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# Establishing Maritime Diplomacy in Southeast Asia: Balancing ASEAN Regional Interest in the Rise of Competing Great Power Rivalry

René L Pattiradjawane <sup>α</sup> & Natalia Soebagjo <sup>σ</sup>

**Abstract-** The resolution of the geopolitical status of China in the South China Sea becomes more urgent because the South China Sea issue is so closely linked to the geopolitical security interests of China. The longer the South China Sea issue is left unresolved, the greater the geopolitical threat to China. The presence and vicinity of foreign warships, submarines, and aircraft within the same dimensional space are potential hazards in the South China Sea can cause accidents and incidents. A naval armaments program can create unwanted tension making maritime arms control and confidence-building as an important aspects of maritime diplomacy. Some intriguing issues appear in this new environment, such as how will Southeast Asia respond to great power rivalry inside and outside the region? Will China's rise be accompanied with increasing fears of a great power's war or will ASEAN as the core regional grouping be an important catalyst in the interaction among nations? Will the great powers' tension be as dangerous as the Cold War or could it be worse as China is going to use its economic power as a strategic tool? How will ASEAN collectively or as individual member countries in Southeast Asia respond to the great power rivalry of China, US, Japan, India, and Russia? Will the arms race among states in the region endanger the balance of power in Southeast Asia region? Will rivalry among great power countries in the East/South China Sea destabilise the sea lanes of communication in the region which has sustained stability in the past several decades?

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## I. INTRODUCTION

Since its establishment, ASEAN has made remarkable achievements in addressing political, security, socio-cultural issues and the problems of regional economies. This Southeast Asian organisation has been successful in regional politics, particularly in limiting the variety of regional conflicts and in promoting socio-economic development in the region. ASEAN is a regional organization that has the highest and fastest growing economies in the world. ASEAN member countries, particularly the founding countries of Indonesia, Singapore, Malaysia, Thailand and the Philippines, recorded high growth with an average rate

of about 6 percent Gross Domestic Product (GDP) during the last decade.<sup>1</sup> Today, Southeast Asia is entering a new strategic environment and with it comes new challenges.

Due to its geographical location between the Indian Ocean and Pacific Ocean, the area of Southeast Asia is of obvious strategic importance. Given this reality, since 2012 the new strategic environment in Southeast Asia has focussed on maritime issues to establish a new cooperation mechanism, creating a grand concept which can deal with new competing political and securities strategies reflecting the interests of great, medium and small powers. The US is implementing its pivot strategy, China has come up with the new Asian Security Concept, and Japan has a proposal on Contribution for Proactive Security. These new strategies need to be addressed by every country in the region to balance their own national interest vis-à-vis the regional interest to maintain peace and stability. These new security concepts appear at a time when new modalities of cooperation are needed for a 21st century multipolar world which is being driven by greater economic interdependence and trade among nations.

Some intriguing issues appear in this new environment, such as how will Southeast Asia respond to great power rivalry inside and outside the region? Will China's rise be accompanied with increasing fears of a great power's war or will ASEAN as the core regional grouping be an important catalyst in the interaction among nations? Will the great powers' tension be as dangerous as the Cold War or could it be worse as China is going to use its economic power as a strategic tool? How will ASEAN collectively or as individual member countries in Southeast Asia respond to the great power rivalry of China, US, Japan, India, and Russia? Will the arms race among states in the region endanger the balance of power in Southeast Asia region? Will rivalry among great power countries in the East/South China Sea destabilise the sea lanes of communication in the region which has sustained stability in the past several decades?

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<sup>1</sup> Asian Development Bank, Asian development outlook 2014. Fiscal policy for inclusive growth, (Manila: ADB, 2014), p. 3-40

In this new Asian context, the sea and maritime diplomacy become new keywords in bilateral, regional, and multilateral relations. In the 21st century the sea once again dominates in the jargon of international relations, playing an important role in foreign affairs and security. Maritime diplomacy in Asia is different and unprecedented compared to other regions of the world, where the interests of various Asian countries intersect, not only on issues of economic and trade cooperation within the region and beyond, but also in shaping the sphere of political influence, directly challenging national sovereignty and jurisdiction issues in the realm of international law. While countries continue to maintain close cooperation in trade and investments, political and military tensions are rising. The overlapping claims of sovereignty between China-Japan in the East Asia Sea or China and Vietnam, the Philippines and Malaysia in the South China Sea have ushered in a new era of gunboat diplomacy as deterrent through a show of naval power in Asia.

Historically, the use of gunboat diplomacy began along the coast of mainland China in the second half of the 19th century and had imperialistic objectives.<sup>2</sup> Gunboat diplomacy in the 21st century refers to the use of naval power as symbols of sovereignty and national strength in implementing diplomacy of a country and can be interpreted as “coercive diplomacy.” Gunboat diplomacy is not only intended as a deterrent for overlapping claims of national sovereignty, but also has the function of war. In broader non-traditional security terms it can also be used for combating piracy or dealing with natural disasters. Therefore, the relevance of gunboat diplomacy, depends on its use<sup>3</sup> but it is a deterrent for large-scale conflict. The use of gunboat diplomacy in a multipolar world is hence different from the context of the Cold War of previous decades.

This is the context in which ASEAN finds itself. When it was established on 8 August 1967 as a political-security organization for Southeast Asian countries formalized by the Bangkok Declaration, its objective was to preserve peace and stability in the middle of the Cold War which threatened to divide Southeast Asia into ideological power blocs. This regional political-security organization was also meant to diffuse overlapping sovereignty disputes along borders of neighbouring countries. Despite the diversity of its member states, ASEAN has today matured into a credible political, security and economic community, through wider and complex cooperation mechanisms such as the East Asia Summit (EAS), the Regional Comprehensive Economic Partnership, and the Trans-Pacific Partnership, complementing other arrangements such

as the ASEAN Plus mechanism or the Asia-Pacific Economic Partnership (APEC). The establishment of the ASEAN Economic Community which came into force on 1 January 2016 needs to be considered as part of ASEAN's search for regional equilibrium in the middle of the dynamic changes in the political, economic, social, cultural, and military spheres.

The pace of growth in China over the past three decades, the great power rivalry and the rising tension have been the main drivers of the geopolitical reconfiguration in Asia, affecting ASEAN. Using its unique geostrategic location, its economic potential, ASEAN has the ability to manage relations in order to maintain peace and stability in the region.

