AN ASEAN MARITIME REGIME: 
DEFUSING SINO-US RIVALRY IN THE SOUTH CHINA SEA

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Abstract— The ASEAN is once again at the forefront of a super power rivalry this time between the US and China with the South China Sea as its setting. While it has been maintained that the ASEAN is not a military-security organization, former Indonesian Foreign Minister Ali Alatas said the ASEAN was created in August 1967 on account of the shared national objectives and goals of its members against the evolving strategic development in East Asia (Severino, 2006). Against the increasing security dilemma in the South China Sea among the claimants and the threat of a Sino-US power rivalry, a change in the characterization of the region’s security outlook from a military definition to comprehensive security is essential. This refers to interdependence and cooperation in economic development, scientific research and a general enhancement of human interactions. Accordingly, military might alone does not define security nor generate long-term peace (Valencia 2000). The establishment of an ASEAN-led maritime regime against piracy could initiate the foundation to finding a resolution to the South China Sea disputes and encourage cooperation and mutual understanding in Sino-US rivalry in the region.

Keywords-Maritime regime, ASEAN, Comprehensive security, piracy

INTRODUCTION

The ASEAN has made great strides politically in formulating treaties and policies that function as guiding principles in the conduct of its affairs. The forging of the zone of Peace, Freedom and Neutrality (ZOPFAN) in November 1971 calls for a stable security in the region free of any external influence; The Treaty of Amity and Cooperation (TAC) in 1976 provides a mechanism and processes for the peaceful settlement of disputes and the SEANWZ (nuclear weapons free zone) is the organization’s contribution to nuclear disarmament and non-proliferation. In 1994 the ASEAN regional forum (ARF) was established wherein regional security issues between ASEAN and its dialogue partners (as well as non-ASEAN states) are discussed under the guiding principles and standards of the ASEAN (Severino, 2009). Even in its most pressing security concern in the South China Sea, the ASEAN succeeded in having the People’s Republic of China sign the Declaration on the Conduct of Parties in the South China Sea (DOC) on November 4 2002 in Phnom-Penh. This has marked a dramatic shift of China’s bilateral negotiation stance to that of a multilateral one (Tran 2011).

However, these successes are against the backdrop of the reality of regional security. China and Vietnam have clashed in Spratlys in 1974 and in 1988 resulting in a number of casualties for the Vietnamese side (The China Post, June 2011). In 1995, China occupied Philippine-claimed Mischief reef and in 1999 upgraded its structures (Hamzah 1992). Unilaterally, China has implemented a fishing ban from May to August 2011 in the Paracel island group in the South China Sea which prevented Vietnamese fishermen from entering the area, a move condemned and protested by Hanoi. In June 2012, A standoff between the Philippine and Chinese vessels over the Scarborough shoal which left the two countries in a tense confrontation over the reef (Philippine Daily Inquirer, Jun 20, 2012).

In June 2012, China has elevated the status of Woody (Yongxing) island in the Paracels into a prefecture city level. The new city is called Sansha and the upgrade of its facilities have been undertaken as well as the establishment of a division level garrison in the area (Blasko & Fravel 2012). It has likewise opened oil drilling blocks for bidding and exploration by international oil companies. The areas opened are close vietnam's claimed oil drilling fields and has generated protest from Hanoi .

During the 45th Association of Southeast Asian Nations (Asean) Ministerial Meeting in Phnom Penh on July 2012, Cambodia, a key ally of Beijing in the region and the current ASEAN chair was unable to find a consensus among the ASEAN members and for the first time in its history since 1967, has failed to issue a joint statement by its members. Indonesian Indonesia Foreign Minister Marty Natelagawa thereby made rounds among south east asian members states to obtain a joint declaration for the last ASEAN meet.

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China is adopting a multipronged approach in asserting its sovereignty. From skillful diplomatic maneuverings such as preventing the disputes to be internationalised and its discussion in multilateral forums, to unilaterally ratifying sovereignty laws as well as prolific use of its maritime police and commercial fishing fleets in asserting its sovereignty in the region. China likewise raised the level of the South China Sea as its core interest similar to Taiwan and Tibet.

Its actions in the South China Sea has caused anxiety among its ASEAN neighbors and has elicited US involvement in the Asia Pacific region looking specifically at the activities in the South China Sea (Yahuda 2012). During the ARF foreign ministers meeting in Hanoi in July 2010, the US expressed its intentions of keeping the sea-lanes of communication (SLOC) open and safe much to China's objection (Washington Post, 30 July 2010). According to Carl Thayer, Chinese actions have resulted in growing friction with Vietnam and have spilled over to affect US strategic interests and the US responded by asserting its right to freedom of navigation and developed a strategic partnership with Vietnam (BBC News September 2010).

This was welcomed by some of the ASEAN claimants since the US is seen at the only counter balance to China's military might albeit their increased military spending to prevent incursions in their territorial waters. The PLA's defense spending has doubled since 1997 with a focus on R&D and technological capabilities to specific to maritime capabilities and to counter US dominance of the high seas (Bitzinger 2012). It is clear that China does not want to do anything that would provoke Washington and invite US military action. Nor does it want to give the US an excuse to interfere in the territorial disputes, especially militarily (Lee 2003).

