Advancing the National Interests of the United States: Ratification of the Law of the Sea

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May 25, 2012

The credibility of the United States in the Asia Pacific is at stake on a decision whether to ratify the United Nations Convention on the Law of the Sea (UNCLOS). While there are other compelling arguments for ratification, none is as urgent as the requirement for the United States to solidify its commitment to the rule of international law, including in the Asia Pacific. This is particularly true in regard to one of the world’s most important foreign policy and security challenges: resolving disputes in the South China Sea.

This week, the Obama administration went all in on UNCLOS and sent Secretary of State Hillary Clinton, Defense Secretary Leon Panetta, and the chair of the Joint Chiefs of Staff, General Martin Dempsey, to testify before the Senate Foreign Relations Committee in support of ratification. The ball is now in the Senate’s court.

A decision to anchor the United States in UNCLOS is one that cannot be delayed. The president has wisely refocused the country on Asia to advance U.S. interests, from economic recovery and growth to regional peace and security to developing new sources of innovation. Countries around the Asia Pacific are assessing whether the United States has the political will, the pocketbook, and the commitment to further institutionalize its presence in the region. UNCLOS ratification is necessary to answer those important questions in the affirmative.
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The debate over ratifying the treaty began in 1982 when President Ronald Reagan refused to send it to Congress even for a discussion. The argument grew more heated following the renegotiation of the treaty leading to its entering into force in 1994. Those renegotiations addressed most of Reagan’s concerns and drew the active support of President Bill Clinton, though not of his opponents in the Congress.

More recently, the treaty was vigorously advanced by President George W. Bush and brought before the Senate Foreign Relations Committee in 2007. That effort failed to reach the Senate floor and the bill was shelved again.

This month, a new effort is under way amid a substantially changed international context. Senator John Kerry, chair of the Foreign Relations Committee, has scheduled a series of hearings, led off by strong statements from both Hillary Clinton and Leon Panetta May 23. General Dempsey also testified, asking the Senate to act to support the national security interests of the United States. Among other reasons given, Dempsey noted that “joining the convention would provide us another way to stave off conflict with less risk of escalation.” That message of support for ratification was consistent with the views of every chairman of the Joint Chiefs since 1994.

What sets the upcoming hearings apart from those that preceded them is that the United States is entering an era when leadership and credibility are earned by actions and influence sustained through consistency. A rising China will continue to test the limits of its power in the Asia Pacific. History shows that nations, including our own, have consistently explored converting economic power to political might. We do not know what China wants or what it wants to be. So U.S. strategy involves convincing China and other nations in the Asia-Pacific region that China’s interests will be most effectively and sustainably advanced by engaging in regional frameworks in which it makes the rules along with others, by abiding by international laws, and by promoting and investing in public goods. This process will take time, but it can be successful only if other countries believe the United States is willing to commit itself to these standards and norms.

The other factor that is different this time as the Senate considers ratification is the overwhelming support of U.S. business. Manufacturers along with oil, telecommunications, and shipping companies, and every other sector of the economy with a stake in access to sea lines of communication and undersea resources support ratification.
of the convention. Both the American Petroleum Institute and the U.S. Chamber of Commerce have voiced their support. Senator Kerry is taking advantage of this support from U.S. businesses by including their representatives in upcoming hearings.

In a rare show of solidarity, American labor and the environmental community have joined hands in supporting accession. The AFL-CIO and the Seafarers International Union of North America both sent letters to the administration in the last year expressing support. A group of nine environmental conservation groups, including the Environmental Defense Fund, the Natural Resources Defense Council, the Ocean Conservancy, and the World Wildlife Fund, sent a letter to Secretary Clinton in October voicing support for ratification.

The Law of the Sea has been ratified by 162 countries, including every other member of the UN Security Council and every other industrialized nation on the planet. It undergirds the modern international order in the maritime domain, an order built by the United States and its allies. It is the only comprehensive treaty recognized worldwide that lays out the rules for vessels on the high seas. The U.S. Navy and U.S. Coast Guard, recognizing its value, operate under its guidelines even in the absence of ratification. So why has it repeatedly failed to receive Senate approval? Opponents have presented four general arguments:


2. The International Seabed Authority (ISA), which determines rights to seabed mining, would block U.S. economic interests.

3. The Law of the Sea’s taxation scheme for exploitation of resources within a nation’s exclusive economic zone would redistribute revenues unfairly.

4. The treaty would limit U.S. sovereignty.

Fortunately for the law’s proponents, each of these ideological battles has been fought and won, especially following the treaty’s renegotiation. The first objection has largely been dropped in the face of more than two decades of overwhelming support from every branch of the U.S. military. The second is clearly not a concern to the
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U.S. industries actively pushing U.S. ratification. The ISA’s 39 staff and narrow jurisdiction have little chance of bullying the United States or anyone else. U.S. mining interests meanwhile are sitting on the sidelines while the ocean’s resources are claimed by others, and U.S. telecom companies lack the protections and dispute resolution mechanisms for undersea cables that all their international competitors enjoy.

Regarding the third concern, the taxation on resource extraction in exclusive economic zones amounts to just over 2 percent on average, a price that mining and hydrocarbon companies have signaled they are willing to pay as the world’s energy markets hunger for new resources and prices of commodities climb. As for revenue redistribution, opponents too often overlook the fact that following renegotiation of the Law of the Sea, the United States is guaranteed the only permanent veto on how funds are distributed. It is also exempt from any future amendments to the treaty without Senate approval. In other words, the United States would enjoy a position of unequaled privilege, not unfair treatment, within UNCLOS.

