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RUSSIA AND THE SOUTH CHINA SEA ISSUE: IN SEARCH OF A PROBLEM-SOLVING APPROACH

The South China Sea has traditionally been an area where the key strategic interests of the most influential Asia-Pacific powers are focused and intertwined. Currently, the scenario that the issue will rise in the priorities of these powers and acquire a global dimension looks highly probable.

Along with these developments, regional multilateral dialogue platforms – the way they have been tackling the issue – will hardly be able to produce an appropriate response to these changes. Current trends suggest that multilateral diplomacy is likely to use conservative approaches while in the post-2002 period efforts should be aimed at not changing the parameters of conflict resolution but rather at creating a regional milieu conducive to keeping actual and potential contradictions in a non-explosive state.

With this in view, complementary means moving beyond the previous patterns to influence upon the issue need exploring. One of these is a potential contribution which can be made by the Russian Federation.

The paper consists of three parts. Part One assesses the role of South China Sea issue in the evolving Asia-Pacific geopolitical order. Part Two offers critical insights into the nature of recent efforts taken by ASEAN and the ASEAN Regional Forum. In Part Three, Russia's policy options towards the issue are under consideration. The conclusion summarizes the foregoing analysis.

The South China Sea in Asia-Pacific Geopolitics

The Declaration on the Conduct of Parties in the South China Sea (DOC) signed in 2002 – with all its shortcomings – laid down the legal parameters of conflict resolution in

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relations between the parties involved in the dispute. Later on, however, the issue acquired a qualitatively new dimension as its core has shifted from the problem of *sovereignty* over the islands to *geopolitical rivalry* between the United States and China.

The first manifestation of this trend was provided by the incident with the American ship *the Impeccable* in early 2009. It raised a sensitive problem – whether the US military activities in the South China Sea, no matter declared or presumable, would be tolerated by China. Although the conflict didn't have significant repercussions for US – China relations, prospects for new clashes of their interests in this maritime area were evident.

These expectations were reinforced in early 2010, when the US' top military figures expressed apprehensions that American interests in the South China Sea might be threatened by China. Among the reasons, two were given an emphasis. First, China's naval modernization was developing more rapidly than Washington had originally expected. Second, a huge rise of China's nationalistic sentiments would result in Beijing's more assertive maritime policy¹.

To China's credit, it originally tended to avoid getting into the scramble. The maximum of what it did was the statement that the South China Sea falls within its "core interests"². This doesn't seem to have carried a provocative message – Beijing just reiterated what had been outlined in the Law of Territorial Sea and the Contiguous Zone 1992. Consequently, the argument that Beijing turned to a more hard-line stance is hardly convincing. In this light, the great amount of criticism voiced by the United States is a definite indication of the immense importance attached to this area by Washington.

Under these circumstances, the issue was bound to come to the forefront of Asia-Pacific geopolitics. This happened at the at the Hanoi session of the ASEAN Regional Forum in summer 2010. Speaking there, the American Secretary of State touched upon a number of points each of which deserves special attention.

First, moving to Code on Conduct of Parties in the South China Sea (COC) was proposed. Although DOC outlines this possibility, in practical terms it was too faint to be taken seriously. Second, Mrs. H.Clinton stressed the US' readiness to act as an intermediary between the parties involved in the dispute. Third, a necessity to differentiate the legitimacy of claims to the islands the South China Sea and its waters was emphasized³. At the next ARF Summit in Bali, many of these points were reiterated⁴.

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As a result, the US has become a de-facto player in the South China Sea game. In the near future, its increased influence upon the situation in this maritime area is very likely. The reasons are threefold.

First, the Obama administration will have to provide continuity between its current and previous Asia-Pacific policy statements, namely, “being back” and “strengthening American leadership”⁵. Presumably, several priorities will motivate Washington. One of them is to correct the impression that the U.S. is losing influence upon Southeast Asia or even “conceding” it to China⁶. Another task is to provide the US’ Northeast Asian allies with strong guarantees that American role in setting out the rules of the game in maritime Asia-Pacific will remain unchanged.

Second, maintaining freedom of navigation has recently been raised to a higher level in Washington’s strategic thinking⁷. Exerting influence on the situation in the South China Sea, which links the Pacific Ocean with the Indian Ocean, as well as Northeast Asia with Southeast Asia, is part of this strategy.

