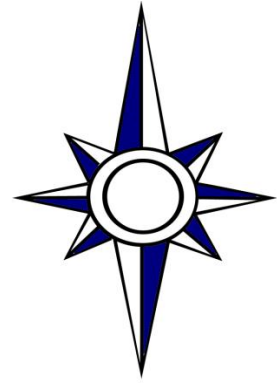


Comparative Connections

A Triannual E-Journal on East Asian Bilateral Relations



US-Southeast Asia Relations: Commitment Concerns

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In the final months of 2015, the US relations with Southeast Asia encompassed all three pillars of its rebalance to Asia: military presence, multilateral diplomacy, and economic engagement. Militarily, the freedom of navigation voyage of the *USS Lassen* past China's artificial islands occurred while the Department of Defense announced a \$425 million five-year military aid program for Southeast Asian states and the White House committed an additional \$259 million in military support for Indonesia, Malaysia, and the Philippines. Diplomatic engagements included visits to the region by the president, the secretaries of state and defense, and a number of senior aides to attend multilateral meetings. This high-level US presence underlined the region's importance to Washington and demonstrated US support for ASEAN endeavors such as the completion of a code of conduct for the South China Sea. Commitment to the economic pillar led to the conclusion of negotiations for the Trans-Pacific Partnership (TPP) trade agreement, which includes Malaysia, Vietnam, Singapore, and Brunei – with the Philippines and Indonesia expressing interest in joining in the near future. If ratified by the signatories, the TPP would be the most comprehensive trade and investment arrangement in the world, though a number of obstacles in many of the countries do not portend a quick or easy confirmation.

The US rebalance and the region

In recent months the United States has reassured Southeast Asian leaders that Washington remains robustly committed to the region's security and prosperity through its rebalance to Asia policy. Consisting of three components, the rebalance initiative emphasized freedom of navigation in Southeast Asian waters and air space, economic collaboration through the TPP, and a commitment to ASEAN-based multilateralism as vehicles for Southeast Asian leadership in creating mechanisms for peaceful settlement of territorial disputes in the South China Sea.

Indicative of the importance the US attaches to the region's multilateral endeavors is the third ASEAN-US summit on Nov. 21 in Kuala Lumpur, where the relationship was elevated to a strategic partnership through which Washington promises to promote economic integration, maritime cooperation, and collaboration on transnational challenges such as climate change. The ASEAN-centered mechanisms with which Washington will cooperate include the ASEAN Regional Forum (ARF), the ASEAN Defense Ministers Meeting Plus (ADMM Plus), the East Asia Summit (EAS), and the Expanded ASEAN Maritime Forum. At November's ASEAN

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Business and Investment Summit, President Obama averred that, “We’ve strengthened our alliances. We’ve modernized our defense posture. More US forces are rotating through more parts of the region for training and exercises. We’ve expanded our cooperation with emerging powers ... like Malaysia, Indonesia, Vietnam, and India.”

ASEAN’s importance to the US is based on its consonance with Washington’s regional security interests. Just as the Obama administration insists on the peaceful settlement of South China Sea territorial disputes based on international law, so at the 27th annual ASEAN Summit in Kuala Lumpur, several ASEAN states, including Indonesia and Malaysia – usually more circumspect – urged an international law-based solution and ASEAN unity in addressing this and future security challenges. At the ASEAN Foreign Ministers Meeting one day before the summit, all 10 ministers called for full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea – an appeal once again for negotiations while abjuring the use of force – and the speedy conclusion of a code of conduct that would be legally binding on its signatories. While the ASEAN states have agreed among themselves on the content of this document, China has been delaying final negotiations because Beijing does not want to deal with a unified ASEAN on rules for behavior in the South China Sea.

The US has also provided military assistance to ASEAN states to enhance their maritime capabilities. Secretary of Defense Ashton Carter at the ADMM-Plus on Nov. 4 pledged to “work to build our partners maritime capacity and capabilities” through the Southeast Asia Maritime Security initiative that will create “an inclusive, shared maritime domain awareness architecture” for which the US Department of Defense will provide \$425 million over the next five years. Additionally, the White House announced a package of \$259 million in military aid over the same period to Indonesia, Malaysia, and the Philippines, of which \$79 million will go to Manila for a refurbished Coast Guard cutter and an older research ship. The latter will help the Philippines map its seabed. In the Philippines on Nov. 18, a US official insisted that, “More capable navies and partnership with the United States are critical to security in this region.”

Despite the high sounding rhetoric from US leaders, skepticism persists in the region. A recent US Congressional Budget Office report cited on Oct. 12 in Singapore’s *The Straits Times Online* notes that US Navy ship numbers “would likely fall from 275 ... to around 208 to 251 [in the next several years].” That could mean fewer naval assets for US deployments to Southeast Asia.

