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The Impact of Regional Maritime Disputes on Energy Security in Asia

A report in the CSIS-Pertamina Southeast Asia Energy Security Roundtable Series
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This report provides a summary of the discussion from a CSIS roundtable held on October 18, 2017, as part of the CSIS-Pertamina Energy Security Roundtable Series. The discussion brought together government, industry, financial, and policy experts to explore the state of regional maritime disputes in Southeast Asia and their impact on the energy security of countries in the region. This was the third in a series of roundtables that will be convened this year to examine the most important energy issues affecting Southeast Asia and their broader strategic significance to regional and global energy security.
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Asia’s crude oil imports are projected to increase from 19 million barrels per day (mbbl/d) in 2014 to 31 mbbl/d in 2030.¹ The growth will be led by developing countries in Asia. Specifically, the oil consumption growth by non-Organization for Economic Cooperation and Development (OECD) Asia except China and India—effectively Southeast Asia—is forecast to grow at 33 percent, from 8 mbbl/d in 2015 to 11 mbbl/d in 2035. During the same time period, China’s will grow from 12 mbbl/d to 19 mbbl/d and India’s from 4.1 mbbl/d to 9.2 mbbl/d.²³⁴ Oil consumption in the developed economies of Japan, South Korea, and Taiwan is projected to hold steady or even decline, but these economies will remain dependent on oil imports, particularly from the Middle East, for nearly all of their oil supply.

While Asian consumption increases, North American and European oil imports are projected to decrease from 18 mbbl/d in 2014 to 13 mbbl/d in 2030, largely eliminating their need for imports from the Middle East. Middle East oil exports are projected to rise from 17 mbbl/d in 2014 to 25 mbbl/d in 2030, with virtually all of the increase destined for Asia.⁵

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Background to Regional Maritime Disputes

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Southeast Asian gas producers like Indonesia, Malaysia, and Brunei already supply much of the LNG demand in Northeast Asia, and nearby Australia is
likely to become Asia’s largest supplier of LNG as gas projects come online and massively boost production. The global gas market has entered a period of supply surplus as Australian and U.S. production increases, introducing greater flexibilities in what was previously a very restricted and rigid LNG market. Several regasification projects are underway in Southeast Asia to benefit from the growing LNG trade and to meet rising gas demand. For example, Thailand, whose LNG demand is forecast to grow from 2.9 million tons per annum (mtpa) in 2016 to 20 mtpa by 2025 and 34 mtpa by 2036, is expanding its Map Ta Phut LNG import terminal.\(^6\) LNG infrastructure development is also underway elsewhere in the region, including Vietnam, Malaysia, and Indonesia.

*Energy shipping flows through Southeast Asia are extremely important, and any disruption of critical sea lanes like the Strait of Malacca or South China Sea would have major impacts on the energy security of vital economies of Northeast Asia.*

Crude oil shipping through the Strait of Malacca is already crucial for the global oil trade, with around 7,700 tanker passages in 2014 (compared with 10,600 for the Strait of Hormuz), and its importance will only grow along with Asian demand for Middle Eastern oil. Tanker passages of the Strait of Malacca are projected to increase strongly to around 12,200 in 2040, a more than 60 percent increase.

**Major crude oil trade flows in the South China Sea (2011) million barrels per day**

![Map of major crude oil trade flows in the South China Sea](image)

*Source: U.S. Energy Information Administration*
increase. The vast majority of the tankers that pass through the Strait of Malacca also pass through the South China Sea on their way to markets in Northeast Asia.

The Strait of Malacca is also an important transit route for LNG shipments, with around 2,400 east-bound tanker passages in 2014. This number is only projected to increase slightly to around 2,600 in 2040, however, reflecting the increasing role played by LNG suppliers in Australia, Southeast Asia, and the United States that would not utilize the Strait of Malacca to reach Northeast Asian markets. Most Southeast Asian producers, particularly Malaysia and Brunei, are reliant on the South China Sea for LNG shipping, however, while Indonesian and Australian LNG shipments transit the South China Sea when bound for some destinations. North American suppliers are the only major LNG suppliers for Northeast Asia that do not have any exposure to transit risks in the Strait of Malacca or

Source: U.S. Energy Information Administration

South China Sea, which makes growing U.S. LNG exports appealing to consumers looking to diversify their LNG supplies to boost energy security.

