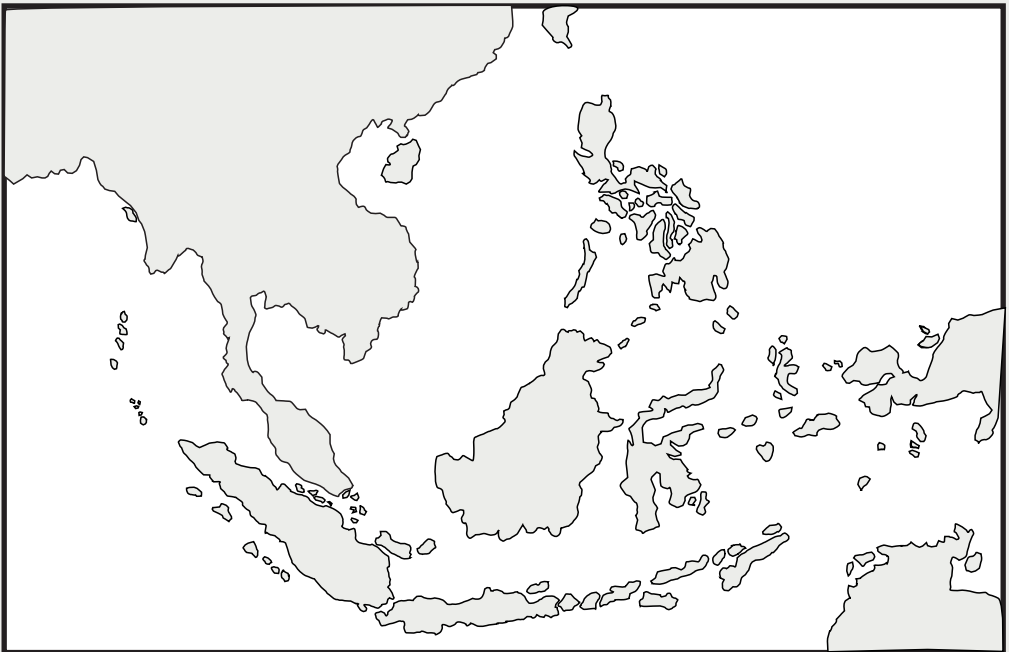


# The Region





# **SOUTHEAST ASIA IN AN AGE OF STRATEGIC UNCERTAINTY: Legal Rulings, Domestic Impulses, and the Ongoing Pursuit of Autonomy**

Alice D. Ba

Growing strategic uncertainty has defined much of the Southeast Asian context for the last decade. Much of this has been due to changing great power dynamics created, on the one hand, by the growing capacities and confidence of China as a rising power in Asia, and, on the other, the intensified anxieties of the United States and Japan as the region's status quo powers. Developments of 2016 were unlikely to change that basic structural condition, but it did prove to be a year of some notable developments nonetheless. Among the most anticipated was the 12 July ruling on the South China Sea by an Arbitral Tribunal housed at the Permanent Court of Arbitration in The Hague, which unanimously ruled in favour of the Philippines on almost all the fifteen points brought to the court. In a different region such a development might be more decisive, but this is Southeast Asia, where uncertainty remains a defining feature of the strategic environment, where mixed incentives associated with large states produce forces of both repulsion and attraction, and where hedging and the pursuit of autonomy remain the hallmarks of security strategies. Moreover, domestic developments in 2016 may prove to be as, if not more, defining in their implications for regional security and strategic trends.

In the face of heightened flux, three related dangers and imperatives that have long defined the Southeast Asian predicament remained outstanding in 2016: (1) how to ensure that Southeast Asian states are not made casualties of great

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power conflict; (2) strategies of hedging in defence of Southeast Asian autonomy; and (3) the future of the ASEAN project as a means to greater comprehensive security and in defence of Southeast Asian voice and institutional centrality.

