

China-ASEAN Conflict and Cooperation in the South China Sea: MANAGING POWER ASYMMETRY *

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This exploratory study examines how the rise of China has transformed the territorial disputes over the Paracels and Spratlys in the South China Sea (SCS) from relatively low-level bilateral tensions into a litmus test for relations between a big power and its smaller neighbors. It lays down some theoretical arguments based on the concept of power asymmetry, developed by Brantly Womack. Asymmetry, Womack says, “inevitably creates differences in risk perception, attention and interactive behavior between states, and ... can lead to a vicious circle of systemic misperception.” The paper then tries to address the following question: How do Malaysia, the Philippines and Vietnam as relatively smaller or weaker states manage their respective claims in relation to great power China? Malaysia’s strategy may be described as one of accommodation and enmeshment, whereas Vietnam is engaged in a complex mix of internal balancing, internationalization and assurance-seeking. For the Philippines, the strategy is one that relies on institutionalism and external soft balancing.

Rising China and the South China Sea Disputes

The territorial disputes in the South China Sea arise from long-standing issues dating back even to Japanese occupation of the rocks and reefs in Spratlys and Paracels prior to World War II. Because ownership of these features was not decisively settled during the San Francisco peace talks (which in contrast negotiated the terms of surrender by Japan of other occupied territories and colonies),

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they became subject to competing claims and interests by various littoral states at the conclusion of the war.

Other major political developments and conflicts in the region had effectively sidelined the disputes, including the division of China into the People's Republic of China (PRC) and the Republic of China (ROC) on Taiwan, the Korean War and continuing division of the Korean peninsula, the Sino-Soviet conflict, the consecutive wars in Indochina, and the Cold War itself which preoccupied both the great powers as well as secondary powers in Southeast Asia.

Concerns over internal instability also pushed the disputes to the backburner for various countries for years at a stretch, such as the Cultural Revolution in China (1966-1976) and the uprising against the Marcos dictatorship and rightist coup d'états under the Aquino government in the Philippines (1983-1992). For Malaysia which staked its claim only in 1979, suspicions against China remained focused on China's support for the outlawed Communist Party of Malaysia, until the party disbanded in 1989. Although armed conflicts occurred between China and Vietnam in 1974 in the Paracels and again in 1988 in the Spratlys, the international community and even Southeast Asian states did not pay much attention, turning the spotlight instead on Vietnam's occupation of Cambodia and likely seeing the South China Sea disputes as merely symptomatic of larger historical and ideological disagreements between two socialist states China and Vietnam.

Taiwan had been the first among the claimants to occupy a feature in the Spratlys – the largest island called Itu Aba (Taiping) – since 1955. Vietnamese troops had been based in the Paracels at least since the early 1970s, alongside PRC presence, before they were evicted by the PRC and then moved to occupy the largest number of islets in the Spratlys. Since before WW II, the Philippines had registered concerns that whoever controlled the Spratlys could pose a security threat to its porous archipelagic borders, and the features became the subject of interest of private Filipino citizens led by Tomas Cloma. But the Philippine government became active in the Spratlys area beginning in the late 1960s and early 1970s, when it laid claim to a group of islands and began exploring for offshore oil just off of its Palawan province, in the area known as the Reed Bank. Malaysia was the latecomer, in 1979 claiming some features that it said were on its continental shelf. PRC sources now claim that all of these activities constituted encroachments on China's sovereignty, but that at the time, because of other pressing concerns, the PRC was not as assertive as it has become in the last few years toward other claimant states.

Low-level tensions nonetheless took place among various states through the 1980s-1990s. However, rather than outright military to military confrontations, most involved allegations of vessel intrusions, poaching of fisheries and oil resources, attempts by one or another state to limit economic activities by nationals of other states in its exclusive economic zone or continental shelf, and the unilateral passage of laws and administrative measures that impact upon the various territorial claims. Other than the long-standing friction between China and Vietnam, no other government in the region was overly concerned over the South China Sea until possibly the mid-1990s.

In 1992, China issued a new law on its territorial sea claiming the Spratlys and the Paracels. In response, the ASEAN Foreign Ministers (of the six original members, as Vietnam had not yet joined ASEAN) issued upon Philippine initiative what became known as the Manila Declaration on the South China Sea. The Declaration called on parties to the dispute to exercise self-restraint. The Vietnamese ambassador in Manila, having consulted Hanoi, expressed support for the Foreign Ministers' statement, while the Chinese government said there were "positive elements" in the declaration but that China nonetheless had indisputable sovereignty over the area.

Subsequently, two important developments further raised the stakes for the littoral states bordering this sea – the growing demand for hydrocarbons (oil and natural gas) to satisfy the energy needs of fast-growing economies in the region, in particular China; and the entry into force of the UN Convention on the Law of the Sea (UNCLOS) in 1994, which would give coastal states sovereign rights over waters and resources hitherto not under their control.

In 1996, China issued a Baselines Declaration which reiterated its sovereignty over the Paracels and the Spratlys, enclosing the former in baselines while seeming to defer action on the latter. UNCLOS appeared to have had the unintended consequence of exacerbating the competition for control of maritime spaces, despite its contrary intention of providing guidelines urging states to amicably resolve competing claims and to cooperate in the management of shared ocean spaces and resources.

Still during the early 1990s, in the aftermath of the end of the Cold War and as states began to devote attention to building new multilateral cooperative arrangements (APEC, ARF, ASEM among others), regional discourses on the South China Sea were dominated by efforts to build confidence and promote functional cooperation, such as the Informal Workshops organized by the Indonesian Foreign Ministry and Canada's University of British Columbia on 'Managing Potential

Conflicts in the South China Sea'. Discussions at the Workshop series avoided sensitive matters that would impinge on the legal questions of sovereignty, in deference especially to China.

