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ADMINISTRATIVE AND LEGAL FRAMEWORK FOR THE NATIONAL SECURITY OF THE UNITED STATES WITH SOUTHEAST ASIAN COUNTRIES DURING B. OBAMA'S PRESIDENCY

Abstract. Purpose. The purpose of this article is the historical and legal study of the administrative and legal framework for the U.S. national security with southeast Asian countries under the Obama administration. **Results.** The article forms the administrative and legal framework for the U.S. national security with southeast Asian countries under the Obama administration, determining the nature of bilateral cooperation. The United States is consistent in its domestic and external national security. The world geopolitical situation is of great importance for the implementation of the foreign policy strategy. Partnership with Indonesia, the world's third largest democracy, the world's largest Muslim nation, member of the G20, as well as control of the influence of China and Russia on the South-East Asian region seems important to U.S. national security. It is revealed that that the United States, in re-establishing bilateral cooperation with the SEA countries, has proposed a wide range of areas of cooperation, including security agreements, cooperation on economic issues, environmental protection, education development, etc. The United States renews and maintains its partnership with the Philippines and Thailand, increasing the number of ships and workers to successfully complete Philippine counter-terrorism training. In Thailand, an ancient partner of the United States, it is planned to create a centre for humanitarian assistance in emergencies. Partnerships with other South-Countries in East Asia are expected to be closer than before. These include China, India, Indonesia, Singapore, New Zealand, Malaysia, Mongolia, Viet Nam, Brunei and Pacific Island countries. Of course, the focus is on relations with China, their problems, and addressing these issues, because this partnership is important for both the U.S. and China. **Conclusions.** It is concluded that the administrative and legal framework for the U.S. national security with the countries of South-East Asia under the Obama administration has been determined to make further partnership policy, because this is one of the most important U.S. tasks of today. International relations between the U.S. and South-East Asia continue to develop, which in turn affects the efficiency of economic development, contributes to internal and regional stability, especially to support national development in all sectors of life.

Key words: administrative and legal framework, administration, Asia-Pacific economic cooperation, fight against terrorism, internal relations, foreign policy strategy, national security, defence, South-East Asia, United States of America.

1. Introduction.

The relevance of the topic of the study is due to the growth of the role of South-East Asia (hereinafter – SEA) in the global economy, politics and its impact on the development of national security of the countries of the region. The impact of the SEA on the world economy has increased significantly, and the U.S. national security policy towards the South-Countries in East Asia has evolved over the years. Ever since the Cold War, the United States Government has provided assistance to the region on the basis of its strategic objective of national

security to prevent communist rule. China's rise was also perceived by both regions as a threat, requiring the SEA to strengthen military cooperation with the US.

The reason for the rapprochement between the U.S. and the SEA countries was also the interest in the U.S. economic presence in the region. However, as a result of the Asian financial and economic crisis of 1997-1998, interest in Asia-Pacific economic cooperation has waned significantly. From an East Asian perspective, the crisis was used by the U.S. to extend the U.S. model of capitalism to East Asia

and open specific regional markets to U.S. companies. That is to say, these activities were well thought out for the region.

However, under the Bush administration, the U.S. government was more active in restoring U.S.-Asian relations as China's influence in the SEA countries increased, and trade and economic relations between China and ASEAN developed rapidly. Within a few years, the Obama administration not only continued what his predecessor had begun, but also improved its foreign policy.

In this context, studies by L. Vasyliiev, V. Urliapov, H. Hrevtsova, Y. Leksiutina, N. Horodnia, et al., should be reviewed. Some management issues in the field of internal security of the country were studied by V.B. Averianov, O.F. Andriiko, Y.P. Bytiak, V.M. Harashchuk, I.P. Holosnichenko, Y.V. Dodin, R.A. Kaliuzhnyi, S.V. Kivalov, T.O. Kolomoiets, V.K. Kolpakov, A.T. Komziuk, V.V. Konoplov, O.V. Kuzmenko, V.Y. Nastiuk, V.I. Olefir, O.I. Ostapenko, V.P. Pietkov, M.M. Tyshchenko, V.K. Shkarupa, K.P. Yarmaki, and others.

The purpose of this article is the historical and legal study of the administrative and legal framework for the U.S. national security with the countries of Southeast Asia under the Obama administration.

