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MARITIME CONFIDENCE SECURITY BUILDING MEASURES: REGIONAL RESPONSE

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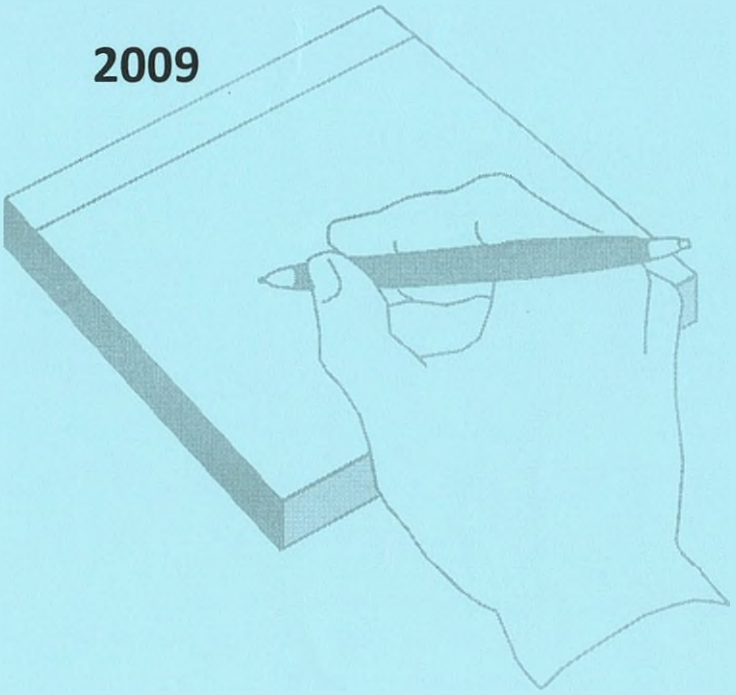

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Maritime Confidence Security Building Measures: Regional Response

Abstract

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Given the uncertain state of contemporary maritime security, the international community should be committed to ensure freedom of navigation, peace and stability on the high seas. In particular, the South China Sea (SCS) is an important sea lane of communication to the Asia-Pacific region that facilitates the transportation of about one-fourth of the global crude oil including liquefied natural gas to the East Asia. The SCS is also rich in natural resources such as oil and natural gas, and a source of flash point as evident in 1995 because of overlapping claims by littoral states on the Spratly Islands. Therefore, driven by the economic growth in the Southeast Asian countries as well and the need of energy security for East Asia, Maritime Security Confidence Building Measures (MSCBM) is a central feature to promote peace and stability in the SCS. This paper examines three perspectives as the ways forward in promoting MSCBM in the SCS. First, the paper examines the regional and extra-regional powers' obligation towards international conventions or agreements. Second, the adoption of the Regional Initiatives like ASEAN's Treaty of Amity and Cooperation of 1998, and the Declaration Code of Conduct in 2002 (DOC), including the formation of Coast guards by the coastal states, is intended to sustain confidence building measures and maritime cooperation. Finally, the paper examines the modalities of ASEAN in collaboration with extra-regional powers like Japan and the United States to promote capacity building in maritime security. In conclusion, the concerted effort of regional community and strategic partnership with the extra-regional powers further contribute towards peace and stability in the SCS.