It was China's 1995 occupation of Mischief Reef, close to the Philippines, which signalled that the prospects for cooperation would not be so easy. ASEAN was sufficiently worried over China's actions to stand together and issue a collective statement of concern. However, none of the five other ASEAN members then felt the same pressure on the issue that the Philippines, still grappling with the consequences of the 1992 closure of US military facilities, felt at the time. When tensions between China and the Philippines continued to escalate in 1997-98, the rest of Southeast Asia – preoccupied with the debacle of the Asian Financial Crises and grateful for China's economic assistance – preferred not to ruffle China's feathers. However, subsequently ASEAN opted to endorse the negotiation of a Code of Conduct (COC) with China that they hoped would help prevent armed confrontation from taking place.

It took four years of discussions from 1999-2002, before the parties (the ASEAN-10 and China) could agree on a document – as it turned out a 'Declaration of Conduct of Parties in the South China Sea', that fell short of the more binding treaty some had hoped a COC would be. It took another nine years for 'implementing guidelines' of the Declaration of Conduct (DOC) to be agreed upon in 2011 by an ASEAN-China joint working group, mainly due to ASEAN's preference for a multilateral approach where ASEAN would face China only after consulting among themselves, and China's position that ASEAN itself was not a party to the dispute thereby making this unnecessary.

Attempts by the Philippines in the late 1990s to publicize and to internationalize the dispute, at one point by calling for action by the United Nations, did not garner much support from its neighbors, at least not in public. But efforts to seek cooperative solutions continued, with the Philippines, Vietnam and China undertaking joint seismic surveys of potential oil and gas deposits in the areas nearest the Philippines in 2005. The agreement to hold joint surveys was terminated in 2008 owing in large part to domestic political problems in the Philippines, but also at a time when China was reported to be pressing foreign oil companies to desist from engaging in exploration with Vietnam in areas contracted out by Hanoi. Since then the conflicts between China and the Philippines, as well as between China and Vietnam, have gone from bad to worse as China began to take more and more assertive actions and as concerns over the rapid advancement in Chinese military capabilities grew.

Compounding the tensions were incidents of confrontation between China and the United States such as that of the March 2009 USNS Impeccable incident and another the following June when a Chinese submarine collided with the sonar array of a US naval destroyer it had been stalking.

Coincidentally, three days after the USNS Impeccable incident, the Philippine Congress passed an Archipelagic Baselines Law designating baselines from which the Philippines can formally claim its maritime zones (territorial sea, contiguous zone, EEZ) under UNCLOS. The law also restated the Philippine claim to the Spratlys and the likewise disputed Bajo de Masinloc (Scarborough Shoal) but referred to them as a 'regime of islands' not encompassed by the new baselines. In May, Vietnam and Malaysia made a joint submission to the Commission on the Limits of the Continental Shelf that would extend their continental shelves beyond 200 nm (nautical miles), in an area within the nine-dashed lines representing Chinese claims. China promptly protested both UNCLOS-sanctioned actions by the three Southeast Asian countries. The close sequence of events seemed to suggest an action-reaction chain of events, implying coordinated moves by various countries that led to an escalation of the disputes. Yet the driver in both the Philippine and the Vietnam/Malaysia initiatives was a May 13, 2009 deadline set by the continental shelf commission.

In April 2010, there were reports that Chinese officials, in meetings with US counterparts, had called the South China Sea a "core interest" for their country, but such reports later turned out to be unreliable. These nonetheless merited a response from the United States, with Secretary of State Hillary Clinton at the July ASEAN Regional Forum saying that "The United States has a *national interest* in freedom of navigation, open access to Asia's maritime commons, and respect for international law in the South China Sea." Clinton also said "We oppose the use or threat of force by any claimant" then declared US support for a collaborative diplomatic process toward resolution of the disputes. Specifically, she called for a binding regional code of conduct to be signed, something that ASEAN was pushing for but that China was perceived to have been delaying since the signing of the 2002 DOC. The United States also offered to provide support toward a resolution of the dispute, although as expected, China immediately rejected the offer (BBC, 3 Aug 2010). Subsequently, there were attempts by both sides to downplay the significance of these supposed exchanges, and ASEAN was happy to contribute to de-escalation.

Nonetheless, it became clear that aside from the South China Sea disputes over sovereignty, jurisdiction and maritime resources between China and some Southeast Asian countries, there was also a fundamental US-China disagreement in

the South China Sea over US military activities in areas closest to China's coastlines –where activities US insists to be its exercise of freedom of navigation were seen by China as potentially hostile acts directed against it.

These great power military and security interests have also helped enlarge the significance of the territorial and maritime jurisdiction disputes, implicating ASEAN and specific member states of ASEAN in US-China great power competition. China has tried to downplay concerns that it would ever pose a threat to freedom of navigation or impede the flow of trade in the seas.

Before too long, indeed, fresh tensions arose with arrests of Vietnamese fishermen by Chinese fisheries authorities, harassment by Chinese vessels of Philippine oil survey activity in Reed Bank off the western Philippine coasts, and incidents where Chinese vessels cut the cables of Vietnamese boats engaged in resource exploitation. The most dangerous escalation for the Philippines occurred in April 2012, when an attempt by the Philippine Navy to board and inspect Chinese fishing vessels led to a 2-month long standoff between official vessels of both sides on Scarborough Shoal, ultimately resulting in Chinese control of the shoal and the Philippines losing rich fishing grounds in the process. China has also been strengthening its capacity to enforce its own laws within the famous nine-dashed lines, including setting up a new administrative base in the Paracels (Sansha City), and increasing its presence and frequency of military exercises. Chinese actions have driven Manila and Hanoi to strengthen military ties with Washington, involving joint exercises and conclusion of agreements on maritime security cooperation.

