

Flashpoint: South China Sea

by Ambassador K Kesavapany
For Straits Times, Think-Tank, April 15, 2009

A COUPLE of moves in the past few weeks by claimants to parts of the South China Sea have brought that contentious maritime area to the front pages once again. The South China Sea has been generally considered a potential 'flashpoint' for armed conflict for some time. Although the potential for such conflict is perceived to have diminished in recent years - partly because of commitments the parties have made to the peaceful settlement of disputes and non-use of force - it still exists. Conflicting claims to the area have not been resolved or reconciled.

To be sure, countries in South-east Asia and, of late, China have pursued their conflicting territorial claims peacefully, as they are committed to do so under the Treaty of Amity and Cooperation in South-east Asia (TAC), the United Nations Charter and the UN Convention on the Law of the Sea. These commitments were also embodied in the 1992 Asean Declaration on the South China Sea and the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC).

What makes the South China Sea question so vexing - and thus dangerous - is the fact that it is subject to multiple, not just bilateral, claims. Brunei, Malaysia, the Philippines and Vietnam - not to mention mainland China and Taiwan - have all made overlapping claims. The involvement of a big, strong and rapidly rising power - China - and what others perceive to be Beijing's extravagant, if ambiguous, claims, are additional complications.

The importance of the South China Sea to international navigation is also a factor.

In 1974, practically on the eve of Vietnam's reunification, Chinese armed forces dislodged the South Vietnamese from the Paracels. In 1988, a brief naval battle between China and Vietnam in the Spratlys area sank a number of Vietnamese vessels and killed around 70 Vietnamese. The Philippines has, on a number of occasions, arrested mainland Chinese and Taiwanese fishing in the disputed area and confiscated their vessels.

Because of the continuing tensions in the area, the Asean Regional Forum (ARF) specified in its early years the South China Sea as one of the regional 'flashpoints' that had to be addressed. Soon, however, the item was quietly dropped from the ARF's agenda.

Several measures have calmed things down. One has been Beijing's repeated assurance of its readiness to 'shelve' the sovereignty disputes. Another has been the gradual shift of the Chinese position from an insistence on dealing bilaterally with each individual South-east Asian claimant to a willingness to discuss the issue with Asean as a whole.

Asean and Chinese officials have been holding annual political consultations since 1995. China's relations with Asean as a whole and with its individual members have improved substantially in recent years. China has acceded to TAC, which commits it to resolve disputes peacefully and not to resort to the use or threat of force in inter-state relations.

Since 1990, Indonesia has been convening a series of informal workshops on 'Managing potential conflicts in the South China Sea'. Representatives of mainland China and Taiwan, as well as of all Asean countries, participate in their 'private capacity'. China and Asean concluded the DOC in 2002.

Notwithstanding these positive developments, last month alone witnessed two moves by claimants that provoked protests from others. One was the visit by then-Malaysian Prime Minister Abdullah Badawi to Terumbu Layang- Layang, or Swallow Reef, long developed by Malaysia in an area claimed by China, Taiwan, Vietnam and the Philippines. The other was the passage of legislation in the Philippines redefining the country's archipelagic baselines.

These actions - and the reactions to them - remind us of the fragility of the situation in the South China Sea. In February 2007, Mr Chen Shui-bian, then President of Taiwan, visited Taiping, or Itu Aba, in the Spratlys. More assertive was the Chinese construction, discovered in early 1995, of obviously military facilities, disguised as 'fishermen's shelter', on the appropriately named Mischief Reef, about 200km from the Philippine island of Palawan.

In the meantime, The Straits Times has quoted China's Major-General Qian Lihua as saying that Beijing 'might' build an aircraft carrier by 2010, in addition to deploying five nuclear-powered, missile-carrying submarines. 'According to some projections,' The Straits Times reported, 'China would have a blue-water navy by 2020. The total displacement of Chinese navy destroyers and frigates will have more than doubled to 350,000 tonnes by then.'

East Asia cannot afford to be distracted by rising tensions in a body of water vital to international trade and security. All concerned would do well to abide by their commitments to the peaceful settlement of disputes and the non-use of force. Every claimant needs to refrain from undertaking provocative acts in the area. China, in particular, needs to reassure its rival claimants that it does not intend to use force again in asserting its claims.

The writer is director of the Institute of Southeast Asian Studies. Think-Tank is a weekly column rotated among eight leading figures in Singapore's tertiary and research institutions.