The oil and gas resources in disputed maritime areas in Asia, particularly in the South China Sea, are generally modest and in most cases too expensive to be economically viable.
Proved oil and gas reserves in the South China Sea are very modest on a global scale, and only about 20 percent of those reserves are located in disputed areas. Proved and probable gas reserves in the South China Sea (190 trillion cubic feet, 2.9 percent of global reserves) are more significant than those for oil (11 billion barrels, 0.6 percent of global reserves). South China Sea gas reserves would meet only around 7.5 years of Asia’s 2016 gas consumption while oil reserves would not even meet one year of Asia’s 2016 oil consumption. Most gas production in disputed areas of the South China Sea is likely to remain economically unviable for the foreseeable future given the high cost of exploiting deep-water basins and continuing low prices for gas stemming from the current global supply glut.

The sheer scope of Chinese claims ensures that the South China Sea dispute affects the greatest swathe of potential oil and gas fields in Southeast Asia, but there are other regional maritime disputes that impact energy security. The Timor Sea dispute between Australia and Timor-Leste has held up development of the Greater Sunrise fields—estimated to hold 5.1 trillion cubic feet of gas (tcf)—since 2004, delaying production that is crucial to the economic future of Timor-Leste. The Ambalat dispute between Indonesia and Malaysia in the Celebes Sea has similarly held up development of fields estimated to potentially hold 764 million barrels of oil and 1.4 tcf of gas.

Regional maritime disputes in Asia are primarily driven by nationalism and domestic political or bureaucratic interests, which severely constrains the ability of policymakers to make compromises that would promote energy security through increased energy exploration and production.

Competition over access to oil and gas resources is often mentioned as a driver of regional maritime disputes in Asia, but energy security is usually secondary to concerns about sovereignty and national pride. This dynamic is particularly apparent in the prominent disputes in the South and East China Seas, where the areas under dispute contain almost no commercially viable reserves and the potential reserves that do exist are too small to significantly improve the energy security of key players like China. Fisheries resources are actually more important in these areas, and conflict is more likely to break out between rival fisherman than over oil and gas competition.

While the extent of competition over oil and gas resources is overblown, it is clear that state-owned oil and gas companies in the region are being used to assert maritime claims, with oil and gas rigs and blocks being used as public markers to demonstrate state control over disputed areas. International oil companies trying to operate in disputed areas are also at risk of being used to advance nationalist goals that take priority over economic and business rationale. This nationalist focus makes it difficult for regional countries to agree on joint-development or other compromises that would require setting aside sovereignty but would allow energy exploration and production to move forward.
The South China Sea

The South China Sea is not the only maritime dispute in Asia, but it may be the most complex and intractable given the number of parties involved and the strong stances taken by several of the claimants. The South China Sea is also of particular interest because of its importance as a transit route for energy shipments, and because of the risk of a major power conflict breaking out there between China and the United States. For these reasons, the roundtable participants spent much of their time discussing the South China Sea dispute and its impact on energy security and arrived at the following key takeaways.

*China remains uncompromising on its maritime claims in the South China Sea, and is the most active claimant in asserting its sovereignty and challenging exploration activities by other claimants.*

While China has been somewhat more restrained in asserting its claims in the South China Sea since the ruling last summer in the compulsory arbitration case launched by the Philippines, Beijing also has done little to indicate it will respect the Arbitral Tribunal’s ruling. Beijing continues to uphold its expansive nine-dash line claim in the South China Sea—even though the Arbitral Tribunal ruled that China has no basis to claim historic rights within the line—and challenges the activities of other claimants well-outside the 12-nautical-mile territorial sea of any disputed South China Sea feature.

