

**MAKING THE ROCKS OF DISPUTES DROWN  
IN THE SEA OF COOPERATION: THE ROLE OF THE SOUTH CHINA SEA IN  
THE PROCESS OF EAST ASIAN COOPERATION**

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**Abstract**

*The South China Sea is a piece of important marine to connect Northeast Asia and Southeast Asia. After the Cold War, through the joint efforts of countries surrounding the South China Sea, peace and stability has been maintained in the region, thus creating an excellent atmosphere for China and ASEAN countries, as well as the East Asian regional cooperation. At present, the process of regional integration in East Asia has made a series of progress, and the relationships between countries in the region have been further improved. The past year, the strong involvement of the US caused a great deal of uncertainty to the South China Sea and the East Asian regional security environment. The South China Sea issue has become the focus of international attention. This process*

*of regional integration in East Asia has, to a certain degree, been negatively impacted. However in fact, direct confrontation and conflict have not occurred between the neighboring countries of the South China Sea. This article will focus on regional cooperation in East Asia concerning the South China Sea issue. Firstly the authors will review the current progress of regional integration in East Asia and sum up the region's efforts to resolve the South China Sea issue. Secondly, the analysis will highlight the main reasons for the uncertainty in the South China Sea, especially US' involvement. Finally the authors try to propose some preliminary policy recommendations concerning the peaceful settlement of South China Sea disputes, making it a host of regional cooperation so as to promote the further development of regional integration in East Asia.*

The South China Sea is a piece of important marine to connect Northeast Asia and Southeast Asia. In the early days after the Cold War, the South China Sea was considered as sensitive waters where the potential territorial disputes may turn into actual conflicts. In the past two decades, the Chinese government put forward the principle of “shelving disputes and seeking joint development/ putting aside disputes and going in for joint development”, and enhanced security dialogues and cooperation with countries surrounding the South China Sea on the basis of mutual understanding and respect. China and other countries surrounding the South China Sea have made consensus on maintaining peace and stability in the South China Sea. The *Declaration on the Code of Conduct on the South China Sea* was signed in 2002 between China and ASEAN. Consequently, the distrust between China and ASEAN countries has been eliminated, which promotes the coordination and cooperation among China and ASEAN countries to safeguard security and stability in the region. At present, China and other countries surrounding the South China Sea have been jointly safeguarding peace and stability in the South China Sea, which not only enhances the amity and cooperation among China and ASEAN countries, but also creates a benign atmosphere for the successful development of East Asian regional cooperation. Generally speaking, the South China Sea connects the

neighboring countries to safeguard peace and stability in the region, and promotes cooperation and communication among them so as to achieve common development. The article will analyze the role of the South China Sea from the perspective of the East Asian cooperation.

### **Shelving Disputes and Promoting East Asian Regional Integration**

After the Cold War, some traditional security issues of East Asia which had been covered by the Cold War mentality were unveiled. Most of the East Asian countries had territorial disputes. Among them, the South China Sea issue was a very significant one. China and other neighboring countries in the area have none specified borders in the sea. As a result, territorial disputes of different levels existed. Western scholars thus predicted that the South China Sea might be the outbreak of conflicts and even wars after the Cold War. However, the relationships of countries in the South China Sea have proved that there is no war or conflict. In contrast, the friendly cooperation among countries has been strengthened and the process of integration of East Asia has been put into agenda.

Immediately after the Cold War, on February 24, 1992, the Chinese government promulgated the “Law of the Territorial Sea and Contiguous Zone”<sup>1</sup>. In May, China and Crestone Energy Corporation in the United States reached an agreement on oil exploration in the South China Sea.<sup>2</sup> In Western countries, some people with ulterior motives vigorously advocate the “China threat theory”, claiming that a rising China will “fill” the “vacuum” as superpowers withdraw from Southeast Asia. And the issues in the South China Sea islands and the territorial disputes were rendered as a potential source of

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<sup>1</sup> “Law of the People’s Republic of China on the Territorial Sea and the Contiguous Zone”, <http://www.lawinfochina.com/Law/displayModeTwo.asp?id=670&keyword=>.