## **The South China Sea Arbitration Ruling: Dramatic and Not?**

After a decade of intensified tensions in the South China Sea, 2016 stands out as the year that the Arbitral Tribunal issued a devastating ruling against China's position and activities in the South China Sea. Among its most notable points, the tribunal ruled that China's nine-dash-line claim based on historic rights had no standing under UNCLOS, which China had signed and ratified and which now "superseded any historic rights, or other sovereign rights or jurisdiction" beyond those set by UNCLOS. Similarly, under UNCLOS, China's activities in the Philippines' exclusive economic zone (EEZ) — its large-scale land reclamation and construction of artificial islands; its interference with Philippine exploration and fishing activities; and its constructions on Mischief Reef, which sits on the Philippines' continental shelf — were found to have violated the Philippines' sovereign rights. Further, it ruled that none of the Spratlys' land features in contention constituted "islands" deserving of an EEZ of two hundred nautical miles. This includes Itu Aba, the largest of the Spratlys' natural features, which, along with other large features, were assessed to be mere "rocks" unable to sustain "a stable community of people" and thus eligible to no more than a twelve-nautical-mile territorial sea.<sup>1</sup>

In a sharp rebuke to China, the tribunal additionally concluded that China had knowingly failed to meet its international obligations to protect and preserve the maritime environment when it allowed large-scale harvesting of endangered species and giant clams and that China's construction activities had not only caused "severe and irreparable" environmental degradation in violation of its responsibilities as a ratifier of UNCLOS, but also its continued construction activities following Manila's legal submission "undermined the integrity of ... proceedings and rendered the task before the tribunal more difficult".<sup>2</sup> Further, its harassment of Philippine fishing vessels had "created serious risk of collision and danger to Philippine ships and personnel", violating China's obligations as a signatory to the International Maritime Organization's 1972 Convention on the International Regulations for Preventing Collisions at Sea.

Predictably, China denounced the tribunal's findings as "biased", "null and void", and as political instruments employed by colluding states (the Philippines

and the United States) against China. It also approached Manila with an offer to hold talks “outside of and in disregard of the arbitral ruling”.<sup>3</sup>

At the same time, in an apparent acknowledgement of the heightened reputational stakes associated with the ruling, it also moved to identify states that supported its position, at one point claiming that over sixty states agreed that the tribunal’s proceedings were illegitimate. In fact, as the CSIS Asian Maritime Transparency Initiative found, only thirty-one states publicly protested the legitimacy of the tribunal prior to the ruling; moreover, that number dropped to six once the ruling was made.<sup>4</sup> While the states identified were mostly geopolitically insignificant, China’s action seemed to acknowledge that legitimacy requires more than unilateral declaration.

To the extent that China has created what the tribunal calls “a *fait accompli*” at Mischief Reef — that China’s constructions (as the tribunal, itself, concluded) are unlikely to be reversed, and that China’s efforts to establish effective control through patrols and other activity continue — it remains unclear what effect the tribunal’s ruling has in terms of the current material and physical position of claimants in contested areas.

### ***Southeast Asian and ASEAN Reactions***

Notably, Southeast Asian reactions to the tribunal’s ruling were relatively cautious. In their official statements, only the Philippines and Vietnam explicitly welcomed the tribunal’s ruling, but both remained circumspect. Myanmar, in its first public statement on the dispute, urged collective effort in support of the ASEAN–China Declaration of Conduct of Parties in the South China Sea (DOC) and a future Code of Conduct (COC) and joined Singapore and others in urging full respect for legal processes. Malaysia and Indonesia, despite heightened concerns, emphasized self-restraint in their statements, but did not comment on the ruling itself. Thailand, in a statement issued hours before the ruling, also did not mention the anticipated ruling, and emphasized mutual trust and confidence as well as equal benefit as the ways forward. Other states did not issue an official statement.<sup>5</sup>

Meanwhile, ASEAN as a collective chose not to explicitly reference the tribunal’s ruling in either their July foreign ministers’ communique or September leaders’ statement, opting instead to underscore, as they did prior to the ruling, the rule of law, UNCLOS, non-militarization, the lawful rights of freedom of navigation and overflight, the pursuit of “full and effective implementation of the DOC in its entirety”, and “the early adoption of an effective Code of Conduct”. These same principles, minus the references to the DOC and COC, were also

underscored in the seventeen-point joint U.S.–ASEAN statement following a historic U.S.–ASEAN Special Leaders’ Summit held in February 2016 at Sunnylands in California. Unlike the others, the Sunnylands statement, however, never cited the “South China Sea” by name.

ASEAN states’ strongest statement may have come a month before the ruling in the form of a retracted ASEAN press statement following a Special ASEAN–China Foreign Ministers Meeting in Kunming in June. Reportedly, China took offense at ASEAN explicitly citing the South China Sea “as an important issue in the relations and cooperation between ASEAN and China”.<sup>6</sup> It was also notable that ASEAN ministers chose to issue a media statement of their own that moreover separated out the South China Sea from the many other issues covered in the ASEAN–China meeting. Otherwise, the language and their expression of collective “serious concerns over recent and ongoing developments” in the South China Sea as threats to “trust and confidence”, with the potential to “undermine peace, security, and stability”, was consistent with previous statements that ASEAN had made in 2015 and 2016.