## II. THE GEOPOLITICS OF SOUTHEAST ASIA

According to ancient maps, Southeast Asian nations grew from a small network of prehistoric settlements, a patchy landscape with overlapping rulers, governed by the “mandala” system (circle of the king, Sanskrit term used in the manual of the kingdom government in India).<sup>4</sup> In each of these mandala, a king was identified by divine rule and had “universal authority,” claiming personal hegemony over the other rulers in the mandala under their control who in theory were allies and obedient followers.<sup>5</sup> In practice, the mandala represents a particular political situation, often unstable, due to the vaguely defined geographical area without fixed boundaries, creating the insecurity of smaller circles, with its centres looking in all directions for protection. Whenever there was a chance, rulers of these smaller circles would refuse their subordinate status and instead try to build their own sphere of influence. Only mandala rulers have the prerogative of

<sup>4</sup> Mandala is also understood as a metaphor describing either a sphere of influence, interests or ambitions with recognisable territory but without clear boundaries, or a specific territory, which is then manifested as complex geopolitical relations related to boundaries and connections with foreign countries. This mandala doctrine of a strong centre surrounded by concentric circles of decreasing authority, emphasizes the cult expansion, spurring the need for the struggle for existence, self-assertion and domination of the world. In the mandala doctrine, dynamic factors are taken into account to calculate events that disturb the balance of relations between countries. An aggressive close neighbor would necessitate befriending the state within the next circle, perhaps creating new hostility with other neighbours. So these circles of harmony and alienation continue to expand until universal peace is achieved with the establishment of a world state with a sole and supreme ruler known as “chakravartin.” See, Soemarsaid Moertono, *State and Statecraft in Old Java: A Study of the Later Mataram Period, 16th to 19th Century*, (Singapore: Equinox Publishing Asia, 2009); also Benoy Kumar Sarkar, “Hindu Theory of International Relations,” *The American Political Science Review*, Vol. 13, No. 3 (August, 1919), pp. 400-414

<sup>5</sup> O.W. Walters, *History Culture, and Religion in Southeast Asian Perspective*, (Ithaca, N.Y.: Southeast Asia Publications, Southeast Asia Program, Cornell University, 1999), p. 27-40

<sup>2</sup> G.R. Berridge and Lorna Lloyd, *The Palgrave Macmillan Dictionary of Diplomacy*, (Basingstoke: Palgrave Macmillan, 2012), p. 174-175

<sup>3</sup> Christian Le Mière, *Maritime Diplomacy in the 21st Century Drivers and Challenges* (London: Routledge, 2014), p. 1

receiving tributary envoys and he himself would dispatch officials representing his superior status.<sup>6</sup>

Wolters noted that the concentric circles of mandala concept was also used to determine limits of one's influence as recognized by others and from it determine the strength of one's power and the reliability of the system itself. This was reflected in two ways, first, for intelligence gathering, so the authorities could understand and monitor the activity around the circle mandala, anticipate emerging threats, and understand the scope of geopolitical developments in a broader trade area. Secondly, it is used to implement "smart diplomacy" and personal relationships as a reflection of the mandala under a successful ruler. This method allowed the ruler to influence his opponents through a personal approach and to build loyalty.<sup>7</sup> Modern day Southeast Asia still reflects the concentric circles of the mandala in the region's balancing power game albeit within a more complex environment.

Since the ancient times of Srivijaya (650-1377) as the dominant kingdom in Southeast Asia, maritime connections have always been an important geopolitical feature, with the Malacca Straits playing a key role. Southeast Asia under the Srivijaya kingdom had close political relations with imperial China, being the "gatekeeper" of the surrounding regional sea and maintaining stability in the Malacca Straits.<sup>8</sup> Even then, countries in the region have had to deal with changing geopolitical challenges as countries from inside or outside the region rise. This continues until today and the same geopolitical nuances in maintaining the balance of power still prevail. Only the actors and cargo passing through the waters have changed over time.

Since the end of the Cold War -- marked by US decline after the Vietnam War, China-US rapprochement, the rising of ASEAN--Southeast Asia has contested to accommodate the national interest of other countries due to the maritime linkages facilitating trade with other nations. But ASEAN, as a regional grouping, does not want any dominant country in the region dictating the balance of power. The rise of China and the ongoing overlapping claims in the South China Sea, therefore, is seen as endangering peace and stability in a region where there is a growing trust deficit among nations. Former Indonesian Foreign Minister Marty Natalegawa explained that while the rise of China is being offset by the US and some ASEAN countries establishing alignment to encircle China's growing influence in the region, the trust deficit situation in the

Asia-Pacific region will create tension and regional division.<sup>9</sup>

No one is denying China's ambitions to become a global power. China's national economy is currently the second largest in the world with a GDP of about USD 9.2 trillion (after the US which has a GDP of about USD 16.8 trillion), according to the World Bank's purchasing power parity (PPP).<sup>10</sup> If it makes an annual growth rate of 9 percent, as predicted by Goldman Sachs, China is likely to surpass the US and become the largest economy in the world in 2027, and is expected to be twice as large as the US economy in 2050. If the beginning of the 20th century was considered as the "American century," the next century as of 2041 may be a "Chinese century?"<sup>11</sup>

In the beginning of the 21st century, the fundamental geopolitical relationship in the Asia-Pacific region concerning many ASEAN countries is US-China rivalry manifested in almost every aspect of international relations.<sup>12</sup> As the overall geopolitical structure evolves, it is no longer just a matter of the ASEAN-US-China triangular relationship, but also the continuous interaction between ASEAN and the US separately and ASEAN-China separately. At the same time, the evolving geopolitical structure in the region is also being interfered by the increasing intensity of overlapping sovereignty claims in the South China Sea, creating the threat perception of China's rising influence in ASEAN.

Theoretically, the geopolitical strength of a nation rests on four pillars, namely great military power and the willingness to use it; surplus economy allowing it to provide assistance and make investments in other countries; ideological leadership as a model for other countries; and a cohesive system of government.<sup>13</sup>

Cohen described the military pillar as a transition from a world dominated by superpowers into a polycentric power system marked by significant changes in the nature of warfare in the 21st century. So far, the US is the largest military power in the world with a military budget of approximately USD 610 billion in 2014, equivalent to 34 percent of total global military spending of USD 1,776 billion.<sup>14</sup> In the fight against

<sup>9</sup> Interviewed. Foreign Marty Natalegawa, see René L Pattiradjawane, "Wawancara Khusus oleh Rene Pattiradjawane: Menjawab Tantangan Kawasan," (Exclusive Interview with Rene Pattiradjawane: Answering Regional Challenges), Kompas, 6 August 2013, p. 10

<sup>10</sup> World Bank, World Development Indicators 2015, (Washington: World Bank. doi:10.1596/978-1-4648-0440-3, 2015)

<sup>11</sup> Hongming Cheng, Financial Crime in China: Developments, Sanctions, and the Systemic Spread of Corruption, (London: Palgrave Macmillan, 2016), p. 156

<sup>12</sup> The term geopolitics used in this paper refers to the combination of geographic and political factors affecting international relations in certain areas in the Asia-Pacific region.

<sup>13</sup> Saul Bernard Cohen, Geopolitics: The Geography of International Relations, Third Edition, (New York: Rowman & Littlefield Publishers, 2015), p. 2-3

<sup>14</sup> Stockholm International Peace Research Institute, *SIPRI Yearbook 2015 Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 2015), p. 352

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Michael Laffan, Finding Java: Muslim nomenclature of insular Southeast Asia from Śrīvijaya to Snouck Hurgronje, Working Paper Series 5 (Singapore: Asia Research Institute, 2005), p. 12-18

terrorism, the US military has also introduced a change in the nature of warfare, using unmanned aircraft (UAV) known as drones combined with cyberwarfare and special strike force.

