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# INTERNATIONAL SECURITY AND STRATEGY STUDIES BULLETIN

## Maritime Security in the Asia–Pacific: Cooperation, Order and Rules



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## **Summary of the Symposium “Maritime Security in the Asia-Pacific: Cooperation, Order and Rules”**

On March 29-30, 2019, the Center for International Security and Strategy, Tsinghua University and the National Institute for South China Sea Studies (NISCSS) co-organized the closed-door session on “Maritime Security in the Asia-Pacific: Cooperation, Order and Rules,” in Boao, Hainan. The symposium was attended by scholars from across China, the US, Singapore, the Philippines and Vietnam. As the first academic conference on the South China Sea issues that included scholars from China, the US and ASEAN states, it was intended to clarify the security concerns of all relevant parties and further clarify the complex situations of the South China Sea. Discussions in the session focused on current situations and solutions for the South China Sea issues.

### **I. Opinions of Chinese Representatives**

#### **(i) The “South China Sea issues” are a struggle with two challenges.**

For while the disagreement between China and ASEAN, as two parties directly involved in these disputes, is, in essence, a dispute over territorial claims, maritime delimitation and maritime jurisdiction. The China-US disagreements fall into the scope of friction due to strategic interest and geopolitical conflicts. The Chinese aim is to defend its national sovereignty and interests while pursuing a strategic position consistent with its own security interests. However, this conflicts with the attempt of the US to maintain its dominance across the Asia-Pacific region.

#### **(ii) The disputes over the South China Sea between China and ASEAN**

**have been eased considerably over the past two years, with a trend towards positive development.** Against the backdrop of improved China-Philippine relations, the situation of the South China Sea is seeing looking positive and is likely to continue. This has been the result of the negotiations regarding the South China Sea Code of Conduct (COC) which have deepened China-ASEAN maritime cooperation. However, in the long term, both sides must remain committed to expanding the positive aspects of maritime cooperation and building trust. This will enable the development of a set of long-standing mechanisms for security dialogs and cooperation and will promote the construction of Asia-Pacific security principles and framework.

**(iii) Freedom of navigation operations (FONOPs) conducted by the US Navy will intensify the destabilizing risks in the waters and sky of the South China Sea.** Since US Navy warships conducted the so-called “FONOPs” in May 2017, they have openly intruded upon the territorial waters of China’s Paracel and Spratly Islands and Reefs on at least 15 times, and in doing so, posed grave threats to China’s national security. Instead of showing signs of withdrawal, the US Navy seems to be seeking to normalize and institutionalize its operations, as it has been increasing the frequency of its warships sailing within 12 nautical miles of Chinese claims in the South China Sea. In the longer term, the likelihood of encounters between the two countries’ militaries in the waters and sky over the South China Sea are increasing; it is becoming increasingly difficult to control the situation, and it is likely that this kind of encounter could escalate into low-intensity military engagements and even local conflicts. It is therefore important that both sides should stop accusing one another, or conjecturing and criticizing each other’s strategic intentions; rather, they should engage in “meaningful dialogs” to find constructive solutions to these strategic interest conflicts.

## II. Opinions of the ASEAN Scholars

**(i) The COC is of constructive significance to regional safety and order.** The negotiation of COC marks the beginning of an attempt to build a “rule-based order” in the South China Sea. Its intention is to constrain and guide countries within the region to maintain their own interests while accommodating each other’s concerns, and settling disputes peacefully in a mutually inclusive manner. The consensus on COC has also placed the ASEAN states in a more advantageous position to influence competitions among the major powers. This, in turn, helps China to enhance its regional and even international image and demonstrates its willingness to respect rules. The COC is expected to become a template to guide countries within the region to settle disputes peacefully, through dialogs and negotiations.

**(ii) Southeast Asian countries look to determine their position in relation to the US Indo-Pacific strategy.** Some scholars have criticized the US as being too assertive and aggressive. This is because their FONOPs in the South China Sea are not well supported by international laws, and the US is also failing to abide by the principle of “innocent passage.” Some other scholars worry that the regional structure with ASEAN at its core, which has been built over years of hard work, might be deprived of its power. Philippine scholars argue that the Philippines, though an ally of the US, may not necessarily choose the US if forced to take sides. Currently, China and the Philippines are on fairly good terms, with the latter openly expecting to benefit economically from its ties with China. The Philippines also expects the US to provide clarifications on some security issues: for example, whether the *Mutual Defense Treaty between the Republic of Philippines and the United States of America* is applicable to conflicts between the Philippines and other countries which relate to claims over maritime islands and reefs.

**(iii) There are chances for technical cooperation between China and ASEAN.** ASEAN values maritime cooperation and has been improving both internal and external cooperation mechanisms, many of which overlap. As China forges ahead with the Belt and Road Initiative (BRI) and the US has launched the Indo-Pacific strategy, ASEAN has begun to pay more attention to, and invest more, in regional maritime cooperation. The region is troubled by many threats and challenges including the safety of navigation, piracy, maritime terrorist attacks, human trafficking, prevention and responses to natural disasters, and marine ecological protection. These challenges require joint efforts to maintain maritime security and build sustainable development.