2. Areas of U.S. Leadership Return in Asia and the Pacific

In his program article "Renewing American Leadership", published in the summer of 2007 in *Foreign Affairs*, B. Obama reveals the main areas of the President's administration: 1) to make necessarily "a more effective framework in Asia that goes beyond bilateral agreements, occasional summits, and ad hoc arrangements, such as the six-party talks on North Korea"; 2) to form "an inclusive infrastructure with the countries in East Asia that can promote stability and prosperity and help confront transnational threats; 3) "to encourage China to play a responsible role as a growing power—to help lead in addressing the common problems of the twenty-first century." That is a strategy to enhance U.S. national security requires to build a relationship with the SEA countries that broadens cooperation while strengthening U.S. ability to compete (Obama, 2008).

Washington's involvement in resolving the situation in the South China Sea, where long-standing disagreements over the status of the Spratly Islands resumed, was a serious bid for the U.S. to regain leadership in the Asia-Pacific region (hereinafter referred to as APAC). Statements by Secretary of State Hillary Clinton on support for freedom of navigation and the settlement of disputes in the South China Sea through multilateral arrangements

with U.S. mediation, as the South China Sea is the U.S. national interest (as expressed at the July Summit and the Hanoi Summit of the Association of Southeast Asian Nations in October 2010) have confirmed the U.S. "return" to the SEA in the context of maritime security and "freedom of the seas".

New approaches of the Obama administration to the implementation of foreign policy were formulated in a speech by Hillary Clinton to the Senate Foreign Affairs Committee in connection with the confirmation of her candidacy for the post of Secretary of State. It was policy based on a combination of principles and pragmatism, not rigid ideology, on recognition of the fact of interdependence of the modern world; on the need to use "smart power," the full range of tools – diplomatic, economic, military, political, legal, and cultural – their right combination for each situation. Diplomacy should become the vanguard of foreign policy in the context of "smart power" (Congressional Testimony, 2009).

Another important provision of the Secretary of State's speech was the need for the United States, in the context of limited resources, to choose foreign policy priorities in order to ensure national security. These provisions were developed in subsequent speeches by Hillary Clinton and most comprehensively outlined in the program article "America's Pacific Century", published in the journal *Foreign Policy* in October 2011. The Secretary of State said: "The future of politics will be decided in Asia, not Afghanistan or Iraq, and the United States will be right at the centre of the action" (Clinton, 2011). New American strategic activity would spread from the western shores of the U.S. to the Indian subcontinent. H. Clinton highlighted the three core principles of the Obama administration that guide modern policy in the SEA: 1) to maintain political consensus on the core objectives of alliances; 2) to ensure that alliances are adaptive so that they can successfully address new challenges and seize new opportunities; 3) to guarantee that the defence capabilities and communications infrastructure of alliances are capable of deterring provocation from state and nonstate actors.

In addition to issues of U.S. national security, such as military power and economic growth, America's main value is support for democracy and human rights. This is at the core of their foreign policy, including in the Asia-Pacific region. While deepening relations with partners with whom the U.S. disagrees on these issues, the State Department calls on them to introduce reforms, improve governance, and respect human rights. An example was Burma, where the United States Gov-

ernment was determined to ensure accountability for human rights violations. Although the USA cannot and does not seek to impose its system of values, it does defend the existence of universal values inherent to every country in the world, including Asia.

It should be noted that President Obama's 9-day tour to APAC in November 2011 was of great importance for the implementation of the U.S. Asia-Pacific strategy, during which he participated in the Asia-Pacific Economic Cooperation Summit (Honolulu, Hawaii), the third ASEAN-USA Summit and the East Asian Summit (Bali, Indonesia), visited Australia, held bilateral meetings with leaders of India, Indonesia, Philippines.

On 17 November, in the Australian Parliament, President Obama delivered a keynote speech in which he grounded U.S. policy in APAC. "The United States has been, and always will be, a Pacific nation... Here, we see the future. As the world's fastest-growing region – and home to more than half the global economy – the Asia Pacific is critical to achieving my highest priority, and that's creating jobs and opportunity for the American people... As President, I have, therefore, made a deliberate and strategic decision – as a Pacific nation, the United States will play a larger and long-term role in shaping this region and its future..." (Remarks By President Obama to the Australian Parliament, 2011).

B. Obama's recognition of the U.S. leadership in APAC as upholding the set of "international norms", ensuring compliance with the same rules by all participants, is noteworthy. In this context, Washington's vision of a new international order was presented: "We stand for an international order in which the rights and responsibilities of all nations and all people are upheld. Where international law and norms are enforced. Where commerce and freedom of navigation are not impeded. Where emerging powers contribute to regional security, and where disagreements are resolved peacefully. That's the future that we seek" (Remarks by President Obama to the Australian Parliament, 2011).