“Freedom of navigation” in the South China Sea

Although the US Navy had not conducted a “freedom of navigation” patrol in the South China Sea since 2012, the guided missile destroyer *USS Lassen* passed without incident on Oct. 27 within 12nm of a reef claimed, occupied, and built up by China. The exercise was to demonstrate that the US does not acknowledge China’s claims to artificially created islands far from the PRC’s land boundary and that the South China Sea is open to peaceful maritime movement by all countries.

Reactions within the region were generally positive. Media in Australia, the Philippines, Vietnam, Singapore, Thailand, and Malaysia all supported freedom of navigation. Criticism came from Indonesia when a government minister disapproved of “power projection,” although

President Joko Widodo seemed to endorse freedom of navigation. Only Cambodia, whose diplomacy is generally seen as leaning toward China, openly criticized the US action as “strong arm tactics.” The Cambodian government also echoed Beijing’s position that the South China Sea disputes be resolved bilaterally. An Australian maritime specialist, Sam Bateman, in a Nov. 19 article in *The Diplomat* pointed out that the South China Sea does not consist of open international waters. Rather, it is divided into components of overlapping exclusive economic zones of bordering countries that have their own rules for use under the UN Convention of the Law of the Sea. For example, Indonesia and Malaysia, Indonesia and Vietnam, and Malaysia and Brunei have all agreed on their maritime boundaries independent of China’s claims.

Most recently, Singapore joined the Philippines and Malaysia to invite US surveillance aircraft to fly from the city-state. In an agreement signed in Washington on Dec. 7, the US Navy will operate a *P-8 Poseidon* and rotate surveillance planes on a quarterly basis to Singapore Pyla Lebar Air Base. A US Navy spokesman downplayed the China orientation of this development to the *BBC* saying, “It’s not about the South China Sea. It’s about partnership with Singapore and other partners in the region.” The Navy spokesman went on to emphasize the utility of US patrols for humanitarian assistance and disaster relief from which all Asian littorals benefit.

ASEAN centrality

Active engagement with multilateral organizations is a key part of the US rebalance to Asia. Yet, the ASEAN-based groups are porous. Divisions exist between the South China Sea claimants and those members that have no sovereignty concerns in those waters. While ASEAN members have agreed on most of the components for a code of conduct (CoC), there is no agreed roadmap and time limit on this process. As long as China refuses to clarify the meaning of its nine-dash line cartographic claim, progress toward a CoC remains moot.

Differences among ASEAN members provide the context for US efforts to augment the Association’s importance. On the one hand, the Philippines and Vietnam welcome enhanced US power projection in East Asia, while Indonesia and Malaysia are restrained, expressing concern that a US buildup will only accelerate the PRC’s naval deployments. On Nov. 2, Malaysian Defense Minister Hishammuddin Hussein said that ASEAN states would be “at the mercy of the superpowers.” Despite their reservations, Kuala Lumpur and Jakarta welcome US assistance to their defense capabilities and are pleased about the Obama administration’s pledge of \$425 million to the Southeast Asian Maritime Security Initiative on maritime domain awareness and coast guard capabilities. Moreover, Malaysia has offered the US Marines opportunities to use Malaysian training facilities. These add to a long-standing arrangement for Malaysia to service and supply US ships and aircraft as they pass through the region.

Finally, as See Seng Tan of Singapore’s Rajaratnam School of International Studies pointed out in a Dec. 1 *PacNet*, ASEAN solidarity persists diplomatically in meetings with the great powers when the latter disagree with each other. Tan notes that at the early November meeting of the ADMM-Plus, heated disputes between and US-Japan and China over mentioning the South China Sea in a final communique led to ASEAN solidarity in a decision to issue no communique from the ADMM-Plus gathering. Unlike the 2012 Phnom Penh meeting where internal ASEAN divisions on the South China Sea resulted in no joint statement, at Kuala Lumpur, the absence of

a joint statement reflected ASEAN agreement in refusing to formally acknowledge that the ADMM-Plus concluded with a protracted fight among the -Plus states over the South China Sea. As such, the ASEAN defense officials regained control of a meeting “threatened by irreconcilable differences between the major powers.”

Japan as the US partner for the South China Sea

With the September passage of new security legislation in the Japanese Diet, Japan’s defense forces were authorized for the first time to come to the assistance of countries under attack if those attacks also threaten Japan. The term “threaten Japan” remained essentially undefined, which means that it will be interpreted by the Japanese government on a case-by-case basis. Official Philippine and Vietnamese commentary welcomed Japan’s potential new role in Southeast Asian security. Singapore and Thai commentary stated respectively that Japan’s contribution would lead to an “improved balance of power” and be a “game-changing – and highly beneficial – development for Asia....” A Pew Research Center poll released in September found 81 percent of Filipinos surveyed viewed Japan positively; in Vietnam it was 82 percent.

