

Militarisation of the South China Sea: Implications on ASEAN



SUMMARY/BRIEF

Territorial disputes in the South China Sea are expanding and the risk of open, large-scale conflict is now greater than ever before. China's extensive and rapid land reclamation in the Spratly archipelago, allowing Beijing to further expand its military power projection and thus enhancing its claim over the area, has sparked concerns throughout the region. Regional powers, including ASEAN member states and the United States, have responded through their own military modernisation and deployment. Hence, the South China Sea is getting increasingly militarised with more warships and aircrafts deployed in the area.

The implications on ASEAN are severe. Besides the obvious threat to regional stability, the failure of ASEAN to stem the conflict would damage the regional institution's credibility.

This issue of ASEAN Briefs calls upon ASEAN member states' leaders to go beyond the inefficient existing approach and adopt the following set of strategies to strengthen the prospect of a rules-based, peaceful settlement of the dispute in the South China Sea: (1) to accelerate maritime capacity build-up while promoting transparency and predictability; (2) to intensify negotiation on regional mechanism on the safety and security of navigation; (3) to further develop overcoming the state-centric, elitist diplomatic approach by exploring the ways Track II diplomacy could contribute to conflict avoidance.

ASEAN Briefs is a regular publication about current developments on ASEAN regionalism, especially in the Political-Security, Economic as well as Socio - Cultural Pillars.

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Recent Developments in the South China Sea

The South China Sea, from a geopolitical point of view, is a conflict-prone area. It is a major trading route and rich in natural resources.¹ Each of the littoral states in the South China Sea, thus, strives to secure its access to the area. Given the intensive militarisation and interests involved, the risk of an open, large-scale inter-state conflict in the area could increase to a level not seen before.

In June, China's officials claimed that it has completed most of the land reclamation projects that it had been carried out in the Spratly Islands for the past couple of years. The areas under reclamation – including Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Hughes Reef, Johnson South Reef, Mischief Reef, and Subi Reef – are disputed between China and at least one other claimant, including the Philippines, Vietnam, Malaysia, and Taiwan.² China's land reclamation is so extensive that U.S. Defence Secretary Ashton Carter noted "China has reclaimed over 2,000 acres, more than all other claimants combined ... and more than in the entire history of the region. And China did so in only the last 18 months."³ Unlike other claimants who build upon existing islands, China's reclamation project literally creates artificial landmasses on what were previously merely rocks and reefs.

1 More than half of annual merchant fleet tonnage passes through the South China Sea. Furthermore, almost a third of global crude oil and over a half of global LNG passes through the South China Sea each year; it is three times the amount that passes through the Suez Canal and fifteen times the amount passing through the Panama Canal. The U.S. Energy Information Agency "estimates there to be approximately 11 billion barrels (bbl) of oil reserves and 190 trillion cubic feet (Tcf) of natural gas reserves in the South China Sea." Furthermore, according to the United Nation's Environmental Program, the fisheries in the South China Sea account for roughly one tenth of the world's global fish stocks. See Robert D. Kaplan, *Asia's Cauldron: The South China Sea and the End of a Stable Pacific* (New York: Random House, 2014); Robert D. Kaplan, "Why the South China Sea Is so Crucial," *Business Insider*, 2015, <http://www.businessinsider.com.au/why-the-south-china-sea-is-so-crucial-2015-2>; Scott Devary, "Diplomacy and the South China Sea," *The Diplomat*, 2015, <http://thediplomat.com/2015/08/diplomacy-and-the-south-china-sea/>.

2 Ben Dolven et al., *Chinese Land Reclamation in the South China Sea: Implications and Policy Options*, CRS Report, 2015, 1.

3 "IISS Shangri-La Dialogue: 'A Regional Security Architecture Where Everyone Rises,'" *Department of Defense*, 2015, <http://www.defense.gov/Speeches/Speech.aspx?SpeechID=1945>.