Tracing the development of the disputes over the decades, it becomes clear that China is not the only claimant that has been engaged in unilateral actions or demonstrations of sovereignty, but China – as the biggest and most powerful claimant –holds the key to whether armed confrontation among the claimants or even involving external powers might take place. It is therefore also the fulcrum on which any resolution of the South China Sea disputes will rest. However, as China increases its military strength and political as well as economic influence, and as it grows in confidence (driving ultra-nationalism particularly on territorial issues), the prospects grow dim of attaining an equitable resolution that would be considered satisfactory by the weaker claimants.

The disputes have been referred to as a 'litmus test' and this is probably true in different ways. It may be seen as a litmus test of China's real attitude and intentions towards its smaller neighbors in Southeast Asia – whether it can restrain its big-power impulses and allow what it claims as sovereignty and territorial integrity to be limited by agreements with ASEAN or individual claimant-states (Valencia

2010). The disputes are a source of the dilemma in security relations between China on the one hand and ASEAN on the other hand (with four of the claimant-states being members of ASEAN).¹ The weaker states (ASEAN) realize that they must band together to strengthen their influence relative to the stronger power (China), but fear that this will lead to a perception of ganging up against China and thus elicit greater hostility than may already exist. On the other hand, the stronger state (China) can leverage division among the weaker ones (ASEAN) but finds power asymmetry to be a double-edged sword, as weak states standing on their own may refuse to engage at all in what is perceived as an unlevel playing field, leaving the strong state without an arena for leveraging.

The disputes are also a litmus test of the effectiveness of multilateral institutions and approaches – whether they can truly influence, through collective pressure if not through norm diffusion, the behavior of a superior military power. Finally, it is a litmus test of how asymmetric states, living in close geographic proximity and in an environment marked by sharp historical animosities and political tensions, can minimize the effects of power asymmetry to attain shared objectives and promote common interests.

The next section lays the theoretical arguments of this paper based on certain concepts of power asymmetry developed by Brantly Womack. The last section explores how the three ASEAN claimants – Malaysia, the Philippines and Vietnam – have developed strategies with respect to their respective territorial claims in order to neutralize the effects of asymmetry.

Relations among Asymmetrical Powers

An oft-quoted adage in international relations is Thucydides' "The strong do what they can and the weak suffer what they must."

The proposition implies that structure of power in international relations, or one's relative position in the hierarchy of power, determines the choices states can enjoy or the lack thereof, giving little room for agency or free will – working through diplomacy and stratagem – to influence the course of events.

An interesting addition to this argument was that of asymmetry theory presented by Brantly Womack (2001, 2004). Asymmetry theory is described as a new paradigm that addresses the effects of national disparities on international

¹ Taiwan does not have juridical personality to participate in state-level interactions on this issue, so it is not mentioned here.

relations. Womack says that the relationship between two states with disparate capabilities is not one relationship, but two distinct sub-relations: the relationship of A to B, and the relationship of B to A.

Examining US-China ties as a case of asymmetric relations but applicable to other unequal power relationships, his asymmetry theory posits that:

Asymmetry inevitably creates differences in risk perception, attention and interactive behavior between states, and ... can lead to a vicious circle of systemic misperception.

...For A, the larger side, the relationship will represent less of a share of its overall international interests, and in any case its domestic interests will command a larger share of its attention. For B, the smaller side, international relations in general are more important because there is a smaller domestic mass, and the relationship with A is much more important to B than vice versa.

In an asymmetric relationship, or in a regional complex of asymmetric relations, the greater power is in a position of leadership not because it can force compliance, but because its actions have the full attention of lesser powers. It is difficult, though not impossible, for a weaker country to provide leadership—regardless of the quality of its ideas or statesmen—because it may not have the full attention of the larger powers (p.364)

Womack continues,

in every asymmetric situation the stronger state needs to be confident of the deference of the weaker state. By 'deference' I do not mean that the weaker state obeys the stronger, but that the weaker state acts in accordance with the reality of the disparity between them. On the other side, the weaker state needs to be confident that the stronger state respects its autonomy. In a normal, peaceful relationship, autonomy and deference can coexist, but if misperceptions sour the relationship, then B will view A's demands for deference as threats to its autonomy, and A will view B's attempts to protect itself as threats to the real distribution of power. But whether at peace or at war, the asymmetric relations of A to B and of B to A are different.

Womack acknowledges that small states can do certain things regardless, and that strong states cannot do everything they want to do to small states, under a

stable international environment.

Metz and Johnson (2001) writing on an altogether different subject (asymmetry and US military strategy) say that asymmetry can be material as well as psychological. A material asymmetric advantage can generate psychological advantages, particularly effective when a strong state projects an image of fierceness.

These two authors also look into how weak states can claim victory over the strong in warfare (or if not warfare then political conflict, as in the case of relations between China and its neighbors). Weak states can emerge ‘victorious’ when they draw the external support of other strong actors, or because they are willing to suffer more or bear higher costs than strong actors who tend to be reluctant to escalate violence. Strategic interactions or internal political dynamics, on the other hand, may serve to weaken strong states thus giving weak states an advantage.

While there is yet no empirical basis to speak of “victory of the weak over the strong” in the case of the South China Sea, it is nevertheless important to examine how the weaker claimant-states (also called secondary powers) try to maximize advantages and minimize threats in relation to the stronger state (great power) China. What strategies have the small states of Malaysia, Philippines and Vietnam adopted to preserve and enhance their autonomy from the influence of great power China in relation to their territorial claims? To what extent do these countries demonstrate ‘deference’ to the great power? How successful have these strategies been in mitigating the effects of asymmetry?