### **III. Opinions of US Scholars**

**(i) The US is unlikely to cut the frequency of “FONOPs.”** “FONOPs” are the main form of US military presence in the South China Sea, and are being used to declare Washington’s disagreement with China’s maritime claims over the waters. The South China Sea issues have become a symbol of China-US competitions. The future dynamics of such issues will affect the strategic balance of the Asia-Pacific region. The future of China-US military competition in the waters remains open-ended: it might escalate into head-on confrontations or conclude in dialogs and negotiations. Both countries must conduct direct and meaningful dialogs to exchange opinions about the “demilitarization” of sensitive areas and clearly articulate their respective positions. If the trend towards “militarization” is not contained, the situation can only become highly precarious.

**(ii) China-US agreements are of equal importance to deals reached between China and the ASEAN states.** Some scholars hold that, even if a COC is reached between China and the ASEAN states, it remains unclear whether it could be implemented and whether all parties would respect it.

There are also some skeptical voices doubting the COC could be achieved in three years, as all parties concerned have to weigh up their own interests.

#### **IV. Consensus Suggestions**

**(i) Create a favorable cooperative environment to enhance understanding and stability.** Currently, China and the ASEAN states are focusing on marine ecological protection and joint resource development; countries along the South China Sea can establish through negotiation “joint fishing moratoriums,” sign bilateral and multilateral fishery agreements, organize joint exploration and exploitation of submarine gas, and conduct joint marine management and enforcement.

**(ii) Clarify priorities for maritime security cooperation in the South China Sea and Asia-Pacific region.** Initially, efforts should be spent on three main aspects: firstly, the exchange of important information and experience in regional security governance; secondly, the implementation of measures for building trust that are based on bilateral deals, *United Nations Convention on the Law of the Sea*, and other multilateral legal frameworks; thirdly, improved resourcing and enhanced cooperation between maritime enforcement agencies.

**(iii) Discuss the idea of “rule-based international order.”** The idea of a “rule-based order” has to varying degrees been accepted as an idea all parties or at least has not been openly rejected. The building of “rule-based order” is an idea of regional and global security governance that is acceptable to all parties. If possible, more appropriate and extensive discussions will help clarify basic principles, followed by more detailed the design of action plans and roadmaps. This process will increase understanding and build trust and play an important role in developing a future regional security framework based on peaceful co-existence.

**(IV) Play down the strategic competition in regional affairs.** Though China and the US are entangled in structural differences in the South China Sea and the Western Pacific region, there is still a chance of negotiations and cooperation. The immediate priority is to carefully handle disputes over rules and strategic disagreements relating to the South China Sea issues, and increase capabilities in risk control and crisis management. The US Indo-Pacific strategy should reduce its reliance on its military alliance and move toward economic competitions. This shift may even include a move toward the possibility of inviting China into its economic alliance, which in turn may hold in check their currently increasing mutual hostility. It is likely that the strategy could converge with China's BRI under some form of mutual compromise. Mutual benefit would be achieved for example, if when researching for some major BRI projects China could draw on the rich experience of US-based consulting firms.



## Appendix: Attendance List

### Chinese Representatives:

Fu Ying	Chairwoman of the Center for International Security and Strategy, Tsinghua University
Yan Xuotong	Director of the Institute of International Studies, Tsinghua University
Yao Yunzhu	Senior Advisor to the China Association of Military Science and retired Major General
Wu Shicun	President of National Institute for South China Sea Studies
Zhu Feng	Executive Director of the Collaborative Innovation Center of South China Sea Studies, Nanjing University
Zhou Bo	Director of the Security Center at the Office for International Military Cooperation, Ministry of National Defense
Hu Bo	Director of the Center for Maritime Strategy Studies, Peking University
Yi Xianhe	Chief Expert of China Institute of Boundary and Ocean Studies and Institute of International Law, Wuhan University and Professor of International Law
Zhao Xiaozhuo	Director of Beijing Xiangshan Forum Secretariat Office

**Foreign Representatives:**

Richard Weitz	Director and Senior Fellow of the Center for Political-Military Analysis at Hudson Institute
Michael D. Swaine	Senior Fellow at the Carnegie Endowment for International Peace
Huang Jing	Dean and Professor of the Institute on National and Regional Studies, Beijing Language and Culture University
Michael Vatikiotis	Asia Regional Director of the Centre for Humanitarian Dialogue, Geneva, Switzerland
Jusuf Wanandi	Co-founder and Senior Fellow of the Center for Strategic and International Studies, Indonesia and Member of Board of Directors of China-Southeast Asia Research Center on the South China Sea
Kwa Chong Guan	Senior Fellow of the S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore and Member of Board of Directors of China-Southeast Asia Research Center on the South China Sea
Collin KohSwee Lean	Research Fellow of the S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore

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