Figure 1 Fiery Cross Reef on August 2014 (Copyright: The New York Times 2015)



Figure 2 Fiery Cross Reef on February 2015 (Copyright: The New York Times 2015)



Figure 3 Fiery Cross Reef on September 2015 (Copyright: The New York Times 2015)

Above the artificial lands, China has built a number of facilities that could serve its goal to strengthen its territorial claims over the South China Sea. China, for instance, has built garrisons, anti-air and anti-surface systems and artillery, radars, helipads and runways that are capable of handling heavy transport aircrafts.⁴ As reported by the US' Congressional Research Service, such facilities "could improve China's ability to maintain ship and aircraft operations in the region on a day-to-day basis, and to conduct combat operations in the region if need be." Furthermore, "the military enhancements ... could have the effect of improving China's position in a potential confrontation with other rival claimants in the

4 Dolven et al., *Chinese Land Reclamation in the South China Sea: Implications and Policy Options*, 9.

South China Sea or others ... and of improving China's ability to conduct patrols of the sea."⁵

Furthermore, the total of three airstrips that China has built could also enhance China's antisubmarine capabilities. China could use them "to hunt rival submarines in and beyond the strategic waterway" and to "protect the movements of its Jin-class submarines, capable of carrying nuclear-armed ballistic missiles and which are at the core of China's nuclear deterrence strategy."⁶

While China's officials repeatedly claims that the projects pose no threats to regional peace and freedom of navigation, the reclaimed lands appear to serve as a network of outposts that China could use to exert its claims over the South China Sea and subdue other states from accessing the region.⁷

Regional powers, including ASEAN member states and also the United States, whose military presence in the Pacific Ocean has long been the source of security and stability in the region, have responded to China's manoeuvre. Soon after the announcement on the completion of the reclamation projects, U.S. Navy flew a monitoring mission over one of the reclaimed land in order to make clear that the U.S. does not recognise China's territorial claims.⁸ In his speech at the Shangri-La Dialogue, US Secretary of Defence, Ashton Carter declared that the "US will fly, sail and operate wherever international law allows,"⁹ exerting U.S.' interest to maintain freedom of navigation in the South China Sea amidst China's activities.

As the most vocal Southeast Asian claimant state, Vietnam has been intensifying its naval and air capabilities modernisation in order to deter China's naval operations in the South China Sea.¹⁰ Vietnam has received the first two of six *Kilo*-class submarines ordered from Russia last year. Moreover, the U.S. government in October 2014 stated that it would further ease its long-standing arms embargo, to "allow for the future transfer of maritime security related lethal defence articles to

5 Ibid., 7.

6 Greg Torode, "China's Island Airstrips to Heighten SCS Underwater Rivalry," *Reuters/The Jakarta Post*, September 18, 2015.

7 China, for instance, could use the facilities as the outposts for the Air Defense Identification Zone (ADIZ) should it declare one in the South China Sea. The kind of weapon systems deployed is also in line with China's Anti-Access/Area Denial strategy.

8 Jim Sciutto, "Exclusive: China Warns U.S. Surveillance Plane," *CNN*, 2015, <http://edition.cnn.com/2015/05/20/politics/south-china-sea-navy-flight/>.

9 "The United States and Challenges of Asia-Pacific Security: Ashton Carter," *The IISS Shangri-La Dialogue, 14th Asia Security Summit*, 2015, <https://www.iiss.org/en/events/shangri-la-dialogue/archive/shangri-la-dialogue-2015-862b/plenary1-976e/carter-7fa0>.

10 "Chapter Six: Asia," *The Military Balance* 115, no. 1 (2015): 207.

Vietnam."¹¹ The Philippines, while still maintaining its reluctance to commit resources for external defence, has reinvigorated its alliance with the U.S. Singapore, whose economic survival relies heavily on the flows of maritime trade, has also invested on building up its defence through acquisition of a number of advanced weapon systems including Germany-made Type-218SG submarines and the quasi-aircraft carrier, Joint Multi Mission Ship (JMSS). Indonesia, aspiring to become a "global maritime power," also beefed up its maritime defence capabilities by intensifying its effort to achieve the Minimum Essential Force (MEF). Indonesia is also carrying out plans to respond to the dynamic security environment in the South China Sea through redeploying military assets and strengthening bases in Riau and Natuna.

These developments have resulted in a more militarised South China Sea with more military assets being and will be deployed in the area. As the South China Sea is becoming more crowded with warships and military aircrafts, the risk of an open, large-scale conflict will increase.

Implications on ASEAN

Conflict Escalation

Militarisation of the South China Sea is a major security concern for ASEAN member states as well as external powers including the U.S. More weapon systems are being and will be deployed in the disputed areas. Given the level of hostility and mistrust among regional powers and the lack of common standard procedure of engagement, even the smallest incident could lead to rapid escalation that would turn the whole region into an open battlefield.

