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# Ways and Means of Dealing with Maritime Security Issues at Sea

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## A brief assessment of the maritime security situation in the Asia-Pacific region

Although the mainstream of the maritime situation in the Asia-Pacific region is peace, stability and development, the concerns about maritime security are emerging. Maritime security issues, which involve traditional and non-traditional as well as long-standing and newly emerging factors, are complicated in nature. To name a few, there exist maritime disputes, maritime incidents or accidents, terrorism, piracy activities, natural disasters, security issues of SLOCs (Sea Lines of Communications), etc.

It is the belief of many analysts that almost all elements of stability required for regional security development are absent from East Asian security. For example, one can observe in this region the lack of regional multilateral security institutions, unstable big power relations, the diversity of ideology and political systems, territorial disputes, historical factors as well as the legacy of the Cold War in the Korean Peninsula and the Taiwan Straits.<sup>1</sup>

Since the year of 2010, maritime security issues have gradually become the center of attention when it comes to regional security issues. Maritime issues have even resulted in miscalculation and distrust among certain nations in this region. And maritime incidents happened in the East China Sea as well as in the South China Sea. Moreover, some tension remains between China and the United State over the long-existing different positions of the two sides on the U.S. frequent air and sea reconnaissance activities in China's EEZ.

The growing tension at sea, as a matter of fact, has its bearing on the high-profile of U.S. "rebalancing" strategy, which is regarded by many Chinese as "soft containment" against China's rise, and on the U.S. deviation from its commitment of not taking sides and providing support to some of the countries that have disputes with China. Such an act is just like "adding oil to fire", as a Chinese proverb goes. The ongoing construction projects on some of the islands and reefs in the South China Sea under Chinese sovereignty unexpectedly raised some high profile accusation from the United States.<sup>2</sup> And certain countries are taking advantage of this U.S. strategy for

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<sup>1</sup> See Sheldon W. Simon, "East Asian security in the Post-Cold War Era", NY: M.E. Shape, Inc. 1993.

<sup>2</sup> See, for example, the speech of President Obama of the United States in Jamaica, "Obama: China Shouldn't 'Elbow Aside' Neighbors", <http://www.defensenews.com/story/defense/>

their undeclared intensions, e.g., to secure what they have occupied in the South China Sea. Many fear that the current situation implies that maritime incidents could erupt any time and undermine not only the bilateral relations of the countries concerned but regional security as well. It should be emphasized here that China, as a country that is firm on taking the path of peaceful development and attempts to maintain friendly relations with all countries, and as an economy with its over eighty percent dependency on sea-going shipping for its foreign trade, is doing its best to resolve the disputes through peaceful negotiations and maintain peace and stability at sea.

When it comes to disputes related to territory or maritime rights, one should not ignore the fact China is not alone in the list. For example, Japan still has disputes over the Four Northern islands with Russia and the disputes over Tokto Island with ROK; Vietnam has disputes with five countries and the Philippines has disputes with China, Indonesia, Malaysia and Vietnam.

With the recent developments in Asia-Pacific security, enough attention should be paid and effective solutions should be considered to deal with maritime security issues, since they have direct or indirect linkage with national security of relevant countries and affect regional security and stability in one way or another. It is desirable and important to examine the nature of the problems, engage in creative thinking and find out ways and means of solutions.

### A general approach to maritime security issues under the context of regional peace and stability

While maritime security issues, especially territorial and maritime rights ones, matter on the interests of those countries directly concerned, the peace and stability of the region matter on the vital national interests of all countries in the region. While recognizing the existence of such issues or even disputes, one should not fail to see the larger picture of the Asia-Pacific: all people or countries in this region belong to one community of shared destiny where security challenges are almost all transnational and not a single country can stand alone to deal with them, and economic development which benefits all countries heavily depends on a peaceful and stable security environment. So, those countries involved in maritime security issues

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international/asia-pacific/2015/04/09/obama-chinas-neighbors-must-elbowed-aside/25549169/; Defense Secretary Ash Carter's address at the U.S. Pacific Command in Honolulu, "Carter Urges Peaceful Resolution of South China Sea Disputes", <http://www.pacom.mil/Media/News/tabid/5693/Article/589866/carter-urges-peaceful-resolution-of-south-china-sea-disputes.aspx>.

or disputes should handle them properly and peacefully and all countries have the obligation and responsibility to facilitate the peaceful resolution of maritime issues or disputes, improve the security situation as a whole and maritime security situation in particular, so as to safeguard the overall interest of this community. Since China is directly involved in some of the disputes at sea, it is making great efforts for a peaceful resolution. One should observe the fact that those disputes with China began a long time ago, back to the 1970s or even earlier, and China has exercised the greatest restraint and upheld the position of “shelving the disputes and seeking joint development” for decades, otherwise the maritime situation in the South or East China Sea would not have been remained calm for such a long time. A case in point is the warship of the Philippines navy that was purposely left near Renai Jiao (the Second Thomas Reef in Western language) with the excuse of its running aground and has stayed there for 16 years. One should also observe the fact that if Japan had not taken the provocative action to nationalize Diaoyu Dao or the Philippines had not sent its warships to drive the Chinese fishermen away near Huangyan Dao (the Scarborough Shoal in Western language ), both in 2012, the maritime situation would have remained generally peaceful as in the past decades.

