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THE US-CHINA MARITIME SECURITY CONTRADICTIONS IN THE ASIA-PACIFIC REGION AFTER THE COLD WAR: IMPLICATIONS FOR ASEAN

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Abstract: The paper assesses the evolution of ASEAN's (Association of Southeast Asian Nations) instruments to deal with Asia-Pacific maritime security challenges, exemplified by the South China Sea issue, in the context of intensifying contradictions between the United States and the People's Republic of China after the Cold War. The author traces the dynamics of the U.S. – China relations through the prism of Asia-Pacific maritime security challenges and reveals ASEAN's response from an institutional and substantial perspective. The author argues that a gap between ASEAN strategic vision (an emphasis on rising global influence) and its policy instruments (major shortcomings remain unresolved) is increasingly evident. This is exemplified by how the Code on Conduct of Parties in the South China Sea is elaborated on. As a result, the Asia-Pacific maritime security issues are likely to plunge into stagnation. Although some negative impacts on regional economy and security can be partially mitigated, the region will face significant second-order impacts under any scenario. The paper contributes to the existing academic literature, its research novelty stems from its focus on long-term trends related to the evolution of maritime security issues placed in the context of the U.S. policy shift from the Asia-Pacific to the Indo-Pacific region.

Keywords: *U.S., China, Asia-Pacific maritime security, Indo-Pacific region, South China Sea, ASEAN, multilateral dialogue, Code on Conduct*

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АМЕРИКАНО-КИТАЙСКИЕ ПРОТИВОРЕЧИЯ ПО ВОПРОСАМ МОРСКОЙ БЕЗОПАСНОСТИ В АТР ПОСЛЕ «ХОЛОДНОЙ ВОЙНЫ»: ПОСЛЕДСТВИЯ ДЛЯ АСЕАН

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Аннотация: В работе проводится оценка эволюции инструментов Ассоциации стран Юго-Восточной Азии (АСЕАН) по влиянию на угрозы морской безопасности в Азиатско-Тихоокеанском регионе на примере проблемы Южно-Китайского моря и в контексте нарастания противоречий между США и КНР после «холодной войны». Автор прослеживает динамику развития американско-китайских отношений в контексте вызовов азиатско-тихоокеанской безопасности на морских рубежах и выявляет институциональные и содержательные аспекты ответа АСЕАН. Позиция автора такова, что разрыв между целеполаганием АСЕАН с акцентом на повышение своего глобального влияния и инструментов ее политики, основные недостатки которых не устранены, становится все более заметным. Примером служит то, как идет выработка Кодекса поведения сторон в Южно-Китайском море. Как итог, высоки шансы стагнации вопросов азиатско-тихоокеанской морской безопасности. Хотя отдельные негативные последствия для региональной экономики и безопасности могут быть частично преодолены, регион при любом сценарии развития событий столкнется с их значительными вторичными эффектами. Работа дополняет существующие исследования, ее научная новизна определяется ракурсом на долгосрочные тенденции эволюции угроз морской безопасности АТР в контексте смещения акцента американской политики от Азиатско-Тихоокеанского к Индо-Тихоокеанскому региону.

Ключевые слова: США, Китай, безопасность на морях АТР, Индо-Тихоокеанский регион, Южно-Китайское море, АСЕАН, многосторонний диалог, Кодекс поведения

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Since the end of the Cold War, maritime security issues have loomed large in the priorities of the Association of Southeast Asian Nations (ASEAN). Suffice it to say that the escalation of the South China Sea issue was largely behind ASEAN's effort to establish the ASEAN Regional Forum, the first ASEAN-led multilateral security dialogue venue. Since recently, contradictions between the United States and China, as well as those between the U.S.-led and China-led mega-projects the Indo-Pacific region and the Belt and Road Initiative have been exerting rising influence on

Asia-Pacific maritime security challenges, mostly, on the South China Sea issue.

Ahead of the establishment of the ASEAN Community in 2025, the association is encountering an important task to revise what has and has not been achieved from the perspective of keeping Asia-Pacific security challenges, most importantly, the South China Sea issue, manageable. Taking into account the specificity of the issue and ASEAN policy to address it, the conclusions are generalizable to other areas.