Partly, the muted reactions from Southeast Asian states on the arbitral ruling likely reflected states’ broadly shared disposition that China be allowed what just-sworn-in Philippine President Rodrigo Duterte referred to as a “soft landing” so as to not create political incentives for China to harden its position or retaliate with additional actions in the South China Sea. Partly, also, muted reactions likely reflected states’ interest not to allow the South China Sea to damage other domestic and economic aspects of their relations with China. However, as Southeast Asian states know all too well, much depends on the reactions of other states, especially the United States. While the United States is not a claimant in the dispute, the South China Sea remained in 2016 as much about U.S.–China relations as China–Southeast Asia relations.

### ***The United States and the South China Sea***

At the end of 2015 the United States resumed limited freedom of navigation operations (FONOPs) in the South China Sea. In 2016 the United States conducted at least two FONOPs in the South China Sea — USS *William P. Lawrence* around Fiery Cross Reef in May and the USS *Decatur* in October (the United States also conducted a FONOP near Triton Island in the Paracels in January).

While the United States has commonly employed FONOPs as a means to challenge what it sees to be excessive claims that potentially challenge its right to innocent passage under UNCLOS Article 17, its recent operations in the South China Sea were nevertheless distinct for the “uncommon and unusual publicity”

attached to them.<sup>7</sup> Such publicity is not only contrary to U.S. past practice but also contrasts with the approach taken by other states like Australia that have conducted airborne surveillance patrols (under Operation Gateway), including a possible overflight FONOP in December 2015,<sup>8</sup> but have chosen to do so with less fanfare. In addition, despite Washington's public request that Australia exercise FONOPs within twelve nautical miles of Chinese occupied features, Australia, as of November 2016, had yet to do so, leaving Washington mostly alone in its operations. China's Defence Ministry used the opportunity to issue post-hoc justifications of its construction activities. Washington's more confrontational approach, which practically seems to invite a reaction from China, also contrasts with the low-key approach of ASEAN states, which seems designed to avoid exactly that.

This said, China's response to both the tribunal's ruling and U.S. FONOPs appears to display some potentially interesting shifts. As detailed in one analysis by Andrew Chubb, a statement issued by China's State Council a day after the ruling suggested an effort to "separate [China's] nine-dash line from the claim to 'historic rights' and other maritime rights claims'" — though a subsequent Central Party School article in the *PLA Daily* re-established some links. But both statements suggest "little or no support to the expansionist reading of the line that has underpinned many provocative PRC actions in recent years".<sup>9</sup> Similarly, in contrast to the Defence Ministry, China's Foreign Affairs Ministry turned to legal arguments challenging what it sees as Washington's expansive reading of "innocent passage" and specifically whether it applies to warships. The advantage of the legal argument is that China's interpretation that activity by military vessels in another's EEZ requires prior consent is shared by some other states, including Indonesia, Malaysia, Myanmar, and Thailand in Southeast Asia.<sup>10</sup> The Philippines has also expressed similar objections.<sup>11</sup> China's view that innocent passage by military ships through another's twenty-four nautical mile contiguous zone requires prior consent is also shared by Vietnam and Cambodia.<sup>12</sup>

These efforts suggest some attempt to move to a more complex approach that acknowledges China's politically isolated position as regards to its maritime claims and activities, and, more broadly, the pressures created by the structure of international maritime law (even if contested). To the extent that such moves suggest efforts to widen the space that China had cornered itself into, they may also expand ways forward.

In the meantime, China and ASEAN states were able to agree to the initiation of an "MFA-to-MFA" (Ministry of Foreign Affairs) hotline, as well as a Code for Unplanned Encounters at Sea.

### ***Other Maritime Engagements and Responses***

While ASEAN states generally opted for a low-key response to the arbitration ruling, some states also pursued cooperation with various partners. Perhaps most notably, the Philippine Supreme Court, in a ten to four vote, affirmed the constitutionality of the ten-year Enhanced Defence Cooperation Agreement concluded by Washington and Manila under the Obama and Aquino administrations. While critical statements by incoming U.S. and Philippine Presidents raised questions about the alliance, the Supreme Court decisions nonetheless allowed the implementation of the 2014 agreement, under which U.S. military forces and weapons would be stationed in as many as eight locations on Philippine territory on a temporary, rotating basis. In addition to substantiating Philippine defence capabilities, the agreement also importantly supports U.S. strategic mobility in Southeast Asia and the South China Sea.