Last but not least, Washington will have to allay fears of American corporations that drill for oil and gas in the South China Sea. The reason stems from precedents, still fresh in the memories of energy business elites, when the plans to explore the resources in some parts of the South China Sea were abandoned due to the disputed status of these areas, as well as frictions between China and leading multinational oil companies over the already operational projects in contested zones⁸. In periods of overall instability, these apprehensions may rekindle.

With all this in view, the United States may be expected to adopt a two-pronged approach to the issue.

First, an expanded activity of American navy together with increased cooperation with navies of Southeast Asian states – in form of coordinated patrols, joint exercises etc. – in the South China Sea seems probable. The purpose is to send the region a clear message that Washington continues and will remain the only indispensable power in countering Beijing’s potential “insidious plans” in maritime Asia-Pacific. Second, repeatedly raising the South China Sea issue at regional multilateral dialogue platforms is also a likely scenario.

All this will unavoidably trigger China’s negative reaction given that in prospect the South China Sea is sure to rise in Beijing’s list of international priorities.

China’s growing self-confidence derived from successful economic development and military modernization is accompanied by growth of nationalistic sentiments. The 18th National

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Congress of the Communist Party of China, which is to be held in 2012, is likely to place nationalism high on the agenda of the country's leadership. That same year will mark the 20th anniversary of the Law on the Territorial Sea and the Contiguous Zone of the People's Republic of China and the 10th anniversary of Declaration on the Conduct of Parties in the South China Sea, which will further motivate Beijing's to strengthen this direction of its foreign policy. The current upward trends in relations between China and Taiwan under the administration of Ma Ying-jeou may also solidify Beijing determination to strengthen the policy of recovering "the lost territories".

At this point, two additional factors deserve mentioning. The first is a growing lack of correspondence between considerable the success which Beijing has achieved in modernizing naval and air power and apparent vulnerability in protecting its oil import via the Malacca Strait. Second, since 2008 China's maritime strategic thinking has been attaching special importance to "military operations other than war"⁹, which can be interpreted as a more assertive naval posture. In this light, the scenario that Beijing will intensify efforts to project its power beyond "the first island chain" appears real taking into account a rapid development of its naval programs.

Apart from the United States and China, the South China Sea is likely to become higher in the priorities of other influential Asia-Pacific powers.

ASEAN will be motivated, first and foremost, by the necessity to move towards the establishment of an ASEAN Community. The South China Sea is home to many security challenges, ranging from piracy to obstacles in creating the Nuclear Weapons Free Zone in Southeast Asia. Besides political and strategic reasons, growing prominence will be given to biological resources of this area as a means of coping with food security challenges. Energy deposits located in the South China Sea will also increase in significance taking into account that in 2020 and 2030 the share of imported oil in ASEAN's overall consumption is expected to rise to 50 and 65 percent respectively¹⁰.

Quite probably, the South China Sea issue will influence upon the association's policy within the framework of the East Asia Summit. If tensions between China and the US grow, this will almost certainly reduce the effectiveness of the Summit damaging ASEAN's reputation as its coordinator.

For *Japan*, the South China Sea will come to a closer attention owing to apprehensions about China's increased maritime ambitions and power projection capabilities, which was outlined in the recent Annual White Paper¹¹. In order to counterbalance Beijing, Tokyo has opted

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to intensify maritime cooperation with the ASEAN states¹². Recent calls from influential Japanese mass-media for US – Japan alliance to exert more substantial influence upon the situation in the South China Sea¹³ are also worthy of note.

Last but not least, there exist visible indications that *Australia, India and South Korea* will expand their presence in this maritime area. Canberra is strengthening military ties with the US¹⁴ and therefore is likely to provide the American South China Sea strategy with more considerable assistance than it previously used to. New Delhi is motivated primarily by economic incentives, namely to explore energy deposits in these waters¹⁵. Seoul, in its turn, is tending to place an increased emphasis on protecting the main sea routes of its energy import¹⁶.