A number of incidents have occurred before. The U.S., who holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) negates the right of military forces of all nations to conduct military activities in the Economic Exclusive Zones (EEZs) of the coastal states, has frequently been involved in dangerous contingency with China who holds a different interpretation of the law. On April 2001, a Chinese fighter jet intercepted and collided with a U.S. Navy's EP-3 reconnaissance plane that conducted a surveillance mission near Hainan Island. In 2009, Chinese vessels harassed the USNS Impeccable that was sailing about 75 miles south of Hainan Island. Furthermore, in 2014, a Chinese fighter jet conducted "a dangerous intercept" of a U.S. Navy's P-8 Poseidon patrol aircraft that was in a routine mission near, again, Hainan Island. The latest incident occurred on September 2015 over the Yellow Sea when a Chinese interceptor flew in front of a U.S.' electronic intelligence-gathering jet.

11 Ibid., 207–208.

Disputes between China and Philippines over the Second Thomas Shoal is another flashpoint that could trigger armed clash in the South China Sea. In 1999, the Philippine Navy deliberately run aground its ship, BRP Sierra Madre, on the Second Thomas Shoal and ever since serves as the outpost to assert Philippine sovereignty over the Spratly Islands. In 2014, China unsuccessfully tried to block ships carrying supplies for the marines stationed on the Sierra Madre. In the event of China trying to seize control over the Second Thomas Shoal, Philippines-U.S. could be invoked, pressing U.S. to face China head-to-head.

The Philippines has accordingly tried to resolve the dispute peacefully. It has initiated an arbitral tribunal set up under the UNCLOS. China, however, refuses to participate in the court process.

Threat to ASEAN's Credibility

Managing disputes in the South China Sea is a matter of reputation and credibility for ASEAN diplomacy.

China's land reclamation projects are a clear violation of the Declaration on the Conduct of Parties in the South China Sea (DOC) which expresses commitment of ASEAN member states and China to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner."¹² As the primary reference point of ASEAN diplomacy on the South China Sea, ASEAN cannot afford to stand idle after the violations of the DOC by China's land reclamation projects. For doing so would be a major setback with regards to the diplomatic effort to find a peaceful settlement to the disputes.

ASEAN's failure to respond to China's violations of the DOC could also make ASEAN member states lose their incentive to go to ASEAN to resolve their respective inter-state disputes in the future. ASEAN leaders should also bear in mind that the shortcomings with regard to the South China Sea could also damage the progress and achievement of other ASEAN-driven regional integration initiatives including ASEAN Regional Forum (ARF), ASEAN Plus Three (APT), East Asia Summit and also the ASEAN Community that is planned to launch at the end of this year. For these regional initiatives to work, ASEAN needs to show that it is not a talk-only institution. Words without deeds are indeed worthless.

The prevention of expanded conflict in the South China Sea, therefore, is a litmus test for ASEAN as a credible and functioning regional institution.

12 "Declaration on the Conduct of Parties in the South China Sea," *Association of Southeast Asian Nations (ASEAN)*, 2002, <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>.

ASEAN diplomacy on South China Sea disputes has been limited to a reactionary, normative and elite-based approach. In a statement released after the Summit in Kuala Lumpur on April this year, ASEAN leaders were only able to release reluctant criticisms towards China's land reclamation activities as having the potential to "undermine peace, security, and stability in the South China Sea."¹³

While reaffirming "the importance of maintaining peace, stability, security and freedom of navigation in and over-flight over the South China Sea" and urging "the speedy conclusion of a Code of Conduct in the South China Sea," ASEAN failed to press China to change the course of its behaviour.¹⁴

The limited diplomatic approach reflects the polarisation among ASEAN member states with regards to the South China Sea disputes and China's policy in general. ASEAN member states can generally be divided into three factions when it comes to South China Sea issue. One faction is more pro-Beijing and do not wish to jeopardise their economic interests by taking a firm stance. These countries are Cambodia and Laos. The second faction – Thailand, Indonesia, Singapore, Malaysia, Brunei and Myanmar - tend to downplay the issue and hedge against the threat from China. The last faction is Vietnam and the Philippines who regard the disputes as a major security concern.

Thus during the 2015 summit, Vietnam and the Philippines called for strong language while Cambodia tried to tone down the statement. Moreover, Malaysia, the 2015 summit host, has long been trying to avoid a direct confrontation with China for the sake of securing warm economic relations with China in spite of its status as one of the claimants of the disputed areas in the South China Sea. At the same time, however, "No ASEAN chair wants to be another Cambodia."¹⁵ Indeed, since the failure of ASEAN to issue a joint communique after the 2012 summit in Cambodia, the regional body had reached a consensus to avoid a repeat of the experience.¹⁶ The result is a compromised statement that has failed to specifically mention China. Indeed "[ASEAN] has criticised the Chinese actions, but it could not criticise China directly."¹⁷ As one commentator

13 "South China Sea Island-Building 'May Undermine Peace' - Asean," *BBC*, 2015, <http://www.bbc.com/news/world-asia-32476951>.