The final, and currently most prominent, argument against ratification surrounds sovereignty. Opponents say that, by limiting itself to a 200 nautical mile exclusive economic zone and whatever extended continental shelf it can claim, the United States is restricting its jurisdictional sovereignty. What this argument misses, however, is that the United States’ continental shelf is the largest of any—up to 600 miles offshore in the Arctic alone. John Norton Moore of the University of Virginia School of Law has argued that ratification would “massively increase [U.S.] sovereign jurisdiction” by more than the size of the Louisiana Purchase and Alaska combined.

The arguments against ratification have been steadily weakened in the last three decades and were overwhelmingly addressed in 1994. The most important reason, however, for U.S. accession has remained unchanged for 30 years: a rules-based international order is in the United States’ interests. The current global order and the U.S. preeminence within it are built upon legal norms and rules. Those rules do not unfairly constrain the United States. They constrain those that would overturn the system, and they prevent a return to an earlier era of great-power competition and might-makes-right diplomacy. General Dempsey said May 9 at a forum on the Law of the Sea, “Force of arms should not be our only national security instrument. [A] stable legal framework has never been more important to the United States.”
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Much attention surrounding the Law of the Sea debate has focused on the Arctic. But the waters that best illustrate the need for an agreed-upon system of rules for the world’s oceans and a U.S. seat at the table are in the South China Sea, where a rising great power, China, decided to assert its maritime claims over smaller neighbors. It did so most aggressively when it submitted the infamous “9-dash line” claim to the United Nations in 2009. That claim has no basis in international law—a fact acknowledged by experts in China—and instead recalls an earlier era when the only rule of international relations was the prerogative of the mighty.

Beijing has walked back its assertive claims. But it did so not because of its ASEAN neighbors’ opposition to the “9-dash line” in May 2009. It did so only when Washington made clear—first with Secretary of State Clinton’s statements at the ASEAN Regional Forum in July 2010 and most recently with President Barack Obama’s appearance at the East Asia Summit last November—that preserving international maritime law, embodied in the Law of the Sea, is a vital U.S. national interest. Without accession, however, the U.S. position is considerably weakened by charges of hypocrisy, a fact not lost on Beijing and of real concern to China’s neighbors who rely on the United States.

The United States need not take a position on the claims of parties in the South China Sea dispute or in any other dispute. It need only ensure that whatever resolutions are reached are within the bounds of international law. If China or any other party is permitted to simply ignore the rules of one facet of the international system—in this case the Law of the Sea—then the entire system loses legitimacy. Commandant of the Coast Guard, Admiral Robert Papp said it best at the same May 9 forum: “Our legitimacy as a sovereign state and as a world leader...rests with the rule of law.”

The Senate should act to assert the national interests of the United States and ratify UNCLOS as soon as possible. Asserting U.S. credibility in the Asia Pacific and globally by standing by the rule of law is in our economic and security interests. In fact, U.S. ratification of UNCLOS will determine whether the twenty-first century resembles the relatively stable order of the late-twentieth century or is more like the competitive free-for-all of the nineteenth.
MYANMAR

- **United States announces suspension of sanctions, nomination of ambassador.** Secretary of State Hillary Clinton May 17 announced the United States will suspend sanctions barring investment in Myanmar and ease restrictions on financial services, although it will keep the sanctions laws on the books as leverage. The announcement followed a meeting between Clinton and Myanmar foreign minister Wunna Maung Lwin. President Barack Obama the same day appointed U.S. special envoy to Myanmar Derek Mitchell as the first U.S. ambassador to that country in more than 20 years, pending Senate confirmation.

- **Conflict in Kachin State worsens following breakdown of cease-fire negotiations.** Myanmar army troops in early May moved into positions around the Kachin Independence Organization’s (KIO) headquarters in Laiza on the Chinese border, and Kachin officials fear that an offensive is imminent. Up to 40,000 refugees displaced by fighting in Kachin State since June 2011 are believed to be taking shelter in Laiza. Fighting between the army of Myanmar and the KIO’s armed wing, the Kachin Independence Army, has escalated since the last round of peace talks failed in April. Separately, the United Nationalities Federal Council, which represents 12 ethnic groups in Myanmar including the KIO, said May 10 it would review its cease-fires with the central government if the fighting does not stop by June 10.

- **Land grabs on the rise as laws fail to keep up with changes.** The *Irrawaddy* reported May 15 that illegal evictions and land confiscations are on the rise in Myanmar as powerful domestic firms and officials prepare to welcome Western investment. The *Democratic Voice of Burma* reported that in one recent incident, farmers outside Yangon squared off with employees from the Zaykabar Company when they began bulldozing farmland. One farmer claims to have lost 50 acres of land in the incident. The main areas being affected by land grabs are along the southern coast, the areas around Yangon and Mandalay, and northern areas close to the border with China. Farmers have little recourse as laws and institutions for dispute resolution remain weak in the state that has launched so many reforms over the past year.

- **Investor interest grows as Myanmar opens up.** David Bondman, cofounder of U.S.-based private equity group TPG, became the first high-profile American investor to visit Myanmar since reforms in that country last year under President Thein Sein. The *Financial Times* reported that Bondman,
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who visited the week of May 7, hoped to understand potential business opportunities and the regulatory framework currently being developed in Myanmar. TPG currently manages $49 billion in capital and is known for its early entry into emerging markets, particularly in Southeast Asia.

