



# Asian Conflicts Reports

Spotlight on Obama's Re-election & the 'Pivot' to Asia

## Perspectives From

◆ Myanmar ◆ Malaysia ◆ Thailand ◆ Philippines ◆ Indonesia ◆  
Vietnam ◆ Australia

**Also** ◆ The Rainbow Warrior & NZ's Relationship with the US

Issue 22 | January-February, 2013

catr

Council for Asian  
Transnational Threat Research

# The US Pivot to Asia and Myanmar

Win Min



The recent visit by President Barack Obama to Myanmar (also named Burma) was historic, being the first time an American president had visited the country. The visit reflected both the United States' strategic interest in re-engaging in Asia and the US administration's desire to showcase a foreign policy success. In late 2011, the US announced its Strategic Realignment to the Asia Pacific to counter China's growing power by deepening relations with other countries in the region. At the same time, Obama's openness to engage with countries that the Bush administration had only used sticks against has proved successful in the case of Myanmar. Myanmar's President Thein Sein cooperated with opposition leader and Noble Peace Prize winner, Aung San Suu Kyi, to initiate a democratic transition and open up the economy. While much remains to be done, a process of reform has begun.

The Burmese government, which has been isolated for so long, has welcomed the US government's new engagement policy. The US adopted this policy starting in late 2009, and as changes began to unfold in Myanmar, Secretary of State Hillary Clinton visited in late 2011. Before 2011, Myanmar was a repressive country under a military regime. The US imposed its strongest economic sanctions on the country, while China was the biggest supporter of the regime. However, since he became the president in April 2011, Thein Sein released many political prisoners, allowed Aung San Suu Kyi's previously-outlawed party to run in the 2012 by-elections, and worked to establish ceasefires in ethnic conflict areas. In addition, his government has reduced censorship of the media and removed some trade restrictions. The main reason for initiating these changes appears to be because many Burmese officials felt that their country had fallen so far behind other countries in terms of development, and they could not catch up unless US sanctions were revoked. Through its new policy of engagement, the US was able to convince the Thein Sein administration that the sanctions could be revoked if Myanmar initiated democratic reforms and a national reconciliation process with the opposition.

By continuing to support both President Thein Sein and Aung San Suu Kyi to further democratic reforms, the US can not only help improve the political situation in Myanmar but also enable economic development. To highlight the importance of sustaining democratic changes in Myanmar, President Obama made clear that the goal of his visit was "to sustain the momentum for democratization," and also promised that the US would "do everything" it could for Myanmar's success, including for the economy, if there were "continued progress towards reform." After Obama's visit, senior Burmese government officials were very pleased that Obama had at one point, and for the first time, referred to the country as "Myanmar" rather than Burma and also announced that the US would help rebuild the Yangon-Mandalay road – a key trade route that will strengthen the economy. Meanwhile, many ordinary Burmese believe that if their government engages only with China, the country will continue to lag behind other countries, but closer relations with the US in the future can spur economic development. Therefore, Obama was welcomed in Yangon by huge cheering crowds of people and his visit was the talk of the country. His speech and other public activities were broadcasted live on national TV, a first for any foreign dignitary.

Meanwhile, the Burmese military, which appears to be the main entity that could threaten the political reforms, may also see US engagement as gradually leading to an opportunity to build its defense capacity through military training in the US. Through such training, both the US and the Burmese opposition believe that the Burmese military will professionalize and recognize the importance of civilian supremacy over the military, a point that Obama also stressed in his speech. Recently, Thai military officials revealed that some Burmese officials had approached Thailand to see if they could observe the United States' and Thailand's joint military exercises, known as Cobra Gold. Pentagon officials also already stated that a few Burmese military officials may be invited as observers to the humanitarian part of Cobra Gold. However, some Burmese officials are worried about how China might react.

By helping to sustain democratic and economic change in Myanmar, the US can also help the country reconnect with the rest of the world, rather than leaving it dependent on China. The US may want to balance Chinese influence on Myanmar, especially before Myanmar chairs ASEAN in 2014, since the US does not want to see a repeat of what happened at ASEAN in 2012. Under pressure from China, the Cambodian government did not allow a serious discussion of the South China Sea conflict at the recent East Asia Summit, even though the US and its allies raised the issue as one of the main security threats in the region. At the same time, the Burmese government, like many other ASEAN governments, wants US involvement in Myanmar to counterbalance China's growing influence in the country.

1

Myanmar's military see US engagement as leading to an opportunity to build defense capacity through training in the US; military officials may be invited as observers to the humanitarian part of Cobra Gold

2

The US wants to balance Chinese influence before Myanmar chairs ASEAN in 2014; Myanmar wants US involvement to counterbalance China's growing influence and encourage economic modernization

3

Challenges remain, with Myanmar security forces attacking protesters, and the government continuing to detain some political prisoners and maintaining diplomatic links with North Korea



After starting to re-engage with the US, the Burmese government appeared to feel more secure that they could build a good relationship with the US. As a result, President Thein Sein even decided to suspend construction of the Myitsone dam, a huge Chinese hydropower project, following widespread protests about the potential environmental impacts. Many opposition members, who see the US as the strongest supporter of their struggle for democracy and China as the strongest defender of the previous government's crackdown on their movement, have also welcomed the new US strategy, seeing it as likely to strengthen the democratic transition.

In recent months, local residents and Buddhist monks have protested repeatedly against a copper mine, which is a Chinese joint venture with the military owned conglomerate, the Union of Myanmar Economic Holding, in upper Myanmar. Residents' land was confiscated for the project, and they are also concerned about the environmental impacts. However, security officials recently staged a dawn attack against the demonstrators' camp just before Aung San Suu Kyi's visit to the site. Many Burmese, who are worried about growing land confiscation and the continued economic dominance of cronies, hope that US involvement in Myanmar will lead to more positive outcomes. They hope that the US business investments will be socially responsible, as Obama not only encouraged the Burmese government to ensure people's land rights and their right to "have a say in their own future," but also insisted that US companies should "meet high standards of openness and transparency if they're doing business" in Myanmar.

However, there are still some challenges to improving US ties with Myanmar in the future. The US still would like to see the release of all remaining political prisoners, progress on reconciliation with ethnic minority groups, and an end to all military relations with North Korea. Although the US government believes that there are still a few hundred political prisoners, the Burmese government has not recognized those who were charged for the use of violence as political prisoners, even if they did so for political purposes or if their trials were not properly conducted. Despite recent improvements in negotiations with various armed ethnic groups and the president's previous order for the military to end attacks in Kachin State, fighting between the Burmese military and the Kachin Independence Organization continues. Meanwhile, racial violence between Buddhist Rakhine and Muslim Rohingya broke out in western Myanmar, leading to dozens of deaths and over 100,000 displaced Muslims. While the attacks on communities recently ceased, the underlying racial tensions remain. At the same time, the US government remains concerned about the Burmese military's continued relationship with North Korea, despite President Thein Sein's promise of further cooperation on non-proliferation issues. Moreover, the US would like to see a process leading to changes in the constitution so that the reservation of 25 percent of the seats in parliament for the military would be phased out. However, the Burmese military continues to say that it will defend the constitution as it is.

In conclusion, the US pivot to Asia and re-engagement with the Burmese government have contributed to political and economic reform in Myanmar and are much appreciated by many members of the Burmese government as well as by Burmese citizens. However, the US will continue to press the Burmese government on certain issues that the US sees as key to ensuring a stable, democratic future for the country. ●



# Transforming the US-Malaysia Relationship Amid Change

Elina Noor

US-Malaysia relations have hit an unprecedented high in the last four years since President Barack Obama and Prime Minister Najib Razak took their respective offices months shy of each other. The two leaders have held bilateral sideline talks twice and there has been a flurry of high-level visits going both ways.