**Firstly, maritime issues should be addressed against the backdrop of maintaining peace and security in the Asia-Pacific region.** It is important to realize that, in today’s world, security is common and cooperative, which necessitates cooperation; security is comprehensive, as it is related to both traditional and non-traditional security areas, so multiple approaches are required; and security should be sustainable, which can be achieved by the proper handling of both security and development matters, with security providing the guarantee for economic development and economic development, in turn, providing the solution to many security problems. It should be realized that maritime disputes, though prominent at this time, only occupy a small portion of bilateral relationships or regional security problems. Peace and stability, with security providing the guarantee, is the large picture which benefits all.

**Secondly, communication and dialogue should be enhanced so as to deepen mutual trust.** Communication and dialogue are effective means to promote mutual understanding and enhancing mutual trust. Regional countries should be encouraged to enhance interaction and dialogue. In the past few years, the Chinese military has established institutionalized security dialogue mechanisms with the defense establishments or militaries of more than 20 countries, set up a navy-to-navy dialogue and cooperation mechanism with Indonesia, and conducted maritime consultation and cooperation with Vietnam. Chinese military and defense leaders also pay frequent visits to Asian countries to enhance mutual understanding and promote cooperation.

All that demonstrates China's determination and commitment to advancing maritime security dialogue and cooperation.

**Thirdly, great importance should be attached to risk reduction and crisis management.** While disputes cannot be possibly resolved in a short period of time, the maintenance of peace and stability is essential. Regional countries should work together to establish some common codes of behavior, guidelines and emergency communication mechanisms for the purposes of risk reduction and crisis management. Recognizing the importance of doing so, China has exerted great efforts in this regard. China has worked with members of the Western Pacific Naval Symposium to produce a new edition of Codes of Unplanned Encounters at Sea (CUES)<sup>3</sup>, restarted consultation over maritime and air liaison mechanism with Japan, and is in the process of establishing rules of behavior for safety of air and maritime encounters with the United States.

**Fourthly, efforts should be made to maintain freedom of navigation. It should be noted that freedom of navigation has never been a problem in the South or East China Sea, due to the efforts of all relevant countries, including China.** Though some people may have the concern, this is only a possibility, instead of a fact. As one of the biggest beneficiaries of global maritime trade, China is no less concerned with the freedom of navigation. China will continue to work together with countries involved to continue to maintain the safety of SLOCs and the freedom of navigation.

All in all, both political will and practical measures are required to address current maritime security issues with a view to enhancing security cooperation and maintaining peace and stability in the Asia-Pacific region.

### Case-by-case solutions to prominent maritime security issues involving China

With the general approach to maritime security issues in mind, given the complicated and diversified origin and nature of those issues, it is desirable to consider individual and case-by-case solutions to the prominent issues.

In the South China Sea, countries in this region need to engage in closer cooperation on maritime security issues within the framework of ASEAN Regional Forum, ADMM Plus and other inclusive regional organizations. Standards of behavior such as DOC and COC are needed for all countries concerned. China has signed DOC and worked together with countries concerned to establish COC. The

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<sup>3</sup> "WPNS passes Code for Unplanned Encounters at Sea", [http://eng.mod.gov.cn/DefenseNews/2014\\_04/23/content\\_4504973.htm](http://eng.mod.gov.cn/DefenseNews/2014_04/23/content_4504973.htm)

Chinese government is putting serious efforts in formulating COC and the Chinese military fully supports it.