- **South Korean president visits Myanmar, government says it will abide by UN sanctions on North Korea.** South Korean president Lee Myung-bak met with Myanmar president Thein Sein and other officials during a visit to the country May 14-15. Lee's trip was the first visit by a South Korean head of state since 1983, when an assassination attempt by North Korean agents on then-president Chun Doo-hwan in Yangon killed 17 South Koreans. Thein Sein told Lee May 14 that Myanmar would comply with UN Security Council resolutions on North Korea, including the ban on importing North Korean weapons.

**THAILAND**

- **Economy grows surprising 11 percent in first quarter.** Thailand’s economy grew 11 percent in the first quarter from January to March, indicating a nascent recovery from the devastating 2011 floods that battered the manufacturing sector. This was the highest growth in a single quarter since Thailand began monitoring economic growth in 1993, and is being attributed to increased consumption following the floods. In response to the figures and concerns over price inflation, the central bank is expected to leave interest rates at 3 percent, possibly for the rest of the year.

- **Government battles rising cost of living.** Prime Minister Yingluck Shinawatra said May 6 that Thailand’s rising cost of living following last year’s devastating floods is a concern. The government May 8 announced a series of anti-inflation measures, including new energy prices and transportation fares. The Commerce Ministry May 15 urged 200 manufacturers to hold their retail prices steady until September 15. Thailand also increased the minimum wage 40 percent in April. Leaders of the opposition Democrat Party have said the government’s populist measures do not address the roots of the problem.

- **Political shake-up looms as banned politicians prepare to return.** A five-year ban on political participation by 111 Thai Rak Thai party members will expire May 31, triggering speculation that Prime Minister Yingluck Shinawatra will reshuffle her cabinet to accommodate them. Thai Rak Thai is the party of Yingluck’s brother, ousted prime minister Thaksin Shinawatra. Yingluck has said a shuffle is unlikely as her government
focuses on the economy, but she welcomed anyone who wants to work for the betterment of Thailand to join her Pheu Thai Party. Pheu Thai spokesperson Prompong Nopparit said that as of May 18, 40 of the 111 Thai Rak Thai politicians have contacted him about joining Pheu Thai.

- **Unresolved issues from 2010 violence flare in amnesty debates.**
  Thailand’s People’s Information Center released a statement in early May criticizing the government for failing to take action against the perpetrators of street violence that rocked Bangkok and killed 92 people in 2010. The Department of Special Investigation meanwhile released a report May 18 that said at least 25 deaths were attributed to security forces, while 12 were caused by members of the United Front for Democracy against Dictatorship, known as “Red Shirts.” The statement and report came just before 20,000–40,000 “Red Shirt” supporters gathered May 19 in Bangkok to commemorate the second anniversary of the violence. The government is considering a controversial proposal to grant blanket amnesty to all involved in the 2010 violence as a means of national reconciliation.

- **“Red Shirt” village attacked, Prayuth warns villages could cause problems.** A pavilion in a “Red Shirt” village in Songkhla Province was burned to the ground May 15, one day after the village’s opening ceremony. There are currently 10 “Red Shirt” villages in the province, supported by the United Front for Democracy against Dictatorship (UDD). Songkhla is traditionally a stronghold of the rival Democrat Party. The UDD has said the villages are meant to spread democracy and participation in government, but Democrats have criticized them for sowing division and violence. Army chief Prayuth Chan-ocha May 16 warned that such villages could create further problems in Thailand’s already-restive south.

- **Jatuporn disqualified as MP, but lèse-majesté charges dropped.**
  Thailand’s Constitutional Court ruled seven to one May 18 that Pheu Thai member of parliament (MP) Jatuporn Prompan was disqualified to run as a party list MP and must give up his seat. Jatuporn was disqualified from party membership because he was arrested during the 2011 general election and failed to cast a vote, according to the ruling. He is a leader of the “Red Shirt” movement and was arrested in connection with 2010 street violence. The Department of Special Investigation said May 11 it would not pursue charges of lèse-majesté against Jatuporn and 19 other “Red Shirt” leaders accused of the crime.
INDONESIA

- **Russian Sukhoi Superjet 100 crashes during demonstration flight, killing 45.** A Russian-made Sukhoi Superjet 100 crashed into Mount Salak near Cijeruk, West Java, 50 minutes into a May 9 marketing demonstration flight from Jakarta, killing all 45 aboard. There was heavy cloud cover and rain in the area at the time of the crash, although Russian experts have suggested that pilot error may have been at fault as well. Both voice and flight data recorders were recovered and are being analyzed. The crash has led to scrutiny of Indonesia’s military and civil aviation contracting and procurement practices, and put the brakes on any immediate purchase of the Superjet 100.

- **Gender equality bill opposed by Islamic groups stalls in House.** At least six Islamic groups torpedoed a gender equality bill in Indonesia’s parliament because it conflicted with their views of gender roles prescribed by Islam and Islamic law. The bill was intended to bring Indonesia into line with the United Nation’s Convention on the Elimination of Discrimination against Women. The bill would have made it easier for women to inherit property and choose whom to marry regardless of religion. Critics charged that it would lead more women to search for employment outside of the home and weaken the institution of marriage.

