

UNDERSTANDING BROADER PARADIGM SHIFT IN NEW GEOPOLITICAL ARCHITECTURE

Three-pronged approach needed to manage disputes in S China Sea

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South-east Asia constitutes one of the world's most dynamic regions. Unprecedented economic vitality, a growing middle class, large and able populations, enhanced connectivity and a strategic location all augur well for the region's enhanced economic and geopolitical importance.

However, the same factors provide fertile ground for the resurgence of nationalism arising from historical claims and repressed grievances, particularly as competition for resources and prestige intensifies.

How will the region respond to both the promise and the peril of such economic and historical forces?

The situation is compounded by a rising China seeking to have its status as an emerging Great Power recognised and ratified. Nowhere is this complex matrix of forces thrown more into stark relief than in the South China Sea. The rival territorial claims in the waters can be understood as part of a broader paradigm shift influencing the development of a new geopolitical architecture.

The 10 members of the Association of South-east Asian Nations (ASEAN) are promoting the development of an ASEAN Economic Community by the end of this year and the development of a regional production base. However, efforts towards regional integration have been accompanied by specific territorial claims in the South China Sea, including those of Vietnam and the Philippines vis-a-vis China, not shared by the regional body as a whole.

ASEAN's inability to issue a joint communique on the South China Sea in 2012 was one early manifestation of the resurgence of specific, national interests ill-suited to being managed through the "ASEAN way" of consensus building. Disparities in national priorities and territorial claims arise against a common backdrop where all of the ASEAN nations are strengthening their links with China.

Beijing's investment in port facilities in neighbouring countries as part of its Maritime Silk Road policy and the recent creation of the Asian Infra-



structure Investment Bank reflect a new and evolving regional and global economic architecture.

FOCUSING ON POTENTIAL, COMMON INTERESTS

For China, the recognition of its claims in the South China Sea constitutes a litmus test for its growing power.

Based on dynastic claims and more specifically on a 1947 map, China's so-called "nine-dash" line or "cow's tongue" reflects Beijing's view of the South China Sea as a type of greater Caribbean analogous to United States' claims in the Western Hemisphere in the 19th and 20th centuries.

China's claims are therefore based on an amalgam of both history and power, and a desire to achieve a strategic platform commensurate with its growing economic might.

Managing these criss-crossing claims and interests will require astute diplomacy and sensitivity to both history and international law. With regard to the latter, the claims can be broken down into those involving sovereignty over land territory, and those relating to maritime boundaries and the right to exploit ocean resources.

The two are interlinked to the ex-

tent that "land dominates the sea" under international law in delimiting maritime boundaries, but are separate inasmuch as customary international law governs sovereign rights over land, while the vaunted United Nations Convention on the Law of the Sea (UNCLOS) governs maritime claims among signatory states.

Such a situation explains in part the impasse on the legal front. The Philippines, for instance, in its ongoing arbitration case at the Permanent Court of Arbitration in The Hague is arguing certain aspects of UNCLOS, while China keeps to historical claims relating to sovereignty framed outside the scope of the treaty.

What can ASEAN do in this complex situation? ASEAN can play a constructive role by establishing a flexible discussion forum to transform disputes into a procedural modus vivendi, allowing the parties to engage in meaningful dialogue even if issues are not resolved per se.

The Declaration of Conduct of 2002 concluded between ASEAN and China provides one basis for dialogue and offers a rough framework for concluding a more detailed Code of Conduct that lays out new rules of the road, or waves, as the case may be. Thus far, China's re-

Amid an atmosphere of growing mistrust, intensified contact between Chief of US Naval Operations, Admiral Jonathan Greenert (right) and his Chinese counterpart, Admiral Wu Shengli (left), could serve to alleviate tensions and thereby lay the foundation for enhanced understanding and cooperation.

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ceptivity to such broader initiatives has been negative at worst and contradictory at best. A more concerted effort by ASEAN to refine a common strategy and to offer itself as a forum for discussion could be a prelude to positive regional interaction with China.

In the interim, tensions in the waters will ebb and flow with China increasingly favouring bilateral discussions with claimant parties, rather than regionwide accords.

Moreover, as unresolved issues fester and China tries to create new facts on the "ground" with the construction of airstrips and port facilities on disputed territory, another layer of geopolitical complexity is introduced by the US and also by Japan, particularly in the East China Sea.

Both Japan and the Philippines are treaty allies of the US, implying an enhanced commitment for military cooperation. Thus, miscalculations could have broader geopolitical repercussions and lead to conflict. Amid an atmosphere of growing mistrust, intensified contact between Chief of US Naval Operations, Admiral Jonathan Greenert, and his Chinese counterpart, Admiral Wu Shengli, could serve to alleviate tensions and thereby lay a foundation for enhanced understanding and cooperation. Historically, the US and the former Soviet Union had managed and ultimately defused Cold War tensions with similar steps.

With the presence of such multi-level interests and alliances, and accompanying regional and great power rivalries, some commentators have likened the situation in the South China Sea to that prevailing in 20th century Europe that led to two World Wars.

Without overdrawing such apocalyptic parallels, let us hope that the manifest advantages of economic integration carried out against a stable international environment will lead to the following:

- 1) Individual claimants, such as the Philippines, exercising forbearance;
- 2) Regional groupings, such as ASEAN, facilitating the movement towards a new modus vivendi on resolving the territorial claims; and
- 3) External powers, such as the US, facilitating the development of a new paradigm and international grammar that accommodates China's rise, while safeguarding the interests of less powerful parties.

Such a three-pronged approach is within reach as a matter of both strategic logic and enlightened self-interest among all the parties concerned, provided they focus on the long-term potential of the region and their common interests therein.