The second pillar, discusses economic power which is often more important than military. Since the world financial crisis in 2008, the US, Europe, and Japan have not fully recovered from a deep recession. US economic growth in 2015 reached 2.4 percent, no change from 2014.<sup>15</sup> Japan's economic growth is also unconvincing. Since they initiated the so-called Abenomics in 2012, the 20 years of recession is still hampering Japan economic development. Under the government of Prime Minister Shinzo Abe, Japan's economic growth was minus -1.1 percent, forcing the central bank to enforce policies of negative interest rates.<sup>16</sup> Since the financial crisis in 2008, China is the only country that maintains high growth, with foreign exchange reserves reaching around USD 4 trillion and total trade to the world, according to the French news agency AFP, reaching USD 3.74 trillion in 2015.<sup>17</sup>

The third pillar is linked to ideological leadership. After World War II, the US as a superpower has always been proud to develop in their ideals a combination of the principles of freedom of expression and religion, concern for human rights, in exchange for the implementation of a free market system and democratic practices in government. Since the founding of the United States, the principles of US democracy has been copied by many countries in the world. However, much of US foreign policy does not reflect their ideals. The Palestinian problem, the Iraq War, the Afghan War and other international issues, often are contrary to the basic ideals of democracy. Washington has also been inclined to allow the spread of corruption in various countries that are allies with the US, as happened in some Latin American countries.

On the other hand, China is becoming more powerful politically, economically, and militarily. It is offering a new development model, in which the welfare of the people can be implemented without democracy. The way China has overcome its many problems of economic development presents an alternate concept, the so-called Beijing Consensus, that is not as rigid compared to the analysis by US economists who introduced the Washington Consensus. If in the past the Washington Consensus was regarded as the most effective model for developing countries to achieve

growth, today there is the more pragmatic Beijing Consensus. The same as China's pragmatic economic policies after 1979, the Beijing Consensus acknowledges the need for a more flexible approach to resolve the multifarious problems. Inherently, the model of China's development is focused on innovation, as well as emphasizing the ideal balance of equitable development and a "peaceful rise."<sup>18</sup> The idea of China as a new reference in maintaining not only national growth through various bilateral, regional, and multilateral cooperation, but also as an important determinant of economic growth in the world at large, is now evolving.

Lastly, the fourth pillar is political cohesiveness. In the US, the 2015 deadlock due to the two-party system shutdown government activities was a factor in determining the damage to US international leadership. The lack of cohesion in US politics, causing government inability to continue their activities, budget planning that could not be agreed, a proposed health system which was not comprehensive, divided the US nation and became a bad model for US allies and opponents.

These four pillars of geopolitical strength when applied to China's ambition to rise as the world's major power, has some important differences to the US. China lacks the capacity to apply military force outside its contiguous Asian borders which, however, is made up by China's reliance on its economic strength, trade and investments to expand its influence. China uses its sovereign funds, for example, to buy or invest in natural resources around the world and to establish the Asian Infrastructure Investment Bank (AIIB). This economic initiative has attracted many countries but its political impact is that it raises the suspicion of countries who resist in the name of nationalism and the environment.<sup>19</sup> The AIIB, which no doubt is attractive to many countries, is also met with scepticism as the reality is that China has limited capacity to implement foreign aid as it still needs to focus on building its national infrastructure and realign the needs of its rural, agricultural populace towards an urban, industrial and service oriented economy. As for ideology, although a mixture of state and private capitalism as practiced in China has been adapted many countries, the repressive nature of China's communist regime has been widely rejected as a model ideology by those who crave for individual freedom and economic progress as a continuity of the modern, 21st century state.

So far, there is no geopolitical theory which can provide adequate guidance in explaining the interaction of international political events determined by geogra-

<sup>15</sup> Adam Samson and Sam Fleming, "Expansion: Slow US growth underlines choppy recovery," *Financial Times- US Edition*, 30 January 2016, p. 2

<sup>16</sup> Robin Harding, "Japan data revision trims fourth-quarter GDP contraction," *Financial Times- Asia Edition*, 8 March 2016, see also <http://www.ft.com/intl/cms/s/0/9095c1dc-e4ce-11e5-bc31-138df2ae9-ee6.html#axzz43SZRXipk>

<sup>17</sup> See "China trade volume falls 7.0% in 2015: Customs", accessed 20 March 2016, <http://mizzima.com/businessdomestic/china-trade-volume-falls-70-2015-customs>

<sup>18</sup> Joshua Cooper Ramo, *The Beijing Consensus*, (London: The Foreign Policy Centre, 2004), p.4-5

<sup>19</sup> Rex Li, *A Rising China and Security in East Asia: Identity construction and security discourse*, (New York: Routledge, 2009), p. 36-40

phical and political phenomena. In the context of South-East Asia, for example, the behaviour of maritime countries is more focused on geopolitical factors underlying the interests of the governments of littoral states in the region in dealing with the dynamics of strategic changes. Geopolitical factors are more often used as a framework in order to organize the states' understanding of maritime issues that arise based on the empirical evidence.<sup>20</sup>

The general picture of geopolitics in Asia today not only focuses on the political question of overlapping sovereignty claims which concern the legality of history, international law, and the rise of nations, but also on the dynamic changes caused by the high interdependence of countries bound by economic and trade growth. In this context, maritime diplomacy, is not just manifested as either gunboat diplomacy or coercive diplomacy through the naval arms race between Asian countries and other countries outside the region, but also refers to a new model of cooperation that relies on the ocean as the conduit for dependency in achieving high economic growth.

Maritime cooperation among nations becomes a new reference in the last decade or so outlining the evolution of national security strategy of each country in Asia, including the anticipation of the possibility of future crises. The use of gunboat and maritime diplomacy increases the variety of naval force missions among Asian countries, both traditional and non-traditional, to ensure the stability of the region and the sustainability of national development, particularly between the Indo-Pacific Oceans. This is embodied in the respective policies of Asian countries and other countries outside the region, centred on economic activities. But, at the same time, policies will also have to be determined by the military capacity of its naval forces. Economic strength will be very closely related to military posture conditions and the strength of a country's naval forces. In other words, naval power is not only beneficial to the interests of defense, but also has symbolic values, supportive, or coercion capabilities. Naval activities are not only useful as a means of transport in wartime and peacetime, nor a reflection of modernity, but is a political entity and ambassador representing the interests of a particular country.<sup>21</sup>

There are two principal reasons why the sea has been the scene of disputes and conflicts between states. Firstly, the dramatic increase in the realization of the economic value of the oceans; and secondly, the rapid spread of sovereign states covering almost all

areas of land on earth. The increasing use of oceans is a spill-over result of the general phenomenon of rising populations seeking higher living standards and mastering the use of more sophisticated and powerful technology.<sup>22</sup>

### III. MARITIME GEOPOLITICS OF ASEAN

The Southeast Asian countries and China are both continental and maritime countries and China-ASEAN maritime cooperation has had a long history, beginning around the later half of the 7th century during the rule of Srivijaya. During its heyday, the main commercial centres were in Palembang, southeast Sumatra, dominating the Malacca Straits and the Sunda Straits, and various additional marine areas. The Srivijaya kingdom played a very dominant role in trade in Southeast Asia for half a millennium or more.<sup>23</sup>

Before the 15th century, the Chinese conducted maritime operations in the region and entered into peaceful and friendly trade activities with neighbouring countries. After the voyages of Admiral Zheng He, however, the Ming dynasty turned inward and ended their sea voyages. During the 16th century, the acceleration of trade, monetization of transactions, urban growth, capital accumulation, and specialization of function that became part of the formation of capitalist transition in Europe had a profound impact on Southeast Asia during the period. As global commerce grew and the region was discovered as a source of spices in high demand internationally, Southeast Asia became an important maritime trade route.<sup>24</sup>

In modern times, China-ASEAN maritime cooperation started around the early 1990s after the restoration of diplomatic relations between China and some Southeast Asian countries. The highlight of ASEAN-China cooperation in developing maritime diplomacy began when President Xi Jinping delivered a speech in the Indonesian parliament during his bilateral state visit in April 2013, stating that:

<sup>22</sup> Barry Buzan, *A Sea Of Troubles? Sources of Dispute in the New Ocean Regime*, *Adelphi Paper no. 143*, (London : International Institute for Strategic Studies, 1978), p. 1

<sup>23</sup> George W. Spencer, *The Politics of Expansion: The Chola Conquest of Sri Lanka and Sri Vijaya*, (Madras: New Era, 1983), p. 100-137

<sup>24</sup> Anthony Reid, *Charting the Shape of Early Modern Southeast Asia*, (Chiang Mai: Silkworm Books, 1993), p. 43-61

<sup>20</sup> S.D. Brunn and K.A. Mingst, "Geopolitics" in Michael Pacione (ed), *Progress in Political Geography*, (London: Croom Helm Ltd, 1985), p. 57

<sup>21</sup> J.J. Widen, "Naval Diplomacy—A Theoretical Approach," *Diplomacy & Statecraft*, 22:4 (2011): 715-733

东南亚地区自古以来就是“海上丝绸之路”的重要枢纽，中国愿同东盟国家加强海上合作，使用好中国政府设立的中国东盟海上合作基金，发展好海洋合作伙伴关系，共同建设 21 世纪“海上丝绸之路”

Since ancient times, the “Maritime Silk Road” was an important hub in Southeast Asia and China is willing to strengthen maritime cooperation with ASEAN countries, by utilizing the Chinese government’s establishment of a China-ASEAN maritime cooperation fund, together develop the maritime partnerships to build the 21<sup>st</sup> century “Maritime Silk Road.”<sup>25</sup>

Maritime cooperation will become an important feature of ASEAN-China relations and will be a new reference for 21st century international relations. During the last decade we have seen the evolution of national security strategies of each Asian country, including the anticipation of possible future crises. The challenge faced by many Asian countries is how to design a maritime power structure that has the potential to embody a robust and effective maritime diplomacy. Maritime diplomacy will play an important role in the global calculus but it is unpredictable and multidimensional as it involves balancing the political interests of national sovereignty with economic and trade interests. Mistakes in maritime diplomacy could threaten peace and stability in the region and therefore its implementation for peace should be a responsibility of building strategic trust among nations.

India, for example, is a major power in Asia and considers the Indian Ocean as its sphere of influence. As such, it needs to control, monitor, and secure the ocean as one of its major strategic objectives. Over the past few years, this is reflected in distant operations and naval exercises spanning the Arabian Sea to the South China Sea. At the same time, China is concerned about the Indian Ocean as its economic lifeline and therefore needs to consolidate China’s influence in the Indian Ocean. In this context, the Indian Ocean and Pacific Ocean have emerged as competitive sea space for China and India.<sup>26</sup>

The maritime environment becomes an important factor for Southeast Asian countries and in relations between ASEAN and China as the oceans are the conduit for trade and investments. ASEAN-China trade statistics (Table 1) show that total trade interaction

in 2014 is more than half of total intra-ASEAN trade which reached more than USD 600 billion. Total trade between ASEAN and China by the end of 2015 is targeted to reach approximately USD 500 billion. This growing ASEAN-China trade requires each party to develop a maritime strategy and maintain peace and stability of the strategic sea lanes of communications in the surrounding seas between the East/South China Sea to the Strait of Malacca.

Asia is now facing the dilemma of heightened national, regional, and international interests in dealing with maritime issues in Southeast Asia. These interests create different perceptions in viewing matters of maritime security. For ASEAN, geopolitical and geostrategic changes in the Asian region suggest that its biggest challenge is to “remain relevant and self-confident and resilient in the unfolding power game in the wider region of East Asia.” In accordance with the ASEAN Charter, the association needs to “maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive.”<sup>27</sup>

For China, massive development with high growth of the past three decades has led to growing dependence on foreign trade. This dependency spurred the strategic thinking of maritime force to ensure the continuity of China’s external trade by leaning to the ocean as a crucial lifeline and essential infrastructure. The perspective of the sea is driving the need for China to build a strong naval power to maintain the sustainability of its future economic development and reliance on the outward market.<sup>28</sup> The 21st Century Maritime Silk Road initiatives proposed by President Xi Jinping, is an important strategy for China to build connectivity and link various coastal cities of mainland China to the coastal cities in Southeast Asia (see Table 2), South Asia, the coast of eastern Africa, the Middle East, to the edge of West Asia, and reaching the southern European region.

China’s strategic need also has to consider energy security (see Table 3) to fuel its domestic industrial growth and also to consider food security, particularly fisheries (see Table 4) that could be a source of dispute in the future. President Xi Jinping’s proposal is not just about financing and rearranging the strategy for economic growth and geopolitics in the region, but also gives an insight into the expansion of mutually beneficial cooperation in the face of changing globalization. Building a naval force, although it has aroused suspicions of other major countries such as the

<sup>25</sup> 习近平：“携手建设中国—东盟命运共同体——在印度尼西亚国会的演讲” 2013 年 10 月 03 日，雅加达，（北京：人民日报，04 日 10 月 2013

2013 年），第 02 版（Xi Jinping, “*Together Building China - ASEAN community of destiny*,” speech at the Indonesian parliament 3 October 2013 in Jakarta, (Beijing: People’s Daily, 4 October 2013) p. 2

<sup>26</sup> Vijay Sakhuja, *Asia Maritime Power in the 21st century: Strategic Transactions China, India and Southeast Asia*, (Singapore: Institute of Southeast Asian Studies, 2011), p. 308-312

<sup>27</sup> ASEAN Charter, Chapter 1, Article 1.15

<sup>28</sup> 倪樂雄，“海權與中國的發展”，（北京：解放日報，17 日 4 月 2005 年），版 4 (Ni Lexiong, “Sea Power and China’s Development,” *The Liberation Daily*, 17 April 2005, p. 4

US, Japan and India, is to secure China's future and for China, regional and international conditions should not inhibit China's national security, much less render it powerless.<sup>29</sup>

For ASEAN, however, it is not only a matter of economics and trade because at the same time China is also projecting its military force thorough the transformation of its naval strength. China's military spending is second in the world after the US, and China is also pushing its ability to produce and improve its weapons capabilities. The combination of economic strength, the expansion of trade, and military power is not only shaking the world but at the same time is spreading fears that through its modernization, China is threatening the global balance. China clearly emphasizes the concept of peaceful coexistence as part of a national security strategy with national sovereignty and non-interference as the basic principles of the world order, but at the same time it behaves in a flexible manner and cooperates with countries in the region and beyond that intersect directly with China national interests.<sup>30</sup>

The question is whether ASEAN's existing mechanisms of political and security arrangements such as the ASEAN Regional Forum (ARF), East Asia Summit (EAS), or the ASEAN Defense Minister's Meeting Plus (ADMM-Plus), are able to deal with the rise of China (including organize and manage the strategic triangle of China-US-Japan) without impeding the economic realities? How can ASEAN play a role in maintaining the equilibrium between China, India, the US, and Japan in an East Asian region to ensure that it continues to stable and peaceful, when rising China and India have to also deal with the superpower United States and Japan? Former Indonesia Foreign Minister Ali Alatas had once reminded us that: "regional security requires an equilibrium between the major powers, and between them and Southeast Asia."<sup>31</sup> But these ideals become different when China becomes powerful economically, politically and militarily. President Xi Jinping in his speech at the summit of the 4<sup>th</sup> Conference on Interaction and Confidence-Building Measures in Asia (CICA) entitled "Conference on Interaction and the Formation of Mutual Trust in Asia" in Shanghai, referred to "the concept of new form of security" in Asia. Xi Jinping's speech should be understood as a projection of the "rise of China" in the era of globalization and also

the formulation to realise a comprehensive maritime ambition. President Xi said,

亚洲的事情归根结底要靠亚洲人民来办，亚洲的问题归根结底要靠亚洲人民来处理，亚洲的安全归根结底要靠亚洲人民来维护。亚洲人民有能力、有智慧通过加强合作来实现 亚洲和平稳定。