- **Islamists interrupt book launch, cause police to withhold permit for Lady Gaga concert.** Protesters from the Islamic Defenders Front (FPI) interrupted a May 4 event where Irshad Manji, an outspoken critic of conservative Islam, was discussing her new book *Allah, Liberty and Love.* A similar event scheduled for May 8 at Gadjah Mada University was called off in response to planned protests. Indonesia’s National Police May 17 refused to issue a permit for a Lady Gaga concert scheduled for June 3 after FPI and other groups protested the singer’s “worship of Satan” and threatened to prevent her from disembarking at the airport. After widespread criticism, Coordinating Minister for Law, Politics, and Security Djoko Suyanto said the National Police had not made a final decision.

- **Port of Jakarta to receive $2.5 billion expansion.** Indonesia Port Corporation announced plans May 4 to invest $2.5 billion in Indonesia’s largest port, Tanjung Priok. The new investment will more than triple the port’s capacity by adding three new container terminals and two new tanker terminals. Expansion will begin in July and will be completed by 2014. Foreign business leaders and Indonesia’s Chamber of Commerce have both blamed the country’s poor transportation and energy infrastructure.
for preventing the Indonesian economy from achieving its full investment and growth potential.

- **Judges threaten to strike if salary increase cannot be negotiated.** Representatives of judges from across Indonesia met with government officials May 9 and threatened to strike if a pay raise promised four years ago does not materialize. Junior judges in Indonesia are currently paid about $215 per month, which is less than most civil servants earn. Judges launched the campaign under the slogan “Better to strike than take bribes.” Good-governance groups have backed the judges, viewing a well-paid judiciary as key to strengthening the rule of law and fighting corruption in the courts.

- **World Bank extends $2.5 billion to Indonesia to avoid debt crisis.** The World Bank has extended a $2.5 billion line of credit to Indonesia as a safeguard against financial shocks. The funds will be used only if government financing costs become “prohibitively high.” Indonesia’s government requested the line of credit to insulate its borrowing costs from volatile market conditions. Moody’s and Fitch upgraded Indonesia’s debt rating earlier this year, but Standard & Poor’s refused to follow suit after the parliament, at the last minute amid political pushback, rejected a plan to reduce expensive fuel subsidies.

**VIETNAM**

- **Vietnamese state-owned shipping corporation executives arrested.** Four executives of state-owned shipping company Vinalines, including its former chairman, were detained May 18 for causing $80 million in losses between 2009 and 2010 through the purchase of old ships and irresponsible investments. An unnamed official admits that Vinalines broke a rule banning the purchase of ships in use more than 15 years. Vinalines’ original plan to invest $4.8 billion was scaled back May 15 by one third to $3.26 billion after concerns were raised about its diminishing market prospects, aging vessels, limited financial resources, and restructuring needs. Nine executives of another state-owned shipbuilder, Vinashin, were sentenced March 30 to between 3 and 20 years in prison for mismanagement at the company, which collapsed in 2010 under almost $4.5 billion of debt.

- **Vietnamese Communist Party conference establishes anticorruption body.** The fifth conference of the Central Committee of the Communist Party of Vietnam concluded May 15 with the formation of an anti-
corruption steering committee under the Politburo and the re-establishment of a permanent internal affairs commission. Widespread corruption is still considered the party’s most serious issue and a threat to its legitimacy. Members also committed to revising land laws to address growing conflicts over land use rights.

- **Vietnamese government lodges complaint over Dow Chemical sponsorship of Olympics.** Vietnam’s minister of Culture, Sports, and Tourism submitted a letter May 2 to the International Olympic Committee protesting U.S.-based Dow Chemical’s planned 10-year, $100 million Olympic Games sponsorship because of its production of Agent Orange used during the Vietnam War. The Vietnamese government claims Agent Orange has resulted in birth defects and environmental damage. The letter cites Dow’s refusal to compensate victims of Agent Orange or help clean up contaminated areas. Representatives for Dow claim the letter is misguided.

- **U.S. government expresses concern about human rights situation in Vietnam.** U.S. assistant secretary of state for democracy, human rights, and labor Michael Posner said during a May 16 hearing held by the Tom Lantos Human Rights Commission that the human rights situation in Vietnam has deteriorated for several years. He referred to the situation as “discouraging and unacceptable.” Posner added, “We’ve made it clear to the government of Vietnam that our joint desire to have a closer strategic relationship is dependent on their making substantial progress on human rights.”

- **Vietnamese radio station demands explanation for police beating of reporters.** Vietnam’s state-run radio station Voice of Vietnam submitted a letter May 9 to the Communist Party and local authorities requesting an explanation for the police assault of two of its journalists in April. The journalists were covering the mass eviction of farmers in Hung Yen province, where more than 4,000 villagers have been told they must move to accommodate the construction of a satellite city. The protests were captured on video and posted on YouTube, but local authorities accused anti-government activists of posting fake video clips.

- **Vietnam launches second satellite.** Vietnam May 16 launched its second satellite, VINASAT-2, from the European Spaceport in Kourou, French Guiana. The $300 million, three-ton telecommunications satellite constructed by U.S.-based Lockheed Martin is able to cover all of Southeast Asia and adjacent areas and follows the first satellite, VINASAT-1,
launched in 2008. Prime Minister Nguyen Tan Dung proclaimed the satellite an important part of building the nation’s information technology.