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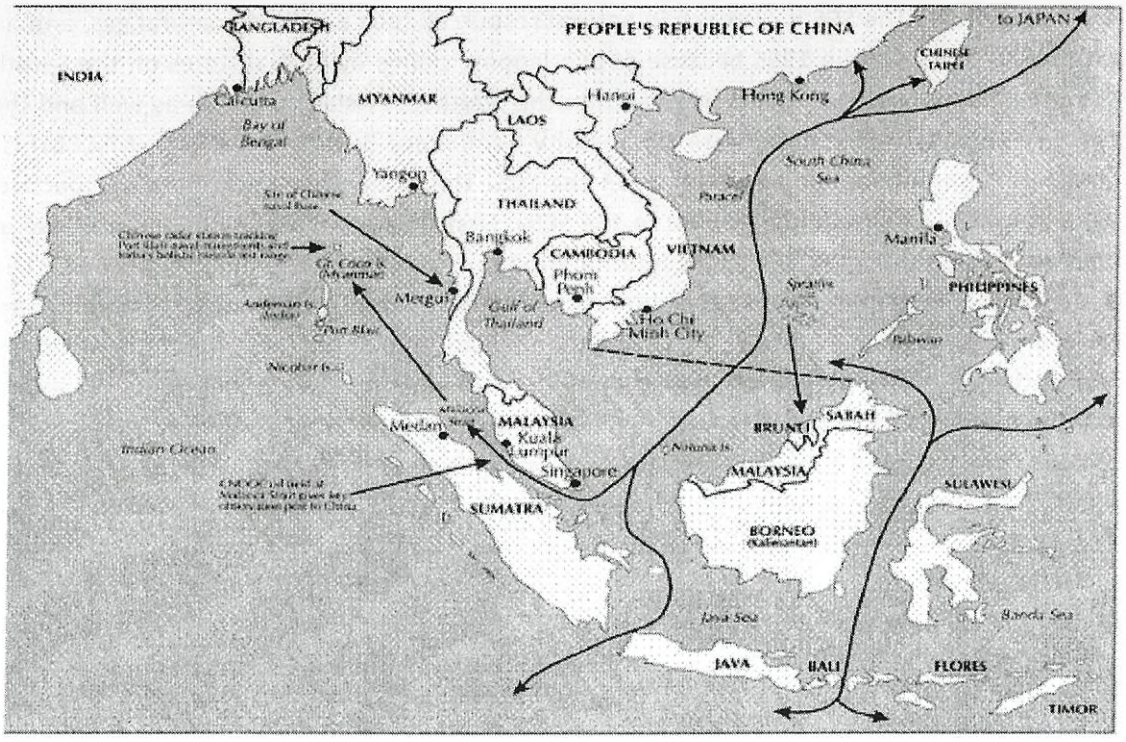
Maritime Confidence Security Building Measures in South China Sea: Regional Responses

The South China Sea (SCS) as shown in Map 1, is a strategic waterway providing the key maritime link between the Indian Ocean and Pacific Ocean. It is also the world's second busiest international sea lane and conveys about one-fourth of the global crude oil and other products. However, driven by China's ascending role in Asian security and economic affairs, and the U.S desires to maintain its status of regional preponderance, the security architecture in the SCS is indeed a challenge to the regional states.

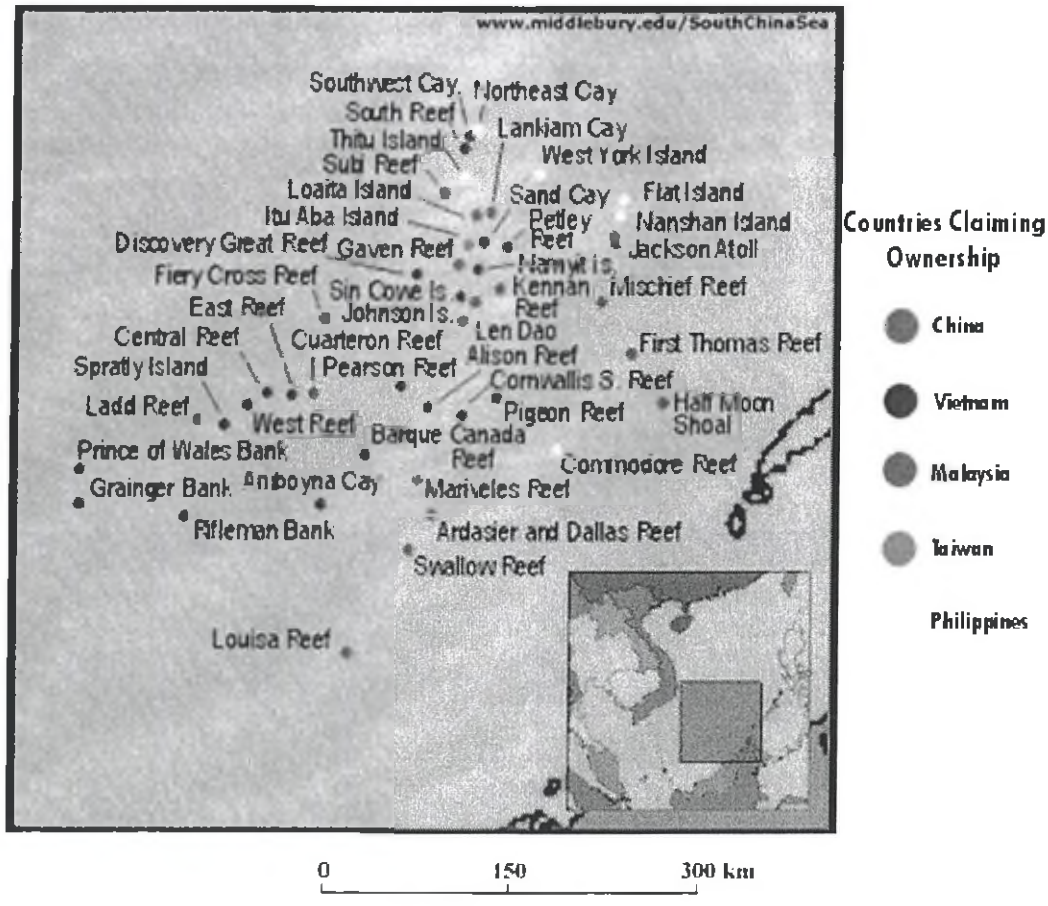
Map 1 : South China Sea – Strategic Sea lane of Communication