The ASEAN once again is in the midst of a great power rivalry this time between the US and China. The issue is further compounded by divisions within the regional organization as how to engage China and its actions in the region (Leifer, 1995) and how to respond to the US' vocal concerns for regional stability and its likely participation in the disputes. The ASEAN has to be more united in its policy towards regional stability, have a coherent goal in constructively engaging China actions. This in turn would reassure the US of the peaceful and stable regional security situation, guaranteeing freedom of navigation which after all is its main concern.

Discussion

China's actions in the South China Sea towards its neighbors and some of its own vessels, such as the USS Impeccable incident wherein a US research vessel has been harrassed by Chinese fishing vessels in the south china sea, has elicited the attention of Washington. During the Shangri-la dialogue in Singapore on 02 June 2012, US Defense Secretary Leon Panetta discussed the US new defense strategy of refocusing 60% of its military in the Asia-Pacific region by 2020. Chairman of the U.S. Joint Chiefs of Staff, General Martin Dempsey described the new strategy as the “three (3) mores”-more attention, more engagement and more quality. This would mean more troop rotations, deploying the most advanced ships, carriers and missile technology (Manila Times 09 June 2012).

Though not expressly a move directed against China and its containment, the US believes that the PLA is creating “contested zones” in the South China Sea and the Taiwan Straits designed to keep US forces out (Blumenthal 2011). Accordingly, China is focusing on deterrents to counter specific US military technology under its 3 defense and 3 attacks initiative (Snyder, 2004). In response, containment should be adopted by the US and its allies. Specific objectives include: Keep the sea lanes open; Create their own contested zones to ward off Chinese and North Korean coercion; Maintain access to the territories and waters China claims such as the South China Sea and the Taiwan Straits; Keep the Chinese military out of the Pacific and Indian Oceans; Short of establishing military bases, allies should provide enabling capabilities to help the US; and among allies in the region, establish military and defense co-operability (Blumenthal 2011).

To support these efforts at refocusing their military in the Asia-Pacific, the US navy has developed modern and high tech stealth destroyers that could go under the radar seemingly invisible. This is adapted for a more specific type of warfare and military operations in the region which can carry out operations both in the high seas and in shallow waters comprising the region's numerous islands and littoral states. This was however, downplayed by China's National Defense University. Rear-Admiral Zhang Zhaozhong through a state TV channel said that despite new US vessel's high-tech capabilities, a swarm of fishing boats laden with explosives could get through and blow a hole in its hull rendering it ineffective. Recently, China has reportedly developed its nuclear capability wherein its missiles could hold multiple warheads which could effectively compromise the US missile defense shield.

According to Bitzinger (2012) China is geared towards the development of a sustainable navy which is militarily viable and could counter US actions in the Asia Pacific. It has moved from a brown to green and to a blue water navy that would be able to protect its first island chain stretching from Japan, Taiwan, and the Philippines and the second island chain-Guam, Indonesia and Australia. Eventually, it aims to develop a sustainable force into the whole west pacific and Indian ocean.

China's military modernization increased in defense spending in the last 15 years. Referring to 1997 as year zero or the start of defense spending and development, Bitzinger (2012) said there was a double digit increase in military spending annually from 7-8$USD (1997) to 106$USD (2012). Notably, its hardware development is geared specifically towards A2AD (anti access and denial) against the US. The idea of A2AD is twofold: to prevent the USN from entering China’s island chains and if ever they are able to enter, they
will prevent it to act with impunity within the region. It is also China has developed Anti-ship medium range ballistic missiles, the DF21s also known as the “aircraft carrier killers” (Bitzinger 2012).

The ASEAN's failure to have a common stand in constructively engaging China and having a coherent position in South China Sea disputes has created clear repercussions which has led in the US involvement leading to a dramatic change in strategic environment as described earlier. Some form of success may be gleaned from the ASEAN Declaration on the Conduct of Parties in the South China Sea (DOC) in November 2002 between ASEAN and China but there is no specific approach to the defusing of tensions in the South China Sea. Since its inception, the DOC has failed to implement its clauses since it is a non-binding declaration (Wain, 2011).

Given these realities, there is a call for a mechanism for cooperation and conflict-resolution to be established to avoid conflict in the South China Sea among claimants and prevent a Sino-US rivalry. According to the DOC, until the establishment of a lasting resolution for the conflict, parties may engage in cooperation in transnational security concerns.

In an effort to arrest the increasing security dilemma, there should be a change in the characterization of the region’s security outlook from an essentially military definition to that of comprehensive security. The application of realist thinking such balance of power, alliances and containment in the disputes is outdated and detrimental to the overall regional stability. Comprehensive security implies that security should be achieved through a web of interdependence including cooperation in economic development, scientific research and a general enhancement of human interactions. Accordingly, military might alone does not define security nor generate long-term peace (Valencia 2000).