Similarly, it would be important to examine how China itself as a strong state makes use of disparities not just in capability but in perceptions, to advance its own regional goals, while at the same time minimizing the anticipated resistance to its obvious superior capabilities. Even an aspiring hegemon, assuming China is one, is faced with a dilemma. By asserting special privileges or even primacy over what takes place in the region, China risks counter-balancing behavior that may undermine its ability to gain recognition as a legitimate power, especially when it is still trying to consolidate such power.

How secondary powers are coping with the rise of China: neither balancing nor bandwagoning

There is a growing body of literature about Southeast Asia’s responses to the rise of China. (To name a few scholars: Evelyn Goh; Robert Ross; David Kang; Cheng Chwee Kuik; Ian Storey; Denny Roy) Most would argue that in general,

Southeast Asian states eschew the option of engaging in outright external balancing against China, not only because of the massive material costs that would entail, but because of the political cost of bringing in another great power (limiting autonomy and free choice in one's international relations) as well as the consequences on economic gains many of them still hope to obtain from good relations with China.

Neither is there a rush to bandwagon with China, for the same reasons cited above – the fear of constraints on autonomy and of forgoing economic advantages from relations with other countervailing powers. Instead of ‘balancing’ or ‘bandwagoning’, therefore, ‘engagement’, ‘accommodation’, ‘hedging’ or ‘soft balancing’, omni-enmeshment, or other descriptors come up as middle-range options that avoid those unacceptable costs.

In previous work, I have used the term ‘accommodation’ to refer to a particular set of policies characterized by secondary or weaker states (i.e., ASEAN) *adapting their own behavior to conform with the expectations of the rising power* (i.e., China) (Baviera 2011). While the emphasis of the more generic term ‘engagement’ is inclusion in order to influence the object of one's engagement; the emphasis of ‘accommodation’ is adapting or transforming one's own behavior in order to satisfy the expectations of other party. This is similar to what Womack calls ‘deference’. It may come in the form of avoiding actions or statements that would be considered provocative by the great power, recognizing and upholding its interests as legitimate, and respecting its right to have a seat around the decision-making table, among others.

‘Accommodation’ in this context is a strategy of choice that arises when the socialization processes between the great power and the secondary states are seen to have already led to some mutual confidence and mutual trust, even if partial or limited. It also indicates optimistic expectations of reciprocal behavior. ‘Hedging’, in contrast, arises from the expectation that any cooperative behavior on the part of a source of threat, while being possible, is bound to be slow in coming, limited or even unsustainable (Baviera 2011).

Hedging strategies, like balancing, may include developing military capabilities and reliance on great-power alignment; however, they differ from hard balancing in three respects: (1) they are useful only as part of the more general engagement process which they intended to influence, the implication being that hedging avoids foreclosing other options of re-engagement; (2) the weaker power is able with some autonomy to determine the timing, degree and approach, whereas in hard balancing the initiative is surrendered to the external great power one chooses to ally with; and (3) to remain credible, hedging strategies must be highly sensitive

to current or emerging developments that may especially affect the balance among great powers.

I characterize the Southeast Asian response (or, interchangeably, the ASEAN response) to China as “accommodation with hedging”. In this paper, I would like to explore further what approaches and strategies the weaker claimants to the South China Sea - Malaysia, the Philippines, and Vietnam, have adopted in order to cope with the realities of power asymmetry with China, and if there are significant differences among them.

Malaysia : “accommodation”, “enmeshment”

Unlike the Philippines and Vietnam, the South China Sea disputes have never occupied a central position in Malaysia-China relations. It has been difficult to determine the real perceptions of Malaysia about China’s stance in the South China Sea because, as Elina Noor (2012) tells us, “discussion of the South China Sea within Malaysia is limited to closed-door foreign policy and security circles within Track 1 and Track 2, and public discourse is limited to occasional media reports of developments in the region or commentaries.” This approach, she says, is intended to avoid fanning nationalist emotions and “ceding control of the issue to the media and the masses.”

Malaysia staked its official claim to a section of the South China Sea only in 1979, five years after it had normalized relations with the PRC as the first ASEAN country to do so. Prior to that, its relations with China had been colored by Chinese communist fraternal support for the Communist Party of Malaya, which was dominated by ethnic Chinese at the time. During the Vietnamese occupation of Cambodia, Malaysia saw China rather than Vietnam as the greater threat to regional security. Mahathir in 1981 had expressed serious concerns over PLA modernization and even criticized US arms sales to China. In 1983, Malaysia occupied Swallow Reef and then in 1986 did the same on Mariveles Reef and Ardasier Bank (Storey 217). In 1984, it signed a Bilateral Training and Consultation Agreement (BITAC) with the United States (Storey 2011, 223) and issued a document titled “Managing a Controlled Relationship with the PRC” which was intended to balance security concerns with growing economic interest in China (p.218).

Soon after China announced its 1992 Law on Territories, Defense Minister (now Prime Minister) Najib Tun Razak announced that Malaysia was going to quadruple its defense spending, explaining it in terms of the potential for conflict in disputed areas (p.223) Then in 1994, the BITAC agreement was upgraded into

an Acquisition and Cross Servicing Agreement (ACSA) that would allow US ships and aircraft to transit through Malaysia for resupply and maintenance. In the aftermath of China's occupation of Mischief reef in 1995, Malaysia also increased its naval patrols, conceivably to prevent similar moves that may target features closer to its coast. The military relationship with the US continued to grow, albeit discreetly, and in 2002, Najib confirmed that 15-20 American naval ships visited Malaysian ports every year and that Malaysia was conducting annual combined military training exercises with the US in Johore (p.224).