Source: http://www. South china sea.

It is of concern that the overlapping claims in SCS by the six claimants that is China, Vietnam, Malaysia, Brunei, the Philippines and Taiwan are not only source of flash point but also source of the hydrocarbon or petroleum. Although for a decade there is no incident in the disputed islands despite the three claimants namely China, Vietnam and Malaysia have deployed troops to the various islands or reef in the Spratlys as shown in Map 2, but numerous activities such as marine scientific research and military exercises are been conducted in this maritime domain in pursuance of Articles 88, 240 and 301 of the United Nations Convention Law of the Sea (UNCLOS) of 1982. For this reason, many navies, including those of the maritime powers (nations with blue-water navies), are maneuvering in the Exclusive Economic Zones (EEZs) of the coastal states.

Map2: The Spratlys Islands



Source: Http://www.SouthChinasea.eia.

Presently, with an amicable cooperative political atmosphere among the regional countries like Japan, China, South Korea and the ASEAN Member States, a secure and stable maritime domain is expected to prevail in the SCS. To this end, the regional states have persistently continued to promote peace and stability by pursuing a concept of maritime confidence security building measures. This is essential to devote more resources to the economic development of coastal states, peaceful settlement of disputes and promoting regional security partnership.

This paper attempts to examine the mechanisms to promote a regional maritime confidence security building measures (MCSBM) as central feature for peace and stability in the SCS. Initially, the paper will examine the regional and extra-regional powers obligation to the international maritime agreements or regimes, and the differences in the implementing the United Nations Convention Law of the Sea 1982 (UNCLOS). The paper will further examine what are the ASEAN maritime security equations to sustain confidence building measures (CBM). In addition, the modalities of ASEAN in collaboration with the extra-regional powers like China, Japan and the United States to strengthen capacity building in maritime domain will be examined as well.

The Concept of Maritime Security Confidence Building Measures

The Confidence Building Measures (CBMs) are arrangements to augment the allegiance and trust of states to each other, and has been created in the Cold War period. They have more positive connotations because they are directed toward replacing distrust with trust through human contacts and institutional practices that reduce the level of suspicion (Adelman, 1994). In fact, the first CBM agreement in the maritime domain was established between the Soviet Union Navy and the United States Navy in May 1972 under the concept of Prevention of Incident at Sea (INCSEA). Amongst others, the Agreement pledged to try to avoid collision and to inform each other of their activities. However, in the SCS the concept of CBM has remained at the forefront in order to promote mutual trust and dispel concern about the military activities of the regional states by encouraging cooperation and transparency. In reality, the key to maritime