PacNet
Number 11

Pacific Forum CSIS
Honolulu, Hawaii

March 17, 2000

ASEAN Must Speak with One Voice on the South China Sea by Jose T. Almonte

China's claim to the South China Sea and its islets is so extreme that it is sometimes difficult to take seriously. But we in ASEAN should not underestimate the firmness with which China is pursuing its designs on the Spratlys. Nor should we underestimate the extent of domestic support for Beijing's chauvinistic foreign policy. We cannot discount the fact that China's increasing assertiveness in its foreign relations has wide support inside the country.

Even among ordinary Chinese, there is a resurgence of highly nationalist views and emotions; there is justifiable pride that China has stood up. China's leaders are actively encouraging a state-centered form of patriotic nationalism to replace their bankrupt ideology. Official propaganda emphasizes redressing historical grievances, resisting foreign intrusions, and asserting China's influence on the international arena.

But if a resurgent China is reclaiming "dynastic territories" it says the littoral states have usurped during its recent period of weakness, Southeast Asia's collective claim is even stronger; the South China Sea has been our region's maritime heartland since the submersion of the Sunda Shelf 6,000 years ago.

ASEAN should treat China's Spratly claims with the utmost seriousness and urgency. Indeed, ASEAN should anticipate even greater pressure from China on this issue if and when Taiwan becomes reunited with the Mainland and internal demands increase for the settlement of China's remaining irredentist claims.

The South China Sea as ASEAN's Maritime Heartland

We in ASEAN need to speak to China with one voice in regards to the South China Sea. China's sweeping claim to the Spratlys is not just about barren islets, some of which disappear at high tide. It is not just about fishing rights, marine resources, or even the hydrocarbon reserves widely believed to lie under the shallow waters of the South China Sea. It is about Southeast Asia's security and survival.

The South China Sea, which is connected to the Gulf of Siam and the Java Sea, flows into the most complex series of maritime crossroads in the world. Just as the Mediterranean was the heartland of the classical civilizations of Southern Europe, West Asia, and North Africa, this great inland sea is Southeast Asia's strategic heartland.

Fifteen thousand years ago, when water levels were 200 meters lower than they are now, its main geographic feature was the Sunda Shelf – a land mass joining Sumatra, Java, Bali, Borneo, and the southwestern islands of the Philippines to what is now peninsular Southeast Asia.

After the Sunda Shelf was submerged, this inland sea became a maritime thoroughfare. It nurtured an "aquatic civilization" that linked Southeast Asian peoples more tightly to one another than to any outside influence, at least until the coming of the West in the seventeenth century.

Beginning with Sri Vijaya (which flourished from the seventh until the eleventh century), interconnected maritime cities – veritable sea-borne empires – mediated regional commerce carried on the monsoon winds. Before the dawn of the industrial era, these Malay-speaking entrepots were also key links in a global trading system that joined Japan and China to India, East Africa, Arabia, and the Mediterranean states.

In our time, the South China Sea is just as strategic. The great power that controls it will ultimately control both archipelagic and peninsular Southeast Asia and play a decisive role in the future of the Western Pacific and Indian Oceans, including the vital sea lanes linking the region to the oil fields of the Middle East.

The sea lanes that flow through the South China Sea and the straits of Malacca, Sunda, and Lombok are used by more than half the world's merchant fleet capacity. More than 200 ships a day transit the Straits of Malacca alone. In 1994, nearly a trillion dollars worth of international trade passed these sea lanes, with more than half of that ASEAN trade.

This is why Singapore's Lee Kuan Yew can say that while ASEAN's direct interest may not be engaged on issues like Taiwan, Tibet, and Hong Kong – all of which involve China's sovereignty – "over the Spratlys, ASEAN cannot remain neutral."

Collective Security Concerns

I appreciate how important the ASEAN states must hold their bilateral relationships with China – ties that are expressed in ethnic and cultural linkages even more than in mutually beneficial trade and investment. But I suggest that, on this issue, Southeast Asian countries should uphold collective benefit above any individual interest.

The bottom-line question for all our countries is: Can ASEAN live with a South China Sea controlled by a foreign power?

I think not. Because it is so permeable to sea power, Southeast Asia has always been vulnerable to great-power interventionism. During the colonial period, the region was partitioned by the Portuguese, the Spaniards, the Dutch, the British, the French, and the Americans (with the Germans standing by, eager to grab what they could).