14 Manuel Mogato and Praveen Menon, "China Maritime Tension Dominate Southeast Asia Summit," *Reuters*, 2015, <http://www.reuters.com/article/2015/04/27/us-asean-summit-southchinasea-idUSKBN0NIOBH20150427>.

15 Kristine Kwok, "Beijing's South China Sea Island Building Has Polarised Asean Nations," *South China Morning Post*, 2015, <http://www.scmp.com/news/china/diplomacy-defence/article/1847875/beijings-south-china-sea-island-building-has-polarised>.

16 *Ibid.*

17 *Ibid.*

noted, “the South China Sea question received significant attention [of ASEAN] but saw little progress.”¹⁸

Policy Alternatives and Recommendation

ASEAN leaders should strive for a peaceful, institutional-based settlement of the disputes in South China Sea. A roughly equal capabilities between the parties involved in the disputes, however, is a prerequisite to realise such peaceful settlement. In the spirit of promoting concrete and feasible policy recommendation, therefore, we recommend ASEAN leaders: (1) accelerate maritime capacity while simultaneously promoting transparency and predictability in maritime security; (2) intensify negotiations on a regional mechanism for the safety and security of navigation. Furthermore, as the state-centric, elitist approach has been limited, we recommend ASEAN leaders (3) open up more space for Track II diplomacy to provide concrete solutions in South China Sea disputes.

Transparent and Predictable Maritime Build-Up

States use force in settling disputes when there is a calculated and significant opportunity that the armed conflict could be won quickly and decisively. States, in other words, resort to force when the benefit of doing so exceeds the cost.

What ASEAN member states should do, therefore, is to increase the cost China would bear should it acts assertively. ASEAN member states should send a clear signal that it is not in China’s interest to use force in the South China Sea as such action would be retaliated accordingly.

In that regard, the maritime build-up that ASEAN member states have been carrying out should be accelerated. It is important to communicate to Beijing that it faces formidable opponents in the South China Sea.

In order to ease the burden of military modernisation, ASEAN member states should commit to enhance domestic defence industrial basis. ASEAN defence industry cooperation, therefore, should be enhanced and could be led by countries like Singapore and Indonesia who have relatively advanced domestic defence industries.

It should be noted that ASEAN member states cannot match China’s maritime capability on a one-on-one basis. In fact, they do not need to. What they need to do is to focus on denying the advantage that China has in one specific area. ASEAN navies, for instance, should give more attention on developing reliable anti-

18 Prashanth Parameswaran, “What Did the 26th ASEAN Summit Achieve?,” *The Diplomat*, 2015, <http://thediplomat.com/2015/04/what-did-the-26th-asean-summit-achieve/>.

submarine warfare (ASW) capabilities as China has been relying heavily on its underwater capability.

ASEAN member states, however, have to make sure to carry out the maritime build-up in transparent and predictable manners. This is important because wars often occur when states fail to verify the nature and intention of their military build-up. Threatened states, in such cases, would be forced to anticipate the worst case scenario and launch preventive actions. In this regard, it is important for ASEAN member states to focus on acquiring non-ambiguous defensive capabilities i.e. ASW and deploy those assets in non-confrontational manner. The maritime defence build-up should also be followed by the publishing of white books, detailing ASEAN member states’ threat perception as well as the grand strategy to counter the threats.

In order to further discourage China from acting assertively in the South China Sea, a tougher, yet constructive, U.S. presence in the region should be promoted. The U.S. indeed plans to challenge China’s territorial claims by sending naval ships and aircrafts within the 12 nautical miles of some of the artificial islands Beijing has built. The “freedom of navigation operations” would be vital to convey a message to Beijing that the artificial islands it has built do not generate their own maritime zones under the international law.

Joint naval development and military exercises are two other areas of cooperation that ASEAN member states and U.S. could explore. Lacking financial and technical resources, ASEAN member states would benefit from U.S. assistance in those areas.

Regional Mechanism for Unplanned Encounters

As more warships and aircrafts are deployed in the contested territories of the South China Sea, there is a higher chance of unplanned encounters that could result in incidents and collisions. In order to avoid miscalculation and misunderstanding, it is important to have a common technical foundation upon which conflict escalation could be avoided.