Several ASEAN nations, including Vietnam, the Philippines and Indonesia, have also been increasing military cooperation with Japan. Tokyo is providing Hanoi with \$1.66 billion in maritime aid, including second-hand patrol vessels. The Philippines will acquire 10 Japan-built multirole patrol boats for its Coast Guard under a \$150 million soft loan. Manila is also considering a Visiting Forces Agreement with Tokyo. Indonesia is discussing Japanese capacity building for the Indonesian armed forces (TNI). Japanese Maritime Self-Defense Force ships this past autumn participated in search and rescue exercises with a number of ASEAN navies. One purpose of these activities is to acquaint each other with operational protocols.

In late October, US and Japanese ships held a first-ever bilateral naval exercise in the South China Sea. However, for the time being, that seems to be a one-off event. In late November, Prime Minister Abe Shinzo stated that all SDF activities “are separate” and not linked to US operations. Moreover, the SDF is not patrolling the South China Sea and has no plans to do so. A high-level Japan Defense Ministry official on Oct. 28, explained that deploying Japanese *P-3Cs* for surveillance to the South China Sea would be difficult because the country needs them to monitor the Senkakus. Besides, the aircraft has fuel for eight to 10 hours of flight and the round trip to and from the South China Sea would take most of that, leaving little patrol time.

In fact, Japan’s main contribution to Southeast Asian security is less in its naval deployments; rather, as Prime Minister Abe said, Japan “will support the countries concerned through such efforts as defense equipment cooperation and assistance by the SDF in building up capabilities.” The Philippines and Vietnam are the primary recipients of this aid just as they are also the major beneficiaries of US military support. Tokyo has pledged \$1.6 billion toward Vietnam’s security. During a September visit to Japan by Vietnam Communist Party General Secretary Nguyen Phu Luong, the two countries issued a Joint Vision Statement on Japan-Vietnam Relations as well as a Memorandum on Cooperation between Coast Guard Agencies; the latter promised additional used patrol ships to enhance Vietnam’s civilian maritime law enforcement. These would certainly help a Vietnam Coast Guard currently overstretched with the necessity to patrol around

both the Paracel and Spratly islands. The vessels provided by both Washington and Tokyo do not appear optimal, however, for policing Vietnam's EEZ. Rather, they are coastal patrol craft.

Southeast Asian challenges in the TPP

In early October, 11 countries on both sides of the Pacific Ocean successfully completed multi-year negotiations on the TPP trade agreement, which has become a major part of the Obama administration's economic pillar of the rebalance to Asia. Four Southeast Asian states are among the original signatories – Brunei, Malaysia, Singapore, and Vietnam. Opportunities exist for additional countries to join and both the Philippines and Indonesia have expressed interest. To date, none of the signatories has ratified the treaty.

For the US, not only does the TPP constitute the most expansive trade arrangement ever negotiated among a group of disparate economies but, as President Obama said in a Nov. 21 press briefing: "TPP will lead the United States even closer to some of our strongest allies in Asia." Nevertheless, the TPP sets a high bar for Southeast Asian states with respect to human and labor rights as well as internet freedom. Vietnam, Brunei, and Malaysia all have problems with the human and labor rights components of TPP; additionally, Vietnam restricts access to the internet. Vietnam and Malaysia would have to insure compliance by state-owned businesses on trade and environmental standards. The worker rules commit the signatories to add standards set by the International Labor Organization on collective bargaining, minimum wages, safe workplaces, and against child and forced labor. Trade union and human rights organizations, however, are skeptical that Vietnam, Malaysia, and Brunei will improve labor conditions. For example, they see it as unlikely that Malaysia will stop human trafficking of poor workers from Myanmar and Bangladesh. The US reached separate agreements with those three states that would enable Washington to restore tariffs if their governments were found in violation after a dispute settlement process takes place. Additionally, the TPP countries have strong anti-corruption and transparency provisions that can also be enforced in the same way.

For the four Southeast Asian partners, the TPP offers significant benefits: greater access to other markets, particularly the lucrative economies of the US and Japan. Vietnam's fishing and apparel industries will be particularly favored because of their lower labor costs. Countries such as Thailand that are not members could suffer the most because to qualify for TPP trade incentives, a large percentage of production components must come from TPP member countries. For example, Thailand, as Southeast Asia's most important automotive manufacturer, may well lose exports if it stays out of the TPP. US Ambassador to Thailand Glyn Davies on Oct. 31 said that the country's current military government is welcome to join the TPP but that bilateral political ties will only return to normal after an elected government assumes office.

Hanoi has already begun to meet some of the TPP criteria. In late October, the government initiated the sale of its shares in 10 major state-owned companies. Vietnam is predicted to be a big winner in TPP with its economy conservatively projected to add as much as 8 percent by 2030. Indeed, the US Embassy is working with the Vietnamese government to help revise its laws to make them more compatible with the economic and labor standards of the TPP.