MALAYSIA

- **Anwar and party deputy face charges for Bersih participation.** Opposition leader Anwar Ibrahim and his party deputy, Azmin Ali, were charged May 22 with violating Malaysia’s new Peaceful Assembly Act because of their participation in April’s Bersih rally for electoral reform. The charges carry a maximum sentence of six months in jail and a $3,800 fine. A conviction would also bar Anwar from running in the general elections that are expected to be called in the coming months. Domestic and international critics have decried the Peaceful Assembly Act as little better than the draconian Internal Security Act it replaced. The government has also been accused of using the courts to harass political opponents, especially Anwar.

- **Najib seeks to strengthen UK-Malaysia ties during trip.** Malaysian prime minister Najib Razak visited the United Kingdom on a two-day working visit May 14–15. Najib delivered a speech at London’s O2 arena, attended a ceremony with the United Kingdom’s Prince Charles commemorating Malaysia’s contribution to the Oxford Center of Islamic studies, and launched the “Friends of Barisan Nasional UK” initiative. The initiative will seek to build closer ties between Malaysia and Britain and to disseminate accurate information to Malaysians living in the United Kingdom.

- **Malaysia’s CIMB acquires stake in Philippines’ Bank of Commerce.** Malaysia’s second-largest bank, CIMB, May 8 purchased a 60 percent share of the Philippines’ 16th-largest bank, the Bank of Commerce, for $283 million. Foreign ownership of banks in the Philippines is capped at 60 percent. The CIMB Group has expanded its Asian operations over the past several months following its acquisition of some of the Royal Bank of Scotland’s Asia-Pacific assets.

- **Najib visits the United States.** Malaysian prime minister Najib Razak arrived in New York May 16 for a four-day visit to the United States. He chaired the second meeting of the Global Science and Innovation Advisory Council May 17 and announced an alliance between the Malaysian Ministry of Higher Education, the State University of New York, and the New York Academy of Sciences that seeks to facilitate cooperation in education and science and technology. The prime minister also attended a roundtable meeting with leaders of Fortune 500 companies in New York, after which it
was announced that U.S.-based ConocoPhillips will invest $1.5 billion in an offshore oil production facility in Sabah, Malaysia.

SOUTH CHINA SEA

- **China denies war preparation rumors.** China’s Defense Ministry May 11 denied rumors that it is making preparations for war amid a month-long standoff with the Philippines over Scarborough Shoal. Several Chinese military-discussion webpages had claimed that military units had begun battle preparations and that personnel had been recalled from vacation. Sino-Philippine tensions continued to simmer, with protests outside the Chinese embassy in Manila May 11 and reports that Beijing had blocked the importation of Philippine bananas and suspended flights and tours to the Philippines as a form of economic sanctions.

- **Annual Chinese fishing ban begins.** China’s annual unilateral two-and-a-half month South China Sea fishing ban took effect May 16 in what Beijing says is an effort to curb overfishing. The ban, which has been in place in one form or another since 1999, forbids both Chinese and foreign vessels from fishing above the 12th parallel. Vietnam and the Philippines protested the ban, and Manila issued its own ban in the waters surrounding Scarborough Shoal.

- **CNOOC starts first deep-sea drilling project.** CNOOC, China’s largest offshore oil producer, has started its first ever deep-sea drilling project in the South China Sea. CNOOC 981, China’s first domestically manufactured deepwater drilling rig, has begun preliminary work to drill three wells, and the company says it is optimistic that it will find oil. The drilling area is reportedly situated about 200 miles southeast of Hong Kong in waters that are claimed by China and Taiwan.

- **India to exit controversial South China Sea oil block.** India is set to exit an oil block it leases from Vietnam in the South China Sea. Indian officials say the decision is based purely on “techno-commercial considerations,” as its state-owned oil company, ONGC Videsh Limited, has failed to drill wells in the block due to the hard seabed in the area. India’s decision to jointly explore oil in block 128 with Vietnam had earlier enraged Beijing as it was seen as an infringement of its sovereignty. ONGC gave up its controlling stake in neighboring block 127 in 2011 after failing to discover oil.
ASEAN

- **Philippines hosts ASEAN-U.S. Senior Officials Meeting and Eminent Persons Group.** The Philippines May 20–22 hosted the annual ASEAN-U.S. Dialogue, which is designed to enhance relations between the United States and ASEAN. Philippine foreign affairs undersecretary for policy Erlinda Basilio and U.S. assistant secretary of state for East Asian and Pacific affairs Kurt Campbell cochaired the meetings in Manila. Campbell then traveled to Phnom Penh May 24–25 to attend the Senior Officials Meetings on the East Asia Summit and Lower Mekong Initiative. Manila also hosted the first meeting of the U.S.-ASEAN Eminent Persons Group (EPG) May 20–21. The goal of the EPG is to make recommendations to the ASEAN and U.S. governments on how to further deepen their relations. The CSIS Southeast Asia Program is the official secretariat of the U.S. Eminent Persons.

- **South Korea to open ASEAN diplomatic mission in July.** A senior Korean official May 14 said that South Korea will officially open its diplomatic mission to ASEAN in July and will appoint Baek Seong-taek as ambassador to ASEAN. Baek was previously counselor and counsel general in Tokyo and Istanbul. South Korea’s diplomatic mission to ASEAN will be based in its embassy in Jakarta.