<sup>2</sup> On 8 May 1992, CNOOC and Creston Energy Corporation in the United States signed an agreement for the development of the Wanan Bei-21 Block (WAB-21), which is overlapped with the Vietnamese claim zone. In a press conference, the vice president of CNOOC told reporters: “This is our territory according to the international law. *Beijing Review*, July 20, 1992.

major conflict in the Asia-Pacific region.<sup>3</sup> In that year, *Christian Science Monitor* said, “Southeast Asians are seeking U.S. security assurances,” and openly stated that China “is on the rise as a naval power”; to this end, the prospects for international security in the Asia-Pacific region is to be “worried.”<sup>4</sup> Later, the Heritage Foundation Journal *Policy* published the article of former Beijing correspondent, the coordinator of current Foreign Policy Research Institute in Philadelphia in Asia program Ross Munro’s – “the Awakening of the Dragon - the real danger in Asia is from China”. This article alleges that China has “a new momentum to become a military power”; “aggressive action in the South China Sea,” will “infringe the vital interests of the United States,” and definitely “would infringe on Japan... and Southeast Asia itself.”<sup>5</sup> Former U.S. National Security Adviser Zbigniew Brzezinski said: “China is destined to become one of the world’s most important economic powers. But its political role in world affairs has not completely specified.” Thus, it is necessary to establish a new security network including Washington, “in order to curb China’s ambitions of the Deng Xiaoping era”.<sup>6</sup> In 1994, *U.S International Studies* magazine published a series of articles on China. In an article entitled “the Imminent Hegemony: China is a threat to Security in East Asia,” the author considered China’s rapid economic development constitutes a potential threat to the Asia-Pacific security without a proper reason. He said that “an economically strong China would stimulate Japan to strengthen its military forces, thus would bring everything into a new round of Cold War in Asia”.<sup>7</sup>

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<sup>3</sup> On 19 July 1992, The Japanese newspaper *Nihon Keizai Shimbun* reported an article with the title “There is a risk of military conflict in Spratly Islands. In the article, China was described as a major power with the ambition of becoming a sea power in the 21<sup>st</sup> century, which will strengthen the tensions among China and its neighboring countries, and even arouse the risk of military conflict.

<sup>4</sup> “ASEAN countries are seeking U.S. Security Assurances”, *Christian Science Monitor*, 3 January, 1992.

<sup>5</sup> Ross H. Munro, "Awakening Dragon: The Real Danger in Asia is From China," *Policy Review*, No. 62 (Fall 1992), pp. 10-16.

<sup>6</sup> “Can Kao Xiao Xi”, 13 November, 1993 p.3.

<sup>7</sup> Denny Roy, “Hegemony on the horizon? China’s threat to East Asian security”, *International Studies* 19 (1), Summer 1994, pp. 24-25.

However, since the beginning of the 1990s, Chinese government, by peaceful and responsible policies and by coordinative and cooperative actions, gradually solved the widely recognized “China threat theory” in neighboring countries.

First of all, China clearly came up with the principle and policy to deal with the South China Sea issues. As early as the first half of the 1980s, Chinese leader Deng Xiaoping had officially put forward the “Shelving disputes and seeking joint development/ putting aside disputes and going in for joint development” principle.<sup>8</sup> The first time Deng Xiaoping promoted this principle to neighboring countries was in June, 1986, when Laurel, Vice-President and Minister of Foreign Affairs of the Philippines visited China. Deng Xiaoping said, “the Spratly Islands issues could be put aside first. China would not let these disputes stand in the way of friendships with the Philippines or other countries. Facing “disputed issues”, we advocate solving it with peace instead of by force”.<sup>9</sup> In April 1988, when he met with Philippine President Corazon Aquino, the principle was spelled out even more clearly. He emphasized that “problems could be set aside first based on the friendship of two nations. The two nations should both take advantage of the peaceful environment to develop our own economy by joint exploration”.<sup>10</sup> Both the Foreign Minister and the President responded actively to this principle. From then on, this principle has become the general principle and policy for China in dealing with disputes with neighboring nations. We can say that if without the Chinese government’s responsible attitudes and cooperative and peaceful principle, South China Sea Region will not be able to maintain a peaceful and stable environment.

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<sup>8</sup> On February, 1984, When Deng Xiaoping met with the delegation from Georgetown University, he said that: “There are a lot of disputes in the world. I am always thinking about the methods to resolve them peacefully. Thus, I put forward the idea that we could put aside sovereignty, and make joint exploration first. This is the new way of resolving such problems on the basis of respecting reality.” *Selected Works of Deng Xiaoping* (Volume III), the People’s Press, October 1993, p.49.

