ASEAN’s Centrality in Managing Conflict of Claims in the South China Sea

ABSTRACT

ASEAN’s centrality has been the most strategic position for managing potential conflicts and building regional security order in the South China Sea. ASEAN’s centrality is of importance for managing regional major powers, such as the United States and China, in building regional security architecture. Territorial disputes in the South China Sea have escalated tensions and possible military confrontation between rival claimant states, particularly between China and Vietnam, and China and the Philippines. Other ASEAN’s member states involved in the dispute are Brunei and Malaysia. This paper seeks to analyze how ASEAN has sought to manage its relationship towards the US and China as a strategic path in resolving the South China Sea dispute. This paper proposes soft balancing strategy which involves various efforts of persuading the US to act as counterweights to China’s influence in the region. This soft balancing strategy is appropriate with several issues that ASEAN should deal with managing potential conflicts in South China Sea.
I. INTRODUCTION

Since its establishment in 1967, Association of South East Asian Nations (ASEAN) has been challenged to determine its strategic stance towards other countries, especially those of major powers. Recently, one of the strategic stances that ASEAN has had to define in order to manage potential conflicts and to build regional security order in the region is increasing its centrality towards continuous efforts of resolving the conflict of claims in the South China Sea [1]. In general, ASEAN centrality can be understood as a mechanism of involving external powers—including China and the United States—through various regional initiatives for the sake of developing confidence-building measures or CBM [2]. The further development shows the widening spectrum of responsibilities that ASEAN has had to handle. It ranges from identifying the natures of both traditional and non-traditional security threats. ASEAN has also had to design various regional strategies for overcoming potential strategic issues in future. This central position has made ASEAN always put the issues of South China Sea disputes into its annual summits. Posing with those regional severe challenges, ASEAN has developed its centrality by defining strategies of managing significant powers, such as the United States and China, in the issue of the South China Sea dispute [3].

Recent territorial disputes in the South China Sea have directly escalated tensions and possible military confrontation between rival claimant states, particularly between China-Vietnam and China-the Philippines. Other ASEAN’s member states also involve in the dispute are Brunei and Malaysia. These confrontations lead to several issues including: first, the rise of China’s military in emphasizing its sovereignty through its 9-dashed lines map, especially in areas close to the coastlines of other littoral states. Second, dead-lock meetings between China and ASEAN for finding further solutions on the on-going conflicts. Both sides disagreed in the application of Code of Conduct (CoC) which was fundamentally originated from China’s preference for negotiation in bilateral to international level [4]. Third, uncertainty over bilateral relations between the US and China, especially their presence in Asia, with particular reference to the conflict in the South China Sea. Level of the uncertainty gets higher when ASEAN members’ states encountered the change of the US global policy under President Donald Trump. Further potential change of the US policy has driven ASEAN to redefine their policy toward the US, particularly its involvement in building regional architecture in Asia.

This paper analyzes how ASEAN seeks to manage its relationship towards the US and China as a strategic path in resolving the South China Sea dispute? Three main issues that ASEAN has to deal with, i.e.: maintaining its centrality as the only regional organization in building regional security architecture, managing major powers e.g. the US and China in the effort of building regional independence without losing benefits from both major market powers, and, the last, is using both two former issues as the foundation in managing the South China Sea dispute. Implementing soft balancing strategy, this paper asserts that ASEAN’s centrality in managing potential conflicts in the South China Sea has demanded ASEAN to actively involve both the US and China in various ASEAN-initiated diplomatic meetings.

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1 This paper focuses on the US strategic policy under President Barrack Ob. Although the rise of the newly elected President Donald Trump resulted in new global strategy of the US in Asia, many believed that the US would maintain its presence in Asia, particularly in balancing China’s power in the South China Sea.
II. SOFT BALANCING STRATEGY

ASEAN has to recalibrate its strategy in dealing with new challenges in the post-Cold War. As the only regional organization in Southeast Asia, ASEAN has optimistically been coined for its capability of building regional peace and stability. Nevertheless, ASEAN has also transformed and redefines its capacity in responding the dynamics of local challenges. Rizal Sukma pointed out that this transformation is mostly driven by the great powers and is “characterized by four main trends: the rise of China, the continued primacy of the US, the revitalization of Japan’s security role, and the arrival of India as a potential major actor” [5]. Recent development shows tendency that China’s growing influence in Southeast Asia has been taking place at the expense of American influence in the region.