ASEAN leaders, therefore, should intensify the process to develop a regional mechanism that ensures safety and security of navigation in the South China Sea. The Code for Unplanned Encounters at Sea that was agreed at the 2014 Western Pacific Naval Symposium could be a point of reference. Though not legally binding, the fact that China, U.S. and Southeast Asian states (Indonesia, Malaysia, Singapore, Brunei, the Philippines, Vietnam, Thailand) have joined the agreement confirms that an enhanced regional mechanism is in everyone’s interest.

The U.S.-Soviet Incidents at Sea Agreement can serve as another reference. The agreement had helped to regulate U.S.-Soviet Union interaction at sea during the height of the Cold War.

Both agreements attempt to ensure the safety and security of navigation through a number of technical measures, i.e. steps to avoid collision, rules on manoeuvre and communication in the event of contact.

Yet as shown by the U.S.-Soviet agreement, roughly equal capabilities is one of the prerequisites for an agreement to be effective. It is, therefore, necessary for ASEAN member states, working with the U.S., to restore the balance of power in the South China Sea in order to force China to return to the negotiation table.

Track II Diplomacy

The state-centric, elitist approach that ASEAN has been taking towards the South China Sea disputes is inadequate. Nevertheless, ASEAN-driven regional mechanism is still the best hope for a peaceful, institutional-based settlement of the disputes in South China Sea. In order to back up the official diplomatic channels, it is the time for ASEAN leaders to open up more space for the Track II diplomacy.

Throughout the history of Southeast Asian diplomacy, non-state actors have long been playing influential roles in tackling major regional issues. Track II agents, for instance, successfully persuaded regional governments to compromise the non-interference principle during the 1997-98 financial crisis.¹⁹ Furthermore, non-state actors have also raised awareness and offered solutions for emerging non-traditional security threats such as the regional haze problem, drug and human trafficking and the problem of refugees.²⁰

Numerous regional arrangements, including ARF, also owe their establishment and development to Track II diplomacy.

When compared to official diplomacy, Track II diplomacy has several advantages. First, second-trackers, who mainly come from the academic community, have special knowledge and analytical tools that are crucial to understand and provide possible solutions towards given international politics problems. Track II diplomacy, in other words, provides venues for “thinking the unthinkable.” Second, unlike official diplomats, scholars can talk to each other frankly, while still maintaining objectivity. In the Southeast Asian diplomatic arena where straight language is often avoided, such an ability is a very important advantage.

With these advantages, second-trackers, through their transnational networks, should be able to engage China. In fact, progress has been made in this area, though overlooked.²¹ Southeast Asian and Chinese scholars, for

19 See Seng Tan, “Non-Official Diplomacy in Southeast Asia: ‘Civil Society’ or ‘Civil Service’?,” *Contemporary Southeast Asia* 27, no. 3 (2005): 376.

20 Ibid.

21 See Seng Tan, “Courting China: Track 2 Diplomacy and the Engagement of the People’s Republic,” in *People’s ASEAN and Governments’ ASEAN*, ed. Hiro Katsumata and See Seng Tan (Singapore: S. Rajaratnam School of International Studies, 2007), 137.

instance, have been involved in a number of initiatives since late 1980s. “Southeast Asia-China Dialogue,” a series of Track II meetings between ASEAN-ISIS and China has been conducted since 1988.²² Propagation of China’s “new security concept” (*xin anquan gan*) was also done through numerous Track II fora since 1997.²³

Deficiencies notwithstanding, there is a reason for ASEAN leaders to rely more on Track II diplomacy on their attempt to find solutions towards South China Sea disputes. More resources should be committed for the institutions that are involved in Track II diplomacy. In that regard, it is also a call for the research institutions and think-tanks across the region to enhance their research capacity and become more active in supplying objective analysis and insights to their respective governments in order to achieve peaceful settlement of South China Sea disputes.

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22 See Hiro Katsumata, “The Role of ASEAN Institutes of Strategic and International Studies in Developing Security Cooperation in the Asia-Pacific Region,” *Asian Journal of Political Science* 11, no. 1 (2003): 93–111.

23 See Tan, “Courting China: Track 2 Diplomacy and the Engagement of the People’s Republic.”

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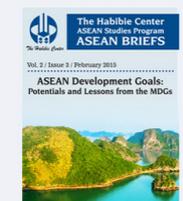
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