In November 2010, Hillary Clinton became the first US Secretary of State to return to Malaysia 15 years after the last bilateral visit by Warren Christopher. Her visit was followed just a week later by US Secretary of Defense Robert Gates'. US Trade Representative Ron Kirk's visit to Malaysia last year rounded out the list and reinforced the trifecta of relations – diplomatic, defense, and trade and investment – that have long underpinned US-Malaysia ties even during the lows of the political relationship in the late 1990s. These Cabinet-level visits have been complemented by numerous others from senior officials within the administration, Congress, and the defense establishment.

To be sure, both countries have enjoyed solid, friendly relations dating back to the 1960s, when US and Malaysian forces first began joint training and exercises during the Vietnam War. Over the years, this mutual trust developed into a more all-encompassing relationship, so the intensification of these ties in recent times should seem a natural progression.

But the pace and prominence at which this relationship building has taken place under Prime Minister Najib has been nothing short of remarkable, some would say bold. Developments such as the passing of Malaysia's Strategic Trade Act 2010 five years after it was tabled and just ahead of the Nuclear Security Summit at which Prime Minister Najib enjoyed the privilege of being one of only two Asian leaders to have met bilaterally with President Obama, as well as Malaysia's first medical military deployment to Afghanistan at the request of the Afghan government seemed a sharp contrast to the previously low-key nature of the US-Malaysia bilateral relationship. These were extraordinary markers of the relationship by Malaysian standards, with potentially significant domestic political risks.

Part of this development can be explained by a serendipitous confluence of events. The election of America's first "Pacific president" with childhood roots in Southeast Asia and the appointment of Prime Minister Najib, whose own internationalist perspective shaped his decision to reengage the United States, coincided to form a unique window of opportunity for bilateral relations to take off. Their strategic worldviews have been described by senior US officials as "strikingly similar" and along the way the two leaders appear to have cultivated an easy, genuine respect for each other.

The other parts of the reinvigorated relationship have more to do with evolving regional dynamics and deliberate policy-making than with chance. The new chapter of US-Malaysia relations figures against a backdrop of dramatic regional changes, largely revolving around the United States and China. China's rise – a phenomenon discomfiting enough on its own to some – coupled with its growing assertiveness in territorial disputes has elicited a range of reactions from its smaller Southeast Asian neighbors and beyond. Some are wary, some are nervous. Some are displeased, others are simply outraged.

The United States repeatedly assures one and all that it does not seek to contain or undermine China's rise in any way, but there is no doubt the China calculus figures in some way in the US' rebalancing policy. At the very least, competition between the two major powers is inevitable as they jostle to redefine their power and influence in a changing regional landscape.

While it is true that America's refocus on Asia is in large part a response to Asia's accusations of neglect during the distracted tenure of George W. Bush's administration, the US "pivot" – which outlines a comprehensive package of diplomatic, economic, and military initiatives – necessarily raises questions about how Southeast Asian countries should position themselves in the midst of this unfolding dynamic. A number have openly hedged their bets either with China as the power-in-waiting or with the United States as the power-that-is. This played out most famously at the July 2012 debacle of the ASEAN Summit in Phnom Penh.

As tectonic plates shift in the region to accommodate the rise of China, the rebalance of the United States, and the interest of other powers such as Russia and India, where does Malaysia stand? In particular, what lies in store for US-Malaysia relations?

1

US-Malaysian relations reached an unprecedented highpoint during Obama's first term, with new and reaffirmed diplomatic, defense and trade initiatives

2

Prime Minister Najib and President Obama's strategic perspectives are remarkably compatible and include a similar strategic worldview which has reinvigorated the bilateral relationship

3

In the context of China's rise, the goal is to transform an already solid US-Malaysia relationship into an enduring partnership with deeper roots in existing areas and the exploration of new areas of growth





In principle, Malaysia's foreign policy is guided by non-alignment, which accords with ASEAN's own Zone of Peace, Freedom and Neutrality (ZOPFAN). As a matter of pragmatism and unlike some of its other neighbors in the region, Malaysia enjoys stable and long-standing relations with all major powers, especially the United States and China. To view these two major powers as exclusively competitive because there is underlying tension on maritime issues in the region would neither be accurate nor in the interest of Malaysia (or any other country, for that matter). The US-China relationship is, after all, greater than the sum of its parts and the long-term reality is that the choices are far from binary.

For Malaysia, there is little incentive to change the nature of its relations with the United States, China, or other regional powers. On the contrary, there is every reason to intensify these existing relations. This is why Malaysia agreed to join the US-led Trans Pacific Partnership (TPP) even though past attempts at negotiating a bilateral trade agreement with the United States faltered. This is why Malaysia hosted a tripling of visits by US naval ships from below ten less than a decade ago to over thirty in 2011. This is also why Malaysia requested – and received – an increase in the number of Americans teaching English (from 50 to 75) in four different states in Malaysia. There are plans to expand the Fulbright English Teaching Assistants program to include other Malaysian states in the future, which would make the program in the country the biggest in Asia and the second biggest in the world.

The goal is to transform an already solid US-Malaysia relationship into an enduring partnership with deeper roots in existing areas and more widespread ones in underexplored areas of growth. This transformation paves the way for institutionalizing a high-level dialogue on a range of issues, perhaps biennially in the beginning, then annually if necessary. It also affords the opportunity to expand initiatives in education, sports, arts and culture, as well as cooperation in emergent sectors of science and technology such as bio- and nano-technology. These initiatives will all become increasingly urgent to Malaysia as its Vision 2020 imperative of catapulting the country to developed, high-income status draws nearer. A reanimated US-Malaysia relationship would also benefit from a visit by Obama. The last president who visited was Lyndon Johnson in 1966 – a sleeper era when Malaysia was still officially known as Malaya. With President Obama expected to visit Indonesia again for APEC in 2013, the time may be right for a stopover in a much-changed Malaysia.

A US-Malaysia bilateral relationship that is grounded in multiple issue areas and complemented by institutionalized regional cooperation bolsters its chances to flourish against the vagaries of politics, time, and a region in flux. The shared strategic interests of both countries bring important value propositions to the national interests of each. More importantly, they enable both countries to fulfill the broader common objective of maintaining peace, security, and prosperity in the region. Some things are worth preserving, even in the midst of change. •

# Rebalancing US Strategies in Asia

Kavi Chongkittavorn



When US President Barack Obama was seen hugging Aung Sann Suu Kyi, in her Yangon residence front yard during his brief visit to Myanmar last November, it was a clear testimony that Washington has finally crossed the last hurdle of a decade-long effort to address its strategic weakness in Asia. Prior to 2011, Myanmar remained a pariah state isolated from the international community through economic sanctions tightly imposed by the US and European Union. Now the country has been transformed overnight. No country in Southeast Asia has responded to US strategic needs as fast and in such a concrete manner as Myanmar, adding further advantage to its unique location sandwiched between the two Asian giants, China and India. Over the past two years, under the Thein Sein government, Myanmar's political and economic landscape has changed dramatically, allowing the US, as well as other major powers and the rest of Southeast Asia, to re-engage in ways not possible since the end of World War II.