Yet following the end of the Cold War, Malaysia's foreign policy and security discourse had shifted, Joseph Liow (2009) says, such that China was no longer considered a threat. Rather, Malaysia had become China's "major political and diplomatic ally" as its interests converged with China's on many fronts. These included Malaysia's support for China's espousal of a multipolar regional and international order, with China in turn supporting Mahathir's position in the Asian values and human rights debate. Mahathir had also been the key advocate in Southeast Asia of greater economic interdependence with Northeast Asia (Tang 2012,11) and the establishment of an East Asian community that would bring the economies of Northeast Asia and Southeast Asia toward closer integration. When Japan failed to take leadership of the initiative, Malaysia turned to China. These broader considerations help explain why Malaysia's position towards China in the South China Sea disputes, despite its being a claimant, was directed at avoidance of confrontation.

In 1996, just as the Philippines was trying to bring international pressure to bear on China over its Mischief reef occupation, Malaysia's Defense Minister Syed Hamid said: "...we in SEA generally feel that China has so far been a sober and responsible regional player. Its advocacy of joint exploitation of South China Sea resources with other regional states and its recent indication of readiness to abide by international law in resolving the Spratlys issue have made us feel that it wants to co-exist in peace with its neighbors" (Liow 2009, 64).

By the late 1990s, particularly following the Asian Financial Crisis where China provided assistance and helped shore up the most badly hit economies in Southeast Asia, Malaysia indeed began to explicitly support China's preference for bilateral negotiations to address the South China Sea dispute. Mahathir had gone on record as saying he preferred bilateral approaches in foreign policy dealings, in general, as "allowing for greater intimacy, understanding and results" compared to multilateral approaches (Liow 2009, 66). Malaysia prefers that a solution be found among the claimant states, rather than involve others (Noor 2012).

Abdullah Badawi addressing the 2005 Asia Pacific Roundtable was still saying that China “has no hegemonic ambitions” and ‘had never been openly declared by the region as a military threat or potential threat.” In that same speech, Badawi also labelled security and defense alliances in the Asia Pacific as “unnecessary” and even “destabilizing” (Liow 2009, 72).

Badawi defended this position of closeness to China but somewhat belied the driving forces behind it when he said: “Close relations and cooperation between Malaysia and China would alleviate any attempt by China to resort to military action because that would also be detrimental to China... If there is no cooperation, there is a possibility China may resort to military action (against Malaysia) or cause a conflict here because it will not lose anything. We want to create a choice (for China)” (Liow 2009 in Tsunekawa, 51).

This apparent accommodation of China goes beyond statements that China is not a threat. Malaysia has been criticized by fellow ASEAN members for stonewalling multilateral initiatives to press China into addressing the issues, such as the 1999 requests by the Philippines to bring the SCS disputes to the ASEAN Regional Forum (where Foreign Minister Syed Hamid Albar reportedly “categorically rejected” the Philippine proposal). On the discussions on the DOC guidelines, there were reports that Malaysia and not China was holding back agreement, and agreement became possible in 2002 only when both Malaysia and China agreed to remain open to a Code of Conduct (Liow 2009, 67, 65).

In reciprocity, China’s responses to Malaysia’s claims to some Spratlys features have been observed to be “much more benign” compared to China’s responses to Vietnam (Liow, p.63) or the Philippines. For instance, China was silent when the Malaysian Sultan visited Terumbu Layanglayang in May 1992, but lodged a strong protest against Vietnam’s construction of a science, technology and economic zone in mid-1989. In 1999, when Malaysia occupied new features of the Spratlys within the Philippine claimed area, China again kept silent, thus fueling some speculation of a Chinese-Malaysian collusion.

Malaysia’s attitude toward the SCS however was not only shaped by its perceptions of China. Its espousal of non-alignment meant unwillingness to undertake hard balancing behavior. Its preference for bilateral solutions rather than resort to third parties or international legal institutions stems from its experience of losing Pedra Branca with finality to Singapore by virtue of an ICJ decision, and on the other hand having successfully negotiated bilateral resource sharing arrangements with Vietnam and Thailand along border areas. Another major difficulty was its own relations with co-claimant Philippines, whose claims overlap

with Malaysia's occupied islands and where a more complex historical dispute over Sabah prevented any substantive discussion between the two on matters pertaining to territorial disputes and maritime boundaries. In fact, Liow (2011, 62) observes that there is ambiguity among analysts and policymakers in Malaysia as to whether China represents a larger threat to Malaysia than any of its other neighbors. In this light, while Malaysia's desire to keep the US militarily engaged can be seen as 'hedging', it may be more in the spirit of 'omni-enmeshment' – using Evelyn Goh's concept - than a China-directed soft-balancing.

Having said that, Malaysia also became a target of Chinese displeasure when it submitted jointly with Vietnam its continental shelf claims as required of UNCLOS states-parties in 2009. More recently, there may be a more subtle shift back to emphasizing soft balancing, particularly in the last two years. In 2010, Malaysia upgraded its participation in the US-led Cobra Gold military exercises from observer to participant. It stood with other ASEAN states advocating the need for intra-ASEAN consultations on a code of conduct prior to discussing the same with China. It also supported the Philippines and Vietnam during the ASEAN foreign ministers debacle in Phnom Penh, when Chair Cambodia opposed mention of the Scarborough Shoal standoff and other recent incidents in any joint statement (Kuik 2012).