Most of ASEAN’s members tend to maintain their positive relations with all the major powers with direct consequence of maintaining regional status quo. Egberink and Putten portrayed that:

“ASEAN countries themselves have much depending on fostering good relations with both these major powers, but also on good relations between the US and China. ASEAN serves as the stage for a game for influence in the region. Southeast Asia’s particular geographical position, the long-standing involvement of both US and China in the sub-region, and ASEAN’s central role in regional initiatives have worked as pull-factors to attract the US and China in contending for influence” [6].

When Indonesia led ASEAN in 2011, ASEAN tried hard to revive its centrality by upholding the Declaration of Conduct (DoC) of Parties in the South China Sea toward something less aspirational and more enforceable [7]. A more constructive meeting between China and ASEAN was held in Kunming on January 2011 from which ASEAN increased its credibility by shifting its four claimant members — Brunei, Malaysia, the Philippines, Vietnam — from being part of the problem to become part of the solution. Although various diplomatic channels have been taken, ASEAN has seemingly been forced to wait for a longer time to solve the conflict of claims in the South China Sea.

One of the strategies for responding to the uncertainties is the use of hedging strategy. This strategy would give the regional organization such a capacity to take a neutral position over potential problems on the conflictual issues in the South China Sea. The hedging strategy would also promote the way ASEAN places its middle position between the US and China in managing South China Sea. Goh defines the strategy of hedging as:

“a set of strategies aimed at avoiding (or planning for contingencies in) a situation in which states cannot decide upon more straightforward alternatives such as balancing, bandwagoning, or neutrality. Instead they cultivate a middle position that forestalls or avoids having to choose one side [or one straightforward policy stance] at the obvious expense of another” [8]

Almost all countries of ASEAN have been implementing hedging strategy. Each country pursues ‘hedging’ in various ways, which might be separated or mixed with other strategies, such as the balancing, bandwagoning, or engagement. These various strategies on hedging have resulted in claims that all countries in the region can be seen as pursuing some forms of hedging. This strategy has also been employed by the US, Japan and India in managing potential threats which China has posted [9]. In this context, Goh gave a concise conception of hedging behavior that

“Hedging behavior in Southeast Asia comprises three elements. First is indirect or soft balancing, which mainly involves persuading other major powers, particularly
the United States, to act as counterweights to Chinese regional influence. Second, hedging entails complex engagement of China at the political, economic, and strategic levels with the hope that Chinese leaders may be persuaded or socialized into conduct that abides by international rules and norms. In this sense, engagement policies may be understood as a constructive hedge against potentially aggressive Chinese domination. The third element is a general policy of enmeshing a number of regional great powers in order to give them a stake in a stable regional order[8].

Compare to others, ‘soft balancing’ strategy has been prevalent in various literatures on ASEAN and Southeast Asia states’ in the way they build their good relations with great powers. This behavior seeks to maintain the US power in the region against that of China. By maintaining regional presence of the US, regional security is assumed to build its stability through the presence of the US as the regional hegemon and guarantor in Asia [9]. The US serves as a hedge against the rising threats of China. At the same time, ASEAN also apply the hedging strategy over China [3].

On soft balancing policy, Goh explains that it is:

“designed to counter the target state’s ability to constrain the subject state, either through non-specific deterrence or defense strengthening, or through building diplomatic, economic, and political relationship with third states or organizations that can be converted into leverage against the target state when relations with it deteriorate”[10]

Under those considerations, ASEAN considers China as the target of its soft balancing policy. On the other hands, ASEAN defines the US as the primary third party that ASEAN is building relations with. The soft balancing strategy also serves as the driver for strengthening the US military presence in the region. In a recent development, the US declined to establish a formal military alliance to some countries in the area. Furthermore, the strategy of soft balancing is interestingly aimed at persuading the US to act as counterweights to China’s regional influence in Asia, specifically in the South China Sea. This strategy directly hedges against any unwanted rising of China’s regional power by managing the presence of the US in the region. Therefore, ASEAN is assumed to have the capability of maintaining its centrality in the region, especially managing potential conflicts in the South China Sea [2].

It means that the soft balancing is seen as a strategy that directly refers to relations with the US. In this context, China is the target of the strategy, the US is merely used as a balancer of ‘first resort’ [8]. Applying this strategy, ASEAN does not need to do any activities which could unnecessarily upset China. ASEAN continued to recognize that the US and China have strategically been competing for influence in the region’ [12]. Rather than approaching the unpredictable China for its central role in Asia, ASEAN has been considered to give a limited opportunity to maintain the US strategic presence by offering places, instead of bases, in the region.

