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China's Window of Opportunity in the South China Sea

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The South China Sea (SCS) issue has now arrived at a critical point. China should take the advantages of this opportunity to adjust its South China Sea approach – to steer from a “unilateral win” formula to “multilateral win” formula, so as to take lead in the problem-solving process. This new approach should drive the South China Sea problem-solving process to a faster track, in the process clearing out major obstacles to building a Southeast Asian hub for the 21st Century Maritime Silk Road (MSR).

Based on different opinions regarding sovereignty over islands and reefs and maritime interests and rights, the claimant parties in the South China Sea can be divided into two groups: mainland China and Taiwan, and the four ASEAN claimants (Vietnam, the Philippines, Malaysia, and Brunei). The majority of the ASEAN non-claimants, along with some outsiders — led by European countries, the United States, Japan and Australia — tend to support the claims made by the ASEAN claimants, whereas a minority of the ASEAN non-claimants, Russia, South Korea, and some other outsiders stand neutral. Although there also are some disputes between the ASEAN claimants themselves, for the moment these disputes are considered “minor” in the face of their mutual confrontation with China.

At the moment, the South China Sea is in a relatively peaceful period, but over years of development, it has already been shaped into a trifold game between China and the United States; China and the ASEAN claimants; and China and the ASEAN as a whole. The game

between China and the United States is the major conflict, but the game that sees the ASEAN claimants using ASEAN against China is increasingly tense. Because the South China Sea issue is already a flashpoint in China-ASEAN relations, it is considered an indicator for China's overall foreign policy, as well a major tool to the United States' Asia-Pacific rebalancing strategy. The South China Sea issue is also a key security question for ASEAN countries and seen as a touchstone for the ASEAN security cooperation. China, meanwhile, has called for downplaying the South China Sea issue whilst strengthening political, economic, and cultural cooperation with ASEAN countries, but the outcomes so far are barely visible.

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The ASEAN countries believe that China has become increasingly assertive regarding the South China Sea issue over the past few years. Along with China's rise, this puts them in an even more disadvantageous position. As a response, the ASEAN claimants propelled the internationalization of the South China Sea issue and became more reliant on the United States and other foreign countries to deal with their security concerns. Only when China and the ASEAN agree on a binding working framework for handling the disputes will the ASEAN claimants then begin economic and cultural cooperation with China, and maybe venture attempts to strengthen security cooperation as well.

It is highly unlikely to see the South China Sea issue resolved in the short term. However, the South China Sea issue may not necessarily get in the way of promoting cooperation between China and the ASEAN claimants. Of course, this outcome requires a relatively more relaxed external environment and a smoother internal environment. The external environment mainly concerns the degree of intervention made by outside countries (i.e. major powers). The internal environment on the other hand, mainly refers to the domestic political stance of the ASEAN claimants and the resulting political relationships between these countries. On both fronts, China currently has a unique window of opportunity to improve its relationships with ASEAN claimants.

External Environment

Considering that populism and the anti-globalization trend have made developed countries less concerned about issues abroad, there is currently a relatively relaxed external environment for resolving the South China Sea issue. For the purpose of this analysis, Japan, the European Union, India, and Russia form the major external powers, with the United States taking the lead.

The Asia-Pacific region is in no doubt one of the United States' most concerned areas. As an experienced hegemon, the United States is well aware that it has to give way to China's rise, but in the meantime, it is hoping to slow down this process, as well as to increase the cost of the rise of China's maritime power. In order to achieve this, the Obama administration shifted its military deployments to the Second Island Chain, strengthened the mobility of the First Island Chain, and urged its allies and partners to make further input so as to form an arc (from northern Japan to Darwin, Australia) to counterbalance China. However, the new Trump administration, whilst promising to "make America great again" and emphasizing "America first," is likely to place more stress on domestic development and demand other countries assume more responsibilities.

Nevertheless, the Trump administration will continue to counterbalance China, but in practice, it might adopt a more tiered approach (e.g. prioritizing the North Korean nuclear issue first, and then the East China Sea and Taiwan, then the South China Sea, and so on) rather than carry on the arc strategy employed by the Obama administration.

