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Never Stand Still

Maintaining ASEAN's Resilience

The South China Sea amidst the Evolving Geo-Politics of the Indo-Pacific

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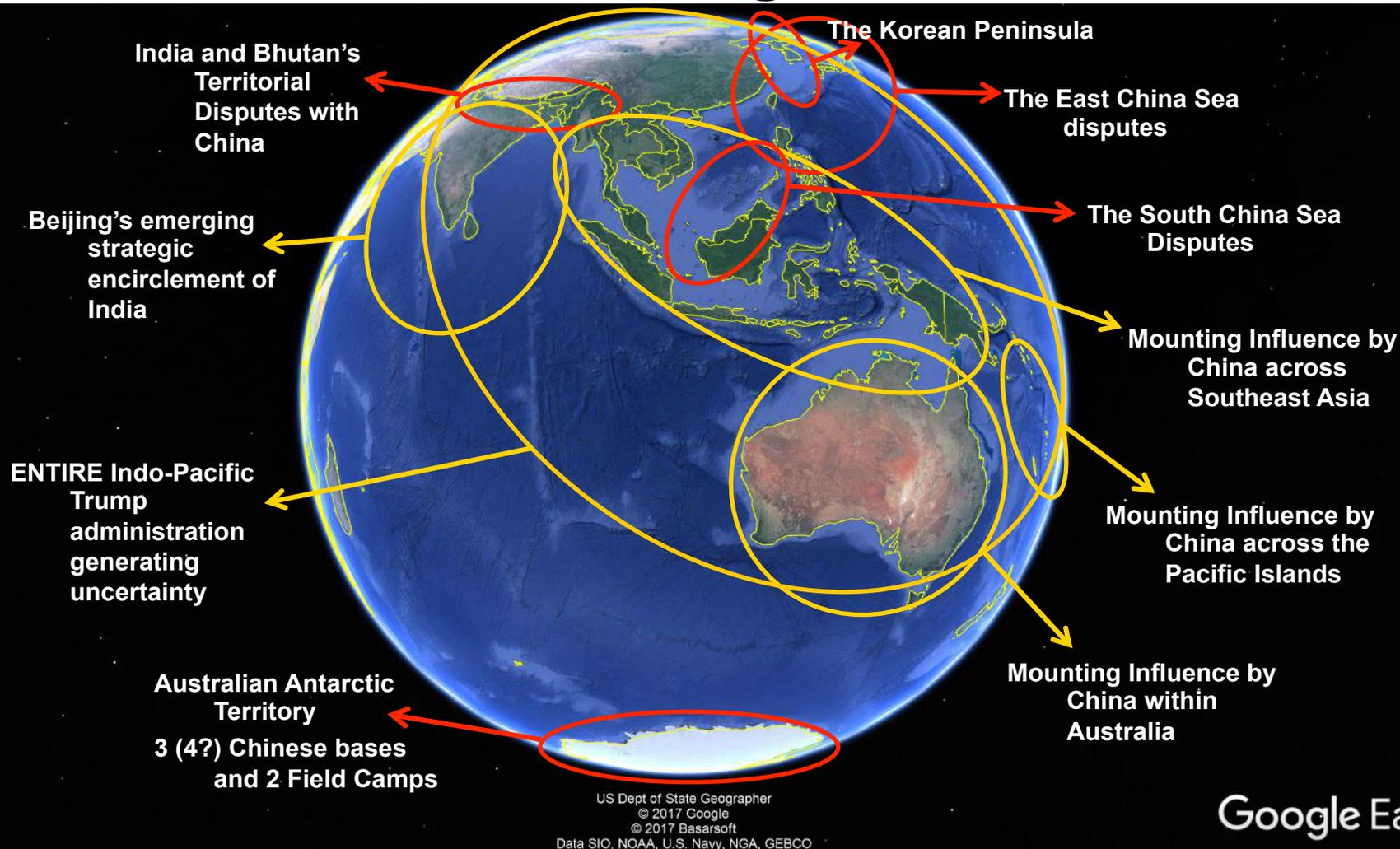


Presentation Structure

- Overview of strategic challenges/issues across the Indo-Pacific
- ASEAN and the South China Sea
- ASEAN contributions and challenges
- Additional elements to a comprehensive approach
- Conclusions



Indo-Pacific: Evolving Political Security Challenges



Google Earth

East Asia's 'Contested Waters'