In the final analysis, it is for the people of Asia to run the affairs of Asia, solve the problems of Asia and uphold the security of Asia. The people of Asia have the capability and wisdom to achieve peace and stability in the region through enhanced cooperation.<sup>32</sup>

What President Xi Jinping is proposing is a similar situation to when the leaders of Malaysia, the Philippines, and Indonesia agreed to form a federation known as Maphilindo in August 1963 as a forerunner of ASEAN. When the Cold War began spreading into Southeast Asia, the plan to form what was called the Monroe Doctrine for Asia was to create a channel for US intervention in Indonesia outside the field of economics and to include Indonesia in the crusade against communism and against China.<sup>33</sup> This idea then produced the Macapagal-Soekarno Doctrine agreement which stated "Asians solving Asian problems in the Asian way." This idea eventually failed because the Southeast Asian strategic cultures emphasise the conception that national security has an impact on regional resilience which then became the rationale for ASEAN countries to place the issue of regional security as a common effort rather than favouring help from outside power.<sup>34</sup>

There are other strategic considerations in ASEAN-China relations which move towards multipolarity in the region. Some strategic thinkers consider it important for China to strengthen ties with neighbouring countries in the region to strengthen its global posture. China still sees itself as a major regional power that has been pressured to manage its rise and deal with neighbouring countries to solve its territorial problems, especially in the South China Sea. The problems in the Southeast Asian region so far focus around the issue of the South China Sea. ASEAN has

<sup>32</sup> 习近平，积极树立亚洲安全观 共创安全合作新局面 ——在亚洲相互协作与信任措施会议第四次峰会上的讲话——上海2014年5月21日，（北京：人民日报，22日05月2014年），第02（Xi Jinping, "New Asian security concept for new progress in security cooperation," remarks at the Fourth Summit of the Conference on Interaction and Confidence Building Measures in Asia—Shanghai 21 May 2014, (Beijing: *People's Daily*, 22 May 2013) p. 2

<sup>33</sup> Jose Maria Sison, *Maphilindo: Afro-Asian or Anglo-American?* (New York: Far East Reporter, 1964), p. 1-8

<sup>34</sup> Chin Kin Wah, "Reflections on the Shaping of Strategic Cultures in Southeast Asia," in Derek da Cunha, ed., *Southeast Asian Perspectives on Security*, (Singapore: Institute of Southeast Asian Studies, 2000), p. 1-19

<sup>29</sup> 刘中民，“关于海权与大国崛起问题的若干思考”，《世界经济与政治》2007年12期，版6-12, (Liu Zhong-min, Reflections on Seapower and the Rise of Great Powers, *World Economics and Politics*, No. 12, 2007, p. 6-14)

<sup>30</sup> Zheng Bijian, *China's Peaceful Rise: Speeches of Zheng Bijian 1997-2005* (Washington: The Brookings Institution Press, 2005)

<sup>31</sup> Ali Alatas, "Live and let live," (Hongkong: *Far Eastern Economic Review*, 11 July 1991, p. 13

the potential to make a major contribution in creating a region of peace, freedom, and neutrality.<sup>35</sup>

#### IV. THE GEOPOLITICS OF SOUTH CHINA SEA

Disputes in the South China Sea are among the most complex issues to resolve involving many countries in Southeast Asia with China as the greatest claimant in the area. Tensions over overlapping claims on islands or sea waters not only entangle ASEAN-China relations but also ASEAN member countries such as Indonesia-Malaysia, Malaysia-Singapore or the Philippines-Malaysia over Sabah in East Malaysia.

Unlike many countries with other regional organizations in the world, ASEAN has an interesting precedent in resolving the issue of overlapping claims among its member states. Although ASEAN has a dispute resolution mechanisms through the High Council by the Treaty of Amity and Cooperation, it has never been in force since the establishment of this regional organization. This mechanism was virtually never used for a variety of reasons. One of them is a belief among ASEAN countries that the settlement among fellow members never produces a concrete and comprehensive deal. Another reason is the principle of "consensus" among ASEAN members in solving issues regarding the regional affairs.

Historically, conflicts that occurred among Southeast Asian countries has always been at the cusp of armed conflicts, such as the conflict between Indonesia and Malaysia in 1965; the Philippines-Malaysia on the issue of Sabah; or Malaysia-Singapore during the establishment of the founding of the city-state in 1967. Therefore, all disputes related to the sovereignty, politics, and culture were always settled by a third party outside ASEAN, such as the International Court of Justice to resolve the disputed claims of sovereignty of Pulau Ligitan and Sipadan between Indonesia and Malaysia, of Pulau Batu Puteh (Pedra Blanca) located in the Singapore Strait between Malaysia and Singapore.

The overlapping claims in the South China Sea, however, is different. First, the South China Sea conflict is not a contestation between ASEAN and China, but of ASEAN member countries (Malaysia, the Philippines, Brunei, and Vietnam) who need to settle their differences with China. Second, the conflict situation in the South China Sea is a competition between a rising China and an existing power, the United States. And third, the

insisting to solve problems one by one on a bilateral basis with respective member states of ASEAN and with those wanting the issue to be resolved through ASEAN.

Meanwhile, through the initiative of Indonesia, a binding legal force is being sought among countries with overlapping claims through more comprehensive codes of conduct as a continuation of the ASEAN-China Declaration on the Conduct of Parties in the South China Sea (DoC) achieved in 2002. In September 2012, Indonesia proposed a paper entitled "Zero Draft A Regional Code of Conduct in the South China Sea" to engage China in the process of managing overlapping claims in the South China Sea. According to the Indonesian Foreign Minister Marty Natalegawa, the "Zero Draft Code of Conduct" should provide more concrete guidance in implementing security and order in the South China Sea, and not just be a political document.<sup>36</sup>

At the moment, the issue of the South China Sea has evolved into increasingly complex traditional and non-traditional security issues, no longer just a matter between ASEAN-China in finding an adequate resolution. The problems in the South China Sea has also developed into widespread competition among US-China-Japan who see the region as a strategic global trade infrastructure that cannot be controlled by a single country. Simultaneously, ASEAN is urging China to resolve the Code of Conduct and ask for an explanation of what it means by being only willing to negotiate if the situation is "ripe."<sup>37</sup>

Because of the complexity of the problems faced by ASEAN in the South China Sea, there are fears of a "balkanization"<sup>38</sup> of Southeast Asia with the emergence of signs which has never been seen in ASEAN's history. For the first time in its 45-year history, ASEAN foreign ministers failed to issue a joint communiqué at the ASEAN Ministerial Meeting in Phnom Penh, Cambodia in July 2012.<sup>39</sup> The Phnom Penh "incident" clearly reflected the pressure on ASEAN, especially Indonesia, to maintain the continuity of the dynamics in the region. This "incident" implied two things: first, the approach of ASEAN as a whole will always be contested and debated by China, and