If “core interest” is considered as vital to a nation as the brain is to the human body, freedom of navigation, though critical for the U.S. Navy, is not one of the United States’ core interests. The key to the U.S. Navy’s definition of freedom of navigation is the right to conduct military activities (including intelligence gathering) within other countries’ exclusive economic zones. To this end, the United States defined freedom of navigation in its own favor after World War II and promoted its stand with its much superior naval power. The reason behind the establishment of the Freedom of Navigation Program in 1979 is to continuously promote the United States’ maritime claims using its own domestic laws and regulations, even after the United Nations Convention on the Law of the Sea (UNCLOS) took effect, and to challenge what the United States regards as “excessive maritime claims.”

The Freedom of Navigation Program in practice carries out Freedom of Navigation Operations (FONOPs) to challenge maritime claims by both allies and opponents. The South China Sea is a major area for carrying out FONOPs, but it is not the only one. In this context, FONOPs in the South China Sea are more of a bargaining chip, just like FONOPs in the Black Sea during the Cold War. Furthermore, after the United States lost its “Filipino arm” when President Rodrigo Duterte scaled back military cooperation with the United States, the significance of FONOPs is also greatly reduced. All told, then, the external environment is more conducive than anytime in recent memory for China to pursue peace in the South China Sea.

Internal Environment

The South China Sea issue involves mainland China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei. The six other ASEAN countries are non-claimants; of these, Indonesia and Singapore are more influential on the South China Sea issue.

ASEAN Non-Claimants

Even though Indonesia is not one of the parties claiming disputed islands and reefs, there are about 50,000 square kilometers of exclusive economic zone north of its Natuna Islands situated within China’s nine-dash line. In order to strengthen its claim, not only has Indonesia been sending immigrants to the Natuna Islands for the past 20 years or so, in recent times, it also boosted military deployments to the area. Overall, though, Indonesia seems to be more discrete and realistic about the South China Sea issue.

When Joko “Jokowi” Widodo assumed the presidency in 2014, he put forward a vision for Indonesia to become a “global maritime fulcrum.” With a willingness to promote economic development, he pledged his support to China’s Belt and Road Initiative. China regards Indonesia as one of the key players in building the Belt and Road. At this stage, China-Indonesia cooperation has been continuously deepening. More to the point, Jokowi announced publicly during his 2014 election campaign that the South China Sea issue is so complicated that he

would not to pay much attention to it unless a good potential solution emerges. That indicates Jokowi will probably keep a sound relationship with China — although during his re-election campaign in 2019, Jokowi might try taking a stronger hand toward the issue in view to fend off his conservative rival, General Prabowo Subianto.

Singapore, as the only developed country of the ASEAN members, with a high dependency on sea trade, is committed to promote ASEAN integration and play a “chief of staff” role. When it comes to the South China Sea issue, Singapore is keen on acting strongly against China. This, in the past few years, has inevitably led to turbulence in the China-Singapore relationship. However, given that Singapore’s economy is highly compatible with China’s, it has neither the ability nor the intention to openly confront China. Vietnam and the Philippines’ preferences to not publicly confront China are also holding back Singapore’s ambitions. These together indicate that Singapore will not pursue a radical SCS policy in the near future.

ASEAN Claimants

Of the four ASEAN claimants, Vietnam and the Philippines clearly have more disagreements with China, and they advocate using a multilateral framework to solve the issue. The Philippines in the past even attempted to pursue its interests through third-party arbitration by filing a case with the Permanent Court of Arbitration. Malaysia and Brunei, in contrast, are more settled about the South China Sea issue. Politically, they are more prone to using a bilateral framework to solve the issue, while managing differences and promoting cooperation.

There are two groups of political elites within the Vietnamese government – the Southern Clique and the Northern Clique. The new Vietnamese government is mainly formed by the Northern Clique, which is by and large China-friendly. Thus China and Vietnam are likely to maintain a relatively friendly relationship until 2021. As history suggests, the delimitation of land borders and the maritime boundary in the Beibu Gulf (Gulf of Tonkin) were all achieved under friendly circumstances. In this sense, Vietnam and China stand a good chance of coming to some common understanding over the South China Sea issue under the current Vietnamese government.

Likewise, there is a window of opportunity with the Philippines. The South China Sea policy adopted by former Philippine President Benigno Aquino III drove China-Philippines relationship to a nadir, and directly caused the “globalization” of the SCS disputes. After Duterte’s inauguration in 2016, the Philippines’ revised SCS policy has made great improvements to the China-Philippines relationship. At present, the prospects for China-Philippines ties are no less optimistic than they were during the Arroyo period, and the impact of SCS issue is kept to a minimum. Until the next presidential election, due in 2022, Duterte is very likely to continue this friendly approach, and limit the impact of SCS issue on bilateral relations.