Source: CSBS News

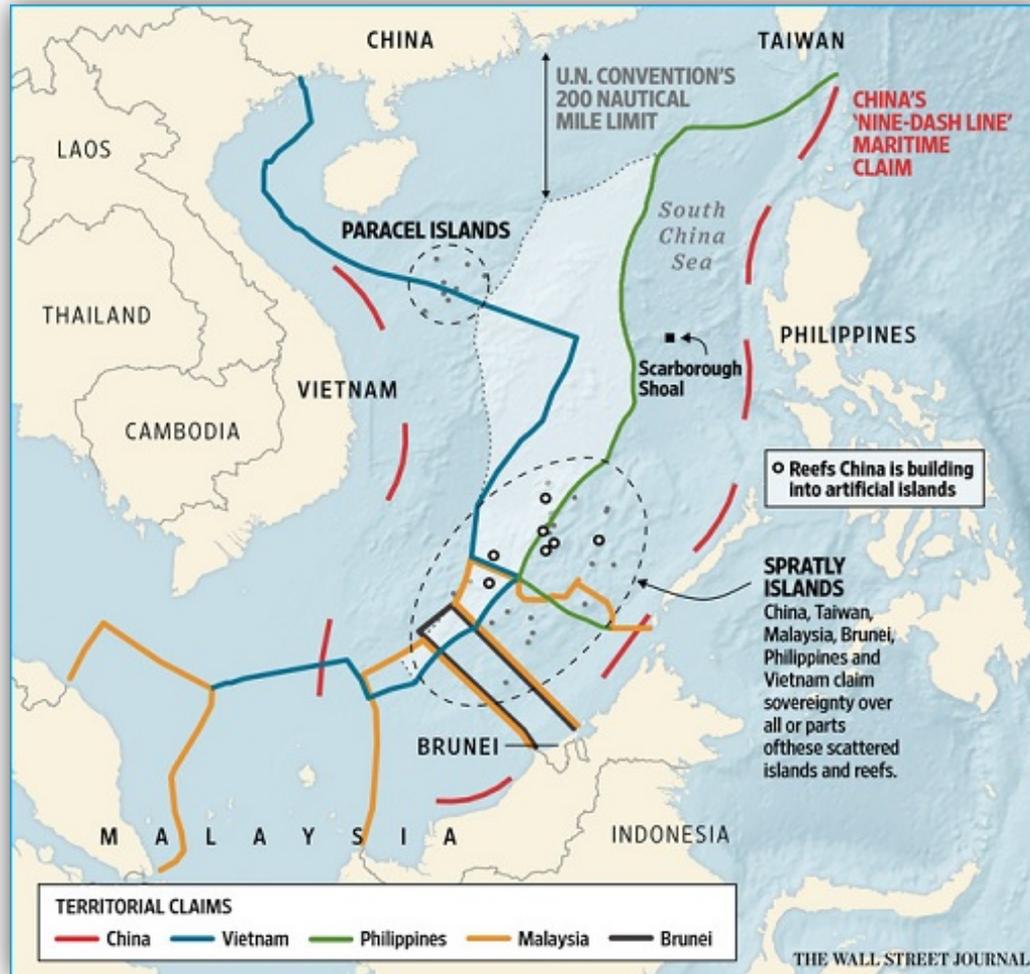
Territorial Dispute Mirrors: Beijing's First and Second Island Chains



The Premise behind China's Grand Strategy

- Goal:** 'China's geostrategic enterprise is prompted by a number of factors: its energy insecurity, developmental imbalance between the poorer mountainous east and prosperous Western coast of China, and the "China dream" of re-emerging as the dominant power in Greater Asia – i.e. the "Middle Kingdom"' (Goh, 2015) or a 'Harmonious East Civilisation' (Rozman, 2012).
- **Premise:** No major power (e.g. the U.S.) or coalition thereof will intervene to defend the interests of other individual states or undertake the costs of maintaining the salience of international law, treaty obligations, and good international citizenship;
 - **Outcomes:** failure to deter Chinese actions in multiple arenas across the Indo-Pacific
 - **Reason:** Failure in deterrence due to economic imperatives and other military commitments: (i.e. China can increasingly balance in the South China Sea)
 - **Assessment:** Rear Admiral Simon Cullen (Rtd): China has already won the strategic competition in the South China Sea and will slowly strengthen its control mechanisms there in coming years'.

The South China Sea



Contemporary Developments in the SCS

Early ASEAN Unity

- 1992: ASEAN Declaration
- 1995: ASEAN Statement
- 1996: ASEAN negotiations with Beijing over Code of Conduct

Decline in ASEAN Unity

- 2002: Declaration of Conduct of Parties to the South China Sea
- 2005: Joint Marine Seismic Undertaking (JMSU) in certain areas of the South China Sea (JMSU)
- 2007-2016+: Escalation of Hostilities
- 2014-Present: construction and militarisation of artificial islands

Third Party Involvement

- 2010 onwards: increased role by U.S. and other third parties
- 2013: Philippine recourse to UNCLOS
- 2016: Binding Arbitral Ruling in support of the Philippines (opportunities)

ASEAN's CoC: Progress and Limitations amidst a Consensus Based Approach

The ASEAN-China Framework for Code of Conduct for the South China Sea

- A positive step but:
- Does not significantly go beyond the 2002 *Declaration of Conduct* (DoC) or the 2011 *Guidelines on the Implementation of the DoC*

What type of a Code? Legally binding with enforcement mechanisms?