Indeed, it is this lesson – that disunity can result in balkanization – that is ASEAN's principal reason for being.

It is also why ASEAN insists that the great powers recognize the region as a nuclear-free zone of peace, freedom, and neutrality.

UNCLOS: A Good Framework For Regulating Ocean Use

Fortunately the United Nations Convention on the Law of the Sea, or UNCLOS, gives us a good framework for dealing with the South China Sea issue. In its basic philosophy, UNCLOS looks back to the work of the 17th century Dutch jurist Hugo Grotius, whose concept of *mare liberum* – "open seas" – declared the high seas as open to all humankind and not subject to the monopolistic claims of any single state or nation.

UNCLOS itself carried on the juridical work begun by The Hague Conference, convened by the League of Nations in 1930, which drafted a convention setting the legal status of territorial seas. A modern convention binding state parties became necessary because of the technological transformation of the traditional uses of the sea: seabed mining, the building of artificial islands, the industrialization of coastlines, ocean pollution, and so forth.

UNCLOS sets up a comprehensive framework for regulating the use of all ocean space and its resources. It came into force in November 1994, after it had been ratified by 60 states. As of August 1997, there were 122 state parties to the Convention. China itself has acceded to UNCLOS. UNCLOS creates a global legal order for the use and management of the oceans. It is this legal order that we must use as the framework for damping down the potential for conflict that the Spratlys disputes represent.

The conflicting claims fall under two categories. Most claims are based on the 200-nautical mile exclusive economic zones (EEZs) recognized by UNCLOS. On these claims, ASEAN should take a collective (and non-negotiable) stand. Unilateral claims to islets outside EEZs should be treated differently.

I believe such a collective position – a position based on an international treaty – would best serve ASEAN because it would stand for a principle the world community could support.

Regional Instability Must be Avoided

I also believe we should exhaust every effort to resolve the South China Sea issue peacefully. Given our national situations, and our peoples' aspirations, regional instability is the last thing we need. At the very least, instability forces us to divert our scarce resources from the works of peace. We need urgently to reduce the tension over the Spratlys, by patient dialogue and by building bridges of mutual confidence between our countries.

In pursuing our claim, we in the Philippines abide by the spirit and intent of the 1992 ASEAN Declaration on the South China Sea. This "Manila Declaration" calls for the peaceful settlement of disputes over the Spratlys, the exercise of restraint in the area, and cooperation among the claimants in development.

At the ASEAN Regional Forum, where all the claimants (except Taiwan) are represented, the 21 state-members agree the Spratlys dispute should be settled peacefully, emphasizing international law (particularly UNCLOS) as the basis for pursuing claims and settlement and stressing the importance of self-restraint among the claimants.

The Philippines subscribes unequivocally to this consensus. We see no substitute for an understanding among the six claimant-states to the Spratlys.

In March 1995, then-President Fidel V. Ramos proposed the demilitarization of the South China Sea and the joint development of its resources for the mutual benefit of all the countries on its shores. He also proposed that, until an agreement is reached, each disputed island be placed under the stewardship of the claimant-country closest to it geographically.

We believe, however, that before these ventures can begin, the situation in the Spratlys should be restored to what it was before 1992. Only after we have scaled back the number of troops and military facilities and stopped deployments on occupied islets and reefs can we then begin to think of the nonmilitary dimension of our problems in the Spratlys.

Threshing out Differences in National Interpretations of UNCLOS

We now realize what a decisive factor ASEAN unity can be in getting China to agree to discuss the South China Sea issue with ASEAN as a whole, instead of separately with each of the four ASEAN claimant states.

Now the ASEAN states must speed up the work of threshing out whatever differences there might be in their national interpretations of the UNCLOS rules. We must coordinate our positions on the practical application of UNCLOS to the overlapping claims on the South China Sea.

Finally, beyond the dispute over territories and their potential resources, there is a larger principle involved – the effectiveness of an international consensus and the enforceability of international rules. Militarily weak states like the Philippines must, of necessity, put their faith in a world order governed by international law, guided by a global code of ethics, and inspired by shared moral values.

In any event, future Southeast Asian generations will never forgive our present-day leaders if they should be remiss in dealing with this issue, as such a failure would condemn future ASEAN generations to perpetual instability.

I do not think future Southeast Asians will accept passively China's encroachments on our maritime heartland. I am certain they will take advantage of the "millennium of people power" this new era promises to be, and will firmly appeal Southeast Asia's case against China to all the peoples of the world.

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