<sup>36</sup> Discussion with Foreign Minister Marty Natalegawa August 2013; see also René L Pattiradjawane, "Wawancara Khusus: Menjawab Tantangan Kawasan," (Exclusive Interview: Answering Regional Challenges), *Kompas*, 6 August 2013, p. 10

<sup>37</sup> Mark Valencia, "China influences Cambodia as ASEAN host; other members, caught in middle of China-US power struggle, ponder loyalties," *The Japan Times*, 14 August 2012

<sup>38</sup> Disclosed in a roundtable discussion with Dr. CPF Luhulima and Dr Riefqi Muna of Indonesian Institute of Science (LIPI), 1 September 2014

<sup>39</sup> Ernest Z. Bower, China Reveals Its Hand on ASEAN in Phnom Penh, *CSIC Commentary*, Volume III, Issue 14, 19<sup>th</sup> July, 2012, <http://csis.org/publication/china-reveals-its-hand-asean-phnom-penh>

<sup>35</sup> Conversation with Dr. Yan Xuetong in Beijing, Dean of the Institute of Modern International Relations at Qinghua University, during Xiangshan Forum October 2015. See also, 阎学通, "中国外交需立足周边," 《瞭望新闻周刊》2000年3月13日第11期, 版 49-50 (Yan Xuetong, "China's Foreign Affairs Should be based on the periphery," *Outlook News Weekly*, 13 March 2000, p. 49-50

secondly, Indonesia should have the initiative to start building ASEAN's stance on the issue in the South China Sea. It was inevitable that Cambodia's dependence on China for economic assistance forced Phnom Penh to continue to succumb to Chinese pressure.

There are several aspects concerning the growing complexity of the problems in the region. First, in the area of economics and trade, there has been an increase in maritime trade in Southeast Asia, as a result of the economic growth in many ASEAN countries amid weakening global trade due to the 2008 global financial which led to a world recession.<sup>40</sup> Second, in the political and security field, drastic changes caused by the development of large-scale "fake island"<sup>41</sup> in the Spratlys and the heightened arms race due to increased military spending among Asian countries.<sup>42</sup> And third, the issue of international law, in January 2013 the Philippines filed an arbitration case to the International Tribunal Law for the Sea (ITLOS) in which the Permanent Court of Arbitration (PCA) will issue its decision, including whether the status of the 9-dash line is in accordance with UNCLOS provisions.

The increase in maritime trade and merchant shipping in Southeast Asia has been due to rapid industrialization, changing dietary needs of food (in the form of increased demand for fish), and the impressive year-to-year growth rate of southeast Asian countries, making the South China Sea the busiest sea lanes of communication in the world. Some of the biggest and busiest container ports in the world, from Singapore to Hong Kong, is located around the South China Sea. Some countries in the region emerged as a leading

maritime nation with a growing fleet of merchant and a world class port.<sup>43</sup>

In maintaining the dynamics of economic and trade growth, as well as to ensure security along the sea lanes of communication in the South China Sea, there are two tugs of war in Southeast Asia that influence geopolitical cooperation. First, China as the largest political and economic power in Asia, is trying to increase its influence in the Malacca Strait, a traffic choke-point important for their trade ships and for shipping energy supplies for their domestic needs. Second, the US as a major and influential power in Asia, is seeking to ensure the freedom of access by sea and air in the Asian region including the strategic Malacca Straits.<sup>44</sup>

In the political and security field, global security and prosperity increasingly depend on the free flow of goods shipped by air or sea. The dynamics of economic and trade growth in the region provide a strategic advantage for many countries of Asia if all states interested in the South China Sea understand that freedom of access is a vital connective tissue of the international system.<sup>45</sup> Geopolitics in the South China Sea can be a countervailing force of globalization between the various national interests in the world and is not just between great powers only.<sup>46</sup> The issue is a critical point when US-China interests not only threaten the sea lanes of communication but also encourage an intensified arms race among Asian countries. To resolve issues of overlapping sovereignty claims ASEAN should be able to show leadership of a strong community. Otherwise, ASEAN may lose its direction and purpose confined by the interests of major powers inside and outside the region.

The presence of major power country naval vessels like those of China, the US, Japan, Russia, and India in the South China Sea, does not change the fact that the US Navy is still the largest and strongest in the region. The nature of the US Navy was proven in various HA/DR (humanitarian assistance disaster relief) incidents that have occurred in this region. When Typhoon Haiyan struck the Leyte Islands in the

<sup>40</sup> Atif Mian and Amir Sufi, *House of Debt: How They (and You) Caused the Great Recession, and How We Can Prevent It from Happening Again*, (Chicago: The University of Chicago Press, 2014), p. 1-30

<sup>41</sup> The term "fake island" is to distinguish the differences with reclamation activities that was built on an island as a land-based extension. Within two years time, China created "fake islands" in the Spratly Islands, involving Mischief Reef (the Chinese name is Meiji Jiao (美济礁), the Philippine name it Panganiban Reef, and the Vietnam called it Đá Vĩnh Khãn), Gaven Reef (Chinese Nanxun Jiao (南薰礁), Philippine Burgos Reefs, and Vietnam Đá Ga Ven), Subi Reef (Chinese Zhubi Dao (渚碧礁), Philippine Zamora, Vietnam Đá Xu Bi), Johnson Reef (Chinese Chigua Jiao (赤瓜礁), Philippine Mabini Reef, Vietnam Đá Gạc Ma), Cuarteron Reef (Chinese Huayang Jiao (华阳礁), Philippine Calderon Reef, Vietnam Bãi Châu Viên), Fiery Cross Reef (Chinese Yongshu Jiao (永暑礁), Philippine Kagitingan Reef, Vietnam Đá Chũr Thập), Hughes Reef (Chinese Dongmen Jiao (东门礁), Philippine McKenna and Vietnam Đá Tư Nghĩa).

<sup>42</sup> Siemon T. Wezeman dan Pieter D. Wezeman, "Trends in International Arms Transfer, 2013" *SIPRI Fact Sheet*, March 2014: 6-7; see also Sam Perlo-Freeman and Carina Solmirano, "Military spending and regional security in the Asia-Pacific," in *SIPRI Yearbook 2014: Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 2014), p. 188-201

<sup>43</sup> Sarah Raine and Christian Le Mièrre, *Regional Disorder: The South China Sea Disputes*, (London: The International Institute for Strategic Studies, 2013), p. 11-28

<sup>44</sup> Justin V. Hastings, "China and the Strait of Malacca," in Andrew T. H. Tan (ed.), *Security and Conflict in East Asia*, (Oxon: Routledge, 2015), p. 171-186

<sup>45</sup> U.S. Department of Defense, *Sustaining US Global Leadership Priorities for the 21st Century Defence* (January 2012), p. 3, see [http://archive.defense.gov/news/Defense\\_Strategic\\_Guidance.pdf](http://archive.defense.gov/news/Defense_Strategic_Guidance.pdf)

<sup>46</sup> Patrick M. Cronin (ed.), *Cooperation from Strength: The United States, China and the South China Sea*, (Washington: Center for a New American Security, 2012)

Philippines in early November 2013, the first naval ship to arrive in the disaster area to provide relief was a US Navy ship. The same thing happened in the case of the missing Malaysia Airlines flight MH-370 in March 2014. When it was first reported that the missing airliner was around the Gulf of Thailand, it was US warships, the USS Kidd and USS Pinckney, who first arrived at the site of the disappearance of MH-370. It was also the USS Kidd that carried two MH-60R helicopters which first arrived in the Andaman Sea when it was reported that the MH-370 was missing in that area.