The paper is divided into two parts. Part One traces the evolution of Sino-U.S. contradictions in the Asia-Pacific region since the early 1990s and analyses major drivers behind its dynamics. Part Two explores a simultaneous evolution of ASEAN-led institutions and of ASEAN approach to the Asia-Pacific maritime security challenges exemplified by the South China Sea issue. The conclusion summarizes the main findings.

The Sino-U.S. Maritime Dynamics after the Cold War: Steadily Rising Confrontation

The presently unfolding maritime competition in the Asia-Pacific region has become more intense and multi-dimensional, as it includes an increasing number of actors and areas. Tracing its evolution since the early 1990s, several points bear relevance.

In the 1990s, contradictions between the U.S. and China over maritime issues were (compared with their present state) at an incipient stage. Washington's indifference to the Mischief Reef accident between the Philippines and China (amidst downward trends in relations with the Philippines in the early-mid 1990s), suggested that maritime security issues were among its secondary priorities. Although the late 1990s witnessed a new wave of interest in the U.S. – Philippines dialogue, relations between China and the U.S. were not deteriorated by the Philippines' claims in the South China Sea and remained more or less stable. The same assessment is relevant to the dynamics of the U.S. – China dialogue under the G.Bush administration, although controversies over trade and finance issues, the Container Security Initiative and the Proliferation Security Initiative, as well as incidents like EP-3 in the South China Sea, took place regularly.

The U.S. – China relations changed significantly in the late 2000s. After the Obama administration came to power, Washington offered Beijing a “responsible leadership” model. Meanwhile, the US administration could neither assess China's ambitions and capabilities resulted from its unstoppable drive, nor foresee the consequences of the global financial and economic crisis. Predictably, China rejected the proposal, as it assumed that

new contradictions with the U.S. and its allies would not take long to appear.

These apprehensions were substantiated by *the Impeccable* and *the Victorious* accidents in the South China Sea and in the Yellow Sea in March and May 2009 respectively. They were followed by the accident with the US guided missile ship *Cowpens* in December 2013. Finally, the U.S. FONOP (Freedom of Navigation Operations) sparked a new escalation of the U.S. – China controversy in late 2015. Most importantly, both Beijing and Washington understood prospects for direct confrontation, as the U.S. instruments of information gathering were becoming more technologically sophisticated, while the PRC was upgrading its A2/AD (anti-access/area denial) capabilities with a focus on the South China Sea.

Meanwhile, the evolution of the South China Sea issue entered a new stage in the early-mid 2010s. Possibilities to keep it manageable by means of global instruments turned out illusory. After the Philippines filed an anti-Chinese case to the Permanent Court of Arbitration, there were expectations that the issue would unlock the stalemate. However, the PCA verdict was markedly anti-Chinese. Predictably, the PRC said the decision was not legitimate.

Under the Trump administration, the U.S. – China maritime contradictions acquired a new dimension. The late Obama administration and the first years of Trump’s tenure witnessed profound shifts in the Asia-Pacific political and security landscape. Specifically, the regional order that had been in place for decades was under revision, while fundamental elements of a new order were far from clear. In these circumstances, Washington declared a shift from the Asia-Pacific to the Indo-Pacific region as a priority of the U.S. foreign policy. Simultaneously, the U.S. – China maritime contradictions moved to the level of mega-projects led by the U.S. and China respectively. In fact, Washington prioritized the Indo-Pacific region with the Quadrilateral Security Dialogue (Quad) as its institutional framework, while Beijing staked on its mega-strategy the Belt and Road Initiative. Amidst those developments, the South China Sea remained a focal point of the U.S. – China maritime controversy. What was different, however, related to both Washington’s and Beijing’s intention to include this issue in their wider geopolitical calculations, although neither party possessed sufficient instruments to substantiate its intentions with practical actions.

To a considerable extent, this outcome was predetermined by the evolution of the South China Sea issue. Arguably, it was “stuck in the middle” between the national (sovereignty), the regional (ASEAN-led multilat-

eral institutions) and the global (the PCA decision) levels. More discouragingly, the expert community turned out to be unable to offer inspirational and breakthrough ideas. As a result, all that Washington and Beijing could do was to keep their contradictions manageable owing to their inability to reach a mutually acceptable compromise agreement.