Some Malaysian scholars have been writing more critically about both ASEAN and Chinese policies in the SCS. For example, Nazery Khalid of MIMA criticized China for insisting on a bilateral solution even if the others clearly rejected it, and indirectly scored ASEAN for pursuing a DOC that was ineffective in restraining Chinese actions. The Secretary of the National Security Council was quoted in September 2011 to have said at a colloquium in Kuala Lumpur, that Malaysia can no longer maintain "a silent, wait-and-see attitude" because the stakes were "indeed very high" (Noor 2012). Perhaps sensing this shift in Malaysia's position, in late March 2013, China sent a flotilla of four ships backed by aircraft which conducted naval exercises near James Shoal, which was only 50 miles from the Malaysian coast and the southernmost point in the South China Sea that the PLA-Navy had ventured. This was despite the fact that the two countries had just held the first annual Malaysia-China Defense and Security Consultation in September 2012 (Kuik 2012).

Storey (2011, 227-229) argues that Malaysia's main concern has stemmed from strategic uncertainty arising from China's rise – including its implications on Taiwan issue and on domestic instability in China, rather than fear of a China threat itself. It wishes to avoid becoming a pawn in great power machinations, and to keep its ability to shape the future of the region (i.e. strategic autonomy) even as it seeks

to sustain great power interest by US, China and Japan.

Malaysia moreover appears to recognize China's desire to boost power as a legitimate goal (Tang 2012, 225). This is consistent with Womack's asymmetry theory that the smaller state exhibits deference, defined as behaving in accordance with the reality of disparity between them. It is also in keeping with my own earlier definition of accommodation, defined as adapting or transforming one's own behavior in order to satisfy the expectations of other party. The driving force behind such deference and accommodation appears to be a desire to enmesh the greater power, as a means of neutralizing the effects of power asymmetry.

Philippines: "institutionalism" and "external soft-balancing"

Since the normalization of diplomatic relations with the PRC in 1975, there have been two main irritants in the bilateral ties – the handling of Manila's relations with Taipei and the territorial and resource disputes in the South China Sea. With much improved ties between Beijing and Taipei under the KMT-led government, the one China policy has been easier to manage on the part of China's Southeast Asian neighbors, including the Philippines. On the other hand, the disputes over the South China Sea islands and waters have blown hot and cold in the last two decades since the Manila Declaration of 1992, but in the last two years led to a sharp deterioration of ties.

While China has become an important market for Philippine exports, its potential as a major source of foreign investments or of official development assistance has yet to be realized, thus having less impact as a deterrent to conflict behavior than might otherwise have been the case. China's interest among others lies in Philippine agricultural and mining resources, and both sides recognize mutual benefits of cooperation in these areas. But in the South China Sea, the contest for oil and gas resources, as well as disagreements over fishing rights, portend more conflict than cooperation.

The Philippines has tried to manage the asymmetric relations with China in the SCS through two primary means – reliance on institutions and norms (ASEAN, ARF, Law of the Sea) and external soft-balancing strategies invoking its mutual defense treaty and close security ties with a countervailing power- the United States.

The emphasis on an institutionalist approach – i.e., peaceful, diplomatic, norms- and rules-based solutions for the disputes may be observed in many previous initiatives of the Philippines, whether bilateral or multilateral. These include

the 1992 Manila Declaration on the South China Sea by the ASEAN ministers of foreign affairs. The Declaration called for self-restraint and peaceful settlement of disputes.

In 1995, shortly after Philippine discovery of Chinese occupation of Mischief Reef, it signed with China a bilateral agreement on “principles for a code of conduct”, seeking to move forward even without a satisfactory resolution on Chinese occupation of Mischief Reef. The two parties set up working groups for confidence-building measures, fisheries and marine environment protection – with a provision indicating possible expansion of such agreement into a multilateral arrangement, with either other claimants or the whole of ASEAN in mind. A similar Philippines-Vietnam bilateral agreement was signed in 1997.

Manila also played an active role in persuading ASEAN and China to negotiate a code of conduct (COC), resulting in the 2002 Declaration of Conduct of Parties in the South China Sea (DOC), and it insisted on moving the agreement forward from the DOC into a legally binding COC.

The Philippines paved the way for the state-owned oil companies – originally its own Philippine National Oil Company and China’s China National Offshore Oil Corporation, but later joined by PetroVietnam – to hold a Joint Marine Seismic Undertaking (JMSU) involving pre-exploration research possibly leading to joint development of disputed areas. The agreement was signed on the premise that it was without prejudice to the respective positions and sovereignty claims of the countries. (However, it was allowed to lapse after getting entangled in domestic Philippine politics.)

The Philippines also proposed to ASEAN to turn the South China Sea into a Zone of Peace, Freedom, Friendship and Cooperation (ZOPFFC), a proposal that has yet to find traction with the other littoral states, including member states of ASEAN. It has also challenged China to allow the international court to decide on the merits of the claims.

There have been periods of apparent inconsistency in Philippine policy as well, such as shifting of focus from multilateral (Ramos and Estrada governments) to bilateral (Arroyo government) and then back to multilateralism (Aquino III). To some extent, these twists and turns were a function of leadership change and regime interests; but to some extent they also showed frustration with failures of either the bilateral track with China or the ASEAN-China processes to move forward. Ultimately, however, peaceful diplomatic approaches focused on regional cooperation were pursued rather than any major military build-up or outright

balancing or containment strategies involving extra-regional partners.

In other words, these particular Philippine actions were directed toward building an atmosphere conducive to establishing cooperative regional regimes, more than being mere assertions of sovereignty or a strengthening of its claims.