The United States also continued to support and expand efforts to develop Southeast Asian maritime capacities through its Southeast Asian Maritime Law Enforcement Program and Southeast Asian Maritime Security Initiative, as well as bilateral support specific to individual states. In 2016 the United States also completely lifted arms export restrictions on Vietnam.

Southeast Asian states also pursued cooperation with others in apparent efforts to diversify their security relations and resources beyond the United States. The Aquino government, which has made modernization of its air and naval capabilities a priority, received two light fighters (with the possibility of ten more) from South Korea and contracted the construction of two brand new frigates with a South Korean firm. Also delivered in 2016 was the last of three landing craft promised by Australia.

Japan, which has expressed “serious concern” about China’s maritime activities, has been especially forthcoming in its defence assistance.<sup>13</sup> In 2016 the Philippines received the first of ten new multi-role response vessels under a Japanese Official Development Assistance loan agreement made soon after the Scarborough Shoal standoff in 2012. In February the two states also signed a defence agreement — the first such agreement Japan has signed with an Asian state — providing for “joint research and development, and even joint production, of defence equipment and technology”.<sup>14</sup> Japan also agreed to lease to the Philippines five second-hand reconnaissance aircraft to support its ability to patrol the South China Sea.<sup>15</sup>

Incoming President Duterte also affirmed his appreciation for Japan’s assistance.<sup>16</sup> Consistent with Manila’s pursuit of defence acquisitions through multiple sources, Duterte’s visit to Tokyo, which followed his much-publicized



criticisms of the United States and the U.S. alliance, as well as a visit to China, has been interpreted as an effort to assert autonomy vis-à-vis both China and the United States through his cultivation of additional partners. Japan, for its part, made its first submarine port call to the Philippines in fifteen years, as well as an unprecedented visit by Japanese naval ships to Cam Ranh Bay in Vietnam, with whom Tokyo hopes to expand maritime cooperation. During a visit of Japan's Foreign Minister to Vietnam, Japan promised additional patrol ships towards supporting Vietnam's maritime patrol capabilities.<sup>17</sup> In addition to agreements with the Philippines and Vietnam, Japan also worked with Indonesia to launch a cooperation framework that included maritime security and economic development in remote islets.

In 2016 heightened pressure from Chinese maritime activities in Indonesia and Malaysia may have also factored into other partnerships. In March the appearance of Chinese fishing boats in Malaysian and Indonesian waters — Malaysian maritime authorities reported around a hundred boats near Luconia Shoals (Beting Patinggi Ali)<sup>18</sup> — prompted both governments to express objections, while also playing down the incidents. Those boats were accompanied by Chinese coastguard escorts, one of which rammed into an Indonesian vessel that had attempted to tow in a Chinese fishing boat after its crew was arrested for illegal fishing. Despite the incident being characterized as China's "most provocative by far" vis-à-vis Indonesia, and though Indonesian authorities did adopt a "stronger tone of protest", especially in its public criticism of China's actions, Indonesia, like Malaysia, continued to downplay the significance of events.<sup>19</sup> Ristian Supriyanto characterizes Jakarta's position as pragmatic (a desire not to harm economic relations and opportunities), domestic (a desire to avoid stoking anti-ethnic Chinese sentiment and, in turn, upsetting Indonesia's interracial relations), and strategic/ideological (a desire to avoid pressure to align more closely with the United States and violating its long-time commitment to a "free and active" foreign policy).<sup>20</sup>

Developments may, however, have increased Jakarta's receptiveness to working with Australia. At their 2+2 Dialogue meeting in October, Indonesia's Defence Minister Ryamizard Ryacudu reportedly proposed that the two states consider "peace patrols" in the Eastern part of the South China Sea. The sensitivity of the proposal for both Indonesian foreign policy and its relations with China was immediately apparent in the "awkward silence" from Indonesian authorities, as well as the backpedalling that followed soon after.

Still, Australia, whose 2016 White Paper affirmed the importance of strengthened defence engagements with Southeast Asian states, has been a receptive partner. In 2016, Australia and Singapore also expanded their already

strong security relations. At their inaugural annual summit of the Comprehensive Strategic Partnership in October, the two states finalized agreements that included Memoranda of Understanding (MOU) on Military Training and Training Area Development in Australia, on Cooperation in Innovation and Science, and on Combating Transnational Drug Crime and Developing Cooperation, as well as an Agreement to Amend the Singapore–Australia Free Trade Agreement.