Indonesian President Jokowi in an Oct. 20 interview in Jakarta's *Republika Online* praised the competitiveness of Indonesian textiles on the international market and stated that if the country joined TPP, there could be a "20-30 percent [increase in the economy] [T]hat is huge. We should have made a decision about this a long time ago." Indonesian Trade Minister Thomas Lembong said that Indonesia could be ready to join in two years. Nevertheless, US companies have complained about the glacial pace in obtaining business licenses and work permits as well as an unpredictable judicial system.

The Philippines is also interested in TPP membership. At a mid-October business forum in Manila, President Aquino stated that the Philippines would join during the next round of applicants. Citing consultations with six TPP countries, Aquino said joining made "very good sense because many TPP members are already strong allies."

Closer US-Philippine ties

With the weakest military in Southeast Asia and being one of the region's most vocal critics of China's actions in the South China Sea, the Philippines relies on the US for both protection in the event of a major military clash with the China and for assistance in rebuilding Philippine armed forces from a very low base. In exchange, Manila is offering greater access to the US through the Enhanced Defense Cooperation Agreement (EDCA), which was signed in 2014 and would permit the US to rotate troops, weapons, and related material to several Philippine military bases, including Subic Bay and Clark Air Base, both of which were key locations for US forces during the Cold War. In 2015, Washington committed a record \$79 million in aid to bolster Philippine maritime security, making Manila Southeast Asia's largest recipient of US military assistance. The aid includes four more patrol boats and a third decommissioned Coast Guard cutter for the Philippine Navy plus a research vessel to help the Philippines map its territorial and EEZ waters.

By a wide margin, public opinion polls show Filipinos hold favorable views of the US, although there is some ambivalence about the return of US forces to the country. If implemented, the EDCA would provide a US naval and air presence less than 500 miles from the artificial islands built by China. In private talks, the Philippine government has asked Washington for up to \$300 million in military support, a request so far rebuffed by the Obama administration, which worries about Philippine corruption and Manila's ability to administer such a large financial infusion.

High ranking US military officers have stated that US security guarantees are "iron clad" and, according to Brig. Gen. Paul Kennedy, commander of the Third Marine Expeditionary Brigade based in Okinawa, visiting the Philippines in late September: "I would tell you that if anybody would challenge the sovereignty of this country, best friends within this region would respond within a matter of hours and, generally, I assure you, that that is not a hollow promise." To illustrate this pledge, US Marines and their Philippine counterparts conducted amphibious landing exercises during the first week in October emphasizing interoperability and landing on terrain held an opposition force.

In late November, President Aquino authorized the largest-ever acquisition of military equipment – a multiyear contract worth close to \$1 billion, including the purchase of two frigates, eight amphibious assault vehicles, three anti-submarine helicopters, two long-range patrol aircraft,

three aerial radars, and munitions for all of these systems. In 2015, the Philippine Air Force received its first new combat aircraft in decades with the delivery of 12 *FA-50* trainer jets from South Korea. These are to become the first-line fighter planes of the Philippine Air Force and will be based in Palawan, facing the South China Sea. In December, the Philippines announced that Washington was providing 114 excess armored personnel carriers to assist Manila's ground forces in fighting various insurgent groups in the country.

Meanwhile, the Philippine Supreme Court is expected to make a ruling in 2016 on whether the 2014 EDCA is constitutional. It has been challenged by some members of the Philippine Congress as violating the constitutional prohibition on stationing foreign troops in the country and ignoring the Senate's power to review and ratify international agreements. President Aquino argues that since the EDCA is merely an extension of the Philippine-US Mutual Defense Treaty and the Visiting Forces Agreement, no Congressional action is needed. The rotational US presence on local bases, according to Aquino, would enhance regional stability by facilitating the US ability "to project its own power within the region," thus reducing regional tension. Opponents of EDCA argue the opposite: the US presence will accelerate an arms race with China, putting Southeast Asian countries at risk. An additional argument for the EDCA is that with Philippine military modernization beginning, it would provide an opportunity to test new equipment, technology, and joint operations.

The Philippine case before the Permanent Court of Arbitration in The Hague also moved forward this fall when, on Oct. 29, the court ruled that it had jurisdiction and that the Philippines was within its rights in filing the case. Manila has asked the court to determine whether several South China Sea features – reefs, shoals, and rocks – were important enough to base territorial claims and also whether Beijing's nine-dash line claim encompassing most of the South China Sea is excessive. China has rejected the court's jurisdiction in these matters from the moment Manila placed them before the tribunal and has stated that the PRC will ignore any court ruling. A decision is expected in 2016. Vietnam, Japan, and the US have backed Manila's use of the international arbitration court to rule on China's territorial claims. A number of Asian countries also sent observers to witness the court's proceedings.