Safe navigation in the SLOCs and piracy is a common transnational security concern. Dr. David Zweig (2012) refers to the importance of the SLOCs to China’s access to oil from the Middle East and its quest for energy security. China is concerned that any destabilization in the SLOCs might affect its oil supply. It also considers the US leanings of the littoral states in the SLOCs as well as the US itself and its increased involvement in the region, a threat to its energy security.

Similarly, the US has manifested its commitment towards freedom and safe navigation in the SLOCs during the July 2010 ARF meeting in Hanoi. The ASEAN relies heavily on the Straits of Malacca, Sunda, and Lombok, collectively referred to as the “choke point straits” (Noer, 1995) and the South China Sea as vital supply routes and has shown its commitment in ensuring the safety of the sea lanes through growing (bilateral) military cooperation. Indonesia has conducted joint air, naval, army maneuvers with Malaysia and have cooperated in patrolling their common South China Sea border areas. Indonesia has conducted joint naval surveillance in the Celebes Sea with the Philippines (Valencia 2000).

Piracy has been threatening the SLOCs in Southeast Asia and peaked in 2000 when 242 out of 469 incidents of piracy occurred in the region according to the international maritime bureau (IMB) and from 2005-2009 saw a decrease in piracy on account of some success by cooperation among Indonesia, Malaysia and Singapore as well as the shifting of piracy activities to the horn of Africa. However, in 2010, piracy seemed to have returned to Southeast Asia with a 60% increase in its activities (Banlaoi 2011).

Recommendation

There is a clear and common interest in maintaining safety and freedom of navigation in the SLOCs among the stakeholders in the region. Cooperation among states is possible if it is consistent with a state’s own objectives and requires the adjustment of its own policies in the hopes of reciprocity from the other state it cooperates with. In the formation of a multilateral maritime regime against piracy, it similarly requires that states adjust their policies concerning a particular issue or area and in this case, safety in the SLOCs from piracy (Valencia 2000).

Concerned states should focus on the issue of safety of navigation and piracy as reasons for the establishment of a maritime regime since: it is a concern of all states in the region; there are ongoing independent unilateral, bi and trilateral initiatives in addressing the issue; the issue of piracy is a transnational security threat where states are more willing to be involved in rather than politico-military security in the strict sense; it is a chance to involve all the stake holders and engage in dialogue on areas of common interest; open communication among disputing states; the DOC would be more relevant and have concrete significance in carrying out its clauses; some degree of success in curbing piracy owing to cooperative efforts of some ASEAN states and; addressing piracy could lead to other avenues for greater cooperation in addressing environmental problems caused by piracy such as oil spills and its containment (Bulkely 2003).

The anti-piracy multilateral regime should be headed by the ASEAN wherein it will be the hub while the other participating nations and stake holders such as the US and China and to a lesser extent Japan, Korea and Australia, will be the spokes similar to the framework of the ARF. China is willing to have ASEAN take the leadership in multilateral regimes addressing economic and non-traditional issues (Shen 2011). However, ASEAN has to move away from its dialogue and forum oriented roots and to one that is more binding and enforces the anti-piracy function of the regime.

The three ASEAN littoral states at the center of the these strategic “choke points” are Indonesia, Malaysia and Singapore should be given the helm of this multilateral regime since they have initiated the strait of Malacca Safe Navigation Scheme and the ASEAN Maritime Forum which was established in 2010 to address maritime security issues. The former is funded by Japan and has a revolving fund of US$1.3M since Japan relies heavily on freedom of the navigation for its economy and energy needs. Japan’s inclusion in the ASEAN-led maritime regime would enrich the scope of the organization.
Indonesia, Malaysia, and Singapore would have to involve other ASEAN states to participate in maritime operations in the SLOCs near their jurisdiction as well as China and the US. Similarly, both powers have to set their differences aside and cooperate with this ASEAN initiated regime in ensuring safety of navigation in the region. Having the 3 ASEAN countries spearhead the regime would dispel China’s fears of containment. Indonesia has been known to initiate Track II dialogues in the South China Sea and Malaysia is identified as one of the ASEAN states that views China’s rise as peaceful and benign (Shee 2004). Notably, in its anti-piracy operations in the Horn of Africa in December 2008, China expressed its willingness to conduct intelligence information and sharing with the US in its anti-piracy efforts (Kaufman 2009).

The ASEAN-China DOC was ratified in Nov 2002 and has yet to be implemented. With the growing tension in the South China Sea and the brewing Sino-US rivalry, it is opportune that the DOC should be implemented. The establishment of an ASEAN piracy maritime regime is consistent with the DOC and such a mechanism would require a more binding framework. This is regime would be under the framework of cooperation and comprehensive security bringing together the ASEAN, the US, China and Japan as well as Korea and Australia to collaborate under one concern thereby increasing mutual understanding and building communication, which could be the basis for more binding mechanisms in the South China Sea disputes in the future and foster confidence building between the US and China bound within the principles of the ASEAN.

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