Based on what was said above, two conclusions can be made. First, the US, which occupies a “special position” in Asia-Pacific geopolitical order, doesn’t – and in future is unlikely to – aim to assume the role of a “responsible leader” understood as readiness to take cost-based efforts in order to produce a win-win solution to regional problems. Second, there are all sorts of reasons to expect that in prospect the degree of competitiveness among the powers with stakes in the South China Sea will increase.

ASEAN and the ASEAN Regional Forum: Misleading the Issue?

Understanding the nature of evolution of the South China Sea issue requires in-depth insights into the role of multilateral diplomacy provided by ASEAN and the ASEAN-led multilateral dialogue mechanisms. Among the latter, the most food for thought is provided by the ASEAN Regional Forum (ARF). It can be argued that currently the policies of both ASEAN and ARF can stir up the issue rather than mitigate its conflict potential.

With regard to ASEAN, this development stems from a conspicuous predominance of individual interests over collective. As a result, unilateral actions, undermining a possibility for the ASEAN states to adopt a unified position on the issue, have been in overabundance. Thus, Vietnam recently reiterated its stance that the presumable Code of Conduct must cover the Paracel archipelago¹⁷ while the Philippines resorted to demonstrably provocative gestures like to rename the South China Sea into the Western Philippine Sea¹⁸. All this sparked protest from China. Kuala Lumpur, however, proposed establishing a multilateral mechanism to jointly develop resources of contested zones, which was supported by Beijing¹⁹.

These developments went ahead simultaneously with strengthening ties between Manila and Hanoi and Washington. In this light, a scenario that ASEAN which lacks a unified position

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on the issue will seek support from a strong patron – the United States – cannot be excluded. If so, it may result in undesirable and even dangerous consequences for the association, the key being two.

First, ASEAN may tarnish its image as a power which has enough resources to solve problems of its own territorial domain without outside assistance. Consequently, the association's ability to play an increased role in global affairs, which was outlined at the 18th Summit as ASEAN's top priority²⁰, will be thrown into a considerable doubt.

Second, the association may sooner than later find itself in a rather uncomfortable position – to make a hard choice between China and the US. In this case, for ASEAN a reduced room for maneuver in setting the agenda of regional multilateral dialogue platforms is imminent.

Assessing the role of the ASEAN Regional Forum in mitigating tension over the South China Sea issue, an important paradigm shift, if viewed in a long-term hindsight, is discernable.

It can be convincingly argued that ASEAN's intention to establish the Forum was to a considerable degree driven by China's forceful policy in the South China Sea in early 1990s. In the association's view, in case China was engaged in "open and frank" discussions, it would take into account interests of other regional powers, primarily – those of the United States. Therefore, Washington was expected to play the key role in reducing tensions in the South China Sea.

But in reality the US didn't demonstrate any interest in influencing upon the problem of *sovereignty* over the disputed territories. What the US was and remains interested in is *freedom of navigation* via the South China Sea. Consequently, having received Beijing's guarantees not to disturb navigation via the South China Sea lanes of communication, Washington remained indifferent to other aspects of the problem.

Under these circumstances, Beijing succeeded in channeling discussions about the parameters of how the problem was to be solved in the format of China – ASEAN dialogue, where the Declaration on Conduct of Parties in the South China Sea was signed. And given the legal framework of the conflict resolution was established without the US's influence, a possibility of future Washington's involvement seemed unlikely.

Nevertheless, the US joined the game – at the Hanoi session of the ARF. But in the post-2002 period, it is very unlikely to mitigate tensions in and around the South China Sea. Several points deserve attention.

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First, the US' involvement runs counter to the provisions of DOC since one of them specifies that all problems are to be resolved by "sovereign states directly concerned"²¹. It is worth reminding that DOC remains the only internationally recognized document legally outlining the parameters of conflict resolution. In this sense, DOC's legitimacy is undermined.

Second, the Guidelines for DOC implementation – a step emphasized by the US and put into practice at the Bali session of ARF – can hardly bring profound changes to the problem. Their provisions turn out to be too general and avoiding clear and concrete recommendations. Furthermore, the principle of "consensus among parties concerned" is reiterated²². Consequently, the Guidelines are bound to encounter the same stumbling blocks as DOC.