- **U.S. firm Axway tapped for ASEAN customs link.** Nathan Associates announced May 11 that U.S. software firm Axway has been chosen to facilitate the ASEAN Single Window (ASW) pilot project. The ASW pilot project will electronically link the customs systems of seven ASEAN countries, excluding only Cambodia, Laos, and Myanmar. The ASW is part of ASEAN’s larger integration and connectivity plans, and will seek to streamline the import and export processes between the ASEAN states and their partners.

- **Myanmar to host ASEAN human rights meeting.** The ASEAN Intergovernmental Commission on Human Rights (AICHR) said in a press release, following a series of meetings in Bangkok, that the fifth meeting on the ASEAN Human Rights Declaration will be held June 3–6 in Yangon. AICHR is in the process of drafting the grouping’s declaration on human rights. The declaration is expected to be adopted by the ASEAN leaders during their summit in November.

- **Singapore number one in logistics performance; most other ASEAN countries in middle of pack.** The World Bank’s Logistics Performance Index
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(LPI), released May 16, ranks Singapore number one out of 155 countries in logistics performance, edging out rival Hong Kong. The LPI measures the relative ease and expense of moving goods through a country, among other criteria. The other ASEAN countries are spread widely through the middle of the pack, although three—Cambodia, Laos, and Myanmar—did not crack the top 100.

- **USNS Mercy sets off on four-month humanitarian mission to Southeast Asia.** The U.S. Navy’s hospital ship USNS Mercy left San Diego May 3 on a four-month humanitarian tour to Indonesia, Vietnam, Cambodia, and the Philippines. The USNS Mercy will serve as the platform for the 2012 Pacific Partnership Mission, which brings together experts from the United States and partner countries to carry out humanitarian and civic activities in Asia-Pacific nations.

### CAMBODIA

- **Girl shot dead by security forces as forced eviction turns violent.** Military and police forces May 16 shot and killed 14-year-old Heng Chantha during an eviction of Prama village in Kratie Province. Nearly 1,000 security forces were present for the forced eviction of about 1,000 families. The village was involved in a land dispute with Casotim, a Cambodian manufacturing firm, for more than a year. Security forces reportedly sprayed automatic fire at villagers armed with crossbows and axes. A stray bullet struck Chantha, who died before receiving medical attention. Two others were injured and seven arrested. The incident appeared to contradict a May 7 order by Prime Minister Hun Sen suspending new and existing land concessions to private companies in areas where communities live.

- **Funding for Khmer Rouge Tribunal to dry up by end of June.** Officials announced May 15 that funding for the international side of the Extraordinary Chambers of the Court of Cambodia, or ECCC, will run out by the end of June. The ECCC is a joint United Nations-Cambodian tribunal established to try former Khmer Rouge officials for crimes against humanity when they ruled the country in the late 1970s. The tribunal has faced problems in recent months, including the resignation of two international investigating judges over the court’s lack of independence. Legal affairs spokesperson Lars Olsen said that the international side of the court would not be able to pay salaries after June, although he declined to speculate on how this would affect the court’s current case, which is only the second to reach trial.


Kaing Guek Eav, alias Duch, testifies March 20 in the ECCC’s second case against former Khmer Rouge officials. The ECCC’s international side will run out of funding by the end of June, according to officials. http://www.flickr.com/photos/krtribunal/6853342800/in/photostream
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• **Gallup poll reflects broad support for Hun Sen as elections near.** Cambodians will go to the polls June 3 to select local representatives, called commune councilors, for the third time. The ruling Cambodian People’s Party (CPP) has predicted an overwhelming win in the elections. According to a May 11 Gallup poll, 93 percent of Cambodians approve of the CPP’s leader, Prime Minister Hun Sen. However, an April Gallup poll revealed that only 2 percent of Cambodians think of themselves as thriving, suggesting that they might seek to oust incumbent councilors in the upcoming election.

• **Hun Sen pushes “edible exports.”** Prime Minister Hun Sen in a speech May 14 at the opening of Khmer Brewery in Phnom Penh urged companies to export food and beverage products. The food and beverage industry has been growing relative to other sectors of the economy since a 2009 slump in the garment industry. Food and beverage products contributed $1 billion to Cambodia’s GDP in 2011, of which about 40 percent came from breweries. International organizations have urged Cambodia to diversify its exports, but acquiring the capital to do so remains a barrier for many smaller firms.

PHILIPPINES

• **“Smoking gun” evidence of corruption revealed in Supreme Court justice trial.** Prosecutors in the impeachment trial of Philippine chief justice Renato Corona May 16 presented convincing evidence of corruption that could influence the trial’s outcome profoundly. Financial documents suggest Corona had deposited more than $28 million in various bank accounts while earning less than $1,000 a month as a Supreme Court justice. Corona is set to testify in his trial next week. If convicted, he faces removal from office.

• **Dengue outbreak hits Zamboanga City.** The mayor of Zamboanga City, Celso Lobregat, May 14 declared a dengue fever outbreak following a 50 percent increase in the number of reported cases from 2011. The local government has responded by canceling leave for health personnel, releasing an emergency fund, and organizing citywide fumigation, public awareness, and cleanup drives. Increasing numbers of cases are anticipated with the onset of the rainy season in the coming months.

