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ASEAN 2017 AT MANILA: FRACTURING OR RESURRECTION OF THE REGIONAL ORDER

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From 10-14 November 2017, Manila successfully held the 31st edition of Association of South East Asian Nations or ASEAN Summit and related summits¹. ASEAN also celebrated its commemoration of 50 years of existence since being established in 1967. Philippines being the 2017 ASEAN chair presided over the summit with the optimistic and forward-looking theme declaration "Partnering for change, engaging the world". The Summits were to be attended by Heads of State/Government of the 10 ASEAN and 18 East Asia Summit Participating Countries respectively. Indian Prime Minister Shri Narendra Modi, in furtherance of his vision and "Act East Policy", attended the 15th ASEAN-India Summit and the 12th East Asia Summit at the invitation of President of Philippines, Mr. Rodrigo Duterte². Additionally, other state leaders including China, Japan, Russia, US and now Canada also attended the event³.

The summit was successful with the outcomes of several joint declarations at the

bilateral and multilateral level on issues ranging from countering challenges of terrorism, drug trafficking and issue of Korean peninsula nuclearisation to cooperation on ASEAN connectivity and fishing regulation. However, achievements on two fronts can be noted- the first was the joint declaration between ASEAN and China on taking 2017-27 as the 'Decade of Coastal and Marine Environmental Protection in the South China Sea'⁴. Second, the leaders agreed to formally start the negotiations on the Code of Conduct (COC) in the South of China Sea⁵. Both the matters are associated with the contentious issue of South of China Sea and therefore deliberations on the same can be seen as a welcome development. However, there are some issues that need flagging in the context of ASEAN that is being seen as the stable body as well as the harbinger of regional security and development.

The South of China Sea has become a bone of contention between China and its neighbouring countries in the past decade. It

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forms an important SLOC interconnecting Indian and Pacific Oceans and oversees two-thirds of international maritime trade flow through it. China claims approximately 80% of the SCS waters under its Nine-Dash Line claim that goes way beyond its Exclusive Economic Zone of 200 nautical miles and interjects with the EEZs of its neighbouring countries. China claims its maritime rights and interests over the waters and resources (including landforms) and has been constructing artificial islands equipped with military installations. Not only China but Vietnam, Philippines and Taiwan are also constructing artificial islands with runways in response to Chinese aggressive actions in the SCS. It is causing severe harm to the already fragile marine ecosystem and coral reef present in the region.

In 2002, ASEAN attempted to negotiate with China on the use of the waters of the SCS such as nature of military exercises and installations and sharing of real-time maritime information for the benefit of all. It has been one and a half decades since the Declaration on the Code of Conduct has come into existence as the precursor to the binding version of Code of Conduct (CoC) on the South of China Sea which the parties had then agreed to adopt. In 2013, Beijing started the negotiations, and in August 2017 the parties adopted a framework on the CoC which would be binding and enforceable in nature. However, the contents of the framework were not made available publicly to avoid

interference of external parties during the negotiations between China and its ASEAN counterparts. It is to be noted that four of the 10 ASEAN members are active claimants in the South of China Sea dispute (Brunei is silent on the matter).

In a parallel development, the US and Philippines have released a joint statement on the sidelines of the summit that also finds mention of DPRK nuclearisation and US' commitment towards peaceful resolution of the South of China Sea dispute, apart from extending trade, economics and humanitarian assistance to Manila⁶. In the backdrop of increased bonhomie of China and Philippines in recent months, President Trump's offer to mediate the SCS dispute⁷ on the one hand and Chinese eagerness to play a bigger role in the regional connectivity⁸ under its Silk Maritime Road and BRI on the other might increase confusion in the region. The same position of Freedom of Navigation and overflight rights in the SCS was also expressed in the joint statement between EU and the ASEAN in the same summit⁹. President Duterte raised the issues of the Korean peninsula and SCS dispute with the leaders of Brunei and Australia at a bilateral level on the summit sidelines. China's approach to keeping the issue of South China Sea with its ASEAN neighbours at the bilateral level, therefore, does not seem to be working beyond a point. Moreover, the involvement of other countries, much against Beijing's aspirations, might impact further

negotiations on CoC between China and ASEAN group collectively.

