

112TH CONGRESS
2D SESSION

S. RES. 524

Reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2012

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, Mr. INHOFE, Mr. LIEBERMAN, Mr. MCCAIN, Mr. LEVIN, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations

AUGUST 2, 2012

Committee discharged; considered and agreed to with an amended preamble

RESOLUTION

Reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

Whereas the Association of Southeast Asian Nations (ASEAN) plays a key role in strengthening and contributing to peace, stability, and prosperity in the Asia-Pacific region;

Whereas the vision of the ASEAN Leaders in their goals set out in the ASEAN Charter to integrate ASEAN economi-

cally, politically, and culturally furthers regional peace, stability, and prosperity;

Whereas the United States Government recognizes the importance of a strong, cohesive, and integrated ASEAN as a foundation for effective regional frameworks to promote peace and security and economic growth and to ensure that the Asia-Pacific community develops according to rules and norms agreed upon by all of its members;

Whereas the United States is enhancing political, security and economic cooperation in Southeast Asia through ASEAN, and seeks to continue to enhance its role in partnership with ASEAN and others in the region in addressing transnational issues ranging from climate change to maritime security;

Whereas the United States Government welcomes the development of a peaceful and prosperous China which respects international norms, international laws, international institutions, and international rules, and enhances security and peace, and seeks to advance a “cooperative partnership” between the United States and China;

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime domain of Asia;

Whereas the South China Sea is a vital part of the maritime domain of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed "that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region" and have agreed to work towards the attainment of a code of conduct;

Whereas pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner";

Whereas pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment "to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea";

Whereas although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

Whereas the Government of the People's Republic of China has recently taken unilateral steps to declare the Paracel and Spratly Islands, and their adjacent waters to be a prefectural-level city, and has identified government leaders to assert administrative control over 200 islets, sand-

banks, and reefs and 2,000,000 square kilometers of water;

Whereas the Central Military Commission in China also announced the deployment of a garrison of soldiers to this area; and

Whereas these steps are contrary to agreed upon principles with regard to resolving disputes and impede a peaceful resolution of the sovereignty disputes in the South China Sea: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) reaffirms the strong support of the United
3 States for the 2002 declaration of conduct of parties
4 in the South China Sea among the member states of
5 ASEAN and the People’s Republic of China;

6 (2) supports the member states of ASEAN, and
7 the Government of the People’s Republic of China,
8 as they seek to adopt a legally binding code of con-
9 duct of parties in the South China Sea, and urges
10 all countries to substantively support ASEAN in its
11 efforts in this regard;

12 (3) strongly urges that, pending adoption of a
13 code of conduct, all parties, consistent with commit-
14 ments under the declaration of conduct, “exercise
15 self-restraint in the conduct of activities that would
16 complicate or escalate disputes and stability, includ-
17 ing, among others, refraining from action of inhab-
18 iting presently uninhabited islands, reefs, shoals and

1 other features and to handle their differences in a
2 constructive manner”;

3 (4) supports a collaborative diplomatic process
4 by all claimants for resolving outstanding territorial
5 and jurisdictional disputes, allowing parties to peace-
6 fully settle claims and disputes using international
7 law;

8 (5) reaffirms the United States commitment—

9 (A) to assist the nations of Southeast Asia
10 to remain strong and independent;

11 (B) to help ensure each nation enjoys
12 peace and stability;

13 (C) to broaden and deepen economic, polit-
14 ical, diplomatic, security, social, and cultural
15 partnership with ASEAN and its member
16 states; and

17 (D) to promote the institutions of emerg-
18 ing regional architecture and prosperity; and

19 (6) supports enhanced operations by the United
20 States armed forces in the Western Pacific, includ-
21 ing in the South China Sea, including in partnership
22 with the armed forces of others countries in the re-
23 gion, in support of freedom of navigation, the main-
24 tenance of peace and stability, respect for inter-
25 national law, including the peaceful resolution of

- 1 issues of sovereignty, and unimpeded lawful com-
- 2 merce.