Not surprisingly, the Biden administration inherited this background, but added new nuances to the problem. In March 2021, the U.S. released “Interim National Security Strategic Guidance”¹ that broadened the foreign policy vision of the previous American administration. Remarkably, the term “expanding competitive space” was changed to “circle of cooperation” with a stronger focus on the grey zone competition. The document described the “strategic competition” with the PRC as a “great power rivalry”² and declared that Washington aims to revitalize its alliances and expand them to new partnerships gaining support from India, Singapore, New Zealand, Vietnam and the small island states of the South Pacific region.

New intensification of Washington’s anti-China rhetoric was evidenced in the publication of “Indo-Pacific Strategy of the United States”³ and “National Security Strategy 2022”⁴⁵. Both documents revealed the U.S. plans for the forthcoming years. Washington set several broad objectives: the development of “a free and open Indo-Pacific region”, strengthening sustainable networks and partnerships beyond its alliances, enhancing maritime security and addressing transnational threats. Remarkably, those objectives would not be accomplished without establishing a “strategic ecosystem”, or coalition of nations, to shape the global milieu under the U.S. leadership.

In the Indo-Pacific region, the maritime area and the air space of the South China Sea and the East China Sea are most prone to conflicts, while China is defined as “the most consequential geopolitical challenge”⁶. India, Indonesia, Vietnam, Malaysia, Mongolia, Vietnam and the island states of the South Pacific, as well as Taiwan, are envisioned as integrated into the “strategic ecosystem”. India and Taiwan are of particular importance. India is involved in the Quadrilateral Security Dialogue (Quad) that is considered to be a platform for cooperation between the U.S., Australia, India and Japan. In its turn, the Taiwan Strait is recognized as a “flash point” for the PRC, and the island itself is seen as a kind of springboard for provocations against the mainland China.

The South Pacific region is another example of rising U.S. interest. In September 2021, Australia, the U.S. and the UK announced the establishment of a military-political bloc (AUKUS) to render mutual assistance in case of external aggression, as well as to develop defense technologies

and advanced weapon systems. Moreover, New Zealand that in the mid-1980s ceased its participation in the ANZUS security treaty due to its anti-nuclear policy announced it was ready to join AUKUS Pillar II where it would share military technology with other AUKUS participants. Wellington's decision to collaborate with AUKUS, focusing on nuclear-powered submarine-related developments, incurs the risk of nuclear proliferation in the South Pacific⁷. A security agreement between the PRC and the Solomon Islands, signed in April 2022, that allows China to train the Solomon Islands police forces, as well as a 66\$ loan to develop Huawei communication capabilities amplified U.S. security concerns⁸.

In sum, the milieu across the Pacific Ocean and the Indian Ocean is becoming increasingly volatile. Attempting to build a "free and open", "interconnected", "prosperous" and "sustainable" Indo-Pacific region, Washington aims to make it "secure". Not surprisingly, the United States sees the PRC as a threat and intends to "protect" the Indo-Pacific region from China's growing influence. Cumulatively, those developments bear immediate relevance to ASEAN and its multilateral security venues.

An ASEAN Perspective

Since the early 1990s, ASEAN has become proactive in engaging other states in the Asia-Pacific region in discussions on economic, political security, military and sociocultural issues. To ASEAN's credit, the establishment of the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers' Meeting Plus (ADMM Plus) and the East Asia Summit (EAS), as well as the Expanded ASEAN Maritime Forum, can be regarded as examples of ASEAN diplomatic success.

Nevertheless, the South China Sea area remains a source of periodically escalating tensions. Despite agreements like the Declaration on the Conduct of Parties in the South China Sea (DOC) and the PRC's accession to the Treaty of Amity and Cooperation in Southeast Asia⁹ in 2002 and 2003 respectively, the final parameters of the Code on Conduct (COC) in the South China Sea have not been elaborated on. ASEAN's attempts to address the issue are hindered by lack of consensus among its member countries.

Lack of agreement on how the South China Sea issue must be resolved is the main obstacle to finalizing the COC. Although the Single Draft Negotiating Text (SDNT) for the COC, adopted in August 2018, was a welcoming development for ASEAN and its dialogue partners¹⁰, lack of specification of critically important issues in the SDNT raises doubts that it will be legally binding.