<sup>9</sup> “*Xin Hua Yue Bao*”, June, 1986, p.170.

<sup>10</sup> “*People’s Daily*”, 14 April, 1988, p.1.

Secondly, China established and maintained friendly and cooperative relationships with neighboring nations in the South China Sea. After the Cold War, China quickly brought the relationship with Vietnam back to normal. Soon after that, China established or re-established diplomatic relationships with Indonesia and Singapore.<sup>11</sup> China has established diplomatic relations with all Southeast Asian nations. This set up a sound foundation for China and ASEAN nations to develop friendly cooperation.

Thirdly, China participated in the establishment of the Asia-Pacific regional security cooperation mechanism. China, together with ASEAN nations, established the only official Asia-Pacific security cooperation mechanism – the ASEAN Regional Forum in 1994. China participated actively in the mechanism and thus enhanced trust and reduced misgivings.<sup>12</sup> In addition, China also adopted a series of Asia-Pacific security cooperation in the second track of diplomacy, including “Asia-Pacific Security Cooperation Council”, “Northeast Asia Cooperation Dialogue” “Asia-Pacific security round table”, etc. These greatly enhanced mutual trust and understanding between China and neighboring nations.<sup>13</sup>

Fourthly, China has been active in promoting “track-two” diplomacy to discuss the South China Sea issue. The moment the Cold War ended, China and neighboring countries in the South China Sea held a series of international seminars to specifically discuss South China Sea issue, among which the most significant issue is “dealing with the potential conflict concerning South China Sea”. In the seminars, Chinese scholars and officials clearly and honestly communicated with other participants and clarified China’s

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<sup>11</sup> Yang Fuchang, ed., *Contemporary China and Its Foreign Policy*, Beijing: World Affairs Press, 2003, pp, 180-188.

<sup>12</sup> Su Hao, *From Dumbbell Structure to Oliver Community: Cooperative Security in the Asia-Pacific Region*, World Affairs Press, 2003.

<sup>13</sup> Li Hu, “*Second Track in the multilateral security cooperation in Asia Pacific Region*”, (Overseas Young Chinese Forum ) Perspectives, vol. 1, no. 3,

[http://www.oycf.org/Perspectives/Chinese/Chinese\\_3\\_09302001/LiHu.htm](http://www.oycf.org/Perspectives/Chinese/Chinese_3_09302001/LiHu.htm).

real desire and sincere efforts to preserve peace and stability of South China Sea.<sup>14</sup> Especially at the beginning of this century China and ASEAN countries discussed on how to regulate the relevant parties' actions in the South China Sea and in the year 2002 they signed "*Declaration on the Code of Parties in the South China Sea*". China and ASEAN countries agreed to make commitment to preserve peace and stability of the South China Sea.<sup>15</sup>

With joint efforts of China and other East Asian countries, though there are complicated disputes concerning the belonging of islands, continental shelves and sea, for all these years there have not been any confrontation and military conflicts among countries. By contrast, East Asian countries have preserved good relations to establish the healthy foundation for the unification of East Asia.<sup>16</sup> The South China Sea locates in the core position of East Asia, connecting two sub-regions—Northeast Asia and Southeast Asia—from South to North to play a geographical key supporting role in the process of East Asian cooperation.

Under the concept of open regionalism, since mid and late 1990s, East Asian countries began to actively promote regional cooperation in East Asia. In 1997, "10+3" leaders informal meeting was held to mark the process of regional integration in East Asia. Currently, the East Asian countries have constructed a multi-level framework for regional cooperation, including the highest level mechanisms of the country leaders, such as "10+3" summit, the three "10+1" summit, the Ministerial meetings of the regional countries in specific areas, Senior officials (deputy ministers) meeting, the Director-General meeting of the working level, a series of track-two diplomatic policy research and communication networks. In November 2004, "10+3" summit made it clear to establish East Asian Community as the long-term objective of regional cooperation.

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<sup>14</sup> Zhang Liangfu, "Review on the Informal Conferences on 'Settle the Potential Conflict in the South China Sea'", *International Politics Quarterly*, 1995, p.1.

<sup>15</sup> "Declaration on the Conduct of Parties in the South China Sea", <http://www.aseansec.org/13163.htm>.