III. US PIVOT AND CHINA’S EMERGING POWER

The shift of Washington’s pivot from Afghanistan to Asia has been deemed as a strategy of eliminating the increasing exposure of Beijing’s strength in Asia’s regional security. At the same time, the tendency of associating pivot with a mere security issues have been misleading. The demand of increasing the US military power was prone to blur the importance of economic rationale of the pivot itself. It means that the US pivot in Asia included
both security and economy issues.

On economic dimension, ASEAN has developed an independent stance between the US and China. ASEAN did not interfere with its members’ decision of joining the US-led Trans-Pacific Partnership (TPP) or other regional economic cooperation. Only Brunei, Malaysia, Singapore and Vietnam were among the 10 ASEAN’s member states that negotiated the TPP in Auckland in December 2012. On the other hands, at its summit in Phnom Penh (November 2012), ASEAN did not oppose Beijing’s initiated regional economic cooperation, ASEAN+3, which necessarily excludes the US. ASEAN also gave green light to launch a 16-member Regional Comprehensive Economic Partnership (RCEP). The RCEP interestingly augmented the ASEAN+3 grouping and added three more potential restraints on China — Australia, India and New Zealand. The economic rationale for including these six non-ASEAN states was that they already have FTAs with ASEAN. This development shows that some of ASEAN’s member states individually supported the US-led TPP. Nevertheless, ASEAN has been acting as a single-united regional economic entity that indirectly leads its collective interest in the China-led RCEP.²

However, ASEAN’s centrality on security and economic issues would be determined by its capability of hedging between: “...Beijing’s strategy of assertion in the South China Sea and ... the pressure for inclusion represented by Washington’s pivot toward Southeast Asia” [13]. Supporting its claim to virtually the entire South China Sea, China was forced to take decisive position in July 2010 when the ASEAN Regional Forum (ARF) was scheduled to meet in Hanoi. Beijing reportedly contacted all of ASEAN’s member governments and strongly urged them not to broach the subject of the Sea in Hanoi [14]. Beijing’s response to ASEAN’s stance in the issue of the South China Sea has seemed to be consistent in term of its preference to bilateral negotiation.

The South China Sea disputes have been a litmus test of China’s attitude and behavior toward its smaller neighbors. Its recent assertive and aggressive stance and display of military power followed a long period of smooth relations and bilateral as well as multilateral cooperation with Southeast Asian states [15]. In the 2017 meeting, ASEAN Foreign Ministers and China considered the proposed framework for a Code of Conduct (CoC) of Parties in the South China Sea. The draft framework has been agreed by the representatives of ASEAN and China and is likely to be approved by their respective foreign ministers. However, it does not mention several fundamental issues, such as the legal nature of the COC, the area it will apply to, how to settle disputes, and how to ensure compliance that led to major stumbling blocks to further agreement between both parties.

Although potential managing conflicts in the South China Sea is of importance, ASEAN has been aware of its strategic context that could escalate the rivalry between China and the US for dominance in the region. This fundamental security challenge has become increasingly prevalent and demanded the application of ASEAN’s soft balancing strategy. An aggressive China’s navy has eroded the US-led status quo with a divided and increasingly irrelevant ASEAN [16]. The fact that ASEAN’s member states are fragmented in their bilateral relations to China shows additional difficulty that ASEAN has to deal with. More importantly is the way ASEAN directing itself in the competition between the US and China in managing the region, especially in the conflict of the South China Sea.

² The new US administration under President Trump surprisingly withdrew its national interest in the TPP for focusing its more domestic orientation.
IV. ASEAN AND REGIONAL SECURITY IN SOUTH CHINA SEA

Strategic objectives of ASEAN — among other things is dealing with security matters and disputes through a regional framework rather than bilaterally or through international forums — are among the key objectives that will fulfill the vision of ASEAN, including the strategy that ASEAN has to take for solving the South China Sea disputes. One of these objectives is ensuring that ASEAN is continuously and strategically relevant to its members, both in terms of regional security and economy. The decisive test of ASEAN’s centrality is undoubtedly its capacity to accommodate the rise of China. For ASEAN, the presence of China and the US remains important, which consequently provides ASEAN with some potential room for maneuver as the way both the US and China tries hard to identify individual stance of ASEAN’s member states into their own camps [3].