An important point of disagreement relates to the COC geographical area. Specifically, Hanoi insists that the COC should cover all disputed areas, including the Paracel Islands. In addition, Vietnam suggests that all the COC parties should establish their maritime zones in accordance with the 1982 UNCLOS. More specifically, the SDNT does not contain any binding dispute settlement mechanisms. Instead, there are only provisions on how the dispute may be handled (only on the consent of the parties). This factor evidences that the COC will be as non-binding as the DOC¹¹¹², which hinders ASEAN's ability to handle the issue.

Remarkably, China proposes that joint military exercises with non-claimants to the South China Sea dispute should not be held without notifying all the parties and getting their approval. It also recommends that cooperation and implementation of initiatives on marine economy should be promoted without participation of actors outside the region¹³¹⁴. Although indirectly, it nevertheless puts the existing U.S. bilateral arrangements to a disadvantage.

Formally, the U.S. and its partners reiterate ASEAN's central role in ensuring regional security, as well as praise the virtues of ASEAN-led multilateral security dialogue. In practice, however, their actions reveal strong interest in alternative security mechanisms¹⁵. The establishment of the Quad and AUKUS leads to prospects for marginalization of ASEAN and ASEAN-led multilateral venues. The more so since any attempts to expand those institutional mechanisms to the Indo-Pacific region would almost inevitably spark new China – U.S. controversies. As a result, a polarization of regional security issues would increase significantly, to ASEAN's disadvantage.

Another noteworthy point relates to a recently appeared nuclear dimension of Asia-Pacific maritime security challenges through the prism of ASEAN's policy. The establishment of AUKUS raised doubts in nuclear free prospects of the South Pacific region, as the AUKUS actual practice runs counter to the 1985 Treaty of Rarotonga (the South Pacific Nuclear Free Zone Treaty)¹⁶ that prohibit the stationing, testing and possession of nuclear-powered vessels in respective territories. This will increase the overall Asia-Pacific maritime insecurity leading to new contradictions between regional actors. From an ASEAN perspective, this scenario will considerably complicate prospects for the Nuclear Weapons Free Zone in Southeast Asia and ASEAN-DPRK dialogue.

Lastly, the U.S. – China maritime contradictions run counter to ASEAN's objective to increase its global influence. The latter was specified as a fundamental priority of ASEAN Community 2015 and 2025. To

fulfill this task, the association has to develop an effective, but most importantly – a unified, approach to major global challenges. Seen from this perspective, the South China Sea is an example of ASEAN's inability to develop such an approach to an issue that geographically relates to South-east Asia.

In sum, the Quad and AUKUS run counter to ASEAN's inclusive cooperative security system. More discouragingly, however, the launch of these formats is an indication of ASEAN's inability to ensure regional stability. This milieu makes the task for ASEAN to address regional security challenges, most importantly, the South China Sea, increasingly complicated.

Conclusion

The foregoing analysis focusing on ASEAN instruments through the prism of maritime security issues and in the context of the intensifying U.S. – China contradictions reveals several broad assessments. They are generalizable to other issues the association is currently encountering.

The U.S. – China contradictions over Asia-Pacific maritime security issues have changed significantly. At present, they are much more flagrant and multidimensional. The same assessment is relevant to Asia-Pacific security challenges that embrace more actors and conflict lines. Although the outcome is impossible to predict, as the controversy can vary in scale and duration, the risk is immense under any scenario.

In their turn, ASEAN instruments have not undergone a fundamental upgrade. On the contrary, the association seems to have adopted a simplified and partial approach to Asia-Pacific maritime security challenges, which is again exemplified by the South China Sea issue. Arguably, a gap between ASEAN strategic vision, with an emphasis on increasing its global influence, and the instruments that the association possesses becomes obvious.

As Asia-Pacific maritime security issues are very complicated, and interests of many parties are at stake, problems are likely to be left unattended. Regional actors will neither stir up nor resolve them, even despite immense and, most importantly, growing negative ripple effect for regional economic development. As a result, the problems will increasingly plunge into stagnation with not prospects for resolving in sight.

ИНФОРМАЦИЯ ОБ АВТОРЕ

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