The other issue of using international arbitration court in the treatment of the 9-dash line this year, the overall geopolitical order in the South China Sea will change drastically. The problem is rooted in the long history of this region and many believe it is too difficult to solve solely based on international law. Instead a more practical, comprehensive and diverse approach is required. The Chinese side has always maintained that the 9-dash line is the sovereign right of China in the South China Sea which has evolved through time and Chinese history. Thus, the Chinese side remains of the view that the lines are China's ancient heritage jurisdictions with maritime rights and interests which cannot be contested. With a clear historical basis, China claims to have unquestionable legitimacy and legal status about the location of the 9-dash line.<sup>47</sup> Over the last 20 years, many ASEAN countries, including countries from outside the region consider the claims policy based on the 9-dash line as being contrary to the United Nations Convention on the Law of the Sea (UNCLOS). From the beginning, China's stance has never changed, stating that the overlapping claims in the South China Sea can only be resolved on a bilateral basis and not on the basis of the collective attitude of ASEAN. The PCA decision will create a new atmosphere which could become more tense if China rejects the ruling and is criticized by the international community for not complying with the court's decision as has been China's position since the beginning of the arbitration trial.<sup>48</sup>

ASEAN is capable of playing a vital role in reducing internal and regional conflicts to maintain regional stability in the region but it should be noted that its ability to avoid various bilateral and regional conflicts in the entire region of Southeast Asia was undermined

by the interventions of the big powers.<sup>49</sup> The presence of ASEAN in maintaining regional security while supporting economic development has improved the image of this regional organization and is regarded as the most successful regional organization in the world after the European Union.<sup>50</sup>

Managing maritime diplomacy, however, will become increasingly difficult, due to the developments in the Paracel and the Spratly Islands as well as the tension caused by a variety of defense treaty commitments among claimant countries.

## V. CONCLUSION

Deft maritime diplomacy must be conducted by ASEAN and its members in order to maintain peace and security in the region. The resolution of the geopolitical status of China in the South China Sea becomes more urgent because the South China Sea issue is so closely linked to the geopolitical security interests of China. The longer the South China Sea issue is left unresolved, the greater the geopolitical threat to China. Beijing has consistently maintained that the dispute in the South China Sea should be resolved bilaterally and not through multilateral negotiation or international adjudication, while the US argues, "freedom of navigation" as an issue of "national interest" to Washington. Beijing has repeatedly emphasised this particular issue of freedom of navigation in the South China Sea be addressed in multilateral discussions with the United States as a participant.

At the same time, resolving the "Malacca dilemma" <sup>51</sup> is a matter of survival for China, requiring deft diplomacy and an expensive arms race that could end in disaster. Thus, the "Malacca dilemma" increased China's awareness that regionalism and cooperation of many parties is a necessity that cannot be avoided.<sup>52</sup> To realize this, however, depends on trust and establishing norms through multilateral organizations. China has been an ASEAN dialogue partner since 1996 and has been involved in all the multilateral dialogue mechanisms such as the "ASEAN+3" (ASEAN plus

<sup>47</sup> 李国强, "关于南海问题的若干理论思考," 《外交评论(外交学院学报)》2012年第4期,版1-9, (Li Guoqiang, "About Certain Theoretical Thoughts on the South China Sea Dispute," *Foreign Affairs Review* (Beijing: Journal of China Foreign Affairs University, 2012) Vol. 4, p. 1-9, see also <http://niis.cssn.cn/webpic/web/niis/upload/2012/12/d20121207203250625.pdf>

<sup>48</sup> Stefan Talmon and Bing Bing Jia (eds.), *The South China Sea Arbitration: A Chinese Perspective*, (Oxford: Hart Publishing Ltd, 2014)

<sup>49</sup> Tobias Ingo Nischalke, "Insights from ASEAN's Foreign Policy Cooperation: The 'ASEAN Way,' a Real Spirit or a Phantom?" *Contemporary Southeast Asia*, 22(1) (April 2000): 89-112

<sup>50</sup> Boyka Stefanova, "The European Union as a security Actor: security provision through enlargement," *World Affairs*, Vol. 168, No. 2 (FALL 2005): 51-66

<sup>51</sup> 80% of China's energy imports pass through the Malacca Straits. At the moment, China has little control over these Straits, leaving the country's energy sources vulnerable. This vulnerability was referred to as the "Malacca Dilemma" by former President Hu Jintao in 2005.

<sup>52</sup> Rosita Dellios and R. James Ferguson, *Thinking through Srivijaya: Polycentric networks in traditional Southeast Asia*, paper presented at the 2nd Global South International Studies Conference - Voices from Outside: Re-shaping International Relations Theory and Practice in an Era of Global Transformation (GSCIS), 8-10 January 2015. Singapore

China, Japan, and South Korea), ASEAN Regional Forum, ASEAN Free Trade Agreement, and the East Asia Summit in which all the major countries are involved and interact with each other.

Meanwhile, the international arbitration court in the case of the Philippines vs. China should also not be understood as an attempt to counter against China but as part of the ASEAN approach to resolving territorial boundaries disputes which ASEAN considers an essential element of the enforcement of the principles of international law and order, enforcing the trends in international conflict resolution mechanisms. The international court of arbitration is part of the internal arrangement of a state based on the rule of law and not through violence. Because this involves the interests of the international community, all the parties concerned directly and indirectly in the South China Sea conflict must ensure the functions, roles, norms, and values of international law are supported, including the resulting decisions. As expressed by Professor Ikeshima:

“the solution to the dispute over the South China Sea is not confined to the argument regarding a judgment on the legal meaning of the dashed line that is issued within the framework of international law, but also entails a plan for to maintaining peace and stability in the maritime area by eradicating the fundamental confrontational factors I including the territorial dispute through peaceful means and cooperation among all the states concerned.”<sup>53</sup>

Under international law, each country is free to choose the means of dispute resolution. The jurisdiction of the judiciary or the international arbitration of disputes among States depends on the prior consent of the parties to the dispute and is known as the principle of consent in international law.

Two additional factors are also taken into consideration in the thinking of ASEAN leaders. First, as stated by Indonesian Foreign Minister Marty Natalegawa, increased friction between US-China in the South China Sea risks pushing the region into a “Cold War environment” and forcing many parties to take sides.<sup>54</sup> Singapore Deputy Prime Minister and Defense Minister Teo Chee Hean added that ASEAN is looking for stable cooperative relations between the US and China. Teo reiterated Southeast Asia does not want to go back to the Cold War when the region was contested and fragmented.<sup>55</sup>

Secondly, the presence and vicinity of foreign warships, submarines, and aircraft within the same dimensional space are potential hazards that can cause accidents and incidents. A naval armaments program can create unwanted tension making maritime arms control and confidence-building important aspects of maritime diplomacy.

To conclude, for centuries sea vessels have been an integral part of life of states in the Southeast Asian region. When the reach of many countries, either through their navies, coast guards, and commercial fleets, seeks to build influence and power, through cooperation, persuasion and coercion, maritime diplomacy is an asset and a critical investment for any country, including Southeast Asia. Maintaining ASEAN's regional equilibrium by managing its maritime diplomacy becomes necessary to deal with a situation of rising great powers' competition.