The most serious Chinese challenge to another claimant this year occurred in July, when Beijing reportedly threatened to attack Vietnamese outposts in the South China Sea if Hanoi did not halt exploration activity by a subsidiary of Spanish oil and gas company Repsol in Vietnamese-leased Block 136-03 within the far southern reaches of the nine-dash line. China has leased out its own exploration block in the same area. Vietnam reportedly backed down after the Chinese threats and ordered Repsol to halt its exploration.

While China continues to oppose exploration by other claimants within the nine-dash line, it has shown no qualms about using its own state-owned oil
companies to show the flag in disputed maritime areas. The best example of this remains the months-long 2014 standoff with Vietnam sparked by the China National Offshore Oil Cooperation (CNOOC) using its HY-981 rig to perform exploratory drilling in a disputed area near the Paracel Islands.

CNOOC is probably a willing partner in these sorts of sovereignty assertions, as it has an interest in encouraging leadership in Beijing to take a hard line on protecting its access to offshore oil and gas resources. CNOOC is also known for promoting inflated claims for potential oil and gas reserves in the South China Sea (125 billion barrels and 500 trillion cubic feet, respectively—11 and 2.5 times larger than U.S. estimates). Boosting the perceived importance of the South China Sea to China’s energy security interests may help the company elevate its prestige and political clout.

The Philippines has taken a less combative stance on the South China Sea under its new president, but political and legal realities in Manila make it unlikely that the Philippines will cave to Chinese pressure in the energy realm.

Philippine president Rodrigo Duterte has made outreach to China a key plank of his foreign policy, and has seen at least symbolic gains from Beijing in the form of promises of $24 billion in investment and credit in return for his down-playing of disputes in the South China Sea. Duterte can also claim some progress on the long-delayed Code of Conduct in the South China Sea during the Philippines’ chairmanship of Association of Southeast Asian Nations (ASEAN), with China joining ASEAN in August to adopt a framework for a future Code of Conduct, still to be negotiated.

While Duterte has dialed down Philippine rhetoric and taken some concrete steps to reduce activities of concern to Beijing in the South China Sea (such as maritime-focused exercises with the U.S. military), he faces very real political constraints on his ability to smooth over differences with China on the South China Sea. The Philippine constitution makes failure to defend Philippine national territory—which includes territorial seas, seabed areas, and undersea shelves—an impeachable offense, and the strong public reaction to revelations earlier this year that China had surveyed the undersea Benham Rise east of the Philippines demonstrates the sensitivity associated with these issues.

Duterte has not disavowed the Arbitral Tribunal’s ruling in favor of the Philippines on almost all counts, and Philippine legal positions on the South China Sea now reflect the award and do not recognize Chinese claims over undersea features within the Philippines’ exclusive economic zone (EEZ). These areas include Mischief Reef, the location of China’s largest artificial island in the South China Sea, and the Reed Bank, where the Philippines hopes to exploit gas reserves in Block SC72. Manila sees the development of Reed Bank as crucial to its future energy security, to replace the declining Malampaya gas field off the coast of Palawan, the Philippines’ only significant gas-producing area.
The need to exploit Reed Bank in the face of almost certain Chinese opposition puts Duterte in a bind, and the Arbitral Tribunal’s clear ruling that the area is part of the Philippines’ EEZ only makes the problem harder to solve. Joint development of Reed Bank remains the obvious compromise solution, but is likely to fail for the same reasons as previous attempts. China is extremely unlikely to recognize Philippine control of the area or accept the foreign ownership restrictions imposed by Philippine law, while Duterte cannot compromise on sovereignty without risking political and legal blowback, including potential impeachment. Creative solutions to move forward on joint development exist—potentially drawing lessons from the Japan-China agreement on joint development in the East China Sea—but only if China is willing to show good faith and refrain from driving a hard bargain over development of resources in the Philippine EEZ.