Washington has most to gain from the new partnership with Naypyidaw. The new policy shift comes at a time when the US and Myanmar's mutual strategic interests have coincided. For the former, increasing overall engagement with Asia to deepen its security commitments with allies and friends, as well as to counter the growing influence of China, has become a priority. With Myanmar brought into the overall security framework, the US can now map out a comprehensive security policy towards the region for the years to come. For the latter, the desire to become less dependent on China was visible followed the dramatic halt of the construction of Myintsone Dam in Kachin State in November 2011. By standing up against China, Myanmar has won credibility for its diplomatic boldness and independence. It was among the first ASEAN nations to bulk at China's increasing influence. In turn, this defiance has lent more confidence to others in ASEAN and encouraged them to stand up against China as well. For example, Vietnam and the Philippines have become very vocal against China's claims of disputed maritime areas.

After China joined ASEAN as a dialogue partner in 1992, ASEAN-China ties quickly developed to the point where they were considered one of the best ties with a dialogue partner. However, the friendship began to unravel after the maritime disputes in the South China Sea made the international headlines in 2010, remaining a major point of contention since then. While China has become more assertive, ASEAN has become more fragmented due to growing collective yet sometimes divergent individual interests with China among the member states. Today, a common ASEAN stand against China on any sensitive issue would no longer be viable. This is a far cry from 1995 when ASEAN issued its first joint statement deploring China's aggression over the Mischief Reefs.

As far as the US rebalancing efforts to Asia are concerned, ASEAN is well aware of the limits of American power. With a planned defense budget cut of US\$500 billion over the next decade, the US's "pivot" to Asia is partly an attempt to share its defense burdens with allies and friends across the region. The importance given by the US to its Asian alliance system is also aimed at strengthening the defense capacity of these nations vis-à-vis a growing Chinese military, so that Washington will not have to shoulder this burden alone. In return, the US has pledged to increase the proportion of its naval fleets stationed in the region from 50 to 60 percent by 2020. In this way, Asian allies become more self-reliant while providing an umbrella for US security needs.

After three decades of neglect due to the lack of a mutual security threat, coupled with Thailand's ongoing political turmoil, Bangkok has become relatively neglected by the US – with just one annual military exercise, the Cobra Gold. This exercise, initiated during the height of the Vietnam War and fear of communist expansion, remains today the one tangible commitment by the US to Thai security. Fortunately, during Obama's visit in November 2012, the US and Thailand agreed to rejuvenate the Thai-US alliance and close bilateral relations, which this year celebrate their 180<sup>th</sup> anniversary.

In the context of the insecurity of ASEAN's conflicting parties in the South China Sea disputes, the US has played a pivotal role as guarantor of the freedom and safety of the sea lanes of trade and communication. After 2009, followed the US becoming signatory to the 1976 Treaty of Amity and Cooperation (TAC), Washington's posture and views pertaining to ASEAN began to be taken more seriously in the region. China, which used to receive preferential treatment from ASEAN, has now been relegated to an ordinary dialogue partner.

With Obama's reelection, he will have an opportunity to follow up on his Asia-driven diplomacy. He has met all the ASEAN leaders more times than any existing American president. Such personal relations and rapport are essential for the strengthening of ties between ASEAN and the US, similar to the importance of the personal ASEAN-China relationship two decades ago under former presidents Zhiang Zemin and Hu Jintao. Beginning this year, ASEAN and the US will have a regular summit every year – a newly established commitment that ASEAN leaders have been asking for since 2008. Indeed, Obama has the ability to instill mutual trust and confidence at the highest level – an ability unmatched by any previous US leader. •

1

The US and Myanmar's mutual strategic interests have coincided, with Myanmar responding to US strategic needs in a surprisingly rapid and concrete manner

2

By standing up against China, Myanmar has won credibility for its diplomatic boldness and independence, and has encouraged other ASEAN states to do the same

3

After three decades of relative neglect, the US-Thailand alliance has become stagnant, although Obama has the ability to rejuvenate the relationship at the highest level

# US-Philippines Alliance and the Rebalancing of Power in Asia

Rommel Banlaoi



There is a new balance of power in Asia that challenges the United States as a Pacific power.

China has risen economically. It is now the de facto world economic power given the serious fiscal problems in the United States, Japan and Europe. With its rapid development, particularly in the military field, China will soon rise to become a comprehensive global power.

During the 18<sup>th</sup> Congress of the Chinese Communist Party, outgoing President Hu Jintao urged incoming Chinese leaders “to build China into a maritime power”. Undoubtedly, this goal has tremendous implications for maritime territorial disputes in the East and South China Seas involving Japan over the Senkaku Islands and Southeast Asian claimants (Brunei, Malaysia, the Philippines and Vietnam) over the Spratly Islands.

If a worst-case scenario occurs in the East and South China Seas, other powers such as the United States, Australia, Russia, and India will inevitably be pushed into getting involved. This is a grim scenario that all countries in the Asia Pacific want to avoid.

The rise of China as a world power is creating not only regional security anxieties. It also produces strategic uncertainties in the future stability of the Asia Pacific region. Though an American presence in Asia continues to provide a stabilizing role amidst these inconvenient uncertainties, the way that the US currently fashions its role with China is ambiguous, forcing its allies, friends and partners in Asia into a guessing game situation.

As a security ally, the Philippine government welcomes American leadership in Asia to assuage its fear of China’s ascendancy, particularly in the context of China’s growing vigilance in the South China Sea. But the Philippine government is still longing for a clear assurance from the US that it can be relied upon to promote Philippine security interests in the South China Sea – a similar assurance that the US offers to Japan in the East China Sea.

There is no doubt that the American-Philippine security relationship is one of the most important American security relationships in Asia. Through this bilateral security relation, the Philippines became an integral part of American security alliances in Asia during the Cold War, and this continued into the post-Cold War world. Along with Australia, Japan, South Korea, Taiwan and Thailand, the Philippines is an important spoke and a strategic partner for American security reengagement in Asia in the 21<sup>st</sup> century.

Thus, it is in the interest of the United States to develop the operational capability of the Philippines to play a more constructive role in Asian security, particularly against the backdrop of heightened security tensions in the South China Sea. The Philippines will be the weakest link in American security alliances in Asia if it does not have the wherewithal not only to defend its maritime territory but also to contribute to the security of the South China Sea, which is the world’s busiest sea-lane of communication.

The current status of the Philippines as a major non-NATO ally of the US is useless if it does not add value to the rebalancing of new power in Asia. As the US reengages Asia to assert its long-standing leadership as a Pacific power, it also has to pay more serious attention to the needs of its ally, the Philippines, in the development of operational capability to contribute to regional security.

As Asia faces the challenge of China’s rise as a comprehensive power, the US and the Philippines can face the challenge together through a strong alliance. China’s use of its power in the South China Sea will test the efficacy of this alliance. Strengthening the US-Philippines alliance to rebalance the new power structure in Asia should be part of the security agenda of the second Obama administration. •

1

Maritime territorial disputes between China and ASEAN states will define Asian security during Obama’s second term

2

The Philippines welcomes American leadership to assuage its fear of China’s ascendancy, but is looking for an assurance that the US can be relied upon to promote Philippine security interests

3

It is in the interest of the US to develop the operational capability of the Philippines to play a more constructive role in Asian security

# Obama's Re-election and Indonesia

Dina Afrianty



US President Barack Obama is very popular among Indonesians. When he was re-elected over Republican candidate Mitt Romney, Indonesians from ordinary people to lawmakers cheered and applauded his reinstatement as a second term President. Obama's popularity among Indonesians is largely due to the fact that he lived with his mother and spent four years of his childhood in Jakarta in the early 1970s. The school that Obama attended in Central Jakarta now has a statue of the President, making all its students very proud.