Given the complex and unique nature of territorial disputes in the South China Sea, it is more suitable to adopt a more practical approach, specifically, the dual-track approach to the disputes over the South China Sea agreed upon by China and the AWEAN countries, i.e., the disputes should be resolved through negotiation and consultation by parties directly concerned and peace and stability of the South China sea should be maintained by China and ASEAN countries.<sup>4</sup> The over-lapping claims in the South China Sea display a collection of different bilateral issues. A “case by case” approach based on the bilateral channel can be much more effective and practical than a “single package” approach based on multilateral negotiation, which runs the risk of adding more complexity to the already complicated situation. Moreover, the bilateral approach has already proved fruitful. The agreement between China and Vietnam over the division of Gulf of Beibu (Gulf of Tonkin) in 2000 serves as a good precedent for resolving maritime territorial disputes in the bilateral way. Another good example lies with the Philippines' first maritime boundary agreement with Indonesia, which was signed on May 23 2014 after 20 years of negotiations on the delimitation of the Exclusive Economic Zone (EEZ) boundary in the Mindanao and Celebes seas. And, as early as in 2010, China made the proposal to the Philippines on establishing a bilateral mechanism of regular consultations on the maritime issues and in 2012, China proposed to restart the Mechanism of Confidence-Building Measures. This is also firm evidence that the government of the Philippines has not “exhausted almost all political and diplomatic avenues for a peaceful negotiated settlement of its maritime disputes with China”.<sup>5</sup>

With regard to the differences between China and the United States, more dialogue is required for mitigating distrust and misunderstanding. For instance, the MMCA (Military Maritime Cooperative Mechanism between China and the U.S.) mechanism, which is generally restricted at the technical level by the U.S. side, is not sufficient to resolve the key problem in this issue, i.e. the strategic trust-deficit. When China and the U.S. work together to specify more regulations and mechanisms to avoid incidents at sea, such dialogue should be promoted to the strategic level, so that not only maritime “Safety” issues but also “Security” issues can be discussed.<sup>6</sup>

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<sup>4</sup> “Wang Yi: Handle the South China Sea issue through the ‘dual-track’ approach”, [http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1181523.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1181523.shtml)

<sup>5</sup> Zhou Bo, Manila’s Double Standards, China daily, July 16, 2014.

<sup>6</sup> When U.S. and China military or service vessels or aircraft encounter at sea, the U.S. tends to pay a great deal of attention to the safety issues, i.e., the safety of personnel and assets, whereas China not only pays attention to safety issues but also security issues, i.e., the protection of its security interests.---the author’s note.

To the satisfaction of not only China and the United States but also regional countries, China and the United States have managed to establish two important CBMs on Notification of Major Military Activities and the Rules of Behavior for Safety of Air and Maritime Encounters. Definitely, this is conducive to risk reduction and positive interaction between the two militaries at sea. China will also continue to hold discussions with United States on maritime legal issues and it is expected that the air-to-air part of the CBM on rules of behavior for safe encounters will be concluded this year.

China-Japan disputes over Diaoyu Dao need more political dialogue as well as the maritime and air liaison mechanism between the two sides. Actually, there were such attempts before the escalation of tension between the two countries. The “nationalization” or “purchase” of Diaoyu Dao in 2012 and the denial of the existence of territorial disputes on the part of the Japanese government violated the consensus reached by the top leaders of the older generations between the two countries to “set aside differences” and resulted in the serious setback of China-Japan relations. Against such a backdrop, even those existing security and trust-building mechanisms between the two countries, no less than ten in number, had to come to a halt.<sup>7</sup> With the meeting at the APEC summit in 2014, the bilateral relationship began to thaw and some of the mechanisms are resumed.<sup>8</sup> Since China firmly attempts to engage Japan for a peaceful resolution of disputes, the “ball” is in the Japanese court. It is essential for the Japanese side to take more positive actions to set the right conditions for further dialogue and risk reduction.

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<sup>7</sup> Examples are the China-Japan Diplomatic and Security Consultation that began in 1993 and the China-Japan Strategic Dialogue that began in 2005. After China-Japan relations were defined as “Strategic Relationship of Mutual Benefit”, to comprehensively advance this relationship, in the joint statement released in May, 2008, it was emphasized that China and Japan decided to engage in cooperation in five major areas including “enhancing political trust” and “enhancing cooperation on the basis of mutual benefit. As far as East China Sea is concerned, China and Japan conducted a Consultation on East China Sea Issues in October, 2004. Since April, 2008, the two sides conducted three rounds of the expert group consultation on building a maritime liaison mechanism, with the third round being held in June, 2012, not long before the “nationalization” of Diaoyu Dao by the Japanese government. In June, 2008, China and Japan reached “principled consensus” to jointly develop resources in the ECS. In May, 2012, the first meeting of high-level consultation on maritime affairs involving China and Japan was held in China.

<sup>8</sup> The new round of the expert group consultation on building a maritime liaison mechanism between China and Japan resumed at the very beginning of 2015. [http://eng.chinamil.com.cn/news-channels/china-military-news/2015-01/15/content\\_6310527.htm](http://eng.chinamil.com.cn/news-channels/china-military-news/2015-01/15/content_6310527.htm)