Complications in US-Malaysia relations

The Obama administration regularly cites Malaysia as an example of a moderate Muslim state opposed to religious extremism and, therefore, a partner of the United States in fighting radical Islamist violence represented by the Islamic State in Iraq and Syria (ISIS) and Al Qaeda. Kuala Lumpur has also been quietly cooperating with the US military by providing access for *P-8 Poseidon* patrols from eastern Malaysia over the South China Sea.

US relations with Malaysia encapsulate a conflict inherent in US foreign policy toward developing countries: strategic interests vs. efforts to promote good governance, democracy, and human rights. Of late, Malaysian politics have been reverting to authoritarianism with the jailing of an opposition leader for the second time on trumped-up charges, to the detention of journalists, lawyers, academics, and lawmakers on sedition charges, to the linking of the prime minister to the massive mismanagement of a state investment fund. A US grand jury is investigating challenges of corruption involving Prime Minister Najib Razak with respect to an

investment fund because of the fund's purchase of US properties. Despite these concerns, the Malaysian government has drawn closer the US in international security matters.

While generally keeping a low profile in the South China Sea conflicts, in recent months Malaysian officials have supported US naval deployments to the region. In mid-October, Defense Minister Hussein stated, "I believe that it is important because all major powers ... have a stake [and] have a role and responsibility in the region." The chief of the country's armed forces, Gen. Zulkefli Mohammad Zin, also slammed China's construction on the islands as a "provocation." Malaysia also continues to send protest notes to Beijing about anchoring its Coast Guard vessel off the coast of Sarawak. Additionally, in the second half of 2014, the US Navy began to use two bases in eastern Malaysia to fly maritime surveillance missions. Under the arrangement, the US must obtain Malaysian permission for each flight and share any intelligence information gathered.

Malaysia has also signed on to Washington's enhanced anti-ISIS program. The two countries' intelligence agencies arranged bilateral cooperation during the visit of Malaysia's Deputy Prime Minister and Home Minister Ahmad Zahid Hamidi to Washington in mid-October. Ahmad also asked the FBI to train Malaysian law enforcement in intelligence gathering and cyber security. A Regional Digital Counter-Messaging Communication Center in Kuala Lumpur with US aid was also established. The center will focus on countering ISIS propaganda and dovetails with Prime Minister Najib's idea of a Global Movement of Moderates. This latter group has convened a combination of Sunni and Shia scholars in Kuala Lumpur to define what an actual Islamic state should look like, emphasizing principles of justice, compassion, and humility.

Indonesia: A closer US partnership

In his first year as president of this archipelagic country of 18,000 islands, President Joko Widodo (Jokowi) enunciated a maritime strategy that emphasized sovereignty over its internal territorial waters and EEZ as well as its maritime connections among the islands, diplomacy involving the resolution of territorial disputes with neighbors, and maritime defenses. This naval orientation has been a challenge since Indonesia has a perilously low defense budget of 1 percent of gross domestic product (GDP). Also challenging Indonesia's security is the international appeal of ISIS. After suppressing Indonesia's radical Jemmah Islamiya in the first decade of this century, splintered Islamic radical groups and self-radicalized individuals have answered the call of the Islamic Caliphate in Iraq and Syria. Indonesian intelligence estimates that over 600 of the country's citizens have traveled to the Middle East to join the Islamic State (IS).

The US has a role in Jakarta's maritime orientation. In Jokowi's first official visit to Washington on Oct. 26-27, the two presidents discussed maritime issues that would involve US assistance in modernizing Indonesia's armed forces, increasing the country's maritime domain awareness, enhancing its counter-piracy capabilities, and building its Coast Guard capacity. The two countries also elevated their 2010 comprehensive partnership to a strategic partnership. This latter designation reflects the progress the two countries have made in bolstering their ties over the last five years. In Washington, Indonesia's Foreign Minister Retno Marsudi expressed hope that the new strategic partnership would give "a priority in the development and joint production of defense technology and technology transfer."

There is some confusion about Indonesia's policy stance on the South China Sea. The head of the country's West Fleet, Adm. Achmad Taufiqoerachman, claimed that Indonesian warships were ready to deal with heightened regional tension, while others insisted there would be no Indonesian naval presence in the South China Sea. Defense Minister Ryamizard Ryacudu, at the October ASEAN-China Defense Ministers Meeting, said there was no reason for non-claimant states to the South China Sea to be involved in the disputes of the claimants.

Meanwhile, Indonesia is appropriating funds to strengthen its naval and air capabilities on the Natuna Islands adjacent to the southern outer edge of China's nine-dash line enclosure map of the South China Sea. In an Oct. 24 report by the Indonesian news service *Antara*, the Ministry of Defense stated that radar was being upgraded and drones deployed that will permit monitoring of up to 60 miles from the airbase on Natuna Island. The military is also adding 2,000 sailors to guard the waters around Natuna and, in November, deployed an additional seven warships to the region near Natuna. Also in November, an Indonesian Foreign Ministry spokesman stated that "we do not recognize the nine-dash line because it is not in line with ... international law."