The important question is how President Obama's popularity and personal ties with Indonesia will improve the two countries' bilateral relations and whether his ties there will make Indonesia a priority in US foreign policy strategy in the Asia-Pacific. Also, does the 'Obama factor' make Indonesians more inclined to approve US foreign policy, especially in regards to policy towards the Middle East or towards the Muslim world in general? This is very important considering that Indonesia is the largest Muslim country in the world and has continued to play a leading role both as regional power in the Asia-Pacific as well as within the Muslim world. Indonesia's growing economy and its political stability have given it the potential to play an increasingly larger role in the Southeast Asia region.

During his first term in office, President Obama's administration put Indonesia in an important position, especially in helping improve US standing in the Muslim world. This can be seen, for example, in President Obama's visit to Indonesia in 2011 as well as Secretary of State Hillary Clinton's two visits in 2011 and 2012.

However, the reaction to the re-election of President Obama among Indonesian lawmakers and some Muslim conservative religious groups was somewhat more guarded. The lawmakers, for example, are divided on how the re-election of Obama will affect Indonesia-US bilateral relations. Some argue that it will further boost the two countries' bilateral relations, while others are skeptical that the United States will put Indonesia at the front of its foreign policy strategy and make it a major regional alliance partner. They are particularly concerned over the presence of US marines in the northern part of Australia, which some conservative religious groups see as a move to secure US interests in Indonesia.

During Obama's first term in office, a number of mass rallies took place in front of the US Embassy in Jakarta. Some were protesting events in the Middle East such as Israel's offensive in Gaza in November 2012. The groups behind these demonstrations believe that Obama's administration has not made any significant changes in US policy towards the Israeli-Palestinian conflict. In September 2012, a number of Muslim groups such as Hizb ut-Tahrir, the Islamic Defendant Front (FPI) and the Muslim Front staged a large rally protesting an anti-Islamic video circulated on YouTube, 'The Innocence of Muslims'. They demanded firm action by the Obama administration to bring the director of the video to justice. Several protests also took place in front of the US Embassy prior to the Secretary of State's visit to Jakarta in September 2012. These protests demanded the US government pay more attention to the issue of religious freedom in Indonesia. They demanded that the US government also remind the Indonesian government about the rights of minority groups in exercising their freedom of religion.

Despite these protests, Indonesia-US bilateral relations under the Obama administration have improved substantially compared to those during the Bush administration. Bush's war on terror tarnished relations between the two countries and gave rise to a significant anti-American movement in the country, as signaled by regular protest and attacks on the US Embassy in Jakarta. These happened as Indonesia was undergoing a democratic transition, meaning that Indonesians were gaining more freedom to express their opinion, including protesting against US foreign policy.

As the biggest country in the region, Indonesia should be considered the focus of the US government, especially in relation to US foreign policy in the Asia Pacific region.

The Asia-Pacific region has been the focus of US foreign policy under Obama, as it shifts its attention from Europe and the Middle East. The US' focus in the Asia-Pacific is, in part, due to the region's success in boosting the global economy and maintaining regional security. The US also has real concerns over China's potential to unbalance the region through its massive economic growth and continuously expanding military capacity. China's growing military power has raised concern, especially to the United States and its allies, that China will have the potential to be the dominant power to shape the region and its future.

1

As the largest Muslim country, Indonesia has the potential to act as a US strategic partner bridging US foreign policy, the Asia-Pacific region and the wider Islamic world

2

Indonesia's growing economy and its political stability have given it the potential to play an increasingly larger strategic role in the Asia-Pacific and throughout the Islamic world

3

Many Indonesians are concerned over the presence of US marines in Darwin, Australia, which some conservative religious groups see as move to secure US interests in Indonesia





This has prompted the United States to realign itself in the region and to continue its traditional role in shaping Asia-Pacific regional stability. In 2012, the Obama administration announced its decision to base US Marines in Darwin – about 2500 are expected to be stationed there by 2017. This move by the US and Australia shows that they share a commitment to maintain stability in the Asia Pacific region. At the same time, it raises concerns among the international community, including the Chinese government, that the US initiative to station its troops in Australia will contribute to a military build-up in the region. Indonesia, Australia's closest neighbor, has responded to this development, with Indonesian civil society, for example, immediately reacting to the move.

The United States has been attempting to play its part in shaping regional security through diplomatic means, such as calling on Southeast Asian nations to find a multilateral solution to the competing territorial claims in the South China Sea, which is claimed by China and some ASEAN countries such as the Philippines, Vietnam and Malaysia. The US is also keen to improve its relations with Myanmar, and in Northeast Asia it has also pledged to extend its missile defense systems to guard against potential actions from North Korea.

As the largest Muslim nation, and one with massive economic growth and political stability, Indonesia holds a strategic position not just in the Asia-Pacific region but also within the wider Muslim world. Indonesia's political democratization and its rapid economic growth have positioned it as one of the strategic players in the region. Within ASEAN, Indonesia has enjoyed a leading role in enhancing regional economic cooperation and in maintaining military stability by, for example, being involved in various talks over the South China Sea dispute. Indonesia believes in the importance of maintaining the region's security stability for continuing robust economic regional cooperation in the ASEAN Economic Community framework.

Given Indonesia's strategic role in the region, it is important for the United States to consider it as a US strategic partner. Thus, the United States needs to help Indonesia continue its democratization, as well as foster economic cooperation to maintain Indonesia's ongoing economic improvement. ●

# US Pivot to Asia and Indonesian Police Reform

Jennifer Yang Hui



The US' 'Pivot to Asia' strategy is currently being discussed extensively in academic and policy circles. The fundamental tenets of this strategy include the strengthening of US military deployments, political relationships and economic partnerships in Asia. Analysts have observed that the propagation of democratic values and the emphasis on adhering to human rights principles are not major priorities of this realignment strategy.

This does not mean that human rights principles have lost their relevance in Asia. In fact, it is argued that they are needed more than ever to shape Indonesian security sector reform. While having notable successes in terms of counter-terrorism, civil-security relations have been fraught with distrust as a result of missteps by the security forces, particularly with regard to human rights abuses. If these problematic civil-security relations are allowed to persist, the efficacy of security work would inevitably be adversely affected. Hence, it is necessary for the Indonesian security sector to incorporate human rights principles into its master plan and develop new ways of dealing with the populace.

In the post-1998 era of *Reformasi* (Reformation), Indonesian security forces have been committing themselves to helping to uphold freedom of speech and human rights principles. Indonesia's Coordinating Minister for Political, Legal and Security Affairs, Air Chief Marshall (Ret.) Djoko Suyanto, remarked in his speech at the S. Rajaratnam School of International Studies on 10 December 2012 that Indonesia's experience showed that "democracy is compatible with security and ... the two produce a much more authentic and robust stability and harmony." He noted, among other examples, how the respect for the rule of law was noticeable in the way in which the Indonesian National Police dealt with terrorism and other law enforcement activities. He also noted that from 2005 security officers could not act with impunity in relation to human rights abuses and could be easily prosecuted under Indonesian law – a fact often ignored and unreported by the press and mass media.

Despite such breakthroughs, the recent and indeed mounting attacks on the Indonesian National Police across the country raises the question of whether these attacks reflect a degeneration of civil-security relations, and if so, what should be done?