Third and finally, the prospects for drawing up the Conduct on Conduct of Parties in the South China Sea instead of Declaration 2002, which was also outlined by Washington as a necessary measure, are remote at best – owing to the principle of consensus and China's explicable reluctance to take necessary steps. On the contrary, in the near future the Declaration 2002 can be expected to receive increased support from its signers due to a symbolic reason of its coming ten-year anniversary.

In sum, an insight into the current policy course of ASEAN and ARF towards the South China Sea issue reveals two interim conclusions.

First, the strategy of over-reliance upon the US, which may be employed by ASEAN, is likely to be a risky game. But other working policy options are absent – at least, under current circumstances.

Second, judging by the way the multilateral approaches to the South China Sea issue are evolving an advent of the era of *Pax Asia-Pacific*, built, among other things, on burden-sharing, as a replace of *Pax Americana*²³ looks like a faint possibility.

In general, the overall situation in and around multilateral diplomacy towards the South China Sea set of problems requires a clear understanding that it is impossible to step twice into the same rivers. In the post-2002 period, approaches, based on previous priorities, can rather generate tensions than reduce them. If so, complementary means to mitigate tensions over the South China Sea are needed. At this point, a potential contribution of the Russian Federation deserves attention.

Russia and the South China Sea issue: A Model for Win-Win Approach

At the expert level, Russia has come to realize that the South China Sea will generate the key challenges to Southeast Asian security in the years to come²⁴. At the official level, however, Moscow hasn't yet outlined its position on this issue. But along with upward trends in relations between the Russian Federation and ASEAN, the task to do it is becoming increasingly urgent due to the following reasons.

First, business interests will play a direct role as the joint Russian-Vietnamese company Vietsovetpetro develops oil reserves in a contested area. In December 2010, Moscow and Hanoi signed an agreement to extend this cooperation²⁵. Second, Russia has to give substance to its statements about "desire for strengthening cooperation with ASEAN, including the security issues"²⁶. Third, in case an outbreak of confrontation occurs, Russia – whether it likes it or not – will be dragged into the overall instability.

With these factors in view, a necessity for Russia to develop a nuanced and problem-solving approach to the South China Sea issue is evident. What kind of policy will it be best for Moscow to follow?

It seems that the most effective option must be twofold. First, Moscow should dissociate itself from any developments that can provoke tensions, including all kinds of interferences in the dispute with demonstrably positive intentions. Second, Moscow should do its best to increase the overall cooperative potential of the region and actively participate in creating its new security architecture.

It can be argued that Russia's potential contribution in mitigating tensions over the South China Sea issue shouldn't be underestimated. This position can be substantiated by the following examples.

Energy. In not too distant future, Russia's role in ensuring Asia-Pacific energy security will be sufficiently bigger – especially if the pipeline from Eastern Siberia to Pacific Ocean becomes operational, as was recently stated, in 2012 (in other words, two years ahead of the schedule)²⁷. No less significant effect will be produced by delivering oil from Russia to China via the pipeline Skovorodino – Daqing. According to Chinese estimates, the pipeline will carry 15 million metric tons of crude oil annually until 2030²⁸.

The Russian factor in maintaining Asia-Pacific energy security will rise in prominence after the capacities of the LNG plant within the Sakhalin II project are upgraded and expanded.

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Currently, new facilities aimed at producing extra 5 million tons per year are being developed. Apart from it, building another LNG plant on Sakhalin island is under consideration²⁹.

Additional prospects to expand the delivery of Russian energy resources to Asia-Pacific may appear after launching the gas pipeline Sakhalin-Khabarovsk-Vladivostok with the annual projected transportation capacity of 30 billion cubic meters³⁰.

In this context, two additional factors need stressing. First, systematic outbreaks of instability in Arab countries lead to uncertainty concerning safety of resources supplies from Middle East to Asia-Pacific economies. Second, the development of atomic energy sector in the region as an alternative to oil and gas will presumably slow down after the Fukushima nuclear accident.

The cooperative paradigm of Russia – ASEAN relations in energy sector is expected to strengthen after the parties adopted ASEAN-Russia Energy Cooperation Work Programme (Vietnam, 2010). It focuses on coordinating efforts in “capacity building programmes, development of alternative and renewable energy resources, energy infrastructure, peaceful use of nuclear energy, coal, oil and gas exploration”³¹.