• **Ex-president Arroyo’s request for overseas medical treatment sparks debate.** Controversy has erupted over whether Philippine ex-president Gloria Macapagal-Arroyo should be able to seek medical treatment overseas. Arroyo has been diagnosed with bone disease and is currently...
under hospital arrest on charges of electoral sabotage. Some claim her ailment is so rare that it needs the attention of medical experts abroad. But representatives of the Commission on Elections and the Philippine Medical Association say there are domestic treatment options. Arroyo previously requested permission to leave the country for treatment in late 2011.

SINGAPORE

- **Singapore’s exports and GDP surpass estimates.** Singapore’s non-oil domestic exports expanded and the country’s economy grew faster than anticipated in the first quarter. Data suggest the rise was due to strong growth in the petrochemical and pharmaceutical sectors. Government officials remain wary that the positive trends could be offset by a global economic slowdown in the coming months as the euro zone continues to be mired in economic turmoil.

- **Prime Minister Lee, Myanmar foreign minister pledge to enhance bilateral relations.** Singapore’s prime minister Lee Hsien Loong met with Myanmar foreign minister Wunna Maung Lwin during the latter’s introductory visit to the city-state May 13–15. The two leaders discussed recent reforms in Myanmar and pledged to further enhance bilateral relations. Wunna Maung Lwin also met Emeritus Senior Minister Goh Chok Tong and Foreign Minister K. Shanmugam, who reaffirmed Singapore’s desire to help Myanmar prepare for its chairing of ASEAN in 2014.

- **Foreign Minister Shanmugam makes introductory visit to India.** Singaporean foreign minister K. Shanmugam met with Indian prime minister Manmohan Singh during his four-day introductory visit to India May 7–10. The two discussed future bilateral cooperation in labor, education, public-private partnerships, and people-to-people exchanges, as well as regional and global issues like India’s Look East Policy. Shanmugam also visited several Indian states, including Assam and Gujarat.

- **North Korea looks to Singapore for economic lessons and investment.** North Korea’s ceremonial head of state Kim Yong Nam visited Singapore May 10–12 for his first overseas trip since Kim Jong Il’s death last year. Kim was accompanied by two top economic officials in what some view as an attempt by the regime to shore up foreign investment and learn from Singapore’s successful growth model after fresh sanctions were recently imposed on North Korea. Kim visited several places in Singapore, including a food factory and an electronics manufacturer. He visited Indonesia after departing the city-state.
LAOS

- **Laos and Philippines sign four agreements to strengthen bilateral ties.** Lao prime minister Thongsing Thammavong met with Philippine president Benigno Aquino III in Manila May 11 to sign four agreements to improve bilateral relations. The agreements cover investment and trade, foreign relations, education, and sports cooperation. The two leaders also expressed their goal of establishing a Philippines-Laos business council through cooperation with their respective chambers of commerce to boost economic growth. While there is a small amount of trade between the two countries, neither has any significant investment in the other.

- **Laos extradites drug kingpin implicated in massacre of Chinese sailors to China.** Drug kingpin Naw Kham, who is suspected of orchestrating the murder of 13 Chinese sailors on the Mekong River in October 2011, was extradited from Laos to China May 10. Nine Thai soldiers are currently under investigation in Thailand for the incident. The massacre spurred China to organize a four-nation patrol of the troubled Golden Triangle region of the Mekong River.

- **Thai government approves loans to Laos for airport and road construction.** The Thai government has approved two soft loans to Laos to pay for the second phase of development of Pakse Airport and to build a road from the Phudu checkpoint in Uttaradit Province to Paklai in the Lao province of Xayaburi. The road will help improve transport for trade along the East-West Economic Corridor connecting Myanmar, Thailand, Laos, and Vietnam, and between northern Thailand and southern China.

- **Lao government aims to graduate from least-developed countries list by 2020.** The Lao government May 17 made public its goal of graduating from the United Nations’ list of Least Developed Countries (LDC) by 2020. A UN official said the announcement was unprecedented, as most LDC countries try to remain on the list because loss of LDC status would negatively affect the overseas development assistance (ODA) and preferential trade status they receive. Laos received $413.79 million in ODA in 2010. Nearly 28 percent of the country’s 6.5 million inhabitants still live below the poverty line.

TIMOR-LESTE

- **Voters will be able to cast vote anywhere for July parliament elections.** Member of parliament Manuel Tilman announced April 20 that the legislature would seek to amend Article 40 of Timor-Leste’s Election Law,
which says voters must vote in the same place they registered. The change will allow voters to vote anywhere in the country. The current requirement is believed to be the main culprit behind a lower voter turnout in the recent presidential elections. Voter turnout fell from 82 percent in the 2007 presidential election to 71 percent in the April election.

**Election secretariat will increase voting centers as number of parties rises.** The Secretariat for the Administration of Elections (STAE) announced May 9 it would increase the number of voting centers throughout Timor-Leste as the number of political parties participating in the July parliamentary elections increased from 24 to 26. The STAE hopes a greater number of voting centers will increase voter participation. The election will take place on July 7.

**Press council for Timor-Leste moves closer to establishment.** Director of the Investigative Journalists Center Timor-Leste (CJITL) Julio Gil Guterres announced May 14 that plans are moving ahead for the establishment of a press council for Timor-Leste. He said funding is already available and a working group will be formed following the May 20 independence celebrations. The group will clarify the overarching structure of the organization, which will help to strengthen the press, protect journalists, and unify the six current journalism associations in Timor-Leste.