In the restive region of Papua, there has been a significant increase in the number of attacks on the police. Police officers were targeted in a series of mysterious killings blamed on separatist movements throughout 2012. For instance, a member of the police mobile brigade was shot in the mountains of Puncak Jaya on 27 January 2012. In another instance, a police brigadier was gunned down in Paniai in August. Separately, another police officer was shot by five armed men while patrolling road building works in Wamena in September. On 27 November 2012, three policemen were killed by a mob in the Pirime, and their bodies publicly burnt.

Coincidentally, the Indonesian National Body for Counterterrorism (BNPT) also reported a change in terrorist targets from individuals and groups representing the West to local targets, and in particular to the police. For example, two policemen were murdered while investigating a terrorist training camp in Poso, Central Sulawesi in October 2012. In August 2012, a policeman was shot and a grenade thrown into a guard post in Solo, Central Java.

Attacks on the police are not solely conducted by terrorists and separatists. Members of Indonesian civil society have begun to move against the police as well. A 2012 International Crisis Group (ICG) report documents that in 2012, residents of Buol in Central Sulawesi rioted against the police in protest against the death of a local who was believed to have been tortured to death while in custody. Also, in February 2011, residents of Kampar, Riau, attacked a police building following the incarceration of a man who was believed to have been framed by the police.

Moreover, when dealing with crime, suspects are often subjected to mob justice rather than being handed over to the police. Petty criminals like pickpockets are known to have been publicly executed, while other criminals have reportedly been helped by the police to escape angry mobs demanding restitution. Such incidents suggest that civil-police relations are mired with distrust.

1

The propagation of democratic values and human rights principles do not appear to be major priorities of the current US realignment to Asia strategy

2

It would be beneficial for the US to further assist the Indonesian police to incorporate human rights principles and develop new ways of dealing with the populace

3

There is a need for the Indonesian police to learn from the US' approach to law enforcement, which engenders healthy respect from the population it polices



Indonesia could benefit from policing models from other democracies such as the US. US training and learning models are already proving beneficial for the Indonesian anti-terror squad, Detachment 88. There is space for further international exchange on policing reform that improves civilian-police relations. For one, there could be exchange on ways to improve the curriculum in the Indonesian national police academy and provincial police schools in terms of the role of officers in the society. The International Crisis Group (ICG) reported that there is a need to change the “culture of superiority” as well as corporate punishments that could be transferred to the community within the Indonesian police training institutes. There is a need to forbid hazing in training recruits, for instance. The Medford police chief, Leo Sacco, for example, had condemned allegations of hazing in the Massachusetts Bay Transportation Authority (MBTA) Police Academy and pulled out the recruit involved.

The ICG also noted the need for the Indonesian police academies to establish better training for non-lethal methods of crowd control and develop guidelines for dealing with anarchic behavior. The Vancouver police, for example, established a ‘meet-and-greet’ approach to policing crowds. Officers try to proactively build a relationship with the crowd by shaking hands with the people, asking about their concerns, and trying to convince them that the police are there to keep them safe. Thus, platforms could be built for international exchanges on policing reform that improve the image of the police in the eyes of the Indonesian civilians.

One of the most popular images in the US social media in 2012 was that of a policeman who bought a pair of boots for a homeless man during the cold New York winter. In contrast, there is a long way to go before Indonesian law enforcement agencies achieve such a positive image. There is a need for the Indonesian police to learn from the US approach to law enforcement, which engenders healthy respect from the population it polices. Given the renewed interest of the Obama administration in the Southeast Asian region in the light of his re-election, it is an opportune time to model conduct of the security sector on principles of respect for human rights, while respecting Indonesia’s sovereignty. •



# Vietnam and the South China Sea

Thang Anh Nguyen\*

The South China Sea is emerging as a serious hot spot, with the potential to destabilize Asia-Pacific security. Tensions are on the rise as China becomes more assertive with its maritime claims, which include all of the islands and eighty percent of the waters in the South China Sea. China's emergence as a regional power appears to be the driving force behind these growing tensions, as more often than not these territorial disputes relate to incidents concerning an economically and militarily more confident China and one or another of its neighbors.

This article has three aims: first, to provide a background to the disputes in the South China Sea; second, to discuss the current situation in light of the rationales, challenges and possible outcomes of these disputes in near future; and third, to examine some of the approaches followed by Vietnam in dealing with the situation.

Currently, two major disputes are simmering in the South China Sea: a series of rival territorial claims over the Paracel and Spratly islands, and a series of disagreements over sea boundaries and rights to continental shelves.

The Paracel Island dispute is between Vietnam and China (including Taiwan). Over the past several decades both the Chinese and Vietnamese have established a military presence in this area. In 1974, China attacked and captured the South Vietnam controlled Paracels. Since this time, China has been consolidating its military installations on the islands.

Meanwhile, the Spratly Island dispute is being played out among six parties, including Brunei, China, Malaysia, the Philippines, Taiwan and Vietnam. Claimants of the Spratly islands use different legal evidences to defend their position. China bases its territorial claim on the discipline of first discovery. Vietnam bases its territorial claim on the discipline of effective occupation. The Philippines, Malaysia and Brunei base their claim on the discipline of territorial proximity.

The second dispute is a series of disagreements over sea boundaries and overlapping continental shelves among countries having opposite or adjacent coasts. Coastal states have made different claims over maritime zones and continental shelves due to their non-compliance with the United Nations Convention on the Laws of the Sea (UNCLOS), or their subjective, sometime incorrect, interpretation and application of the UNCLOS to gain advantage in maritime zone and continental shelves demarcation negotiations. In addition, the existing complicated disputes over the Paracel and Spratly islands causes concerned parties to approach these negotiations from diverse and hardened perspectives.

There are several reasons for the ongoing territorial disputes in South China Sea. These include the economic interest of concern parties and the readjustment of China's foreign policy – with the implication that China is making its first bids for regional political dominance, somewhat equivalent to an Asian 'Monroe Doctrine'.

Over the last ten years, China has continuously readjusted its policy regarding the South China Sea. At the beginning of the millennium, the situation in South China Sea was relatively peaceful, with China promoting the 'shelving' of disputes and 'joint development'. However, coincident with the Global Financial Crisis, and the relative decline of US influence in the region prior to its current 'pivot', China adopted a far more assertive foreign policy in regard to the South China Sea disputes, thus causing friction with neighboring ASEAN countries.

Certainly, the way Chinese elites commonly view the South China Sea, East China Sea and Yellow Sea is in many ways similar to how Americans viewed the Caribbean Sea and the Gulf of Mexico in the 19<sup>th</sup> century – as their natural 'sphere of influence'. China is now emerging as the dominant regional power, and has a long history of self-perceived cultural and political dominance across East and Southeast Asia. If it wants to reestablish this perceived 'natural dominance' it first needs to secure the surrounding sea areas and lanes of communication.

The challenges to any diplomatic settlement of the South China Sea disputes center on the different approaches to resolving the disputes favored among the contending parties. China prefers to use a bilateral method of negotiation, whilst ASEAN claimants obviously prefer a multilateral approach. In addition, all parties to the disputes are to some extent placing their national interests above any common interest in their claims. More often than not, the UNCLOS is being misused and misinterpreted by the claimants to serve national interests and gain advantages in negotiation. Finally, all claimants are driven by deep nationalist sentiments, which are on the rise during an era of globalization and economic ascendancy. Leaders are under pressure from their own increasingly vocal citizen to adopt an appropriately nationalistic stance in these territorial disputes.