Meanwhile, Malaysia agreed to buy an initial four littoral mission ships from China, following Prime Minister Najib’s November visit to China that produced fifteen business-to-business MOUs and sixteen government-to-government MOUs. While Malaysia is far from alone among Southeast Asian states in its willingness to pursue defence acquisitions or defence development from China, the “landmark” agreement may also have been given additional incentive by Najib’s IMDB scandal, against which the U.S. Justice Department has filed suit.<sup>21</sup>

## Other Security Developments

All the attention given to the maritime front can make it easy to forget that the year began with a terrorist attack in central Jakarta. Linked to local, militant jihadists, it was also the first attack on Southeast Asia in which the so-called Islamic State of Iraq and Syria (ISIS) claimed responsibility. The summer saw additional ISIS-linked attacks on Kuala Lumpur and the city of Davao in the Southern Philippines, where Manila has long fought with separatist militants. Their cause has been cited as a source of inspiration for some Southeast Asian jihadists who have been encouraged to “go to the Philippines” if they cannot go to Syria.<sup>22</sup> Such developments, combined with the general lack of governing control there, have heightened fears that the Southern Philippines might become a sanctuary, if not a stronghold, for ISIS sympathizers and other radicalized groups to train, network, and organize — or, in the words of Indonesia’s coordinating minister for political, legal, and security affairs, Luhut Binsar Panjaitan, “the next Somalia”.<sup>23</sup>

While the numbers of actual ISIS recruits in Southeast Asia remain relatively small, uncoordinated, and motivated primarily by local grievances than by any global cause,<sup>24</sup> attacks in 2016 have nevertheless heightened concerns about violent extremism and radicalized Islam, especially in Indonesia and Malaysia where domestic electoral politics can also complicate stronger responses. In general, attacks highlighted increased concerns about three potential sources of vulnerability — recently returned fighters from Syria and Iraq (even if their numbers are small), militants recently released from jail and that require reintegration, and women and children who may be vulnerable to various propaganda efforts through social media, as well as religious and educational outlets.<sup>25</sup>

In response to the situation in the Southern Philippines, where piracy and hostage-taking have become important sources of revenue for both radicalized groups and various criminal ones, Indonesia, Malaysia, and the Philippines, following trilateral meetings of foreign and defence ministers in May and July, also agreed in August to a framework that included three-way communication hotlines, three command posts in support of intelligence-sharing and other coordination, and a trilateral working group towards the creation of trilateral air and sea maritime patrols — the “Sulu Seas Patrol Initiative (SSPI)” — which takes as its model the Malacca Straits Patrols between Indonesia, Malaysia, and Singapore, as well as Thailand.<sup>26</sup> Multiple incidents involving the kidnapping of Indonesian, Malaysian, and other foreign nationals by Abu Sayyaf and other groups throughout 2016 provided both immediate and ongoing impetus for the framework.

Affirmed at the ASEAN Defence Ministers Meeting in November, the three states agreed to begin joint counterterrorism training and drills in January 2017; however, other outstanding operational details of the SSPI continued to be negotiated. Also in 2016, the ADMM-Plus Maritime and Counter-Terrorism Exercise held its largest exercise to date.

## **Geostrategic Implications of Domestic and Economic Developments**

In 2016, domestic transitions and changes were also geopolitically consequential. Among the more notable was the election of Rodrigo Duterte in the Philippines. His geopolitical inclinations and certainly his statements have stood in marked contrast to that of his very pro-U.S. predecessor. While Duterte expressed greater support for the U.S. alliance when elected, he quickly reverted to a more critical stance following U.S. criticisms of his violent “war on drugs”, a campaign that has resulted in over 5,900 deaths (2,086 by police and 3,841 by vigilantes and extrajudicial actors, according to Philippine National Police) since his taking office.<sup>27</sup> Washington’s criticisms provoked Duterte to announce his “separation from the United States” and the end of U.S.–Philippine joint military exercises.