Human rights and governance contention in US-Thai relations

As in relations with Malaysia, the US also confronts problems of good governance, human rights, and democracy in Thailand. Although longtime allies, political relations between Washington and Bangkok have plummeted since the May 2014 coup returned the Thai military to power. The Obama administration insists on the full restoration of civilian rule through democratic elections as well as the restoration of media freedom and the release of political prisoners before normal relations can be restored. Under US law, Washington suspended military aid and scaled back several military exercises after the coup. Although the annual *Cobra Gold* multinational exercise took place, it was significantly scaled back and confined essentially to humanitarian scenarios rather than war fighting. Plans for the 2016 *Cobra Gold* exercise have also been reduced though not cancelled. The US has tried to reach a balance between support for democracy and human rights while retaining a focus on a strong and unified ASEAN as the center of regional political-security architecture.

In addition to tense political and military relations, intelligence sharing, which heretofore has been among the best of US partners, has also suffered as illustrated by Bangkok's refusal to accept help from the FBI and CIA in investigating the bombing attack in Bangkok that killed 20 people in mid-August. The September appointment of a new US ambassador, Glyn Davies, raised hopes in both capitals that relations could be on the upswing. Davies has a sterling reputation for managing high-stakes political imbroglios as special representative for North Korea and to the UN International Atomic Energy Agency. However, like his predecessors, Davies has urged the military junta to "continue on the path in which there is an opening for greater public participation in the debate about Thailand's future." These gambits were strongly rebuffed when Defense Minister Prawit Wongsuwon on Nov. 30 warned Davies to "think carefully" when he speaks about Thai politics. Prawit was responding to Davies' criticism of the lengthy prison sentences imposed on civilians for violations of Thailand's stringent *lese majeste* law on criticizing the royal family and by extension, the military regime that regards itself as the royal family's protector. On Nov. 25, Davies had said, "We believe no one should be jailed for

peacefully expressing their views, and we strongly support the ability of individuals and independent organizations to research and to report on important issues without fear of retribution.” The ambassador had simply reiterated longstanding US policy.

On Dec. 10, Thai police announced they were investigating a charge that Ambassador Davies had committed *lese majeste*. Yet, they seemed baffled on how to proceed since Davies had diplomatic immunity from any criminal proceeding. In the midst of all this, in mid-December, Assistant Secretary of State for East Asian Affairs Daniel Russel visited. While reiterating the US commitment to freedom of speech and assembly “because these are universal freedoms and universal rights,” he also emphasized that “the US-Thai relationship is an important asset that we value....” Russel characterized his discussions with Thai officials as “in depth and constructive,” though there appear to be no changes in the reduced levels of Thai-US interactions.

Myanmar: important progress on the road to democracy

In testimony before the Senate Foreign Relations Subcommittee on East Asia on Nov. 11, Deputy Assistant Secretary of State for Democracy and Human Rights Scott Busby praised the Nov. 8 election in Myanmar (Burma) as “competitive with more than 90 political parties campaigning ... and [m]illions of people voting for the first time.” International observers confirmed that the polls were “largely peaceful, transparent, and credible.” Nonetheless, Myanmar’s political structure is still not fully democratic. Twenty-five percent of the seats in parliament remain reserved for the military, and the government has disenfranchised the Rohingya populations – Muslims originally from eastern Bengal, most of whom have lived in Myanmar for generations but have been disqualified by the “arbitrary application of citizenship and residency requirements.” In his testimony, Busby expressed deep concern about “reports of ongoing human rights abuses, religious freedom violations, and exploitative conditions.” While supporting Nay Pyi Taw’s multiethnic ceasefire agreement with armed ethnic minority groups, he also noted that several of the largest had not signed up to the ceasefire, including those in the Kachin and Shan states. Additionally, more than 100 political prisoners remain incarcerated with another 400 facing charges, according to civil society observer groups.

The 2008 constitution also bars Aung San Suu Kyi, the leader of the National League for Democracy (NLD) party, from the presidency. However, she has said she plans to become the *de facto* president by making all important policy decisions and transmitting them through the formal president of the country whom she will choose when that person takes office in 2016. How that procedure will work remains to be seen.

Vietnam

Hanoi and Washington continue to strengthen their side of the US-Vietnam-China triangle. In mid-November, the White House announced that over the next two years Vietnam will receive over \$40 million in assistance. In the same announcement, the US lifted its embargo on the sale of lethal weapons to Vietnam. Maritime assistance to Hanoi is expected to exceed \$20 million in 2016 to “encourage interoperability with other regional forces.” The statement went on to say, “We are helping Vietnam bolster its maritime Intelligence, Surveillance, and Reconnaissance (ISR) and command and control within Vietnam’s maritime agencies.” According to the State

Department, the provision of specific weapons would be decided on a case-by-case basis with the focus on helping Vietnam patrol and defend itself in the East Vietnam Sea (South China Sea) amid China's growing maritime challenge.