\* These are the author's personal views

1

Chinese elites view the South China Sea, East China Sea and Yellow Sea in ways similar to how Americans viewed the Caribbean Sea and the Gulf of Mexico in the 19<sup>th</sup> century – as their natural 'sphere of influence'

2

All parties to the maritime disputes are to some extent placing their national interests above any common interests

3

Vietnam should maintain the sovereignty of its claims while preserving a peaceful environment, with disputes put in the context of the Vietnamese national foreign policy of 'diversification' and 'multilateralization'





In resolving the South China Sea issues, Vietnam should aim to maintain the sovereignty of its claims while preserving a peaceful environment. The South China Sea territorial disputes should be put in the context of the Vietnamese national foreign policy of 'diversification' and 'multilateralization'. In dealing with China, Vietnam considers an emerging China inevitable, with dynamic foreign relations with other major powers, including the US, EU, Japan and so on. Internally, Vietnam has to increase national capabilities by increasing its economic power, mobilizing the will of its people and enhancing its military power. In order to do so, the Vietnamese government needs to publish a comprehensive and official approach to dealing with the South China Sea dispute in order to raise the awareness among its citizens and draw the support from international community. Vietnamese scholars are now being encouraged to study South China Sea issue and participate in global conferences regarding the disputes. It is also important for Vietnam to consolidate and expand the cooperation mechanism among different ministries in managing the disputes. Civil and law enforcement agencies should be used as the primary force in managing maritime territory. However, the navy and air force are also being modernized in order to be able to safeguard the islands when needed.

The disputes in the South China Sea are extremely diverse and complicated. It is unrealistic to expect a final negotiated solution in the foreseeable future. Any move by one claimant to demonstrate jurisdiction or exploit the natural resources immediately results in strong diplomatic (and on occasion, physical) responses from others. It is certain that no party is going to renounce its claims. However, most concerned parties are looking for a cooperative mechanism to ease the security tensions in the area. It appears that leaders are coming to realize that no country has a perfect claim in the South China Sea. In fact, the disputes show that these no claims appear to be totally groundless. This should act as the foundation for practical cooperation.

China will play a crucial role in determining the future outcomes of the disputes. China has completed its power transition in late 2012. There is the possibility of a peaceful period in the South China Sea as the new Chinese leadership comes to power and returns to a more charm-based policy in regard to its neighbors. Still, as China's maritime economic interests and naval capabilities increase, China will potentially grow more assertive in the coming years. China's leaders have literally been 'testing the waters'. It is likely they will continue to test the reactions of other claimants and proceed accordingly.

Over the course of Obama's second term it is reasonable to suggest that the security situation in the South China Sea will largely depend on Chinese actions. After a period practicing a moderate security policy in South China Sea, attempting to persuade its neighbors on the validity of its maritime territorial claims and fostering win-win situations with other claimants, China is now in the position to apply its influence on a diplomatic resolution to the situation. If cooperative sentiments dominate in the new Chinese leadership and ASEAN nations are willing to respond accordingly, it is indeed possible to foresee a peaceful and stable South China Sea in the years to come.

•



# Australia, China and the US Pivot

Julian Droogan

In November 2011, President Barack Obama and Prime Minister Julia Gillard announced plans to expand upon US-Australia military links through joint training and transfer of knowledge. They announced this was to be accomplished through the gradual deployment of 2500 United States Marines to the northern Australian city of Darwin. The intent of the new military agreement is primarily to provide a location for amphibious training and transfer of knowledge from the United States Marine Corps (USMC) to the Australian Defence Forces (ADF). This deployment is part of a larger 'pivot' of US military forces into the Asia-Pacific region, apparently in response to a rising and potentially more aggressive China. It ties into an increasingly delicate and challenging Asia-Pacific strategic environment that involves the relative positioning on many fronts of the world's two greatest powers: the US and China. From the US perspective, issues include concerns about Chinese ambitions and capacity for aggression against Western allies in the region, maritime disputes in the East and South China Seas, and control of economically vital sea-lines of communication (SLOC). From the Chinese strategic perspective, the USMC deployment has been viewed as a further encroachment into the South East Asia region by a "revisionist power" that wishes to contain or offset China's natural and legitimate rise. This analysis considers both perspectives, and Australia's position as 'caught in the middle'.

The deployment is being phased-in, beginning with 250 marines that arrived in mid-2012. The USMC plans to deploy 1,000 personnel to Darwin by 2014 and 2,500 by 2016. The deployment will consist of a Marine Air Ground Task Force that will eventually be expanded to include logistics and rotary wing support. The US military also plans to use Australian air bases in the Northern Territory and to increase the frequency of visits by American Aircraft Carrier Battle Groups, submarines and amphibious assault vessels to naval bases in Western Australia. There is also the potential for deployment of long-range surveillance drones from Australian territorial islands in the Indian Ocean.

US strategic policy in Asia-Pacific is multi-faceted. As an Asia-Pacific power, the US has significant interest in ensuring free trade, maritime security, economic and political stability, and predictable relations according to established international norms. These interests have driven US foreign policy in the region since the end of World War II. Recent shifts in economic interests, the rise of China and India, and increased tensions in the region are now leading the US to pivot its strategic and economic policies towards Asia-Pacific.

Washington appears to have been grappling with ways to contain, offset, or even slow the rise of China so that the US can maintain a dominant position in the region. Strategies include the use of the art of deterrence as a way to bring Chinese relationships with the US and neighboring countries into conformity with international standards. The US has a strategic interest in preventing violence in the Sino-Taiwanese dispute. It is also concerned about the Sino-Japanese maritime territorial disputes in the Sea of Japan as well as increased competition over energy and SLOC in the region. China's neighbors are also becoming increasingly concerned about the rising economic power of China, Sino military modernization, its more aggressive foreign policy stance, and increasingly nationalistic posturing on a number of foreign policy issues.

This has prompted what Washington is calling its Strategic Realignment to the Asia-Pacific in order to assuage regional fears – a relatively new strategy whereby the US is re-focusing its military forces from Europe and the Middle-East. Beginning in 2010, the Obama Administration has begun to re-align, or 'pivot', US forces to an Asia-Pacific focus. This is being accomplished both through new military deployments and renewed defense ties with allied countries in the region. The USMC deployment to Darwin and the renewed defense agreement with Australia is but a small piece of the wider pivot. It is however, a critical move for the US and Australia in the strategic context of the region. For the US, the presence of marines in Australia provides a training facility, access to friendly ports that are culturally aligned with America, and rapid deployment capability to the Indian Ocean and archipelagic South East Asia. It also allows for the transfer of amphibious tactical and operational knowledge to the ADF. This helps to bring the ADF forward in the eyes of regional allies as a stabilizing security force with Washington's backing. It also enables the US to provide joint operational training between allied militaries in the region with Australia in a leadership role.

For Australia, the USMC presence in Darwin is a learning opportunity. Australia is in the process of developing amphibious assault capabilities for the first time and is using the USMC as a trainer. Additionally, the new military agreement with the US serves as a warning to China that despite growing commodity trade, aggressive foreign policy is the wrong approach. Australia also benefits from the potential regional stability achieved through joint regional ally

1

The US deployment in Darwin is part of a larger 'pivot' of military forces into the Asia-Pacific region, apparently in response to a rising and potentially more aggressive China

2

Australia is in the process of developing amphibious assault capabilities for the first time and is using the US Marine deployment to Darwin as a trainer

3

Growing domestic social unrest and increasingly nationalistic views among the Chinese public have forced Beijing to take aggressive stances on issues such as maritime territorial disputes



training. However, the agreement might also serve to undermine Australian influence in the region and with China in particular. Australia may risk being viewed as an uncritical supporter of US foreign policy over regional bilateral relations and mechanisms of co-operation.