Finally, the adoption of the declaration on the Coastal and Marine Environment protection of the SCS between ASEAN and China endows the latter to take up a normative role on the environmental front. China recently has become proactive in joining international climate change regimes such as the Kyoto Protocol and also the Paris Accord. With this new feather in its cap (signing of the Paris Accord), it might become difficult for Beijing to justify its unilateral actions in the SCS region such as dredging of islands and land reclamation artificially¹⁰, carrying out a unilateral moratorium on fishing in the SCS waters that threaten to keep fishermen of other countries out by forceful use of its Coast Guards but deploying its own massive fishing fleet¹¹ etc. in near future. China might have to tread more carefully on the environmental front if it seeks to transform itself to an international norm maker.

ASEAN as a regional grouping is being looked up to by its Asian neighbours as well as extra-regional members for maintaining peace and stability within the region. The 2017 summit provided the way forward towards this commitment. At the same time, it contributed several new dimensions to the formation of a regional order that brings intra-regional differences to the fore and involves extra-regional powers in the equation. It is yet to be seen if ASEAN can function with collective

prudence to address these pulls and pressures from China in the years ahead.

(Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the position of the Centre for Air Power Studies [CAPS])

Notes

¹ ASEAN 50 official website. Accessed online on Nov 15, 2017. URL: <http://www.asean2017.ph/>

² The Ministry of External Affairs, Govt. of India, "15th ASEAN-India Summit and 12th East Asia Summit in Manila, Philippines (November 14, 2017)", Accessed online on Nov 15, 2017. URL: <http://www.mea.gov.in/press-releases.htm?dtl/29102/15th+ASEANIndia+Summit+and+12th+East+Asia+Summit+in+Manila+Philippines+November+14+2017>

³ Rappler (Nov 2017), "ASIA PACIFIC LIST: World leaders attending ASEAN 2017 in the Philippines". Accessed online on Nov 15, 2017. URL: <https://www.rappler.com/world/regions/asia-pacific/188021-list-world-leaders-attending-asean-2017-philippines>

⁴ ASEAN (2017), "Declaration For A Decade Of Coastal And Marine Environmental Protection In The South China Sea (2017-2027)". Accessed online on Nov 15, 2017. URL: <http://asean.org/storage/2017/11/Declaration-for-a-Decade-of-Coastal-and-Marine-Environmental-Protection-in-the-South-China-Sea-2017-2027.pdf>

⁵ ASEAN (2017), "Leaders Welcome Positive Developments In Asian-China Relations, Announce Start Of CoC Negotiations". Accessed online Nov 15, 2017. URL: <http://www.asean2017.ph/leaders-welcome-positive-developments-in-asean-china-relations-announce-start-of-coc-negotiations/>

⁶ PhilStar (Nov 2017), "FULL TEXT: Joint statement of the Philippines and the US", Accessed online on Nov 16, 2017. URL: <http://www.philstar.com/headlines/2017/11/14/1758830/full-text-joint-statement-philippines-and-us>

⁷ NBC News (Nov 2017), "Trump Offers to Mediate in South China Sea Dispute". Accessed online on Nov 16, 2017. URL: <https://www.nbcnews.com/news/world/trump-offers-mediate-south-china-sea-dispute-n819996>

⁸ ASEAN (2017), "Joint Statement between ASEAN and China on Further Deepening the

Cooperation on Infrastructure Connectivity". Accessed online on Nov 16, 2017. URL: http://asean.org/storage/2017/11/China-and-ASEAN-on-Cooperation-Connectivity-CN-ASEAN_adopted.pdf

⁹ *PhilStar* (2017), "Asean, US, EU vow to ensure sea rights". Accessed online on Nov 16, 2017. URL: <http://www.philstar.com/headlines/2017/11/15/1759050/asean-us-eu-vow-ensure-sea-rights>

¹⁰ *Reuters* (Nov 2017), "China tests new dredger capable of South China Sea projects: state media". Accessed online on Nov 16, 2017. URL: <http://www.reuters.com/article/us-southchinasea-china-dredger/china-tests-new-dredger-capable-of-south-china-sea-projects-state-media-idUSKBN1D503S>

¹¹ *The Diplomat* (Oct 2014), "Chinese Fishermen in Troubled Waters". Accessed online on Nov 16, 2017. URL: <https://thediplomat.com/2014/10/chinese-fishermen-in-troubled-waters/>