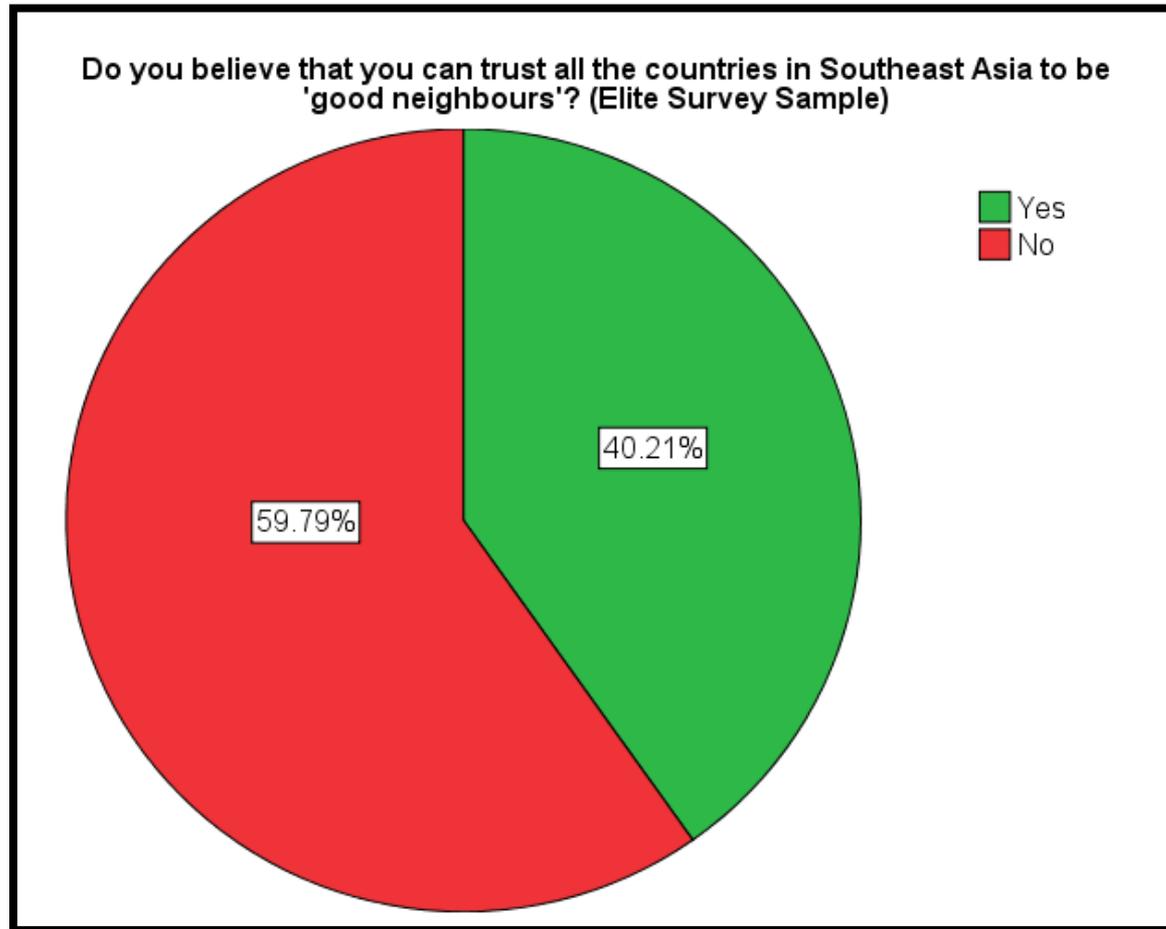
- President Jokowi already emphasised that CoC just one part of broader solution – concrete cooperation needed first!

Remaining Questions:

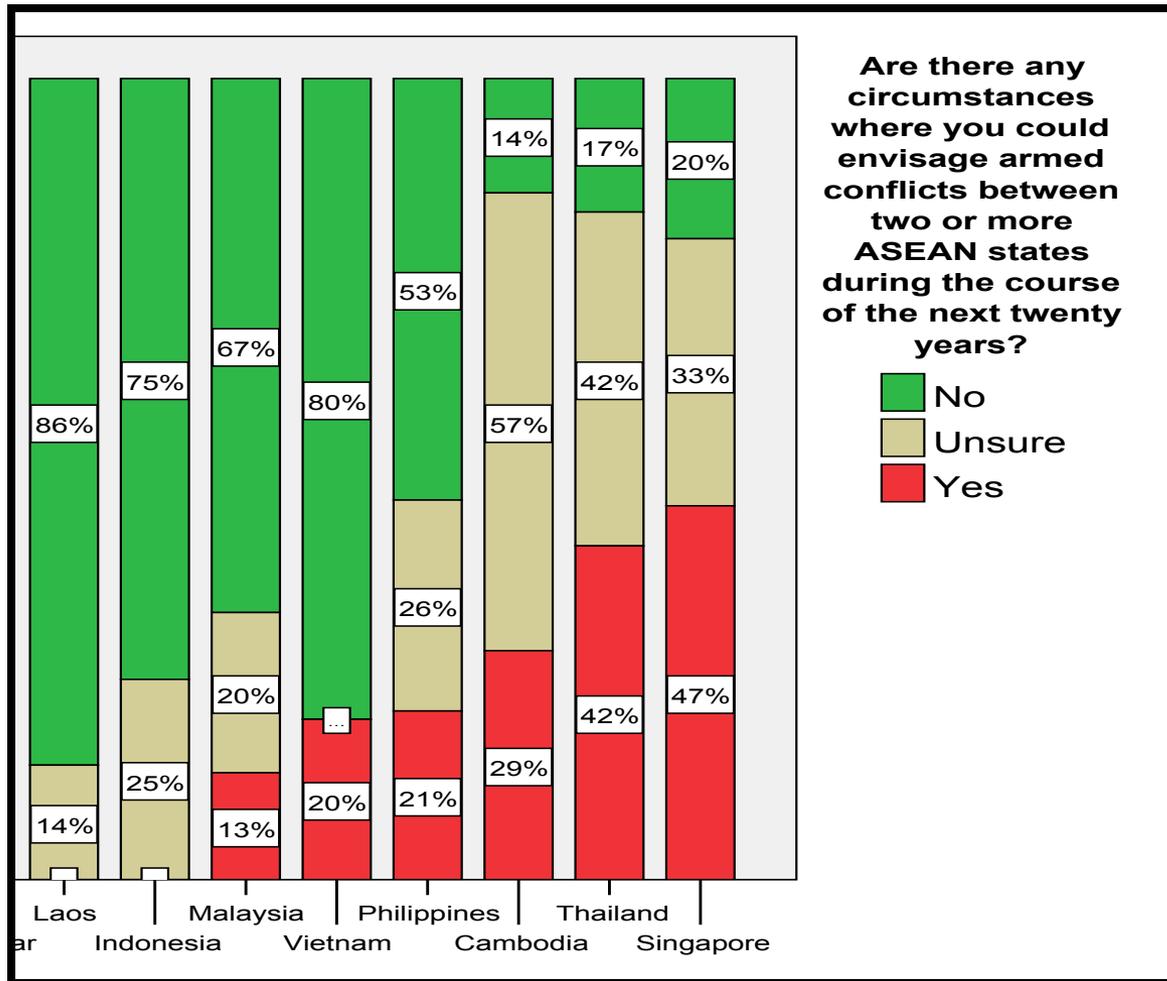
- China's intent?
- Trust: compliance beyond UNCLOS?
- Inclusiveness of the CoC: e.g. Vietnam's Claims in the Paracel area?
- ASEAN's capacity to Negotiate a meaningful CoC?