This tour of the U.S. President defined the prospects for the priorities of U.S. policy in the Asia-Pacific region: strengthening bilateral security alliances; deepening working relations with major developing countries, including China; integration into regional multilateral institutions; expansion of trade and investment; development of a broad military presence; protection of democracy and human rights.

Therefore, it should be noted that the Obama administration has made a decisive turn in U.S. foreign policy from West to East Asia from the problems of traditional to non-traditional

security. Renewing U.S. leadership in the region, it pursues a multi-track strategy – developing dialogue with China, avoiding confrontation with it; developing bilateral relations with regional states and ASEAN as a collective body; participation in regional multilateral institutions; involvement as mediator in the situation in the South China Sea; developing economic integration at the bilateral and multilateral levels; expanding the region to include India. An important factor is the Obama administration's recognition of the interdependence of the world, the commonality of threats and challenges that make single-handedly leadership problematic; acceptance of integration ideas as the basis of its foreign policy, decisive role of diplomacy in its implementation (Horodnia, 2012, p. 195).

3. U.S. Military Cooperation in Asia and the Pacific

We can watch the installation of American military bases in Singapore, the Philippines and Malaysia. On January 5, 2010, Barack Obama announced a program to reform the U.S. defence strategy. He said that the American army would become more compact but could maintain its global superiority and focus its efforts on the Asia-Pacific region. The reorganization of the army is primarily due to a change in strategy, at the heart of which is the ability of the United States to wage two wars simultaneously.

It should be noted that in the autumn of 2011, Leon Panetta, the U.S. Secretary of Defense, stated that the emphasis in the U.S. military strategy would be made to strengthen the U.S. presence in Asia and the Pacific in order to confront the strengthening of China's influence in the region (Experts: The visit of the U.S. Secretary of Defense to China will help deepen mutual trust and dispel doubts between the two armies, 2012). China has been increasing its military spending in recent years, while the U.S. is cutting its military budget. Although Washington is still far ahead of China in armaments and technology.

Therefore, it should be noted that the United States, in re-establishing bilateral cooperation with the SEA countries, has proposed a wide range of areas of cooperation, including security agreements, cooperation on economic issues, environmental protection, education development, etc. The United States renews and maintains its partnership with the Philippines and Thailand, increasing the number of ships and workers to successfully complete Philippine counter-terrorism training. In Thailand, an ancient partner of the United States, it is planned to create a centre for humanitarian assistance in emergencies. Partnerships with other South-Countries in East Asia are expected to be closer than before. These include China, India,

Indonesia, Singapore, New Zealand, Malaysia, Mongolia, Viet Nam, Brunei and Pacific Island countries. Of course, the focus is on relations with China, their problems, and addressing these issues, because this partnership is important for both the U.S. and China.

It should be emphasised that what is important for the U.S. is a new partnership with Indonesia, the world's third largest democracy, the world's largest Muslim nation, member of the G20. In 2010-2011, joint training with the Indonesian special forces was resumed, and several agreements were signed in the fields of medicine, education, defence, science and technology. Both governments intend to further increase student exchanges, increase investment in education, energy and agrarian policies, and increase defence trade, which is becoming an important component of international relations. According to such trend, a programme allowing students from both countries to conduct research and publish was funded by Governments in 2012. Consequently, the research competitiveness of countries is improving. There is also an active exchange of students, scientists and institutions in both countries on the conservation of the marine environment and biotechnology, indigenous plants and food security, health and adaptation to climate change (US Department of State Portal, 2018).

It should be noted that much attention has been paid to the development of ASEAN relations, which has become a centre for regional integration in East Asia. This is evidenced by the annual participation of Secretary of State H. Clinton in the ASEAN Regional Forum (ARF); Resumption of the U.S.-ASEAN Annual Summits in 2009; the Treaty of Friendship and Cooperation in the SEA in July 2009, signed by the U.S., opening the way for the U.S. to join the East Asian Summit; opening of the U.S. Mission to ASEAN in 2010 and appointment of the first ASEAN Ambassador in April 2011, etc.

