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SOUTH CHINA SEA: OPPORTUNITIES AND CHALLENGES

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With a total area of around three million square kilometres, the South China Sea (in Vietnamese name Bien Dong or the East Sea) is the largest semi-enclosed marginal sea in the world. The South China Sea is of vital strategic importance to countries in the region and beyond. But, there is possibility of further conflicts resulting from rising tensions in disputed waters. For nine littoral states, China (including Taiwan) to the North, the Philippines to the East, Malaysia, Singapore, Indonesia and Brunei to the South, and Thailand, Cambodia and Vietnam to the West, the South China Sea is of significant importance in terms of economy, society and environment.

Now a days, there are both traditional and non-traditional security challenges in the South China Sea. The most complicated traditional security challenge which needs to be addressed is territorial dispute at sea. Disputes in the South China Sea have complicated history and relate to various parties. Disputes in the South China Sea result from increasing use and exploitation of marine resources by nations; differences in interpreting sovereignty, sovereign right at sea between littoral states and continental ones which have the need to use the sea lead to disputes, and so on. In such a complicated situation, laws of the sea and maritime cooperation fail to keep pace with changes.

Four major “files” relating to the South China Sea can be mentioned are: *Firstly*, dispute over the Paracel Islands between Vietnam and China. At present, China is illegally occupying the Paracel Islands of Vietnam. *Secondly*, dispute at the Estuary of the Gulf of Tonkin. After signing the Vietnam-China Agreement on the Delimitation of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf in the Gulf of Tonkin, and the Vietnam-China Fishery Agreement in 2001, the two countries have agreed to advance further negotiations on areas at the mouth of the Gulf of Tonkin. The two sides have undergone seven rounds of negotiations without success so far. *Thirdly*, dispute over the Spratly Islands. At present, five countries, including Vietnam, China, the Philippines, Malaysia and Brunei, and one territory (Taiwan) claim sovereignty over the islands. *Fourthly*, China’s claim of the “nine-dotted line”. This is an unfounded claim which has no legal basis and is not internationally

recognized. This claim violates the continental shelves, sovereignty and interests of many littoral states as well as has negative impact on international maritime security.

Cooperation for Settling Disputes

In recent years, regional countries have established a variety of effective mechanisms for cooperation to ensure safety and security in the South China Sea. Joint patrols at sea, both bilateral and multilateral, conducted by regional armed forces, have contributed to ensuring security and prevent possible clashes and conflicts. Coordinated sea and air patrols by Indonesia, Malaysia, Singapore and Thailand have improved security in the Malacca Strait. Vietnamese Navy has carried out joint patrols with Chinese, Thailand and Cambodian navies, and is entering formal negotiations on establishment of hotlines with navies from the Philippines, Indonesia, Malaysia and Brunei. These activities have not only made significant contributions to enhancement of maritime security, prevention of clashes and conflicts, but also to improvement of relations of friendship and mutual trust among regional armies and navies.

Cooperation between ASEAN member countries and their outside partners is also significantly promoted, especially within the framework of the ASEAN Defence Ministers' Meeting Plus (ADMM+) and ASEAN Regional Forum (ARF). Through initiatives related to the South China Sea, including maritime security, counter-terrorism, humanitarian assistance and disaster relief (HADR), militaries have better understood and trusted one another. ARF has promoted practical cooperation, shifting from confidence building to preventive diplomacy with various mechanisms to prevent conflicts in the South China Sea.

Negotiations between ASEAN and China towards building of a Code of Conduct (COC) in the South China Sea have shown new developments. ASEAN have agreed on ASEAN's Six-Point Principles on the South China Sea. China also agreed to speed up the process of finishing COC for the South China Sea. The two sides have held six ASEAN-China Senior Officials' Meetings (SOM) and nine ASEAN-China Joint Working Group Meetings on the Implementation of the Declaration on the Conduct of Parties for the South China Sea (DOC), and so on.

Difficulties and Challenges to be Addressed

Apart from positive developments, the South China Sea has also witnessed a lot of complicated evolutions, affecting peace and stability in the region. Sovereignty disputes-related countries have had activities to legalize disputed areas such as establishment of administrative units in disputed areas, enacting into law activities in waters claimed by many countries, drawing new baselines, and so on.

In recent years, some sovereignty disputes-related countries have spurred activities in the South China Sea which may lead to rising tensions in the South

China Sea such as: promoting the media campaign on sovereignty in the South China Sea, building new military bases, conducting exercises in the South China Sea aimed at showing military might, mobilizing personnel and assets to conduct oil and gas exploration in the Paracel Islands which belongs to Vietnam, opposing and disrupting oil and gas exploration and exploitation of marine resources of other countries, confiscating fishing trawlers from Vietnam, imposing fishing ban in the waters of Vietnam, etc. Alarmingly, maritime law enforcement agencies use force towards completely unarmed fishermen. These activities have led to rising tensions, adversely affecting peace and stability in the region.

There are a number of differences between ASEAN and China in implementing DOC and heading towards the building of COC. While ASEAN maintains that COC is tool for confidence building aimed at creating a peaceful and stable environment, promoting mutual trust, and encouraging cooperation on exploiting and managing the South China Sea in a peaceful manner on the basis of international law, first and foremost the 1982 United Nations Convention on the Law of the Sea (UNCLOS), China keeps insisting on what benefits it is going to get on participating in COC, as well as how the provisions of COC will constrain its activities. China insists on settling disputes in the South China Sea bilaterally instead of multilaterally, and presses other countries to accept “joint exploitation” in the South China Sea.

Promoting Indian Ocean-South China Sea Cooperation

The Indian Ocean is the third largest of the world’s oceanic divisions, connecting the Atlantic Ocean and the Pacific Ocean. It is also very rich in natural resources. The Indian Ocean holds a central position in the strategies of the world powers and regional powers, and is regard as the “key” to the 21st century. Today, in the context of globalization and regionalization, trade exchange among countries and continents tends to increase. Thus, the Sea Lines of Communication (SLOCs) through the Indian Ocean are of great importance to food and energy security of countries in the region and the world.

In such a context, promoting connectivity between the Indian Ocean and the Pacific Ocean in general and between the Indian Ocean and the South China Sea in particular is a matter of strategic importance. The Strait of Malacca, waterway connecting East Asia via the South China Sea with the oil-rich Middle East via the Indian Ocean, has played the role of connectivity for a long time. Furthermore, all littoral states of the Indian Ocean and the South China Sea need each other and share a number of common views. Thus, strengthening cooperation among nations within Indo-Pacific strategic rim is vital for connecting the two regions’ full potential.

In a time to come, militaries in Indo-Pacific region should enhance cooperation on various aspects, including information and experience sharing,

development of a comprehensive database of maritime security, provision of technical equipment and personnel training, organization of periodic workshops and conferences, coordination of the conduct of search and rescue exercises to improve ability to cope with maritime security challenges.

It is necessary to expand and promote practical and effective cooperation, such as establishment of hotlines between regional armed forces to manage tensions, implementation of agreements on joint patrols with a view to ensuring maritime safety and security, enhancement of research cooperation for the sake of economic development, and ensuring the safety of fishermen's lives and economic sectors operating at sea, on islands and in coastal areas. Moreover, it is vital for countries to promote cooperation on scientific research, exploration, exploitation, breeding and conservation of the marine environment and resources, and development of marine traffic systems. Finally, countries should enhance cooperation on forecast research, information sharing, training of specialized personnel, and assistance and rescue in case of emergency at sea, etc.

Thank you.