Elite Perceptions Regarding Trust

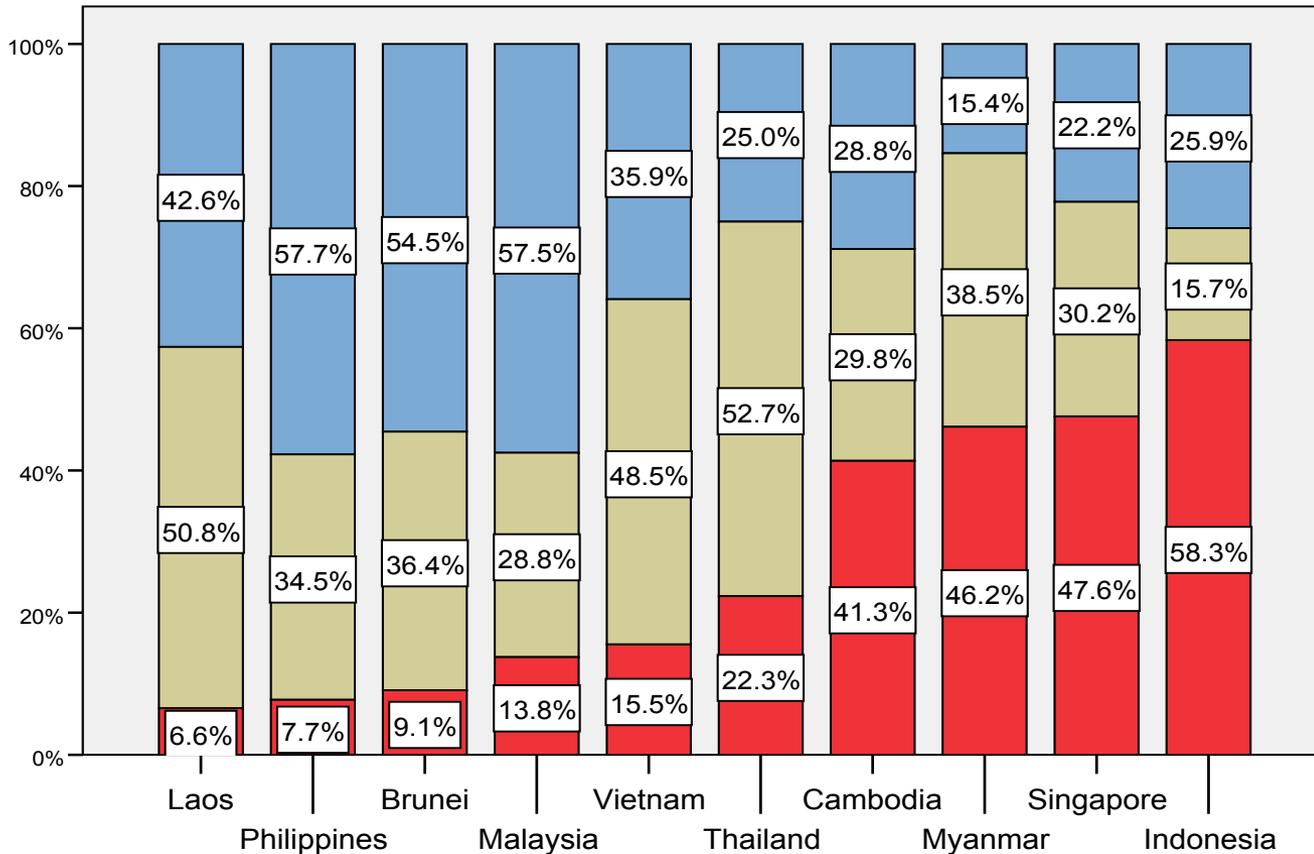
Pilot Survey: 100 elite from all 10 ASEAN countries (2005-2007)



Elite Perceptions re Risk of Conflict



Grassroots Survey on 'Trust'



Do you believe you can trust all the countries in Southeast Asia to be 'good neighbours'?

- Yes
- Unsure
- No

819 participants from 9 ASEAN countries in 7 languages (survey conducted between 2005 and 2007 by author)

Strategic Diversity (elite survey)

“In order of importance, and in your personal opinion, what are your country’s three greatest strategic allies?”

Country	Rank 1	Rank 2	Rank 3
Laos	Vietnam	<u>China</u>	Cambodia
Cambodia	Malaysia	Singapore	<u>China</u>
Vietnam	Laos	<u>China</u>	Singapore
Myanmar *	Laos	Malaysia	Thailand
Singapore	<u>United States</u>	Indonesia	Australia
Malaysia	Indonesia	Brunei	Thailand
Indonesia	<u>United States</u>	Malaysia	Japan
The Philippines	Indonesia	<u>United States</u>	Singapore
Thailand	Singapore	Malaysia	<u>United States</u>
Brunei *	Malaysia	Singapore	Indonesia

Sub-ASEAN: Progress in Functional Cooperation

(non-exhaustive list)

- Key Areas of Success: Counter Piracy and Counter Terrorism
- Malacca Straits Patrols (MSP) – Singapore, Indonesia, Malaysia and Thailand
 - Including MSSP, Eyes-in-the-Sky, and the Information Exchange Group via Singapore’s Information Fusion Centre).
- Trilateral Cooperative Arrangement (TCA) or Sulu Sea Trilateral Patrols (Philippines, Malaysia, and Indonesia):
 - Proposed 2016; coordinated naval patrols commenced June 2017; and coordinated air patrols commenced October 2017
- Indonesia and Singapore’s SURPIC Sea Surveillance System (now SURPIC II)

ASEAN and its Broader Institutions: Progress in Functional Cooperation (Non- exhaustive List)

- ASEAN Agreement on Disaster Management and Emergency Response (AADMER)
 - ASEAN Coordinating Center for Humanitarian Assistance on Disaster Management (AHA Centre, Jakarta)
- Changi Regional HADR Coordination Center (RHCC)
 - E.g. Exercise Coordinated Response (Ex COORES) 2017 (HADR)
- ASEAN initiated Regional Cooperation Agreement on Combatting Piracy and Armed Robbery (ReCAAP)
 - Coordinated via Information Sharing Centre (Singapore) – 16 members
 - Note: Malaysia and Indonesia have not joined.
- 2014 ADMM Plus Maritime Information-Sharing Portal
- CUES, various other maritime exercises, and anti-terrorist intelligence sharing