While perhaps more rhetoric than policy, Duterte’s vocal criticisms of the U.S. alliance, combined with his greater interest in courting China, nevertheless seemed to undercut U.S. efforts to impress upon both partners and rivals its enduring commitment and presence in Asia. This was a particular blow to the Obama administration, which suffered more than one setback in its efforts to consolidate and affirm U.S. rebalancing policies in its last months in office. Moreover, while the election of Donald Trump in the United States did lead to a more conciliatory tone from Manila, the Duterte administration nevertheless continued to express

a strong position on Philippine autonomy. At a minimum, his preference for a more conciliatory approach towards China may constrain the strategic value of the alliance for the United States. For example, despite Trump's election, defence officials stated in December that the Philippines would be "unlikely" to allow the U.S. military to conduct FONOPs from the Philippines so as "to avoid any provocative actions that can escalate tensions in the South China Sea".<sup>28</sup>

Moreover, with U.S.–Thai relations still challenged since the 2014 military coup there, the turn in U.S.–Philippine relations meant that Washington's only two official allies in Southeast Asia could be counted among its less-dependable relations in Asia as a result of differences over domestic policies and human rights. In the case of Thailand, strategic and diplomatic relations continued to suffer in 2016 with additional sharp exchanges over Thailand's *lèse majesté* laws and policies (under which the U.S. Ambassador to Thailand remained under investigation for comments made in late 2015). In addition to the continued suspension of U.S. arms sales and military assistance under the U.S. Foreign Assistance Act, U.S. participation in annual Cobra Gold exercises was also significantly reduced to less than forty per cent of what it had been in 2013. Meanwhile, the passage of a constitutional referendum giving more power to the military, along with the death of Thailand's beloved, long-time monarch King Bhumibol Adulyadej, who had provided a unifying national figure for over six decades, suggests additional domestic and foreign policy challenges ahead.

Domestic politics, especially as regards economic developmental priorities, also have other geopolitical effects. In particular, and as illustrated by some states' responses to the South China Sea, China-linked economic incentives and opportunities also have implications for regional security. Moreover, 2016 saw expanded economic opportunities through China's "One Belt, One Road" initiatives that promised support for national and regional integration projects, as well as the China-led multilateral Asian Infrastructure Investment Bank (AIIB), which began operation in January. For many, Washington's failure to ratify the Trans-Pacific Partnership (TPP) — not to mention the bipartisan opposition to similar agreements — makes those Chinese initiatives more important. Still, it is not lost on Southeast Asian states that China's boldest economic initiatives to date should also coincide with China's expansive maritime activities.

In Vietnam, the 12th Party Congress' contest for the top General Secretary position resulted in a conservative win. But in addition to pragmatism on the domestic front, the leadership is expected to maintain its "three no's" stance (no foreign base, no military alliance, no siding with one country against another) and to continue pursuing relations with the United States, as well as Japan and Europe,

in support of “diversifying and multilateralizing” its external relations.<sup>29</sup> Term limits also produced a transition at the April 2016 meeting of the Lao National Assembly that suggests a similar interest in autonomy — in this case, maintaining its close ties with Vietnam to offset growing economic relations with China.

For some states, like Myanmar, relations with China in 2016 saw new openings as a result of interdependent economic and domestic security concerns. While the National League for Democracy’s historic November 2015 victory initially raised questions that it would pursue policies more autonomous from China, diplomatic exchanges between the two governments over the course of 2016, including Chinese Foreign Minister Wang Yi’s visit to Naypyitaw in April and Aung San Suu Kyi’s visit to Beijing in August, indicate willingness on both sides to cooperate on the challenges that have recently complicated relations, in particular, tensions over existing Chinese projects (e.g., in the Sagaing Region and Kachin State) and ethnic conflicts along the border.

Perhaps the domestic development with potentially the largest impact on Southeast Asian security came not from within the region but from without — namely, the November election of Donald J. Trump to the Presidency of the United States. On the one hand, Trump is likely to make human rights less an issue in bilateral relations, thus easing some of the irritations that have plagued, for example, recent U.S. relations with Thailand and the Philippines. As widely reported, Duterte and Trump appear to share similar propensities for disregarding laws when it suits their purposes, offensive comments, and impulsive retaliations against their critics (what Duterte referred to as their inclination to “curse at the slightest of reasons”). On the other hand, while Duterte may have moderated his hostile tone, Trump’s expressed policy positions suggest substantive differences that are likely to complicate U.S. relations with most Southeast Asian states. Not least of these are Trump’s transactional approach to security and other relations, as well as his highly confrontational and combative approach to all those he takes issue with, including China.

Indeed, policy preferences proclaimed on the campaign trail have the potential to affect regional security in Southeast Asia in both direct and indirect ways. While much remains unknown about the incoming U.S. President’s priorities towards Southeast Asia, at least four potential security challenges might be discerned from statements. The most obvious regards Trump’s well-publicized criticisms of U.S. alliance partners for not doing enough. While he did not mention Southeast Asian partners by name, the message sent is that Washington should not be relied upon to support its partners and allies. At a minimum, if Trump follows through on comments made as a candidate, it seems likely that there will be greater pressure

on Japan to pick up some of the security burden. While all Southeast Asian states have welcomed Japanese assistance, a Japan unanchored by the United States also creates potentially more difficult challenges with respect to China, given the higher Chinese domestic stakes and sensitivities associated with the Sino–Japanese relationship. For those looking for strategic reassurance and certainty from the United States, they likely did not find it in the Trump election.