Vietnam is out alone on a limb now that the Philippines has stepped back, and is bearing the brunt of Chinese pressure while persistently attempting to advance its own energy interests in the South China Sea.

**Key disputed blocks in the South China Sea**

Vietnam was happy to let the Philippines take the lead in pushing back on China in the South China Sea during the final years of the Aquino administration (2010–2016), and the shift in China policy under the Duterte administration has left Hanoi in a lonely position out in front of the rest of its Southeast Asian neighbors. It has fallen to Vietnam to insist on inserting strong language on the South China Sea into ASEAN statements, risking the ire of Beijing.
Despite its uncomfortable position, Vietnam does not appear to be shying away from asserting its claims in the South China Sea or advancing energy projects in disputed areas. Hanoi’s decision to resume exploration in Block 136-03, an area of past tensions with China that is not clearly controlled by Vietnam under international law, suggests that Vietnam is willing to take risks to advance its offshore energy interests. The risk may not have paid off in this case, as Beijing appears to have forced Hanoi to back down with negative repercussions for Vietnam’s efforts to attract international oil companies to develop its offshore blocks. It remains to be seen whether Vietnam would back down over a single setback.

While Vietnamese activities in Block 136-03 have halted, Hanoi continues to push forward on the Blue Whale gas project—which will be Vietnam’s largest—in Block 118 off its east coast. This multibillion-dollar project by ExxonMobil, in partnership with PetroVietnam, will be an interesting test of the limits of Chinese opposition to energy exploitation in the South China Sea by other claimant states. Block 118 is partially disputed by China as the eastern parts of the block falls within the nine-dash line, but the drilling facility for the Blue Whale field will lie about 10 nautical miles outside of the nine-dash line. Vietnam is eager to pick up the pace on the Blue Whale project and hoped to announce its official start at the Asia Pacific Economic Cooperation (APEC) forum in Vietnam earlier this month, but ExxonMobil said a final agreement is still on track for 2019. How China would respond to the Blue Whale project development warrants close attention, particularly due to the involvement of the U.S.-based supermajor.

Malaysia and Brunei continue to keep their heads down while quietly being the most effective at extracting oil and gas wealth from the South China Sea.

Malaysia and Brunei have both refrained from taking a strong stance on South China Sea disputes—at least publicly—and have consequently managed to mostly avoid the tensions with China their fellow claimants in Manila and Hanoi have experienced. Malaysia, unlike Brunei, has not been completely free of Chinese pressure, having to face Chinese Coast Guard patrols of the Luconia Shoals in Malaysia’s EEZ and occasional Chinese oath-taking ceremonies above James Shoal, which Beijing claims as the southernmost point of its territory despite the shoal being under 70 feet of water.

Both Malaysia and Brunei are often characterized as leaning toward China because they do not come out strongly on South China Sea issues, but their low-key behavior is more reflective of a desire not to become embroiled in intractable sovereignty disputes that do not affect their core interests. Malaysia and Brunei, unlike the other South China Sea claimants, prioritize oil and gas production in the South China Sea—which are key to their economies—over sovereignty disputes. Neither country has claims on the core Spratly Islands that China, Taiwan, Vietnam, and the Philippines occupy and
dispute, so it makes sense to keep quiet on those disputes while going about the business of exploiting some of the richest oil and gas fields in undisputed areas in the region.

Malaysia and Brunei have been fortunate that much of their offshore oil and gas reserves lie just off the coast, outside even China’s expansive nine-dash line claim. As these reserves are depleted, however, both countries will be forced to move further offshore to open up new production in areas within the nine-dash line, raising the specter of future tensions with a China that opposes all foreign oil and gas activities within the nine-dash line. This is the scenario, in which their core economic interest in continued oil and gas production is threatened, that could see Malaysia and Brunei take a more vocal position on China’s behavior in the South China Sea.