All this, if further developed, will bring energy security in the region to a higher level and therefore – lessen contradictions over oil and gas reserves of the South China Sea. In this sense, Russian positive influence upon the way the issue will evolve could be significant.

Cargo transportation. First and foremost, Russia’s strategic priority is to develop the potential of the Trans-Siberian Railway. At present, the governing staff of the company Russian Railways is considering possibilities to implement innovative transportation projects, in particular – the program “The Trans-Siberian Railway in 7 Days”. It will focus on optimizing cargo deliveries from Asia-Pacific to Europe, creating and upgrading logistic facilities etc³². Apart from it, Russia is attaching special importance to the development of Northern Sea Route, as outlined in “The Foundations of The Russian Federation’s State Policy in the Arctic until 2020 and Beyond”³³. In both cases, a great deal of problems remains and their solution is sure to be difficult and time-consuming. Nevertheless, these directions, if given more practical substance, with a lapse of time could make cargo traffic via the South China Sea and particularly – the overloaded Straits of Malacca – somewhat less intensive.

All this should be viewed through the prism of the coming APEC Summit in Vladivostok. In this regard, two points are noteworthy. First, the agenda of the Summit-2012 will give high priority to cargo transportation and energy cooperation as earlier Russia emphasized

their importance³⁴. Second, after the Summit these directions will be put under a more scrupulous international spotlight and therefore receive impetus for further development.

Natural disasters prevention. Russia and ASEAN have real possibilities to cooperate in forecasting and responding to natural disasters, as stated in the key documents adopted at the top-level summits.³⁵ Moreover, in the aftermath of the Fukushima nuclear accident Russia's Minister of Foreign Affairs reiterated the necessity to speed up preparing ASEAN – Russia Disaster Management Cooperation Work Plan as well as Russia's readiness to share relevant experience and technologies³⁶.

Last but not least, Russia's participation in the East Asia Summit will probably produce a stabilizing effect on the overall strategic situation in the area. In future, politico-security issues are likely to dominate the agenda of the Summit, and taking into account growing prospects for clash of interests between the US and China, Russia and ASEAN can be natural partners in creating the “dynamic equilibrium” outlined in a recent speech by M.Natalegava³⁷. The Russian Federation seems to share this line of thought as currently at the expert level it is examining the potential of the niche for a “great regional non-allied power”³⁸. This coincidence of Russia-ASEAN interests may strengthen the cooperative vector of the EAS meetings with a “multiplier effect” upon the situation in the South China Sea.

But here a fundamental question arises – how do Russian transfers of arms to several countries involved in the dispute fit this scenario? In fact, these transfers do not undermine it. The argument that Russian arms may be used as “bargaining chips” in negotiations between the claimants to the disputed archipelagoes is hardly plausible. In the regional situation as we know it today the possibility of armed clashes over the islands is quite low.

In this light, apprehensions expressed by some Chinese observers that Vietnam's acquisitions of Russian submarines and jet fighters can give it “more courage to challenge China”³⁹ look somewhat exaggerated. The nature of Vietnam's military modernization is non-aggressive and doesn't aim to undermine the status-quo in the South China Sea, an opinion shared by internationally-renowned experts⁴⁰.

While nothing like the genuine solution to the South China Sea issue is in sight, keeping these contradictions within peacefully manageable bounds looks like the maximum of what can be achieved. Whatever Russia may do to contribute to it will be surely welcome.

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Conclusion

Without an exaggeration, the South China Sea issue presents an insoluble conundrum for experts and policy makers. On reviewing its current dynamics, the conclusion that it will not be resolved in the foreseeable future appears obvious. To a considerable extent, it is predetermined by unwillingness of the parties having stakes in the area no matter what they may claim.

Under these circumstances, cooperative efforts must concentrate on reducing tensions over the problem rather than trying to find its final or interim solution. If so, a regional milieu conducive to keeping the issue in a non-explosive state must be created. But in order to achieve it, widening the spectrum of leverages to influence upon the issue in a “calming” way becomes an immediate priority.

In this light, the potential of Russia’s contribution to moving towards this scenario is worth developing. Evidence that Russia has relevant resources and opportunities seems to be not so small.

Notes

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