The second regards the power of economics and diplomacy in a region where concerns about economics and national and regional autonomy have proven critical to a host of strategic issues. While the TPP was given much more significance than it deserved by the Obama administration, Washington’s failure to ratify the TPP nevertheless has strategic implications. At a minimum, for those in Southeast Asia it creates incentives for expanded relations with other partners, perhaps, especially, China, and gives heightened importance to regional integration efforts like the Regional Comprehensive Economic Partnership (RCEP). Regional integration is not a bad outcome for Southeast Asia, but its parameters — as with the TPP’s for China — do have potentially important effects for U.S. regional standing and U.S. strategic priorities. Meanwhile, Trump’s charges of currency manipulation and threats of import and value-added taxes, while targeted at China, have economic implications for all, given the production networks that tie much of Asia together, as well as potential consequences for both domestic and less traditional aspects of security.

One of the less discussed security implications of the Trump election regards his statements and professed policies towards Muslim populations. As the “War on Terror” under President George W. Bush demonstrated, perceptions of the United States as “anti-Islam” can complicate the ability of some Southeast Asian leaders to work more closely and, at least, publicly with the United States. Trump’s anti-Muslim tweets and arguments can also be a source of inspiration for radicalized groups at a time when all states — Southeast Asian states and the United States — have an interest in working together to stem and limit the size and effects of extremist groups.

Last but not least, it seems highly likely, given Trump’s statements and temperament displayed on the campaign trail, that his administration will depart from the Obama administration’s diplomatic-institutional engagement of ASEAN, which had been a defining feature of Obama’s rebalance policies and given particular expression in the U.S.–ASEAN Sunnylands summit at the start of 2016. If Trump would withdraw from NATO, it seems he would have even less patience for ASEAN and other Asian frameworks where regional norms of consensus rule.

For ASEAN states, U.S. downgrading of ASEAN challenges states' interest in "ASEAN centrality", which has provided an important means of defending and asserting Southeast Asian voice and interests amidst larger powers. Further, the inclusive engagement that has typified ASEAN institutionalism has also offered Southeast Asian states opportunities to moderate some of the more fragmenting effects of major power competition. At a minimum, diminished U.S. institutional engagement puts at risk a more multidimensional strategic picture of Southeast Asia, allowing Washington's China-centric narratives and insecurities to drive policy — the result likely being more, not less, strategic tension.

## Notes

1. Other land features categorized as rocks were Cuarteron Reef, Fiery Cross Reef, Gaven Reef (North), Johnson Reef, and McKennan Reef. Further, Gaven Reef (South), Hughes Reef, Mischief Reef, Second Thomas Shoal, and Subi Reef were determined to be low tide elevations.
2. For two overviews of the tribunal's ruling, see Ankit Panda, "5 Takeaways: A Closer Look at the Historic South China Sea Arbitration Award", *The Diplomat*, 13 July 2016; Carlyle Thayer, "After the Ruling: Lawfare in the South China Sea", *The Diplomat*, 3 August 2016.
3. "Philippines Rejects China's Offer to Talk 'Outside of' Court's Ruling on South China Sea", Associated Press, 18 July 2016.
4. "Who is Taking Sides after the South China Sea Ruling?", *Asian Maritime Transparency Initiative*, 15 August 2016 <<https://amti.csis.org/sides-in-south-china-sea/>>.
5. For overviews of Southeast Asian states' initial reactions to the tribunal's ruling, see Ian Storey, "Assessing Responses to the Arbitral Tribunal's Ruling on the South China Sea", *ISEAS Perspective* 2016, no. 43, 28 July 2016; Termsak Chalermpanupap, "No ASEAN Consensus on the South China Sea", *The Diplomat*, 21 July 2016; See also, Nyan Lynn Aung, "Myanmar Wades in to South China Sea Ruling with a Balancing Act", *Myanmar Times*, 19 July 2016.
6. The retracted statement can be found at "Press Statement of ASEAN FMs at Meeting with China FM", Vietnam News Agency, 16 June 2016.
7. See commentary by Taylor Fravel in Julian G. Ku, M. Taylor Fravel, and Malcolm Cook, "Freedom of Navigation Operations Are Not Enough", *Foreign Policy*, 16 May 2016.
8. "Australia Conducting 'Freedom of Navigation' Flights in South China Sea", BBC, 15 December 2015.
9. Andrew Chubb, "Did China Just Clarify The Nine-Dash Line?", *East Asia Forum*, 14 July 2016 <<http://www.eastasiaforum.org/2016/07/14/did-china-just-clarify-the-nine-dash-line/>>.