Singapore

Although not formal allies, Singapore and the US have had close defense ties for many years. When US forces left the Philippines in the early 1990s, Singapore provided a location for the US Navy's regional logistics center and reconfigured Changi port to accommodate *Nimitz*-class aircraft carriers. Singapore maintains a squadron of *F-16s* in Arizona where it sends combat aircraft pilots to train. Therefore, it was not surprising that on Dec. 8 Singapore's Defense Minister Ng Eng Hen and Secretary of Defense Ashton Carter signed a Cooperation Agreement to Strengthen Defense between Singapore and the United States. The most striking component of the new agreement is the rotation of *P-8 Poseidon* surveillance aircraft to the island city-state for flights over the Malacca Strait and the South China Sea. Singapore is also providing base facilities for four US Navy littoral combat ships by 2017.

On Dec. 12, Singapore's *Straits Times* reported that with the arrangements for the *P-8* aircraft and littoral combat ships "there is less need to worry that the US strategic commitment to Asia will waver." Moreover, Singapore's recent strategic partnerships with Australia and India are "emblematic of Singapore's desire to increase the number of stakeholders in the region and build strategic trust among them." Consonant with this claim is the US description of the *P-8* deployment as not directed against China but rather designed to facilitate regional security through HADR and anti-piracy actions.

Looking ahead

The two most important decisions for Southeast Asian security over the next several months both relate to the Philippines. The first concerns whether the Philippine Supreme Court agrees with President Aquino that the EDCA is an executive agreement that does not require ratification by the Philippine Senate. If that obstacle is removed, US forces will be allowed to rotate through several Philippine military bases for joint exercises, military assistance, and the preposition of supplies. These arrangements would enhance the US military presence adjacent to contested South China Sea features. The other Philippine-focused decision will come from the Arbitral Tribunal created by the 1982 UN Convention on the Law of the Sea. Manila awaits a decision on the legal definitions of rocks, reefs, and islands within the South China Sea. Depending on the Permanent Court of Arbitration's determination, China's sovereignty claims over artificially created islands could either be upheld or invalidated. Although the PRC has stated it does not accept the Tribunal's jurisdiction in this matter, a verdict favorable to the Philippines would be a political blow to China's insistence that Beijing upholds international law.

Chronology of US - Southeast Asian Relations September – December 2015

Aug. 26, 2015: Visiting the Philippines, Pacific Command Commander Adm. Harry Harris says the US plans to boost the number and size of bilateral exercises. Philippine Defense Secretary

Voltaire Gazmin requests that US ships escort Philippine ships during resupply missions to the country's Spratly Island outposts.

Sept. 4-7, 2015: Assistant Secretary of State for Pacific and Asian Affairs Daniel Russel visits Myanmar to meet Cabinet officials, members of the Union Election Commission, ethnic leaders, and Aung San Suu Kyi.

Sept. 9, 2015: Vietnam's National Assembly Chairman Nguyen Sinh Hung visits Washington and tells Secretary of State John Kerry that Vietnam hopes to strengthen relations with the US.

Sept. 6, 2015: Indonesian Defense Minister Ryamizard Ryacudu says that the country will upgrade military facilities on the Natuna Islands.

Sept. 17, 2015: US State Department issues a statement of "concern" over the disqualification of approximately 100 candidates for Myanmar's upcoming election, noting that almost all Muslim candidates were disqualified.

Sept. 17, 2015: US Embassy joins other Western embassies in Myanmar to urge political parties not to use religion "as a tool of division and conflict" in their election campaigns.

Sept. 22, 2015: Indonesian Foreign Minister Retno Marsudi meets Secretary of State Kerry in Washington to discuss President Joko Widodo's upcoming visit to the US.

Sept. 24, 2015: In a commentary in *TODAY Online*, a widely read Singapore newspaper, the US is urged to conduct patrols to affirm freedom of navigation near islands that China has created in the South China Sea.

Sept. 27-Oct. 11, 2015: US and Philippine navies and marines conduct the annual *Philippine Amphibious Landing Exercise (PHIBLEX)* in various locations around the Philippines.

Sept. 28, 2015: Newly appointed US Ambassador Glyn Davies arrives in Bangkok. The post has been vacant for almost a year.

Sept. 29-Oct. 2, 2015: Sixth US-Vietnam Defense Policy Dialogue is held in Washington, led by Deputy Assistant Secretary of Defense Amy Seawright and Deputy Defense Minister Nguyen Chi Vinh.

Sept. 30, 2015: Secretary of State Kerry meets ASEAN foreign ministers on the sidelines of the UN General Assembly annual meeting.

Oct. 5-9, 2015: US and six ASEAN states (Singapore, Philippines, Indonesia, Malaysia, Brunei, and Thailand) conduct *Southeast Asia Coordination and Training (SEACAT)* exercise.