**TRANS-PACIFIC PARTNERSHIP**

**Trans-Pacific Partnership talks progress in Dallas.** The 12th round of Trans-Pacific Partnership negotiations formally concluded May 16 near Dallas. U.S. negotiators reported better-than-expected progress on several issues, closing discussions on small- and medium-sized enterprises and almost reaching closure on regulatory coherence and supply linkages. The next round of negotiations will be held in San Diego in July. U.S. Trade Representative Ron Kirk will also meet with his counterparts on the margins of the APEC trade ministers meeting in Russia in June.

**APEC**

**Obama to skip APEC summit in Russia.** The White House confirmed May 14 that President Barack Obama will skip this year’s APEC summit hosted by Russian president Vladimir Putin in Vladivostok in September. The White House said the president would miss the summit to accept his re-election nomination September 6 at the Democratic National Convention. The White House dismissed any notion that the decision was in response to Putin missing the G8 summit at Camp David earlier this month.
Russian senior official for APEC speaks at CSIS, lists Russian priorities. CSIS on May 14 hosted Russia’s senior official for APEC, Ambassador Gennady Ovechko, to discuss Russian plans for the APEC summit in Vladivostok in September. Ovechko presented Russia’s four priorities for this year’s summit, which he said would be useful to all APEC economies: trade and investment liberalization, strengthening food security, establishing reliable supply chains, and intensifying cooperation to foster innovative growth.

MEKONG RIVER

Laos reassures neighbors: no construction on Xayaburi dam. The director-general of Laos’s Ministry of Energy and Mines said during a telephone interview May 11 that no construction was being done on the Xayaburi dam, but that preparatory work, including roads and accommodations, has been under way for some time. He reassured other member countries of the Mekong River Commission, including Vietnam, Cambodia, and Thailand, that Laos is serious about its December commitment to delay construction until the results of studies on the ecological impact of the dam are reviewed.

Fourth joint patrol of Mekong River to begin at end of May. China, Laos, Thailand, and Myanmar will begin their fourth joint patrol of the Mekong River at the end of May. The joint patrols are meant to combat drug and human trafficking problems in the Golden Triangle area where 13 Chinese sailors were murdered in October 2011. The patrols start from Guanlei Port in China’s Xishuangbanna Dai Autonomous Prefecture and end at Chiang Saen Port in Thailand. A Chinese security official said the fourth patrol will include more police officers and advanced equipment.

BRUNEI DARUSSALAM

Tenth annual Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area meeting. Representatives of the Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA) held their 10th annual meeting in Balikpapan, Indonesia, from May 14 to May 16. Discussions focused on logistical cooperation in the area of food security. BIMP-EAGA representatives meet annually to discuss ways to increase transportation and economic connectivity in maritime ASEAN.
• ASEAN Defense Ministers’ Meeting in Phnom Penh. Cambodia, as the chair of ASEAN this year, will host the Sixth ASEAN Defense Ministers’ Meeting May 29 at the Peace Palace in Phnom Penh. The ADMM brings together the defense ministers of each of ASEAN’s 10 member-states. Cambodian minister of defense General Tea Banh will chair the meeting. The Cambodian Ministry of Defense has said the theme of the ADMM will be “Enhancing ASEAN unity for a harmonized and secure community.”

• Foreign Policy Initiative screening of “The Lady.” The Foreign Policy Initiative (FPI) will host a film screening May 31 of “The Lady,” the story of Myanmar pro-democracy activist Aung San Suu Kyi. The event will begin with a reception from 6:00 to 6:30 p.m., followed by the film screening from 6:30 to 8:45 p.m. The movie will be followed by a discussion from 8:45 to 9:30 p.m. featuring Win Min, senior research associate at the Vahu Development Institute and a journalist at the Voice of America, and Ellen Bork, director of Democracy and Human Rights at FPI. The event will be held at the Navy War Memorial at 701 Pennsylvania Avenue NW. Please RSVP here.

• APEC Meetings in Kazan, Russia. Officials from the 21 APEC member economies will meet in Kazan, Russia, between May 30 and June 5 for a series of APEC 2012 meetings. The Food Security Ministerial meeting will be held May 30–31, followed by the Second Senior Officials’ Meeting June 2–3 and the Meeting of Ministers Responsible for Trade June 4–5. There will also be a series of APEC Working Group Meetings on the sidelines of the ministerial meetings. More information is available at www.apec2012.ru.

• Shangri-La Dialogue in Singapore. Singapore will play host to the 11th International Institute for Strategic Studies Asia Security Summit, better known as the Shangri-La Dialogue, June 1–3. The Shangri-La dialogue will bring together top defense officials, including U.S. secretary of defense Leon Panetta, for the most prominent track 2 forum on security issues in the Asia Pacific. Indonesian president Susilo Bambang Yudhoyono will give the keynote address. More information is available here.

• South China Sea Conference at CSIS. The CSIS Southeast Asia Program will host its second annual South China Sea conference June 27–28. The conference, titled “The South China Sea and Asia Pacific in Transition: Exploring Options for Managing Disputes,” will feature a day and a half of expert panels on every aspect of the ongoing dispute in the South China Sea. Panels will include “Recent Developments in the South China Sea,” “South China Sea in ASEAN-US-China Relations,” and “The Role of International Law and Norms in Resolving and Managing Disputes.” For more information, please contact southeastasiaprogram@csis.org.
SOUTHEAST ASIA FROM THE CORNER OF 18TH & K STREETS

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