatism in Australia's foreign policy is reinforced by several factors. First, as a status quo power with a strategic alliance with the US, Australia tends to avoid risks that could reduce its privilege. Second, Australia culturally has national characters such as "suspicious of big", abstract thought and keen for immediate and visible results. Third, bureaucratic problem in Australian foreign policy-making is also evident since only a few executives with excessive load involves. Finally, Griffiths and Wesley called this last factor as a "culture of serendipity" that Australia

<sup>60</sup> L Sales, 'Australia declines invitation to US forum on China', 28 June 2005, retrieved 22 May 2015, <<http://www.abc.net.au/am/content/2005/s1401925.htm>>.

<sup>61</sup> M Griffiths & M Wesley, 'Taking Asia Seriously', *Australian Journal of Political Science*, Vol. 45, No. 1, March 2010, p. 20.

"seems to be always saved" by the international occurrence. Therefore, as they quoted from Horne (1965), "a country that has never had to weather the full impact of an international challenge is not disposed to think hard about the future".<sup>62</sup>

Nonetheless, relations between Australia and China have fluctuated since 1972 when Australia built diplomatic relations with China. Significant progress in the relationship was made during Kevin Rudd's prime leadership in 2008. China was his first overseas trip. However, in 2009 the partnership reached a low point<sup>63</sup> when the 2009 Defense White Paper considered China to be a threat. The White Paper argued that China's military build-up went beyond what it needed for a conflict with Taiwan.<sup>64</sup> For China, as stated in the *Beijing Review*, this White Paper was just an excuse for Australia to increase its military budget, and to assure the US that Australia would not further its relations with China.<sup>65</sup>

In the 2013 Defense White Paper, four key Australian strategic goals are identified: a secure Australia, a secure South Pacific and Timor Leste, a stable Indo-Pacific<sup>66</sup>, and a stable, rules-based global

<sup>62</sup> *Ibid.*

<sup>63</sup> C Tubilewicz, *op.cit.*

<sup>64</sup> See point 4.26-27 in Department of Defense, *Defending Australia in the Asia Pacific Century: Force 2030*, Australia, 2009, retrieved 29 May 2015, <[http://www.defence.gov.au/CDG/Documents/defence\\_white\\_paper\\_2009.pdf](http://www.defence.gov.au/CDG/Documents/defence_white_paper_2009.pdf)>.

<sup>65</sup> C Tubilewicz, *op.cit.*

<sup>66</sup> The 2013 Defence White Paper defined the Indo-Pacific region as a wider concept of the Asia-Pacific region, extending from India through Southeast Asia to Northeast Asia, including the sea lanes of communication on which the region depends. Department of Defence, *Defence White Paper 2013* *op.cit.*, p.7.

order. The paper acknowledged that the security of South East Asia is central to a stable Indo-Pacific region. Australia has for some time engaged with South East Asia for such security reasons.

Australia became ASEAN's very first Dialogue Partner in 1974 and was a founding member of the ARF in 1994. Australia's accession to the TAC in December 2005 was primarily motivated by Canberra's desire to be a founding member of the EAS.<sup>67</sup> The ASEAN-Australia Dialogue Relations achieved a significant milestone in 2007 with the adoption of the Joint Declaration on ASEAN-Australia Comprehensive Partnership.<sup>68</sup> Clearly, South East Asia is recognized as part of Australia's strategic interests. The 2009 Defense White Paper did mention that "a secure and stable Southeast Asia is in Australia's strategic interests".<sup>69</sup> Therefore, it is not surprising that Australia chooses to support ASEAN's view regarding the proposal for a multilateral CoC in the SCS.

### **The Impacts of China's Assertiveness on the US and Australian Foreign Policy**

China's growing assertiveness in the South China Sea has had an impact on US and Australian foreign policy. First of all, it seems to have prompted a shift in US policy, one toward greater involvement in the Southeast Asia. At the same time, the South East Asia countries have welcomed

the US presence in region, especially Vietnam and the Philippines, both in dispute with China over SCS claims. Vietnam has increased its defence relations with the US by conducting joint naval activities and opening its commercial repair facilities at Cam Ranh Bay to all navies.<sup>70</sup>

The Philippines has also enhanced its defense arrangements with the US. The signing of the EDCA, April 28, 2014, has enabled the US to use Philippine military facilities and deploy US troops on a rotational basis, while at the same time the US gives assistance to the Philippines Armed Forces.<sup>71</sup> In addition, the US government supports the efforts of the Philippines in its SCS sovereignty claim at the Arbitral Tribunal in The Hague. Interestingly, in December 2014, Vietnam joined the Philippines by submitting a position paper to the arbitral tribunal.<sup>72</sup>

Second, China's assertiveness has deepened the rivalry between the US and China. China views the US rebalancing strategy, its focus on the South China Sea, and its strengthening of regional bilateral alliances as an attempt to contain China's peaceful rise. For China, the US argument about freedom of navigation is only an excuse to justify greater US military

<sup>67</sup> Manyin, ME, Garcia, MJ, Morrison WM, *op.cit.*

<sup>68</sup> ASEAN Secretariat, 'Overview of Australia-ASEAN Relations', retrieved 22 May 2015, <<http://www.asean.org/asean/external-relations/australia/item/overview-of-asean-australia-dialogue-relations>>.