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<sup>53</sup> Taisaku Ikeshima, “China’s Dashed Line in the South China Sea: Legal Limits and Future Prospects,” *World Global Forum* No.10, 2013, p.37

<sup>54</sup> “Cold War climate must be avoided in Asia-Pacific,” *Jakarta Post*, 21 September 2010

<sup>55</sup> Teo Chee Hean, “ASEAN has key role in boosting US-China ties,” *Straits Times*, 17 March 2010, p. A22, speech at the Centre for Strategic and International Studies in Washington on 15 March 2010

Table 1: Top ten ASEAN trade partner countries/ regions, 2014

as of 21 Dec 2015 value in US\$ million; share in percent

Trade partner country/region	Value			Share to total ASEAN trade		
	Exports	Imports	Total trade	Exports	Imports	Total trade
ASEAN	329,642.08	278,564.88	608,207.0	25.5	22.5	24.1
China	150,406.55	216,119.36	366,525.9	11.6	17.5	14.5
EU-28	132,483.98	115,823.62	248,307.6	10.3	9.4	9.8
Japan	120,224.15	108,817.69	229,041.8	9.3	8.8	9.1
USA	122,374.70	90,053.87	212,428.6	9.5	7.3	8.4
Korea, Republic of	51,624.21	79,814.82	131,439.0	4.0	6.5	5.2
Taiwan	39,472.10	68,841.39	108,313.5	3.1	5.6	4.3
Hong Kong	85,275.45	14,096.87	99,372.3	6.6	1.1	3.9
Australia	45,344.61	25,028.54	70,373.1	3.5	2.0	2.8
India	43,325.81	24,381.97	67,707.8	3.4	2.0	2.7
Total top ten trade partner countries	1,120,173.6	1,021,543.0	2,141,716.6	86.7	82.6	84.7
Others	172,226.1	214,673.2	386,899.3	13.3	17.4	15.3
Total	1,292,399.8	1,236,216.2	2,528,615.9	100.0	100.0	100.0

Source: ASEAN Merchandise Trade Statistics Database (compiled/computed from data submission, publications and/or websites of ASEAN Member States' national ASEAN Free Trade Area (AFTA) units, national statistics offices, customs departments/agencies, or central banks) [http://www.asean.org/storage/2015/12/table20\\_asof21Dec2015.pdf](http://www.asean.org/storage/2015/12/table20_asof21Dec2015.pdf)



Table 2: Top 20 World Container Ports

(Million TEU)

Rank	Port	Volume 2013	Volume 2012	Volume 2011
1	Shanghai, China	33.62	32.53	31.74
2	Singapore	32.6	31.65	29.94
3	Shenzhen, China	23.28	22.94	22.57
4	Hong Kong, S.A.R., China	22.35	23.12	24.38
5	Busan, South Korea	17.69	17.04	16.18
6	Ningbo-Zhoushan, China	17.33	16.83	14.72
7	Qingdao, China	15.52	14.50	13.02
8	Guangzhou Harbor, China	15.31	14.74	14.42
9	Jebel Ali, Dubai, United Arab Emirates	13.64	13.30	13.00
10	Tianjin, China	13.01	12.30	11.59
11	Rotterdam	11.62	11.87	11.88
12	Dalian, China	10.86	8.92	6.40
13	Port Kelang, Malaysia	10.35	10.00	9.60
14	Kaohsiung, Taiwan	9.94	9.78	9.64
15	Hamburg, Germany	9.30	8.89	9.01
16	Antwerp, Belgium	8.59	8.64	8.66
17	Keihin ports*, Japan	8.37	7.85	7.64
18	Xiamen, China	8.01	7.20	6.47
19	Los Angeles, USA	7.87	8.08	7.94
20	Tanjung Pelepas, Malaysia	7.63	7.70	7.50

Keihin Ports is Japan's superport hub on the Tokyo Bay and includes Yokohama, Kawasaki, and Tokyo

Note : Represents total port throughput, included loaded and empty TEU (Twenty Foot Equivalent Unit)

Source data: The Journal of Commerce annual top 50 World Container Ports, Lloyd's List annual Top 100 Ports, AAPA World Port Rankings, see <http://www.worldshipping.org/about-the-industry/global-trade/top-50-world-container-ports>

Table 3: Strait of Malacca oil and liquefied natural gas (LNG) flows

Million barrels per day	2009	2010	2011	2012	2013
Crude Oil	11.9	12.8	12.9	13.3	13.4
Refined Products	1.6	1.7	1.7	1.8	1.8
Total oil flows through Strait of Malacca	13.5	14.5	14.6	15.1	15.2
LNG (Tcf per year)	1.6	1.9	2.5	3.2	4.2

Notes : Tcf = Trillion cubic feet. 2013 LNG is a preliminary estimate

Sources: U.S. Energy Information Administration analysis based on Lloyd's List Intelligence, Cedigaz, BP (Lloyd's List Intelligence, Analysis of Petroleum Exports (APEX) database; Cedigaz, Statistical Database (August 29, 2013); BP, Statistical Review of World Energy 2014 (June 2014), accessible at <https://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=WOTC>

Table 4: Major Marine Catch Producers in the World

Rank	Country	Continent	2003	2011	2012	Variation		% of the world
						2003–2012	2011–2012	
			(Tonnes)			(Percentage)		
1	China	Asia	12 212 188	13 536 409	13 869 604	13.6	2.4	17.40
2	<b>Indonesia</b>	Asia	4 275 115	5 332 862	5 420 247	27.0	1.7	6.80
3	United States of Americas	Americas	4 912 627	5 131 087	5 107 559	4.0	-0.5	6.41
4	Peru	Americas	6 053 120	8 211 716	4 807 923	-20.6	-41.5	6.03
5	Russian/Federation	Asia/Europe	3 090 798	4 005 737	4 068 850	31.6	1.6	5.10
6	Japan	Asia	4 626 904	3 741 222	3 611 384	-21.9	-3.5	4.53
7	India	Asia	2 954 796	3 250 099	3 402 405	15.1	4.7	4.27
8	Chile	Americas	3 612 048	3 063 467	2 572 881	-28.8	-16.0	3.23
9	<b>Viet Nam</b>	Asia	1 647 133	2 308 200	2 418 700	46.8	4.8	3.03
10	<b>Myanmar</b>	Asia	1 053 720	2 169 820	2 332 790	121.4	7.5	2.93
11	Norway	Europe	2 548 353	2 281 856	2 149 802	-15.6	-5.8	2.70
12	<b>Philippines</b>	Asia	2 033 325	2 171 327	2 127 046	4.6	-2.0	2.67
13	Republic of Korea	Asia	1 649 061	1 737 870	1 660 165	0.7	-4.5	2.08
14	<b>Thailand</b>	Asia	2 651 223	1 610 418	1 612 073	-39.2	0.1	2.02
15	<b>Malaysia</b>	Asia	1 283 256	1 373 105	1 472 239	14.7	7.2	1.85

Source: Food and Agriculture Organization of the United Nations, The State of World Fisheries and Aquaculture: Opportunities and Challenges (Rome: FAO, 2014). Total ASEAN countries (in bold) in 2012: **15,383,095** tonnes or **19.29%** of total world fishing catch producers. Total Asia minus China in 2012: **24,057,049** tonnes or **30.18%** of total world fishing catch producers.

