

Managing Security Problems in South China Sea through ASEAN

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Abstract: *The fact is that the geographical location of the South China Sea is strategically very important for the world major powers. Reason behind it is that this sea links the Indian Ocean to the Pacific and it is also vital shipping channel about half of the world's merchant powers. Therefore, the security concerns in the South China Sea are very crucial and China, Taiwan, Vietnam, Malaysia, Brunei and Philippines have many competing claims regarding the territory and jurisdiction. All these powers desire to control over the reserves of oil and gas in this region and moreover, they desire the freedom of navigation. This is the major cause of tension in this region and it becomes very critical when china has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities to enforce its sovereignty and jurisdiction claims in South China Sea. That is why; here it is an urgent need to manage all the security concerns in the*

South China Sea, and the role of ASEAN may be very important in this regard. The present paper highlights the role of ASEAN to manage tension in South China Sea.

Keywords: South China Sea, Territorial Claims, Navigation, Reserve of Oil & Gas, Land Reclamation, ASEAN.

Introduction: The growing importance of the US and China relationship and the Asia Pacific region more generally to the global economy, the US has a major interest in preventing any one of the various disputes in the South China Sea and the most likely and dangerous contingency is a clash stemming from the US military operations within China's Exclusives Economic Zones (EEZ) that provokes an armed Chinese response. But the US hold that nothing in the United Nation Convention of the Law of the Sea negates the right of military forces of all nations to conduct military activities in these zones without coastal state consent.

Likewise China argues that the reconnaissance activities undertaken without prior notification violate Chinese domestic law and international law. That is why; China intercepts the US flights conducted in its EEZ and periodically does so in aggressive ways that creates the more tension in the region of South China Sea.

Managing Tensions: There are some security tension in South China Sea such as land reclamation, freedom of navigation and militarization of this region. According to the US officials, in 2014-15 China's land reclamation totaled 12sq. k.m. China is dredging sand from the sea bed and gouging coral reefs to fill in low tide elevation by pouring concrete over this mass to create some artificial islands. However, an island under International law is entitled to 12 nautical miles territorial sea and 200 nautical miles from EEZ likewise the US claims that he has full right of freedom of navigation in the South China Sea; but China has not legally declared any official base line around its occupied islands. China in fact claims, ambiguous security alert zone around its artificial island. China's

assertion of control over the territorial water claims to be its territorial right on South China Sea. Militarization of South China Sea is also a burning issue in this region. The US accuses China of Militarizing the South China Sea through its construction of artificial island that could serve as forward operating post for military aircraft and ships. The militarization spectrum may include the following activities:

- Stationing uniformed armed military personnel on artificial Islands.
- To build bunkers and defensive guns and placements.
- To construct dual use infrastructure such as radar, air strips, docks and jetties.
- Placing long range radar, signal intelligence and electronic warfare equipments on artificial islands.
- To deployed armed coast guard vessels, paramilitary fishing trawlers, self propelled artillery, anti-aircraft missile, surface to surface missile, cruise missile, naval warship, jet fighters, jet bombers and submarines.

Role of ASEAN to Manage Tension:
The think tank network of the institute for

security and international study, the council on security cooperation in the Asia Pacific, the ASEAN regional forum intercessional meeting etc. has worried on the process of militarization of South China Sea. They argue that tensions in the South China Sea are a product of claims and actions by China and its neighboring state. Over the past 3 years tensions have risen in the South China Sea due to construction of infrastructure on its artificial islands and due to the reaction made by the US in this regard that is why here it is an urgent need to manage these concerns which could be managed by the two countries through bilateral dialogue and military to military discussion. Here it is clear that another source of tension has emerged when the UN Arbitral Tribunal has made its determination on the Philippines claim against China. However, the tribunal has no power of enforcement and China has denied following the decision.