Through the diplomatic process, ASEAN needs to sustain the belief among member states that an increase in benefit to one will be a benefit to all. Such thought does matter in the case of finding solution for the claim conflicts in the South China Sea. In practice, this would be difficult to achieve. In the event of a conflict, turbulence in the region or even responses to current proposals, it is likely that members of ASEAN will continue to tend to put their own interests first. Other strategic objectives ASEAN might consider, in the context of building an ASEAN Community, is ensuring the competence of ASEAN as a kind of driver that would in the end be looked for the purpose of solving and containing any future conflicts or outbreaks of political turbulence [17].

In relation to the US position in Asia, Hillary Clinton described that it: (1) opposes to ‘the use or threat of force by any claimant’; (2) favors a collaborative process for resolving these disputes in accord with the UN Convention on the Law of the Sea; (3) supports the ‘Declaration on the Conduct of Parties in the South China Sea’ (DOC) that China and the ASEAN states co-signed in 2002, encouraging the parties to agree on ‘a full [i.e., binding] code of conduct,’ and offering to ‘facilitate initiatives and confidence building measures’ consistent with the Declaration; and (4) believes that, ‘consistent with customary international law, legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features’ [18].

By applying Clinton’s four points, China’s behavior can be concluded as using force against Vietnamese fisherman, for example. Moreover, in support of the DoC, China’s unwillingness to upgrade the Declaration into a binding CoC can be regarded as potential problems for ASEAN. The CoC arranges the importance of ‘regional peace and stability, maritime security, unimpeded commerce, and freedom of navigation’ in keeping with international law and the Law of the Sea — ‘and the peaceful settlement of disputes.’ However, the reference to non-violence looked as if it had been tacked on, as if the drafters had debated the extent to which the phrase could be read as targeting Beijing [19].

Across the governments of ASEAN, a spectrum of attitudes runs from those most willing to give China the benefit of the doubt to those most doubtful of China’s benefit to them. Emmerson also revealed that, for ASEAN, the US is geopolitical, but China is geographical’ [13]. This tendency led to the fact that “the basic approach of ASEAN to dealing with China’s rise has remained the same as it has been since the end of the Cold War: to strengthen ties with China while at the same time encouraging other major powers to become or remain engaged in Southeast Asia, which is hoped to counterbalance Chinese influence” [6].
possible counterbalance for China influence in Asia seems to be the US.

Meanwhile, Secretary of State Hilary Clinton’s statement that the US regarded freedom of navigation in the South China Sea as a US ‘national interest’ has been one important determining factor for ASEAN position. On the contrary, China strongly describes the South China Sea - the site of some unresolved territorial claims with Southeast Asian states - as a ‘core national interest’ which has increasingly challenged the US’s naval dominance of the region [3]. As long as the US maintains its presence the region and China keeps its ambition for occupying the South China Sea, ASEAN’s soft balancing strategy seems to be more contextual for implementing its centrality between both major powers.

There is no way that either the US or China can prevent ASEAN or even the claimant states among ASEAN from consulting among themselves on such an important issue. Since the ASEAN Foreign Ministers issued the Manila Declaration on the South China Sea in 1992 (when ASEAN had six, rather than the current ten members), the effects of the South China Sea disputes on regional peace and stability had interestingly been recognized as a matter of collective interest to ASEAN. Although the Philippines toned down the issue of the South China Sea in its leadership at the 2017 ASEAN Summit, ASEAN kept insisting China for considering the DoC and CoC as both sides approved. This development is consistent to ASEAN’s main goals: “to incorporate China and other rising regional powers into the regional hierarchy beneath the United States, while strengthening the range of regional institutions and buttressing U.S. primacy” [20]. Therefore, ASEAN will be encouraged to take this position to become ‘a manager of regional order’ [21] which actually has been in line with its role of centrality and its soft balancing strategy in managing potential problems in the region, including the South China Sea disputes.

CONCLUSION

Soft balancing strategy involves various efforts of persuading major regional or global powers, for instance, the United States to act as counterweights to increasing China’s regional military and economic influence. The main aim of applying the strategy is to put ASEAN centrality as the rule of the game in managing and solving conflicts in the region, including those of the South China Sea. ASEAN has managed its centrality in its efforts to mediate and manage its up-and-down situations. ASEAN has taken a considerable strategy, i.e., soft balancing. This strategy has enabled this regional organization to move between the US and China at its best advantage, without any attempts of putting both regional power into a dominating position. ASEAN would use one of them with the purpose of balancing others. Therefore, this strategy has resulted in a central position of ASEAN in managing potential conflicts of the South China Sea disputes and promoting regional security architecture.

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