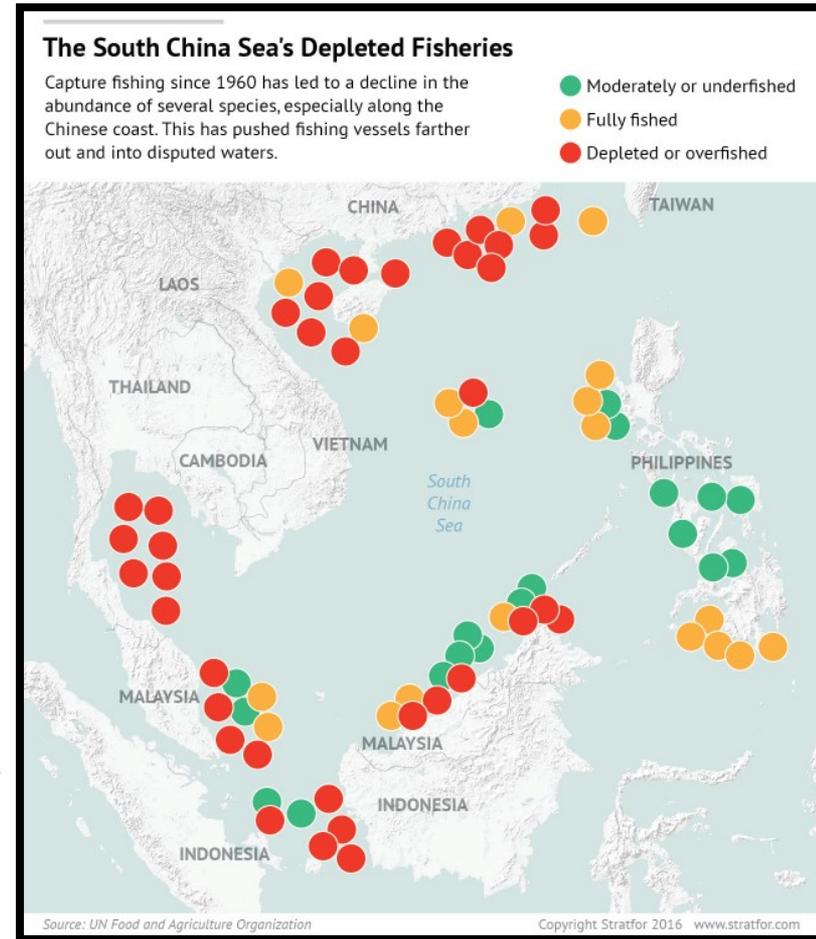
Functional Cooperation: Fisheries & Environment

Coral Reefs: 60% lost or critically degraded.

Fish stocks: fully exploited or over exploited.

Ways forward:

- Mutual awareness through scientific research
- Bilateral and mini-lateral agreements
- Progress still constrained by distrust
- Need for clearer understanding that cooperative initiatives do not prejudice sovereignty claims (Bateman, 2017).
- Past Progress: 2002-08 UN Global Environment Facility South China Sea Project



Further Initiatives to enhance ASEAN position vis-à-vis the CoC & Functional Cooperation

Resolving intra-ASEAN maritime disputes:

- Between the ASEAN South China Sea claimant states
- The demarcation of maritime boundaries with other ASEAN states – e.g. Indonesia and Vietnam

Consolidation of a ‘Whole of Government’ approach:

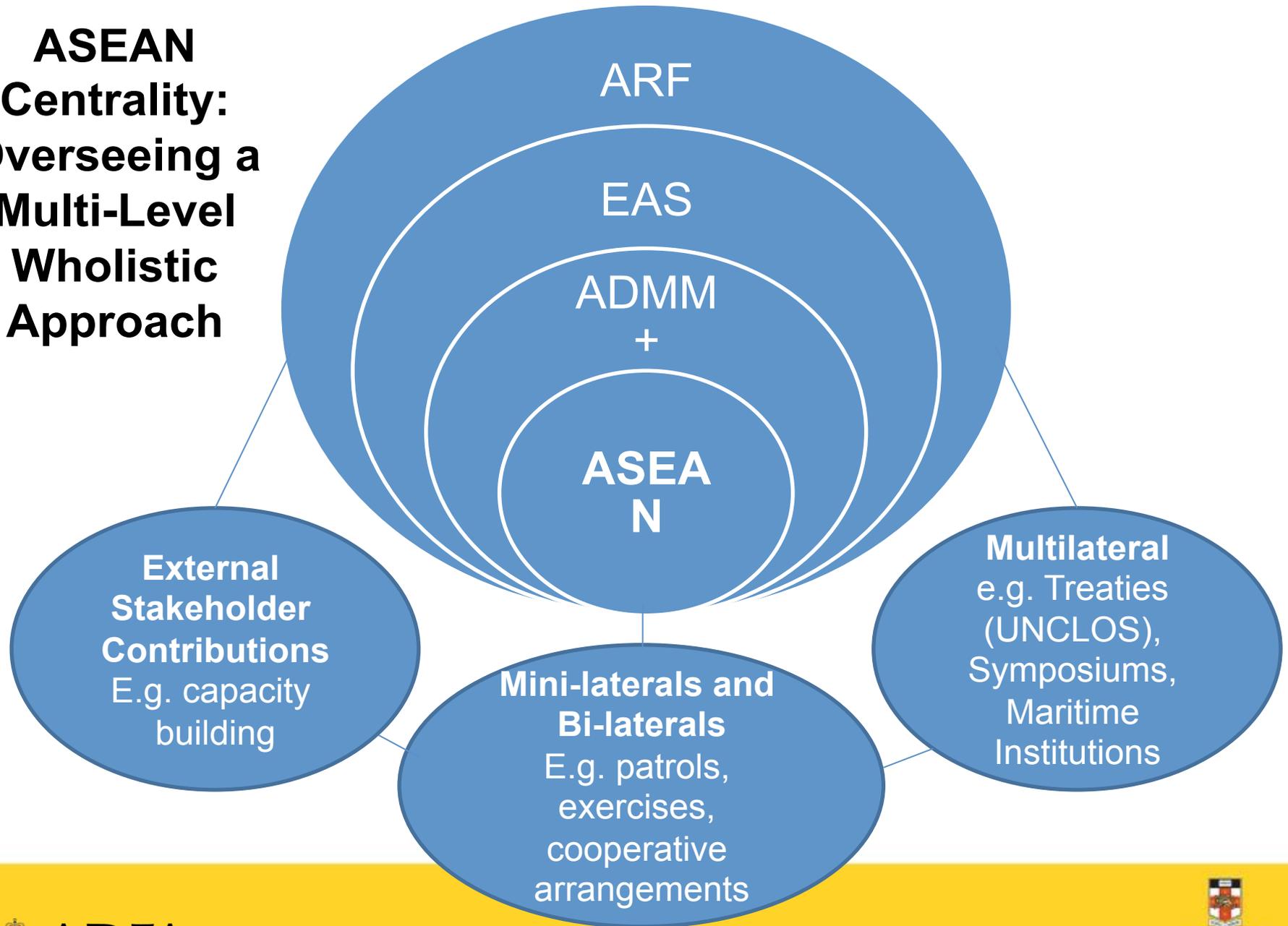
- Need for better inter-agency coordination
- Reconsider which agencies take the lead in negotiations (e.g. desecuritize technical and functional cooperation)
- Positive contribution by non-ASEAN states
 - E.g. October maritime exercise between Indonesia and Australia (including fisheries for the first time)

Consensus-based decision making – a shift to an ASEAN-X?

ASEAN and the Ways Forward: Key Premises

- **ASEAN's vital role:** dialogue, information exchange, transparency, and functional cooperation;
- **Caveat:** strategic and political diversity means significant limitations to ASEAN's role in the geo-strategic domain
 - i.e. the ASEAN Community is not sufficiently consolidated
- **Intra-ASEAN Divisions can be reduced by:**
 - a. ASEAN-X approach where appropriate
 - b. Utilising and building on constructive contributions by exogenous stakeholders and frameworks:
 - Countries include Japan, India, South Korea, Australia, New Zealand and the United States
 - Bilateral, mini-lateral and other Multilateral avenues

**ASEAN
Centrality:
Overseeing a
Multi-Level
Wholistic
Approach**



ASEAN's CoC and Functional Cooperation ± External Capacity Building and Deterrence

ASEAN member states:

- Continue to maximise ASEAN's role where feasible;
- + utilise below external opportunities where available/feasible:

Capacity Building:

- External funding for development of Coast Guard, Military, surveillance, and scientific research
- Track 1.5 and track 2 dialogues – opportunity for transformative ideas

Oversight and Deterrence

- Bilateral and mini-lateral cooperative endeavours:
 - E.g. the Malabar exercise or the 'Quad'
 - Possible multi-country coastguard patrols in claimant country EEZs
- Joint declarations on rules based order and international law
- Possible dialogue between regional stabiliser states – i.e. likeminded states that support a rules based order underpinned by international law.