Oct. 6, 2015: US and Malaysia agree to set up a Regional Digital Counter-Messaging Center in Kuala Lumpur to counter Islamic State propaganda.

Oct. 14-19, 2015: Trilateral India, US, and Japan *Malabar* naval exercises are held in the Indian Ocean. Over 1,000 personnel are involved, and four US Seventh Fleet ships participate, including the *Nimitz*-class carrier, *USS Theodore Roosevelt*.

Oct. 15, 2015. State Department issues a statement congratulating Myanmar for reaching a ceasefire agreement with eight ethnic insurgent groups.

Oct. 16-20, 2015: Deputy US National Security Adviser Ben Rhodes visits Southeast Asia with a stop in Vientiane on Oct. 16 to celebrate the anniversary of Laos-US diplomatic relations and a stop in Myanmar from Oct. 18-20 ahead of that country's Nov. 8 election.

Oct. 25-27, 2015: Indonesian President Joko Widodo visits the US and meets President Barack Obama and other senior officials.

Oct. 27, 2015: US guided-missile destroyer *USS Lassen* reportedly sails within 12nm of Subi Reef and Mischief Reef in the South China Sea.

Oct. 27-Nov. 10, 2015: Japanese Maritime Self-Defense Force and the US Navy conduct a joint exercise in the South China Sea – the first bilateral exercise of these two in the region.

Oct. 29, 2015: Ambassador to Thailand Davies meets Prime Minister Prayut Chan-Ocha. The ambassador welcomes Thailand to join the Trans-Pacific Partnership.

Oct. 29, 2015: Permanent Court of Arbitration awards its first decision in *The Republic of Philippines v. The People's Republic of China case*, ruling that the case was “properly constituted” under the United Nations Convention on the Law of the Sea, that China’s “non-appearance” (i.e., refusal to participate) did not preclude the Court’s jurisdiction, and that the Philippines was within its rights in filing the case.

Nov. 4, 2015: The ASEAN Defense Ministers Meeting-Plus cancels its usual joint statement after China insists that any statement omit reference to the South China Sea conflicts.

Nov. 5, 2015: US Secretary of Defense Ashton Carter and Malaysian Defense Minister Hishammuddin Hussein visit the aircraft carrier *USS Theodore Roosevelt* off the coast of Malaysian Borneo.

Nov. 16-20, 2015: US and Cambodian navies conduct the sixth annual *CARAT* exercise at Cambodia’s Ream Navy Base, with 500 sailors participate in both land and sea-based activities.

Nov. 17, 2015: United States lifts its ban on the sale of lethal capabilities to Vietnam in order to encourage “interoperability with other regional forces.”

Nov. 18, 2015: Presidents Barack Obama and Benigno Aquino meet on the sidelines of the APEC Forum in Manila to discuss the South China Sea conflicts and the pending US-Philippine Enhanced Defense Partnership. New US military aid is also announced.

Nov. 21-22, 2015: The 27th ASEAN Summit and the 10th East Asia Summit are held in Kuala Lumpur. The US and ASEAN conclude a Strategic Partnership.

Nov. 23, 2015: Assistant Secretary of State Russel meets Aung San Suu Kyi and President Thein Sein to assure them of US support for Myanmar's democratic transition.

Nov. 25, 2015: US Ambassador to the Philippines Phillip Goldberg announces that US military aid to the Philippines increased this year to \$79 million. (Since 2002, the US has provided \$500 million in military assistance to the Philippines.)

Nov. 27, 2015: Hundreds in Bangkok protest Ambassador Davies' remarks expressing US concern about Thailand's stringent *lese majeste* laws.

Dec. 1, 2015: A Philippine court convicts a US marine of homicide for the 2014 killing of a transgender woman. He is sentenced to six to twelve years in a Philippine prison.

Dec. 1, 2015: The Philippines concludes its argument before the UN Permanent Court of Arbitration in The Hague on Manila's South China Sea EEZ claims.

Dec. 6, 2015: US lawmakers sign a letter of support for Cambodian opposition leader Sam Rainsey, calling on Prime Minister Hun Sen to stop oppressing him. A Cambodian government spokesman dismisses the letter saying US legislators do not understand events in Cambodia.

Dec. 7, 2015: Singapore Minister for Defense Ng Eng Hen visits Washington and meets Secretary of Defense Carter. They sign a joint enhanced defense cooperation agreement (DCA) that will provide a framework for an expanded defense relationship.

Dec. 13-19, 2015: Assistant Secretary of State Russel travels to Thailand and Laos. In Thailand, Russel leads the US delegation to the fifth US-Thai Strategic Dialogue on Dec. 16, marking the first time the dialogue has been held since 2012.

Dec. 26-28, 2015: About 50 Philippine protesters visit Thitu Island (Philippines: Pagasa; China: Zhongye Dao) to show their support for Manila's claims in the South China Sea.