<sup>16</sup> Su Hao, "Nature of East Asian Regionalism: A Chinese Perspective" in Zhang Yun-ling, ed., *East Asian Regionalism: Trend and Response*, Beijing: World Affairs Press, 2005, pp. 43-48.

At the end of 2005, 10+3 member countries plus Australia, New Zealand, and India launched the 10+3+3 cooperation mechanism. “10+6” is based on “East Asia Summit, parallel to “10+3,” another East Asian cooperation mechanism. East Asia Summit, as an important sign of East Asian regional cooperation mechanism, plays a role of promoting communication, coordination and cooperation with other East Asian countries. During the sixth East Asia Summit, U.S. Secretary of State Hillary Clinton and Russian Foreign Minister Sergei Lavrov, under the invitation of Vietnamese Prime Minister Nguyen Tan Dung, participated as special guests. The meeting decided to invite the United States and Russia to join the East Asia Summit from 2011. With the participation of the United States and Russia, the importance of the East Asia Summit will be further enhanced.

Among East Asia cooperation, the most effective is the cooperation mechanism between East Asia’s “10+1” and China, Japan and Korea respectively, and the cooperation between ASEAN and China is one of the smoothest and most abundant results of the framework. Since 1997, from the start of “10+1”, the relations between China and ASEAN countries have developed rapidly. In a few years the relations have come to a very mature level. On December 16, 1997, for the first time ASEAN-China Leaders Meeting was held in Kuala Lumpur, Malaysia, and China and ASEAN established a “21st-century good-neighborly partnership of bilateral trust.” On November 4, 2002, on the Sixth ASEAN-China Summit, the two sides signed the “China-ASEAN Framework Agreement on Comprehensive Economic Cooperation” so as to build China-ASEAN Free Trade Area by 2010. In October 2003 at the 7th meeting of ASEAN and Chinese leaders, the Chinese government announced to join the “Southeast Asia Treaty of Friendship and Cooperation”, being the first power outside the region to join the treaty. Meanwhile China and ASEAN also signed the “China-ASEAN Joint Declaration on Strategic Partnership”, which is the international arena’s first national and sub-regional organization to establish strategic partnerships. In January 2007 at the 10<sup>th</sup> China-ASEAN Summit, China and ASEAN signed a free trade zone “Agreement on Trade in

Services.” On August 15, 2009, the China-ASEAN Free Trade Area investment agreement was signed at the 8<sup>th</sup> China-ASEAN Economic and Trade Ministers Meeting. January 1, 2010 witnessed establishment of the China-ASEAN Free Trade Area. Through the offshore platform of the South China Sea, China and ASEAN have built a very mature bilateral relationship, and the communication and cooperation between the two sides have been further developed in political, economic, security, cultural cooperation and other exchanges.

In addition, ASEAN’s self-construction can not be ignored. ASEAN has determined to build the fully completed body with political/ security community, economic community and social/ cultural community to form the “ASEAN Community” in 2015. China took the positive and supportive attitude to this grand objective. In all, in East Asia “open regionalism” concept, the pace of progress of regional integration in East Asia is very fast: it has formed a multi-level and broad, complex network structure including the ASEAN and China, Japan and Korea respectively, “10+1”, “10+3 “, “10+6” and East Asian Summit. These types of mechanisms are interrelated and interacted as a whole, constituting the general framework of regional cooperation in East Asia. In this framework, the South China Sea plays a central role in connecting the geographic platform. It should be said that without the preservation of peace and stability of the South China Sea, the East Asian regional cooperation cannot be carried out.

### **The South China Sea Cooperation in the East Asian Regional Integration**

The development of East Asian Regional Integration is closely related to the stability of its regional situation. With China’s advocating the policy of “shelving differences and seeking joint development”, peace and stability has been maintained in the South China Sea, an area which was thought to be prone to conflicts. Countries within the region reached consensus on the issue of peaceful exploitation of the South China Sea resources, which creates favorable regional environment for East Asia Regional Integration. Countries within the region started a series of cooperation.