In the international arena, discussions have begun on the creation of the role of the United States as a "resident country". To do this, it was necessary to combine military and economic power with public diplomacy. Such policy implies the expansion of all nego-

tiation processes, commitment to environmental and energy security, the activation of all mechanisms of public diplomacy and, above all, accession to the 1976 Treaty. Obama's pre-election campaign did not mention the need to develop relations with the ASEAN countries. But the focus on ASEAN of U.S. foreign policy interests under Obama's democratic administration manifested itself in February 2009. Indonesia became the second country after Japan to be visited by U.S. Secretary of State H. Clinton. It is no coincidence that the ASEAN Secretariat is located in Jakarta. The central event was the first visit of Hillary Clinton to the ASEAN Secretariat in 32 years of a dialogue partnership. As a consequence of this visit, Clinton announced a decision to accede to the Bali Treaty of 1976 (Vasilev, 2010, p. 192).

U.S. increased focus on ASEAN has both global and regional reasons. In terms of global change, this is a continuation of the impact on those crisis processes around the world (including Western Europe and the USA), and are certainly reflected in the SEA region, but there are also regional reasons, and perhaps more sharply identified today. This is because the SEA has very powerful players, most notably China, which is now making increasingly clear its claim of dominance in the region. Even during U.S. President Barack Obama's visit to the ASEAN summit, China's representative made it clear that this is a problem that the USA should not interfere with. In addition to China, there are other international actors, such as India and Russia that also try to strengthen their influence in the region. To do so, the USA, as the world's leader, should pay attention to the SEA situation.

4. Conclusions

Consequently, the administrative and legal framework for the U.S. national security with the countries of South-East Asia under the Obama administration has been determined to make further partnership policy, because this is one of the most important U.S. tasks of today. International relations between the U.S. and SEA continue to develop, which in turn affects the efficiency of economic development, contributes to internal and regional stability, especially to support national development in all sectors of life.

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АДМІНІСТРАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ США З КРАЇНАМИ ПІВДЕННО-СХІДНОЇ АЗІЇ ЗА ЧАСІВ ПРЕЗИДЕНТА Б. ОБАМИ

Анотація. Мета. Метою цієї статті є історико-правове дослідження адміністративно-правового забезпечення національної безпеки США з країнами Південно-Східної Азії за часів президента Б. Обами. **Результати.** У статті сформовано адміністративно-правове забезпечення національної безпеки США з країнами Південно-Східної Азії за часів президента Б. Обами, що визначають характер двостороннього співробітництва. Сполучені Штати є послідовними у веденні зовнішньої та внутрішньої національної безпеки країни. Велике значення для реалізації її зовнішньополітичної стратегії має світова геополітична ситуація. Зауважено, що важливим для національної безпеки США є партнерство з Індонезією, третьою за розміром демократією у світі, найбільшою мусульманською нацією, членом Великої двадцятки, а також контроль за впливом на регіон Південно-Східної Азії Китаю та Росії. З'ясовано, що США, відновлюючи двостороннє співробітництво з країнами ПСА, було запропоновано широке коло сфер взаємодії, включаючи угоди у сфері безпеки, співробітництво з економічних питань, у сфері охорони природи, розвитку освіти тощо. Сполучені Штати оновлюють і зберігають партнерські відносини з Філіппінами й Таїландом, збільшуючи кількість кораблів і робітників для успішного завершення підготовки філіппінських військ у боротьбі з тероризмом. У Таїланді, давньому партнерові США, планується створити центр гуманітарної допомоги при надзвичайних ситуаціях. З іншими країнами Південно-Східної Азії передбачається встановлення більш тісних партнерських відносин, ніж раніше. Це такі країни, як Китай, Індія, Індонезія, Сінгапур, Нова Зеландія, Малайзія, Монголія, В'єтнам, Бруней та тихоокеанські острівні країни. Звісно ж, основна увагу приділяється відносинам з Китаєм, їх проблемам, та вирішенням цих питань, адже це партнерство важливе як і для США, так і для Китаю. **Висновки.** Зроблено висновок, що адміністративно-правове забезпечення національної безпеки США з країнами Південно-Східної Азії за часів президента Б. Обами було сповнено рішучості проводити надалі політику партнерства, адже це одне з найбільш важливих завдань для сьогоденної Америки. Міжнародні відносини між США та Південно-Східної Азії продовжують свій розвиток, а це впливає на ефективність економічного розвитку, сприяє внутрішній та регіональній стабільності, особливо для підтримки національного розвитку в усіх сферах життя.

Ключові слова: адміністративно-правове забезпечення, адміністрація, Азійсько-Тихоокеанське економічне співробітництво, боротьба з тероризмом, внутрішні відносини, зовнішні відносини, зовнішньополітична стратегія, національна безпека, оборона, Південно-Східна Азія, Сполучені Штати Америки.

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