Having said that, there was no timidity in Philippine efforts to use its alliance with the United States to shore up its defense posture, particularly after the events of 9-11, 2001, when the need for Manila-Washington anti-terrorist cooperation gave it fresh impetus. The debates in Philippine security circles on whether the US was bound to come to the country's aid in the event of an attack against its troops in the disputed islands or against its vessels in disputed waters had been going on for decades. Even before the closure of the US military facilities in Clark and Subic in 1992, the Americans had denied any such guarantees to its Philippine allies, but their military presence was presumed to have at least a deterrent effect on such scenarios. In the post-bases period, despite the continuing effect of the Mutual Defense Treaty and reinvigoration of security ties after 9-11, with the Philippines being classified a "major non-NATO ally", the question of US commitment to its external defense became even more critical to the Philippines.

As China's military power and assertiveness grew, so did voices within the United States' security think tanks and policy establishments calling for a stronger expression of the alliance commitment to the Philippines, if only in recognition of its strategic geographic location and importance to US's own military power projection. The Aquino III government, in particular under the leadership of Secretary of Foreign Affairs Albert del Rosario, has embraced this opportunity to embark on a long overdue program of military modernization and capability-building (including more exercises and training for inter-operability with the Americans) to face the country's myriad maritime security challenges, but no doubt with one eye on a scenario of potential conflict with China.

In contrast to Malaysia's approach, the Philippines – bound as it is to the alliance with the United States – has tried to use both multilateral institutions as well as external soft-balancing strategies – to strengthen its position as it faces asymmetrical ties with China. It also continued to engage China economically and on other fronts, with the two countries even launching an ambitious program of multi-dimensional exchanges billed "Years of Friendship and Cooperation" covering 2012 and 2013. These were complimentary and simultaneous strategies. However, since the Scarborough Shoal standoff of April-June 2012 and indications of a Chinese aggressive push to alter the status quo in its favor (including blocking off the shoal from Filipino fishermen, sending military escorts with their own fishing

fleets into the Kalayaan Islands and in May 2013 surrounding Philippine-occupied Ayungin Shoal), the Philippines has decidedly been moving towards the direction of hard balancing. A bilateral strategic dialogue process with the United States has resulted in an agreement to host increased rotational presence by the Americans.

Another means by which the Philippines seeks to address asymmetry with China was its filing of an arbitration case under the International Tribunal of the Law of the Sea. Citing the unlawfulness of Chinese actions under the UNCLOS (Notification and Statement of Claim on West Philippine Sea, 2013), the Aquino government wishes the panel to comment on: whether China can lawfully make any maritime claim based on its nine-dash line, either to sovereignty over the waters or to sovereign rights to the natural resources within the waters; whether the “islands” occupied by China can claim more than 12 nm territorial sea, or are even legitimately subject of sovereignty claims; and whether China can be commanded to refrain from preventing Philippine vessels from exploiting the living resources in the waters (Beckman 2013). China has thus far refused to participate in these arbitral proceedings, citing their indisputable sovereignty as well as preference for bilateral dialogue and consultations.

It remains to be seen whether international law will, as the Philippines hopes, help level the playing field. The fact that the Philippines filed the case unilaterally and without seeking China’s consent has led China to see this as a hostile and confrontational act. Thus, whether or not the Philippines is able to get a favorable outcome on the legal questions, unless the Philippines finds some way to persuade China that its intentions are not unfriendly, this act has potentially aggravating effects on the asymmetrical ties.

Vietnam: “internal balancing”, “internationalization”, “assurance-seeking”

Anyone who is a long-time observer of Vietnam-China relations will appreciate that this is one of the most complex bilateral relationships to have emerged in the Asia Pacific region. Storey (2012, 101) describes Vietnam’s China psyche as “deeply ambivalent: respect for a fraternal socialist country whose economic reforms Hanoi seeks to emulate, coexisting with a deep resentment, bordering on hatred, of Chinese condescension, bullying and perceived attempts to control the country’s political destiny.” This is reciprocated by a similarly conflicted view of Vietnam by China as “a tenacious fighter of colonialism worthy of Chinese support, but also as a devious, ungrateful, even unfilial member of the ‘Sinic family.’”

The Vietnam-China dispute in the South China Sea is only one of the territorial conflicts between them, as there is also a land border dispute and some unresolved issues in the Gulf of Tonkin. In the South China Sea, the two have conflicting claims over the Paracels (now fully occupied by China), and over the Spratlys (where both, as well as the Philippines and Malaysia, occupy certain features, with Vietnam holding the majority in number).

Vietnam joined ASEAN at a time when relations with China had taken a turn for the worse. In 1992, China passed a Territorial Sea law that encompassed the Paracels and Spratlys, awarded an oil exploration contract to the American company Crestone in waters claimed by Vietnam, and sent survey vessels into the disputed Gulf of Tonkin. Formally, China welcomed Vietnam's membership in ASEAN as a positive development, although there were suspicions that Vietnam would try to use ASEAN to strengthen its leverage vis-à-vis China. However, there is a risk of overstating the role that Vietnamese perceptions of a China threat may have played in its decisions to join ASEAN, as Vietnam had every reason and opportunity after the Cold War to diversify its international relations. Since Vietnam joined ASEAN, tensions with China in the South China Sea continued to occur, especially over oil exploration in what Vietnam claims to be its continental shelf.

Vietnam has been disappointed with ASEAN on at least two occasions where it expected but did not receive support for its positions. The first was following the 1997 Gulf of Tonkin incident when Vietnam briefed the ASEAN ambassadors on the supposed Chinese intrusions but got no words of support. The second came in the course of the multilateral negotiations for the Code of Conduct/Declaration of Conduct between China and ASEAN, where other ASEAN states acceded to a non-binding agreement that did not specify Paracels in its coverage.

Vietnam was also unwillingly drawn into a joint oil survey initiative with the Philippines and China in 2005 (the Joint Marine Seismic Understanding), when the state-owned oil companies of these two countries entered into such an agreement which originally would have excluded Vietnam. Despite Vietnam's huge misgivings about the project stemming from mistrust of China, it had little choice but to accept the belated invitation to participate in the project, if it were to hang on to its own sovereignty claims.