*Indonesia remains an adamant nonclaimant, but has taken symbolic steps to make it clear that it will oppose infringements on its sovereignty by China or others.*

Indonesia has long maintained that it is not a claimant in the South China Sea, despite the overlap between the extreme southern end of the nine-dash line and Indonesia’s EEZ northeast of the Natuna Islands, a position based on a wholesale rejection of China’s nine-dash line claim as lacking any basis in international law. This position has a strong legal rationale and in fact presaged the rejection of the nine-dash line by the Arbitral Tribunal, but its practical limitations have been exposed in recent years as China more actively moved to exert its jurisdiction within the nine-dash line.

A series of incidents involving Chinese fishing vessels operating illegally in Indonesia’s EEZ near the Natuna Islands and Chinese Coast Guard vessels aggressively intervening to rescue detained Chinese fishing vessels from Indonesian custody came to a head last year, with Indonesian president Joko Widodo holding a cabinet meeting on a warship in the area to demonstrate his government’s intention to uphold its sovereign rights in the area. Indonesia has since held military exercises in the Natunas, called for faster economic and military development of the islands, and renamed the maritime area north of the islands the “North Natuna Sea” in what are likely steps to demonstrate resolve to counter future Chinese incursions in the area.

While illegal fishing was the driving factor behind recent China-Indonesia tensions in the South China Sea, there is also an energy component that remains on the minds of Indonesian policymakers. The East Natuna gas block—one of the largest gas reserves in Asia at an estimated 46 tcf—lies within the nine-dash line, raising concerns about whether China would move to stop Indonesia from developing the field. This remains a long-term concern, as the technical difficulty and high cost of developing East Natuna will likely make the project economically unviable for the foreseeable future.
Key Policy Recommendations

*Policymakers should strengthen preparedness for potential disruptions to energy shipments through key chokepoints in Southeast Asia like the Strait of Malacca and South China Sea.*

A short-term disruption of energy shipments through key chokepoints in Southeast Asia should be manageable, as there are other nearby routes that tanker traffic can be diverted to without adding too much time and expense. If the Strait of Malacca is closed, traffic can divert farther east to the Sunda, Lombok, or Ombai Straits. If the South China Sea is closed, traffic can similarly be diverted to the east of Borneo through the Makassar Strait, Celebes Sea, and then the Western Pacific to the east of the Philippines. Insurance rates would likely skyrocket in response to a contingency serious enough to warrant the diversion of shipping, however, economically straining the tanker industry.

A long-term disruption of energy shipments would be harder to manage, but also seems unlikely to occur unless driven by a much more serious crisis like a major power war. Long-term use of longer diversion shipping routes would require an increased amount of tanker traffic to maintain consistent supply, leading to an increase in shipping costs.

Policymakers can strengthen preparedness for potential disruptions by crafting contingency plans to ensure that diversion to alternate transit routes can quickly be implemented if needed. Key insights from this planning should be shared with partners in the region and inform regional capacity-building efforts. Consumer countries can also seek to diversify their suppliers, par-
particularly in LNG, now to ensure that some of their supply will be unaffected if shipments from one part of the world are disrupted. Policymakers should also pay attention to refining operations and ensure that markets—particularly specialized product markets like that in jet fuel—can cope with a temporary loss of access to key refining hubs like Singapore.

*Greater investments should be made in key infrastructure and services to promote resilience to disruptions in energy shipments.*

Alternate transit routes to the Strait of Malacca and South China Sea are not well-developed and would benefit from investments to make them more capable of handling a surge in traffic during a crisis scenario. For example, alternative straits in Indonesia like the Sunda and Lombok Straits would benefit from improved navigation aids for transiting vessels. These alternate transit routes would also benefit from building up more robust support services for passing merchant traffic.

Refining infrastructure is also vitally important and steps should be taken to ensure this infrastructure does not become overly centralized in a way that could reduce the resilience of the overall market to shocks caused by transit disruptions or impaired access to key areas. Consumer countries in Northeast Asia should strive to keep their own refining sectors vibrant, and should consider cooperating with Southeast Asian countries by investing in their refining sectors to ensure there is a broad base of refining capacity distributed across the region.

