

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

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BAYANI H. QUILALA IV

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. Against the increasing security dilemma in the South China Sea and threat of great power rivalry, a change in the characterization of the region's security outlook from an essentially military definition to comprehensive security is necessary. This refers to interdependence and cooperation in economic development, scientific research, and a general enhancement of human interactions. The establishment of an ASEAN-led maritime regime against piracy could initiate the foundation for a resolution to the South China Sea disputes and encourage cooperation and foster understanding in Sino-US rivalry in the region.

Keywords: *Maritime regime, ASEAN, comprehensive security, piracy*

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The ASEAN has made great strides 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 called for a stable security in the region free of any external influence. The Treaty of Amity and Cooperation (TAC) in 1976 provided a mechanism and process for the peaceful settlement of disputes. The SEANWFZ (nuclear weapons free zone) is the organization's contribution to nuclear disarmament and non-proliferation.

Perhaps the most significant of ASEAN's politico-security component is the ASEAN regional forum (ARF) established in 1994 where 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).

One of the most pressing security issues affecting the ASEAN was the dispute in the South China Sea involving China, Taiwan and some ASEAN states. China and Vietnam have gone to war over the Spratlys in 1974 resulting in a number of casualties ("Armed conflict", 2011). The Chinese occupied Philippine-claimed Mischief reef in 1995 and in 1999 upgraded its structures. Given its size, rapid economic and military modernization, as well as its assertive stance on its claims, China is seen to be taking a "creeping jurisdiction" and "creeping assertiveness" in the South China Sea (Guan, 1999). According to Yahuda (2012), China's actions in the South China Sea have raised the fears of its neighbors and have elicited US involvement in the Asia Pacific region looking specifically at the activities in the South China Sea.

The ASEAN is once again in the midst of a great power rivalry, this time between the US and China. The US adopted a new focus on the Asia Pacific region in its global security strategy and China

is focusing on deterrents to counter specific US military technology under its 3 *defense* and 3 *attacks* initiative (Snyder, 2004).

Meanwhile, the ASEAN lacks a common position in engaging China (Leifer, 1995) and as sort of countervailing factor, regional states have increased military spending and hardware acquisitions. Likewise, they have involved the US in the disputes to which the US acceded during the ARF foreign ministers meeting in Hanoi in July 2010, where it expressed its intentions of keeping the sea-lanes of communication (SLOC) open and safe much to China's objection (Pomfret, 2010).

Security dilemma

Aside from the ASEAN Declaration on the Conduct of Parties in the South China Sea (DOC) in November 2002 between ASEAN and China, there is no specific approach to the defusing of tensions in the South China Sea. Being a non-binding declaration, the DOC has failed to implement its clauses since its inception (Wain, 2011).

Given these realities and a brewing Sino-US rivalry, there is a call for the establishment of cooperation and a conflict-resolution mechanism to avoid conflict in the South China Sea among claimants and prevent a great power rivalry between the US and China. According to the DOC, until the establishment of a lasting resolution of 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 one of comprehensive security. 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 United States' leanings of the littoral states in the SLOCs as well as the US itself and its increased involvement in the region as threats to its energy security.

Similarly, the US has committed 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 has 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, reaching its peak in 2000 when 242 out of 469 incidents of piracy occurred in the region, according to the international maritime bureau (IMB). The period 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 issues of navigation safety and piracy as reasons for the establishment of a maritime regime since: 1) it is a concern of all states in the region; 2) there are ongoing independent unilateral, bilateral, and trilateral initiatives in addressing the issue; 3) 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; 4) it is a chance to involve all stakeholders and engage in dialogue on areas of common interest; 5) it opens communication among disputing states; 6) the DOC would be more relevant and have concrete significance in carrying out its clauses; 7) there is some degree of success in curbing piracy owing to cooperative efforts of some ASEAN states; and 8) 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 which will be the hub, while the other participating nations and stakeholders 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 to one that is more binding to enforce the anti-piracy function of the regime.

The three ASEAN littoral states at the center of these strategic “choke points,” 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\$1.3 million 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 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 navigation safety in the region. Having the three 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 November 2002 and has yet to be implemented. With the growing tension in the South China Sea and the brewing Sino-US rivalry, it is an opportune time for the implementation of the DOC. The establishment of an ASEAN piracy maritime regime is consistent with the DOC and such a mechanism would require a more binding framework. This 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. An ASEAN-led maritime regime against piracy 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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About the author: Mr. Bayani Quilala IV, is a PhD candidate in Global Studies at the University of St. Joseph, Macao-SAR.