Conclusions: ASEAN as a Central Pillar among a Multi-Level and Multi-Tiered Strategy

- **Code of Conduct** may necessitate an ASEAN Minus-X approach
- **Functional Cooperation**
 - Builds mutual awareness, trust and interoperability (but long-term process)
 - Lays the foundations for progress in more controversial areas
 - Bypasses and/or desensitises historical concerns re 'sovereignty'
 - Further impetus to ASEAN cooperation arguably generated by ADMM Plus, ARF, and EAS member-states
- **ASEAN's Efforts need Multi-tiered Supplementation**
 - Exogenous support for capacity building
 - Bilateral and mini-lateral efforts
 - Supplementary multilateral approaches
- **Caveat:** strategic intent of stakeholder countries
- **Goal:** Sum total of all above approaches to change the costs-benefits analysis of any action that undermines ASEAN, regional peace and stability

Appendix: A High Level Dialogue on Geo-Politics between Stabiliser (Like Minded) States

Trilateral dialogues and other nascent multilateral networks already forming
(e.g. India, Australia and Japan)

Need for a structured dialogue between like minded Stabiliser States

- **Potential starting point:** Track 1.5 dialogue
- **Potential participant states:** India, Australia, Japan, Vietnam, Singapore, South Korea, New Zealand, and Indonesia.
- **Membership** based on 'like-mindedness' rather than mere 'geography'
- **Commonality:** respect for international law and the associated rules-based order
- **Short-term Potential:** to first discuss and confirm extent of common position on relevant issues with the intention of issuing joint communiqués
- **Long-term Potential:** evolution of the dialogue into an institute that is capable of positively influencing the regional order through diplomatic and broader means

Appendix: Further Considerations for a Regional Association of Stabiliser States

Potential Members in Grouping:

- India, Australia, Japan, Indonesia, Singapore, Myanmar, Vietnam, and possibly the Philippines

Potential outcomes include:

- Joint Coast Guard patrols in non-ambiguous areas of EEZs
- Code of Conduct (outside of ASEAN)
- Regimes for environmental protection including sustainable fishing
- Agreements open to accession by other states (i.e. ASEAN's TAC model)

Signalling to Beijing

- Set red lines and privately notify (signal) Beijing what actions will follow (preferably collective) any further militarisation by China
- Encourage a demilitarisation of current facilities and a face saving return to 'initial rhetoric' of the purpose being for scientific enquiry and HADR type activities

Appendix: Implications of a Failure to Mobilise

Only a multilateral and multitiered set of diplomatic and military means of cooperation has the potential to affect Beijing's calculus

- Risk averseness concerning Beijing's capacity to exercise economic coercion overinflated
- Nonetheless, multilateral responses undermine Beijing's capacity to challenge individual states
- **Dangerous precedents for Law and Order have been set**
 - The failure of adequate deterrence has significantly increased the costs of reconsolidating rules based global order. While decisive actions can be delayed, decisive action will eventually have to be taken.
- **The only decisions left are:**
 1. When, not if, more concrete action will be undertaken; and
 2. The higher costs that states will be willing to undertake by delaying action.

Appendix: Policy Considerations for Stakeholder Countries

Capacity building programs

- Training and education (e.g. Myanmar)
- Join the U.S. and Japan in physical capacity building (supply of military and non-military assets such as coast guard ships)
- Increased joint exercises
- Maritime information sharing

Continue to reinforce the application of international law

- Vietnam and other claimant states should seek recourse to arbitration where feasible
- Reassure these states that they are not on their own
 - Even within the Philippines there are significant pockets of elite who do not believe that can trust the U.S. to defend them
- Simultaneously strengthen efforts for engagement with Beijing in other areas such as RCEP

Appendix: Political Values/Freedoms as a Variable?

Alternative: Bureaucratic versus

Freedom House: Political Rights and Civil Liberties

Country	1998	2000	2002	2004	2006	2008	2010	2012	2014	2016
Indonesia	5.0 (PF)	4.0 (PF)	3.5 (PF)	3.5 (PF)	2.5 (F)	2.5 (F)	2.5 (F)	2.5 (F)	3.0 (PF)	3.0 (PF)
Philippines	2.5 (F)	2.5 (F)	2.5 (F)	2.5 (F)	3.0 (PF)	3.5 (PF)	3.5 (PF)	3.0 (PF)	3.0 (PF)	3.0 (PF)
Malaysia	5.0 (PF)	5.0 (PF)	5.0 (PF)	5.0 (PF)	4.0 (PF)					
Thailand	2.5 (F)	2.5 (F)	2.5 (F)	2.5 (F)	3.0 (PF)	5.0 (PF)	4.5 (PF)	4.0 (PF)	4.0 (PF)	5.5 (NF)
Singapore	5.0 (PF)	5.0 (PF)	5.0 (PF)	5.0 (PF)	4.5 (PF)	4.5 (PF)	4.5 (PF)	4.0 (PF)	4.0 (PF)	4.0 (PF)
Cambodia	6.0 (NF)	6.0 (NF)	5.5 (NF)							
Brunei	6.0 (NF)	6.0 (NF)	6.0 (NF)	5.5 (NF)						
Vietnam	7.0 (F)	7.0 (NF)	6.5 (NF)	6.5 (NF)	6.0 (NF)					
Laos	6.5 (NF)									
Myanmar	7.0 (NF)	5.5 (NF)	5.5 (NF)	5.5 (NF)						