<sup>69</sup> Department of Defense, *Defending Australia in the Asia Pacific Century: Force 2030*, *op.cit.*

<sup>70</sup> R Emmers, *op.cit.*

<sup>71</sup> 'Agreement between the Government of the Republic of the Philippines and the Government of the United States of America on Enhanced Defense Cooperation', retrieved 25 May 2015, <<http://www.scribd.com/doc/220920869/Enhanced-Defense-Cooperation-Agreement>>.

<sup>72</sup> Heydarian, R J, 'South China Sea legal battle heats up', *Straits Times*, 18 December 2014, retrieved 25 May 2015, <<http://www.straitstimes.com/news/opinion/more-opinion-stories/story/south-china-sea-legal-battle-hots-20141218>>.

presence in the region.<sup>73</sup> A sign of deepened rivalry can be traced to the divided ASEAN response to the South China Sea issue, especially the failure to issue a joint communique at the 2012 ASEAN Ministerial Meeting. ASEAN also faces difficulties in drafting a multilateral COC in the SCS since China insists that this be done bilaterally. As a result of China's insistence, ASEAN cannot achieve consensus on how to address the SCS sovereignty dispute.

Third, the more assertive China foreign policy in the South China Sea has caused a dilemma for Australia. Since the risk of conflict between the US and China is rising, as argued by Dupont, "Australia could be drawn into the unresolved territorial dispute in the South China Sea".<sup>74</sup> Although the potential for war is low, the deteriorating situation may in the future force Australia to choose between its security ally and its major trading partner.<sup>75</sup>

Finally, Australia cannot avoid foreign policy ambiguity and pragmatism in regards to the increasing rivalry between the US and China. The ambiguity can be seen in the 2013 Defence White Paper which did not offer any clues regarding the extent to which Australia might play a role, even a minor one, in reducing strategic tensions between the US and China.<sup>76</sup> This position is based on the desire not to disrupt key relationships. Australia is happy with the status quo. Consequently, on the one hand, Australia would like to maintain its alliance

commitment with the United States, while not explicitly offending China. On the other hand, Australia would like to support the ASEAN goal of a multilateral CoC in the SCS, thereby possibly offending China. This ambiguity and pragmatism, argues Griffiths, seems to show that Australia cannot have independent foreign policies.<sup>77</sup> The best thing Australia can do is avoiding collision, especially in its relations with the US and China, while at the same time play a constructive role in the development of some compromise between the US and China. In agreement with the idea of "A Concert of Asia", as proposed by White, which could engage Asia's great powers, such the US, China, Japan, and India, Australia can play a role in this framework. As White argues, this order "would maintain the greatest strategic role for America in Asia while also maintaining peaceful US-China relations... [which] also best preserves Australia's alliance with America".<sup>78</sup>

## Conclusion

The external dynamics of South China Sea dispute and domestic consideration of Xi Jinping's leadership to define the rules of its presidency has made Xi's policies seem to be more assertive. However, these developments have impacted on the US and Australian foreign policy. First, it seems to have prompted a shift in US policy toward greater

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<sup>73</sup> R Emmers, *op.cit.*

<sup>74</sup> A Dupont, *op.cit.*

<sup>75</sup> *Ibid.*

<sup>76</sup> J Lee, 'Australia's 2015 Defence White Paper: Seeking Strategic Opportunities in Southeast Asia to Help Manage China's Peaceful Rise', *Contemporary Southeast Asia*, Vol. 35, No. 3, 2013, pp. 395-422.

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<sup>77</sup> M Griffiths, 'US-China Relations: Should Australia Be Worried?', Professionals' Lecture Series, Flinders University, 26 May, 2015.

<sup>78</sup> Hugh White, 'Powershift: Rethinking Australia's Place in the Asian Century', *Australian Journal of International Affairs*, Vol. 65, No. 1, 2011, pp. 81-93.

involvement in the Southeast Asia. Second, it has deepened the rivalry between the US and China. Third, it has caused a dilemma for Australia between its security ally and its major trading partner. Finally, the increasing rivalry between the US and China leads Australia into foreign policy ambiguity and pragmatism.

These impacts basically reveal that this dispute is not only about China and other claimant states. Therefore, China only has at least two best options: achieve the win-win solution multilaterally by using ASEAN mechanism and its economic leverage; or maintain the status quo without pushing the claim assertively. Then, the US and Australian foreign policy could lead China into this way.

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