As for Malaysia, since Prime Minister Najib Razak came to power in 2009, China-Malaysia relations has seen their best era in history. Najib insists on dealing with the SCS issue through a bilateral framework, and quietly resolved the recent Luconia Breakers dispute. Compare that to the previous prime ministers who set foot on Swallow Reef to claim ownership. At the

moment, Najib is most likely to continue his premiership for another four years after the next election.

Finally, there has been an obvious increase in economic cooperation between China and Brunei in recent years. When it comes to jointly developing offshore oil and gas resources, Brunei holds a positive attitude and co-signed a joint declaration with China on the subject in 2013. Given that this joint development was hugely delayed due to Malaysia's objection, a commonly understood solution to the South China Sea issue is in no doubt in Brunei's favor.

Taiwan

Taiwan's South China Sea stand mainly comes from the South China Sea Policy Guidelines established in 1993, which clearly stated that the waters within the nine-dash line are its "historic waters." Although Taiwan is very unlikely to have a seat at the negotiation table over the South China Sea issue, there is still the possibility that it could carry out cooperation with the ASEAN countries. However, given her leanings toward "Taiwan independence" it's likely that Tsai Ing-wen will be less concerned about the South China Sea issue than Ma Ying-jeou was.

Mainland China

In China, Xi Jinping might be the most powerful leader since Mao Zedong. While he is fully capable of making and implementing major foreign policies (e.g. the Belt and Road Initiative), including pursuing a resolution to the South China Sea disputes. The key lies in making the case that such foreign policy initiatives are necessary.

The Belt and Road Initiative is a top-level blueprint for foreign relations determined by the new Chinese government under Xi. Centering on economic development, it emphasizes promoting infrastructure and manufacturing throughout the Asia-Pacific, Eurasia, and even parts of Africa. In the promotion of the BRI, China has shown the leadership and responsibility of a great power to some extent, but at the same time, it also should realize that there still are political, security, and cultural differences slowing down the process. One of those is the South China Sea issue.

As the biggest coastal country of the South China Sea, it falls to China to come up with a "win-win" plan to sort out the SCS issue and take the lead in the process. Other claimants do not have the capacity to do so. At present, China is swinging between "protecting rights first" and "keeping SCS stability first." The former focuses on China's own national interests rather than those of the other claimants; the latter focuses on controlling differences, so as to keep the impact of the South China Sea issue to a minimum and carry on cooperation in other aspects. Given that both of these ideas center on China's unilateral interests, they neither facilitate avoiding tensions nor help resolve the fundamental issue.

In addition to promoting economic cooperation with its neighboring countries, China, as a rising great power, should also take into consideration their security concerns and gain their trust in cooperation with China. Otherwise, China will see its neighboring countries turn to other partners. China must remember that the SCS dispute is the most important regional security issue for ASEAN countries.

As it stands, the SCS disputes have already gotten in the way of building the Southeast Asian hub of the Maritime Silk Road (MSR). Not only did the disputes sabotage the enthusiasm of the ASEAN claimants, but also wounded the participation of non-claimants. This is the main reason why Vietnam continuously replies that it “has to further observe” the Belt and Road Initiative before making a decision. The South China Sea issue is now like an infection in the China-ASEAN relationship; the treatment is a binding multilateral working framework.

Based on the above discussion, both the external environment and internal environment for resolving the South China Sea issue are in China’s favor at the moment. Should China miss this time window, there is a good chance that this “infection” will flare up once again at the slightest touch.

The next few years provide a window of opportunity for the claimants to work together to push forward a solution to the South China Sea issue. Rather than settling in to this seemingly peaceful but temporary situation, China should take this opportunity to initiate a new approach to the South China Sea issue so as to take the lead in the problem-solving process and fundamentally end this passive situation. The key to this new approach should be the idea of a win-win, comprehensive plan to resolve the South China Sea issue. Not only is this China’s obligation as a rising great power, but it is also the solution to the security concerns of the Southeast Asian countries, as well as the key to building the Southeast Asian hub of the MSR.