*Policymakers should come out strongly in favor of a rules-based order in the Indo-Pacific region based on respect for international law, and should be supportive of freedom of navigation for military vessels throughout the region.*

The U.S. Navy has controlled the seas since the end of World War II and has maintained free and open access to global sea lanes to the benefit of all trading nations. Rising powers that seek a greater role in international affairs are welcome to join the United States in upholding an open global order. Instead challenging such an order after having benefited from it for decades should not be condoned. Moreover, no country should accept attempts to close large areas of ocean to lawful freedom of navigation, whether by military or civilian vessels. Military access to the world’s oceans is vital for keeping sea lanes open and free for trade and other civilian purposes, and countries in Asia (and elsewhere around the world) should be willing to take a stand on this issue.

Countries in the region should also strongly support adherence to international law, including the United Nations Convention on the Law of the Sea (UNCLOS), and promote its use as a means to resolve maritime disputes. The Arbitral Tribunal’s ruling in the Philippines v. China should be respected by all South China Sea claimants, as well as other parties, and
serve as the basis for further negotiations, international legal options, or other nonviolent and noncoercive means to resolve disputes in the South China Sea.

*Policymakers in Southeast Asia should continue to lead by example on the peaceful resolution of disputes through negotiation and international legal mechanisms.*

Southeast Asian states have a strong track record in utilizing international legal mechanisms to peacefully resolve disputes. This track record includes disputes over sovereignty, with Indonesia and Malaysia in 1998 seeking a ruling by the International Court of Justice (ICJ) on the sovereignty of Ligitan and Sipadan islands in the Celebes Sea, and Malaysia and Singapore in 2003 seeking an ICJ ruling on the sovereignty of Pedra Branca, Middle Rocks, and South Ledge in the Singapore Strait. Southeast Asian states have also resolved maritime boundary disputes through international legal means, with Myanmar and Bangladesh in 2009 asking the International Tribunal for the Law of the Sea to delimit the maritime boundary between them.

Southeast Asian countries have also relied on negotiations to peacefully resolve maritime disputes. Indonesia has successfully delimited parts of its maritime boundaries with neighbors Singapore and the Philippines through negotiations. Indonesia in 2015 also swapped special envoys with Malaysia in a fresh attempt to jumpstart long-stalled negotiations over the Ambalat dispute. Timor-Leste has been in negotiations with Australia to resolve the Timor Sea dispute, with the two countries in the home stretch of finalizing an agreement on their maritime boundary.

While it has often taken a long time for Southeast Asian states to agree to resolve lingering disputes through international legal mechanisms or negotiations, they have shown an admirable amount of good faith for the process once engaged and respect for the rulings or agreements once they are reached. The growing number of international legal cases launched by Southeast Asian countries since the turn of the century, as well as their increasing complexity, suggests that the region increasingly accepts international law and negotiations based upon it as the norm for dispute resolution. This is a valuable development and one that Southeast Asia should be proud to export to the rest of Asia, where such pragmatic approaches to peaceful dispute resolution are badly needed.
Endnotes


5 Ibid.


7 Ibid.

8 Ibid.


11 Ibid.


About the authors

Geoffrey Hartman is a fellow with the Southeast Asia Program at the Center for Strategic & International Studies (CSIS). Before joining CSIS, he served as a foreign affairs specialist in the Office of Asian and Pacific Security Affairs within the Office of the Secretary of Defense, where he provided policy advice and regional expertise to senior defense officials shaping U.S. defense policy in Southeast Asia. Prior to working in the Pentagon, Mr. Hartman was an analyst with the U.S. government, where he supported U.S. policymakers and military commanders with research, briefings, and written assessments on Asian security issues. He received an M.I.A. from Columbia University’s School of International and Public Affairs and a B.A. from the University of Nebraska at Lincoln.

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