10. Other states that say prior consent is necessary are India, the Maldives, Pakistan, Bangladesh, Brazil, Cape Verde, North Korea, Iran, Kenya, Mauritius, and Uruguay.
11. See Paul Pedrozo, "Military Activities in the Exclusive Economic Zone: East Asia Focus", *International Law Studies* 90 (2014): 521–22; Chuah Meng Soon, "Restrictions on Foreign Military Activities in the Exclusive Economic Zone: Major Powers' 'Lawfare'", *Pointer: Journal of the Singapore Armed Forces* 42, no. 1 (February 2016).
12. Julian Ku, "Why 'Following International Law' Won't Necessary Solve the South China Sea Conflict over Freedom of Navigation", *Opinio Juris*, 15 October 2015.
13. "The Philippines to Lease Planes from Japan to Patrol Disputed Sea", Reuters, 9 March 2016; "Abe Tells Asian Leaders of 'Serious Concern' with China Posturing in South China Sea", Kyodo, 7 September 2016.
14. Renato Cruz De Castro, "The Philippines and Japan Sign New Defence Agreement", *Asian Maritime Transparency Initiative*, 15 March 2016.
15. *Ibid.*
16. "Philippines Accepts First of 10 Japan-funded Patrol Vessels to Beef Up Coast Guard", Kyodo, 18 August 2016; "New Rescue Ship Arrives in PH from Japan", *Rappler*, 18 August 2016; Rosette Adel, "Duterte Thanks Japan for Coast Guard Ship, Past Aid", *Philippine Star*, 12 October 2016.
17. Tan Qiuyi, "Japan 'Looking into' New Ships for Vietnam Coast Guard", Channel NewsAsia, 5 May 2016.
18. Lee Seok Hwai, "Malaysia Monitoring 100 Chinese Fishing Boats Encroaching into Malaysian Waters in South China Sea", *Straits Times*, 25 March 2016; Prashanth Parameswaran, "Around 100 China Ships Encroaching Malaysia's Waters: Minister", *The Diplomat*, 25 March 2016.
19. Ristian Atriandi Supriyanto, "A View from Indonesia (National Commentary)", *ASAN Forum*, 28 April 2016.
20. *Ibid.*
21. Cheng-Chwee Kuik "A View from Malaysia", *ASAN Forum*, 12 December 2016.
22. Malaysian militant Mohd Rafi Udin quoted in "ISIS to Followers in SE Asia: 'Go to the Philippines'", *Rappler*, 25 June 2016.
23. Kusumasari Ayuningtyas, "Indonesia, Malaysia and the Philippines Vow to Combat Sea Piracy Together", *Jakarta Post*, 5 May 2016.
24. Joseph Liow, for example, notes that "the greater, long-term threat" comes not from ISIS but "from a rejuvenated Jemaah Islamiyah, which has a larger network and is better funded than the pro-ISIS groups in the region". Joseph Chinyong Liow, "ISIS Threat in Southeast Asia: An Assessment", *RSIS Commentary*, no. 099/2016, 29 April 2016. See, also, Shannon Tiezzi, Huang Nan, and Zhang Juan, "Interview with Zachary Abuza on ISIS in Asia", *The Diplomat*, 3 August 2016.
25. See, for example, comments of Francis Chan, Barry Desker, and Sydney Jones



- in Rehme Ahmad, “Alleged Mastermind of Jakarta Blasts Now ‘Most Dangerous Ideologue’”, *Straits Times*, 25 February 2016.
26. Coordinated sea patrols began in 2004 and air patrols in 2005. Thailand, which borders the opening to the Malacca Strait, joined as a fourth member and participant in late 2008.
  27. Sherwin Alfaro and Elizabeth Roberts, “More than 5,900 Deaths in ‘War on Drugs’ Since July”, CNN, 12 December 2016.
  28. “No Help for US on South China Sea Patrols: Manila”, Associated Press, 10 December 2016.
  29. Nguyen Manh Hung, “Continuity and Change under Vietnam’s New Leadership”, *ISEAS Perspective* 2016, no. 50, 13 September 2016.