In the emerging security scenario ASEAN may be a peaceful resolution maker of this maritime dispute on the basis of International law. It says that all disputes should be settled without the

threat or use of force and on the basis of international law. The ASEAN's central concern is on the peaceful resolution of this dispute which is very important for the regional peace and security. It is a well-known fact that any dispute in this region is not in the interest of China and the US. Recently ASEAN has concluded that China's dual track approach in the settlement of the territorial dispute should be promoted. The first track consists of negotiation between the disputed parties while the second track promotes China and ASEAN jointly managing security concerns in the South China Sea Region. But in practice China has not been averse to playing on differences within ASEAN to block any positive effort that goes against its territorial interest. Therefore, to achieve something in a positive manner is very difficult work for ASEAN. Generally ASEAN members are in agreement that it is not in their collective interests for maritime disputes in the South China Sea to become a proxy for strategic rivalry between China and the US.

The China and the US need to cooperate and coordinate through multi-lateral diplomacy for the peaceful solution

of the maritime dispute. They should increase their capability for maritime domain awareness under the maritime law. It should be a top priority in bilateral meetings as well as multilateral meetings. At the same time likeminded ASEAN dialogue partners need to coordinate a political diplomatic strategy to support ASEAN efforts where China attempts to restrict the agenda of ASEAN and exclude maritime security dispute. Nevertheless, ASEAN has a place to manage its relations with China and other dialogue partner. ASEAN has a number of multi-lateral mechanisms to manage its relations with China, the US and some other major powers. Therefore, ASEAN can play a vital role in managing security tension in South China Sea.

The joint statement made by the US and ASEAN in Sunnylands Summit in February 2016 included six issues; maritime security and safety; full respect for legal and diplomatic processes; other lawful uses of the sea; unimpeded lawful maritime commerce; non-militarization and agreement to address common challenges in the maritime domain. These issues highlight the US security concerns

and support the legal claims brought by the Philippines against China. They are also very common and the ASEAN can reflect its concerns without offending China's interest. More significantly the February 2016 ASEAN foreign ministers retreat sharpened the wording of the previous ASEAN statement. Furthermore, the statement issued after the meeting remained a serious concerned over recent and ongoing development that took place as very serious security tension in South China Sea.

That is why; ASEAN has to play a major role in confidence building in South China Sea. Recently ASEAN agreed that the Confidence Building Measures (CBMs) and prevented diplomacy can be used in a long process. In other words, we need to promote more effective and elaborative confidence building measures towards all security issues. However, it was not more surprising that ASEAN and China included CBMs in 2002. In order to build trust and confidence The DOC listed for measures as under:

- To hold dialogues and exchange of views as appropriate between their defence and military officials.

- To ensure just and humane treatment of all persons who are either in danger or in distress.
- To notify other parties concerned of any impending combined military exercise.
- To enhance a relevant information structure in South China Sea.
- To ensure marine environmental protection.
- To boost marine scientific research.
- To ensure safety of navigation and communication in the South China Sea.
- To promote search and rescue operations.
- To combat transnational crime including all illicit drugs, piracy, armed robbery, illegal trafficking in arms in the region.

In this regard China has reached an agreement with the US governing close encounters between their naval vessels and military aircrafts; but with some ASEAN diplomatic pressures, China may be more amenable to addressing safety of navigation and communication at South China Sea. Since 2014 ASEAN has been pressing China to operationalize

paragraph 5 of the DOC which states, “the parties undertake to exercise self restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

Moreover, ASEAN has been trying to get China to agree on what other activities could be included in the phrase among others requiring self restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability in the region of South China Sea. However, none of the above trust and confidence building measures and cooperative activities on the issue of militarization of the South China Sea and China United State Strategic rivalry in the wake of 21st century.

Conclusion: To conclude we can say that the South China Sea is very rich in energy reserves and fishing is a big business in the region. The fishing vessels are also a source of conflict. Moreover, this region is a main sea route. That is why; ASEAN

centrality is very important in the region because it provides a platform to resolve security issues raised by the South China Sea dispute. It is said that ASEAN could play an effective and elaborative role to manage the tension of militarization and regarding the issue of freedom of navigation in the region of South China Sea. However, here it is an urgent need that a priority should be given to defining militarization and identifying red lines that, if crossed, would be destabilizing. It is further recommended that the ASEAN's likeminded dialogue partner should coordinate and urge all claimants to be transparent in their activities. Confidence building measures should be promoted to stabilize peace and security in this region.

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