But Vietnam did get some gratification from ASEAN in 2010, during its chairmanship of ASEAN when it was able to foreground the South China Sea disputes in ASEAN-China relations and in a very significant move, got the United States to openly declare its support for a multilateral approach to addressing the disputes during Hillary Clinton's statement at the ARF in Hanoi. This occurred after even

more spats with China over oil exploration activities, and over fisheries resources in 2008-2009, and after China's creation of Sansha City in 2007 to administer the Paracels and Spratlys, and Vietnam's joint submission with Malaysia of extended continental shelf claims which led to even more serious tensions. Vietnam has also been actively seeking to internationalize the disputes, among other ways by organizing conferences of the Diplomatic Academy of Vietnam since 2009.

Vietnam's approach has also involved a continuing dialogue with China to seek assurances and explore functional cooperation prospects. In October 1993 and in January 1994, a framework for cooperation was agreed upon by the two sides, whereby three working groups - one each on the land border, the Gulf of Tonkin and the South China Sea - were organized. While the first two working groups successfully led to some agreements, the SCS working group did not make much progress, with Vietnam wanting to discuss the Paracels and negotiate within a multilateral framework, and China interested only in bilateral talks limited to the Spratlys. A joint steering committee was also organized in 2007 which pledged to properly handle relations through dialogue and consultations. In 2010 after the confrontation at the Hanoi ARF, Vietnam sent its deputy Defense minister Nguyen Chi Vinh to Beijing to reassure China that Vietnam would not allow foreign bases on Vietnam and 'would not develop relations with any country aimed at any third country.' In October 2011, the Vietnamese Party leader visited Beijing and the two sides decided to establish a hotline (indicating a desire to manage crises at their level) , to continue deputy defence minister level strategic dialogue, increase port calls, expand exchanges of officers, and to hold regular border negotiation meetings (Li Mingjiang, 2012).

Another key emerging strategy of Vietnam involves a military modernization program involving new purchases of frigates, corvettes, missile boats, jet fighters and most importantly six Kilo-class submarines that have been ordered from its traditional security partner Russia. The latter are expected to serve as a credible deterrent to Chinese naval forces (Storey, 2010). Military cooperation with the United States is also being sought, but much more cautiously for fear of sparking a Chinese reaction. Since 2000, high-level exchange visits of the US and Vietnamese military leadership have been taking place, but by mid-2010 these included noncontroversial ship visits at Cam Ranh Bay (Storey, 2011) and cooperation on transnational threats, search and rescue, disaster relief and military medicine. However, observers point to the fact that many Vietnamese leaders remain distrustful of the US, and that alignment with or dependence on one power or the other is unlikely due to Vietnam's past experiences with great powers.

Vietnam, as the country under the most sustained pressure from China with respect to territorial disputes, has mobilized the widest array of strategies for coping with the situation of power asymmetry.

Conclusions

What are the effects of asymmetry on the relations among claimant states in the South China Sea? The South China Sea disputes, especially in the Spratlys archipelago, are multilateral disputes involving overlapping claims of three or more countries. Yet the power asymmetry between China on the one hand and Malaysia, the Philippines and Vietnam on the other hand has reshaped perceptions of the multilateral disputes as if they were sets of bilateral problems that revolve around China (i.e. Philippines-China, Vietnam-China, Malaysia-China). China itself insists on this position, so that rather than being viewed as only one among several claimants, it has claimed a position as the central party with whom all others must negotiate their respective sovereignty issues. While the weaker claimants realize that a purely bilateral solution will not be feasible, and will not be advantageous to them, the institutions currently in place (e.g. ASEAN, ITLOS) lack the capacity or will to put in place realistic alternatives.

Power asymmetry has allowed China to dictate the pace and approach for addressing the disputes, for instance stalling the DOC implementing guidelines for many years, pushing the issue to the backburner despite the importance the Philippines and Vietnam attached to it, refusing to bring the issue to other possible arenas for intervention such as the ARF, and playing a divide and rule game in ASEAN to further strengthen its advantage.

Asymmetry, as Womack argues, also means the bigger power gets the attention of all, and each of its moves are perceived as important and purposeful, while the actions of secondary powers can be portrayed (often by the big power) or otherwise perceived as random, insignificant, or even trivial or troublesome, the way China has sought to depict Philippine moves, such as the Zone of Peace, Freedom, Friendship and Cooperation (ZoPFFC) proposal.

As such the principal problematique has become managing the power asymmetry rather than seeking multilateral or cooperative solutions among the various claimants, leading to individual states developing uncoordinated strategies, at times even working at cross purposes.

What strategies have the small states of Malaysia, Philippines and Vietnam adopted to preserve and enhance their leverage against great power China in relation to their territorial claims? Each of these states have employed different strategies, which depend on (1) the degree of threat perception or fear/suspicion of China (e.g. Malaysia being least suspicious and therefore most accommodating); (2) their strategic orientation culled from historical experience (e.g. internal balancing rather than alignment for Vietnam); (3) ideational or value preferences (e.g. institutionalism for the Philippines, non-alignment for Malaysia); or even (4) path dependence, or how history and past policies have locked in certain options (e.g. US alliance for Philippines).

A future research agenda arising from this exploratory paper will need to address questions such as: Can a typology of small state strategies for dealing with asymmetry be developed based on a study of China-ASEAN relations? How successful have these strategies been in mitigating the effects of asymmetry and in promoting freedom of action for the smaller states? How does China itself deal with power asymmetry and manage perception problems in its relations with smaller states arising from its own size and strength?

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