China has sometimes found Western, and particularly American, intentions difficult to understand. Frequent power turnovers in the US political system and bickering across party lines cause significant confusion in China where these factors do not exist. Chinese leaders appear to sometimes have difficulty deciphering Washington's long-term regional intentions in the context of American partisan political rhetoric. Beijing often expresses relief when a US President is elected to a second term, describing Obama's 2012 re-election as a "known quantity". However, the Chinese leadership composition also transitioned in 2012 and the effects on national perspectives and strategies are as yet unknown.

The USMC presence in Darwin does present problems for Beijing. Australia is a vital marketplace for China and a critical source of national resources. Chinese industry, and subsequently China's economic rise, is partly dependent on Australian ore. The USMC deployment sparks fears in Beijing that the US is attempting to encircle China, not just militarily but also economically. Liu Weiman, a spokesperson for the Chinese Government Foreign Ministry, questioned whether "strengthening and expanding military alliance is appropriate and consistent with the common aspiration of regional countries and the whole international community." The Chinese Defense Ministry expressed concerns over the potential for a Cold-War style stand-off between the US and China and the possible impacts on regional mutual trust and co-operation if Australia chooses to further align itself with America.

China believes that US intentions are to constrain their interests to within China's own borders. There is also a perception that the US wishes to alter the very nature of the country. While China has always viewed the US as an Asia-Pacific power with a role to play, the Sino-American relationship is strained by China's perception that Washington wants them to change their way of life in order to be allowed to participate in regional political affairs.

Growing domestic social unrest and increasingly nationalistic views among the Chinese public have forced Beijing to take aggressive stances on issues such as maritime territorial conflicts. China's strong rhetoric and military posturing during their maritime conflict with Japan over the Diaoyu/Senkaku Islands and their confrontation with the Philippines over the contested Scarborough Shoal appear to be at least as much the result of a need to assuage domestic nationalistic sentiments as a desire to adhere to any particular strategic plan.

It is likely that Beijing believes that their political way of life is being threatened from all sides. China feels particularly threatened by American aggressiveness in the region and Washington's rhetoric calling for changes to Chinese domestic policy. The renewed links between Australia and the US only inflame this sense that Western allies are trying to contain China and prevent the natural rise of a great power. They could lead China to seek a stronger or more aggressive stance on regional issues.

Chinese leaders appear to have learned that a soft foreign policy is more likely to assuage fears in neighboring national capitals, as demonstrated by recent peaceful negotiations with Vietnam over disputed maritime territory. This is also viewed as a way to decrease the perceived need for an increased American presence in the region. However, it is not possible for Beijing to ignore the domestic nationalists altogether. This domestic pressure becomes more critical when combined with the view that Washington, through this pivot of forces to the Asia-Pacific, has abandoned the strategic engagement policy towards China in favor of a complete dismissal of perceived legitimate Chinese security concerns.

It is as yet unclear how the new Chinese leadership will interpret the Asia-Pacific strategic environment and Washington's intentions over the course of Obama's second term. It is equally uncertain whether Australia will be able to continue to successfully balance its increasingly divergent relationships between the US, as its primary security guarantor, and China, its biggest trading partner and rising regional power. ●

# The Rainbow Warrior Incident and New Zealand's Relationship with the US

James Veitch



The explosions heard on 10 July 1985 at Auckland Harbors were met with astonishment and confusion. New Zealanders were shocked when it was discovered that the force behind the explosions was a deliberate attack on the Rainbow Warrior vessel by French intelligence agents. The then Prime Minister David Lange went as far as describing it as “a sordid act of international state-backed terrorism.”

The attack centered around two explosions which sunk the Greenpeace vessel *The Rainbow Warrior* docked in Auckland. The attacks, carried out by operatives of the French intelligence service *Direction Générale de la Sécurité Extérieure* (DGSE), resulted in the unintended death of Greenpeace's photographer Fernando Pereira. He was drowned as he attempted to retrieve his photographic equipment from his bunk when the boat sank.

The context for the destruction of the Greenpeace flagship can be traced back to the Pacific Ocean being used as a nuclear testing ground for 40 years. Greenpeace's objective for travelling to and protesting on the French nuclear testing site at Moruroa atoll was to focus world attention on France's Pacific nuclear testing in a bid to raise public awareness and foster an opinion of opposition which would pressure the French to stop.

Although at first France denied any involvement in the incident, it was soon discovered that French Minister of Defence Charles Hernu approved the assault on the ship. It was later revealed that President François Mitterand had personally authorized the operation. On 21 September Hernu resigned and head of the Secret Service, Pierre Lacoste, was fired. On the same day, the French Government finally acknowledged responsibility for its association with the sabotage.

On 23 July two French agents Mafart and Prieur were arrested and charged with conspiracy to commit arson, willfully damaging the Rainbow Warrior and murdering Fernando Pereira. New Zealand sought justice and wanted France to rightfully compensate for the damages incurred. Furthermore, they wanted Mafart and Prieur to be dealt with through the New Zealand judicial system. The issue of how they should be punished posed great difficulty to the two Governments in negotiations, mainly because the French claimed that their innocence lay in the fact that they were simply doing what they were employed to do – carrying out military orders. Conversely, New Zealand saw this as a breach of international law and a serious crime under New Zealand law, therefore a lengthy sentence was justified. Moreover New Zealand believed their release to the French Government would undermine the New Zealand judicial system.

On 22 November Chief Justice Sir Ronald Davidson sentenced Mafart and Prieur to ten years' imprisonment after they pleaded guilty to charges of manslaughter and willful damage. This ruling was rejected by France and officials warned New Zealand that access for agricultural products to the European Community would be hindered. The trade limitations had a significant weighting as at the time of the bombing, France was New Zealand's tenth major trading partner.

France was adamant that the agents be returned and be judged in a French court, due to differences in the law. Had the agents had a trial in France, they would have walked away unpunished as article 327 of the French Penal code states “there is no crime or offence when homicide has been ordered by legitimate authority.” Unable to come to an agreement, officials sought the help of the then United Nations Secretary-General, Javier Pérez de Cuéllar. The decision was made to transfer the two agents to the French Pacific atoll of Hao where they were to remain for three consecutive years. Their removal would only come if it was unavoidable and if both countries were in agreement. Conveniently for Prieur, her husband became head of security on Hao. On 22 July 1986, the agents were secretly flown out of New Zealand in an air force plane.

On 14 December 1987, after eighteen months on Hao, Alain Mafart was flown to France because of health reasons and Dominique Prieur followed on 6 May 1988 as she was pregnant. Mafart was “smuggled” out of Tahiti using a fake passport posing as a carpenter named Serge Quillan. Neither of these removals was approved by New Zealand and France has failed to return the agents to Hao.

Two months later, Alain Mafart received a military honor and was made a “knight of the order of merit for distinguished service.” New Zealand claimed that the tribute was an offence to New Zealand and illustrated that France considered the bombing justified.

