Controlling the Seas in East Asia?

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INTRODUCTION

THERE IS some debate about whether multilateralism or bilateralism (including US military alliances) provides more effective approaches to security dilemmas facing East Asia. One might apply this question to the maritime security challenges in the region.

At least four interlocking layers of potential maritime conflict exist in East Asia today. These include: (1) territorial and sovereignty disputes over islands and atolls in the East and South China Seas; (2) disputes over undefined or overlapping maritime boundaries and legal jurisdiction issues; (3) threats to maritime safety and sea-lane security; and (4) military competition for sea control among major powers.

Most worrisome is the challenge of great power military competition. Combined, China’s increasing naval power, the vigorous interest of the US in asserting naval primacy, and the growing assertiveness of Japan pose serious challenges to the future security architecture of the Asia-Pacific. In particular, they threaten to undermine the cooperative security institutions and norms that have been painstakingly developed since the end of the Cold War. However, the most urgent security concerns relate to conflicting territorial claims among regional states.

CLAIMANT STATES’ APPROACHES TO MARITIME DISPUTES

To what extent have bilateral and multilateral approaches involving various claimant states succeeded or failed thus far in mitigating the region’s maritime conflicts?

Bilateral–multilateral questions are especially relevant to the Spratlys disputes: China has become more adamant that these be resolved bilaterally whereas the Association of Southeast Asian Nations (ASEAN) has pressed for a multilateral process. Sino-Vietnamese tensions, for example, have increased significantly, with China blocking Vietnam’s exploration activities and Vietnam seeking to “internationalize” the dispute.

In terms of the Senkaku/Diaoyu dispute, multiple rounds of bilateral negotiations on demarcating the maritime boundaries have led not to delimitation but to a “principled consensus” where Japan and China have agreed to cooperate in a “transitional period.” There had been indications of both governments trying to downplay tensions but in September 2010, ill feelings escalated following the collision between a Chinese trawler and Japanese Coast Guard vessel, leading to large-scale protests.

Bilateralism has been shown to be insufficient for building mutual assurance, with temporary de-escalation of tensions usually the only achievement. In the case of the Spratlys, the fact that multiple parties are involved has been a major structural obstacle to any exclusively bilateral approach.
Bilateralism is also vulnerable to changes in the overall political climate of relations, to domestic interest groups, and to opposition from other neighboring states whose own rights may be infringed. Joint development projects and other functional cooperation arrangements can thus easily fall apart.

Multilateral cooperation has likewise achieved limited outcomes. In the China–Japan and Japan–Korea territorial disputes, multilateral approaches have not been established, whereas the South China Sea disputes have been the subject of both official and “track two” multilateral diplomacy. Only the ASEAN-China dialogue, however, directly addresses territorial and maritime jurisdiction disputes. In 2002, the ASEAN-China Declaration on the Conduct of Parties in the South China Sea became the dispute’s first official multilateral agreement.

Multilateral agendas for security cooperation have tended to be more comprehensive, emphasizing shared interests and common goals, in contrast to bilateralism’s emphasis on competitive goals. In seemingly intractable disputes over oil and gas, a multilateral code of conduct may moreover provide more stable foundations for conflict avoidance, in part because state behavior becomes subject to group scrutiny.

**MARITIME DISPUTES AND THE SAN FRANCISCO SYSTEM**

To what extent has the US-centered “hub-and-spokes” or “San Francisco” system mitigated or exacerbated these territorial disputes? And is this system likely to coexist with, or integrate into, a comprehensive multilateral security architecture in the future?

History shows that, in framing the San Francisco Treaty in 1951 without the participation of many affected countries, and also in choosing to keep either silent or equivocal about the status of then Japanese-occupied territories, the US helped sow some of the seeds of the contemporary conflicts.

At the height of the Cold War, the US consolidated its alliances with Japan, South Korea, South Vietnam, and the Philippines, among others, and with only a few exceptions carefully avoided entanglement in territorial disputes.

Yet the posture of US neutrality has been more myth than reality. For instance, US recognition of Japan’s sovereignty over the Kuriles islands, disputed by the Soviet Union/Russia, was reiterated in February 2011 amid indications of cooperation between Moscow and Beijing against Japan.

Likewise, in the Senkaku/Diaoyu dispute, while the US only acknowledges that Japan “effectively administers” the islands, it has said that it considers the islands as falling within the scope of its defense obligations to Japan. In contrast, Washington has not recognized the Philippine claim to the Kalayaan Islands (part of the Spratlys) and has been more equivocal regarding any obligation to defend the Philippines if any aggression were to occur against it in relation to its claims.
Nonetheless, the US still has the means to pursue other bilateral and multilateral options for helping to resolve these disputes. Much has changed in recent years, with the US showing greater readiness to engage with the issue. This shift can only be understood in the context of a refocusing on the maritime domain in US security strategy, increasing concern over China’s military advances, and the need to manage the impact of the financial crisis on regional perceptions of US power. Frictions in the US hub-and-spokes network of alliances, moreover, underscore the need for new approaches.

**BUILDING A MARITIME REGIME**

It currently seems that the various territorial disputes in East Asia will be addressed primarily among the claimants themselves. Consequently, the role of the alliance system will be based on US efforts to level the playing field, for instance by providing its partners training and equipment to better address their maritime security and territorial integrity concerns.

In pursuing engagement, the US must also clarify: (1) what its intentions are in the pursuit of its “global commons” strategy; and (2) how this concept relates to state sovereignty as well as sovereign rights that littoral states hope to exercise under the Law of the Sea Convention.

Significant challenges lie ahead. In fact, beyond the territorial disputes, a key question for East Asia concerns how regional states might be brought together to design an inclusive maritime security regime collectively. Ultimately, such a regime must:

- allow China as stakeholder and potential spoiler to sit at the rule-making table;
- acknowledge the legitimate maritime security concerns of all states concerned; and
- provide a balance between coordinated responsibility and autonomy in dealing with common maritime security challenges.

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