1

The sinking of the Rainbow Warrior caused New Zealand to be victim to state sponsored terrorism, although neither France, the UK nor the US agreed with this definition

2

The Rainbow Warrior incident, and lack of international condemnation of the French, acted as a catalyst in creating popular and government support for NZ to become a nuclear free state

3

Although NZ's adoption of nuclear free zone status was not intended as a move away from a military alliance with the US, the US saw it challenging the ANZUS Treaty and severely restricted defense and intelligence ties





It has been thought that New Zealand's ally, the United Kingdom, knew about France's plans. Prime Minister David Lange claimed that the MI6 did in fact know but that British allegiance to France overrode its allegiance to New Zealand. But British Prime Minister Margaret Thatcher and the United States Ambassador to the United Nations Jeane Kirkpatrick failed to acknowledge that the attack was an example of "state-sponsored terrorism."

The United States for its part was not inclined to denounce the bombing as it had itself been embarrassed by Greenpeace. Shortly before the ship had arrived in New Zealand, it had been protesting against the American presence in the Pacific and the damage their tests in the north of the Pacific were causing. These Government protests had consequences for both Greenpeace and New Zealand, as on 26 July New Zealand police had received warrants to arrest the *Ouvéa* crew on charges of arson and murder. It has been claimed that New Zealand asked American authorities to search for the boat using its KH 11 military satellite, but the United States refused to co-operate, a refusal linked to the growing rift between America and New Zealand over the ban on American nuclear-powered vessels visiting New Zealand ports.

The anti-nuclear sentiments which erupted in New Zealand as a result of the Rainbow Warrior affair enabled the Labour Government elected in 1984 to impose a ban on nuclear powered and armed ship visits to New Zealand. The resulting *New Zealand Nuclear-free Zone Act* implemented in 1987 symbolized eleven years of activism and campaigning by the New Zealand Peace Movement and various political and church groups. Throughout all this, Greenpeace was at the forefront of protest.

This new Act soon became one of the cornerstones of New Zealand's foreign policy and its ideals consequently clashed with those of the United States. As well as banning nuclear armed and powered ships or aircrafts visiting New Zealand, the Government officially discarded nuclear deterrent doctrines and strategies of nuclear allies. This new legislation reserved the right of the government to independently decide whether or not ships and aircraft were carrying nuclear weapons or were nuclear capable.

Although the *Nuclear Free Zone, Disarmament, and Arms Control Act* was not intended as a move away from a military alliance with the United States, the United States saw it challenging the ANZUS Treaty to which New Zealand had been a signatory since September 1, 1951. In response Lange claimed that there were no strategic reasons for nuclear weapons to be in New Zealand ports as New Zealand was not "in the front line of Western defence." America's policy of 'Neither Confirm Nor Deny' was at odds with New Zealand's new anti-nuclear stance and Act, and therefore, when the American nuclear capable ship *Buchanan* was declined port access, America retaliated by ceasing intelligence flows to New Zealand and denying New Zealand representatives access to security briefings in London and Washington. In addition, joint military training and exercises were revoked. On June 27 1986, the United States withdrew the security agreements with New Zealand outlined in the ANZUS treaty. New Zealand Cabinet Ministers and New Zealand's Ambassador in Washington were refused access to their counterparts in the Pentagon and the State Department.

The fallout of the Rainbow Warrior and David Lange's unwavering anti-nuclear stance led to a gross misunderstanding with unanticipated and heavy consequences for New Zealand. This primarily lay in the fact that the New Zealand government emphasized that its policy was anti-nuclear and not anti-American. The United States did not accept this argument and maintained that the ANZUS alliance entailed consenting to its essential strategic nuclear doctrines, this aspect of the alliance was not negotiable.

Due to misunderstandings, a lack of clear and concise information and aggression in how the anti-nuclear Act was communicated led the United States into misinterpreting and miss-understanding it as anti-American legislation (rather than as anti-nuclear). When looking back at the events and the consequences this had for New Zealand and Greenpeace, it can be said that rather than challenging New Zealand's aspirations to be nuclear free, it was in fact a catalyst. Although the bombing was an act of state terrorism, other allies and world leaders failed to respond, or readily offer help. Perhaps this new necessity for self-reliance gave New Zealand the drive it needed for the anti-nuclear battle and prove to other countries such as the United States and United Kingdom that the colonial era was over.

History has a strange way of reasserting itself. With the election of President Obama, New Zealand's long-term commitment to the importance of the Non-Proliferation Treaty and to the peace and security of the world community now appears to have been worthwhile. •

# Asian Conflicts Reports

## Council for Asian Transnational Threats Research

### Editors

Dr. Julian Droogan | Macquarie University, Australia

Dr. Kongdan Oh Hassig | Institute for Defense Analyses, Alexandria, Virginia

Dr. Caroline Ziemke-Dickens | Institute for Defense Analyses, Alexandria, Virginia

### About the Authors

WIN MIN is a Senior Associate at Vahu Development Institute, Chiang Mai University, Thailand

ELINA NOOR is Assistant Director, Foreign Policy & Security Studies, Institute of Strategic and International Studies (ISIS), Malaysia

KAVI CHONGKITTAVORN is a Senior Fellow at the Institute of Security and International Studies, Chulalongkorn University, Thailand

ROMMEL C. BANLAOI is the Executive Director of the Philippine Institute for Peace, Violence and Terrorism Research (PIPVTR), Philippines, and the Editor of *Homeland Voice: The Journal of World Security*

DINA AFRIANTY is Head of the Department of International Relations, State Islamic University, Jakarta, Indonesia

JENNIFER YANG HUI is an Associate Research Fellow from the Centre of Excellence for National Security, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore

THANG ANH NGUYEN is a Captain in the Institute for Defense International Relations, Ministry of National Defense, Vietnam

JULIAN DROOGAN is a Lecturer at the Center for Policing, Intelligence and Counter Terrorism (PICT), Australia, and Editor of the *Journal of Policing, Intelligence and Counter Terrorism* (Routledge)

JAMES VEITCH is Senior Lecturer at the Centre for Defence and Security Studies, Massey University, New Zealand

### The Council for Asian Transnational Threat Research (CATR) includes as its members:

Afghanistan: Centre for Conflict and Peace Studies | Australia: Centre for Policing, Intelligence and Counter Terrorism, Macquarie University | Bangladesh: Bangladesh Institute of International and Strategic Studies | Bangladesh: Bangladesh Institute for Peace & Security Studies | India: Institute of Peace and Conflict Studies | Indonesia: Center for the Study of Islam and Society, State Islamic University of Indonesia | Indonesia: Centre for Strategic and International Studies | Japan: Research Institute of Science and Technology | Malaysia: Southeast Asia Regional Centre for Counter Terrorism | New Zealand: Centre for Defence and Security Studies, Massey University | Pakistan: Pakistan Institute for Peace Studies | Philippines: Strategic and Integrative Studies Center | Philippines: Philippine Institute for Political Violence and Terrorism Research | Singapore: International Centre for Political Violence and Terrorism Research, Nanyang University | Singapore: Centre for Excellence for National Security at S. Rajaratnam School of International Studies | Sri Lanka: Sri Lanka International Centre for Terrorism Research and Conflict Management | USA: Institute for Defense Analyses |

For inquiries about CATR or Asian Conflicts Reports contact:

Dr. Caroline Ziemke-Dickens ([cziemke@ida.org](mailto:cziemke@ida.org))  
and/or Dr. Kongdan Oh Hassig ([kohassig@ida.org](mailto:kohassig@ida.org))

**ISSN: 1838-8574**

The views expressed in this journal are those of the author(s) and should not be taken to be the views of the Council for Asian Transnational Threat Research (CATR)