### ***Maintenance of Peace and Stability in the South China Sea***

The issues of the South China Sea are a series of disputes which exist among China and other maritime neighboring countries. Since the sovereign disputes are difficult to be solved in a short time, China proposed the policy of “shelving differences and seeking joint development”, so as to maintain a long term peace and stability in South China Sea area. China’s proposal has received understandings and recognition from concerning countries. Since 1995, ASEAN countries and China started to incubate a set of code of conduct in the South China Sea, which was based on *The Treaty of Amity and Cooperation in Southeast Asia* and the consensus of common interests and principles of action. In August 1995, the Sino-Philippines Joint Declaration of cooperation in South China Sea and other fields agreed to the eight principles concerning the code of conduct in disputes. In 1999, China approved to hold talks with ASEAN countries over the issue of maintaining peace and stability in the South China Sea and started consultation in the next year. Although there had been differences in both sides’ understanding, consensus was quickly made afterwards.

In July 2002, in the 35<sup>th</sup> ASEAN Foreign Ministers’ Meeting held in Bandar Seri Begawan, Brunei Darussalam, ASEAN countries indicated, “The code of conduct in South China Sea will further promote peace and stability in this area, and it is concurred to draw up *Declaration on the code of conduct on the South China Sea*.<sup>17</sup> At this point, in order to pass the declaration, we agree to establish close cooperation with China. “ Leaders from ASEAN countries and China signed *Declaration on the code of conduct on the South China Sea* in the 8<sup>th</sup> ASEAN Summit Meeting in November, 2002. The declaration acknowledged that China and ASEAN are committed to enhancing good neighborly partnership of mutual trust, and to maintain peace and stability in the South China Sea. The declaration emphasized on resolving the South China Sea disputes through peaceful means, friendly coordination and negotiation. Before the disputes are

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<sup>17</sup> Nguyen Hong Thao, *The 2002 Declaration on the Conduct of Parties in the South China Sea : A Note, Ocean Development & International Law*, vol. 34, no. 3 - 4, 2003, pp. 280 - 281.

solved, all the parties are committed to exercise self-restraint, not to take actions which would complex or amplify the disputes, and to try to establish approaches of mutual trust under the spirit of cooperation and understanding, including the cooperation of marine environmental protection, searching and rescue, combating transnational crimes.<sup>18</sup> The declaration was the first political document between China and ASEAN on the issue of the South China Sea. It is important and positive in protecting China's sovereign rights and interests, in maintaining peace and stability in the South China Sea area, and in promoting mutual trust between China and ASEAN. So far, China and other neighboring countries in the South China Sea area still regard this declaration as the fundamental document in maintaining peace and stability of the South China Sea.

### ***Joint Exploration of Resources in the South China Sea***

Although there exists territorial disputes in South China Sea, China, the Philippines, Vietnam, Malaysia, and Brunei have worked together on developing resources in this area. In September 2004, when the president of the Philippines Arroyo was on her visit to China, leaders of the two countries have reached consensus on “intensifying coordination and communication, jointly developing resources in South China Sea through peaceful means”, and signed an agreement on exploring resources in this area together. Also in September 2004, Bolkiah, the Sultan of Brunei visited China and signed an agreement on petrol and natural gas exploration cooperation, expressing the candid desire to reinforce cooperation with China on developing South China Sea. In October 2004, Chinese Premier paid a visit to Vietnam, putting forward an active proposal to “strengthen cooperation on South China Sea from a broader scope, transforming this tumultuous sea into a peaceful, stable, cooperative one”, which resulted in Vietnam's positive response. Vietnam expressed its wishes to accelerate cooperation on South China Sea and speed up the process of the land border demarcation. Shortly

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<sup>18</sup>“Declaration on the Conduct of Parties in the South China Sea”, <http://www.aseansec.org/13163.htm>.

after, in December, the two sides initiated the negotiation on jointly developing South China Sea.

On March 14th, 2005, China, the Philippines and Vietnam signed the historical document” Tripartite Agreement for Joint Marine Seismic Exploration Agreement”. This agreement stipulates that the Philippines State Petrol company, CNOOC and Vietnam oil & gas company will concentrate their resources to cooperate together, deal with the two-dimensional seismic wave, and collect quantitative two-dimensional and three-dimensional seismic data in areas mentioned in the agreement, which amounts to over 140 thousand square kilometers.

This tripartite agreement was of crucial historical significance, which marked the new breakthrough on the proposal of “shelving disputes and seeking joint development”. It was also the implementation of the South China Sea Declaration on Conduct of Parties, whose measures helped transform this tumultuous sea into a peaceful, stable, cooperative one. The tripartite agreement proved the feasibility of joint exploration in the South China Sea, paving way for the future common development. After this, all sides launched cooperation on jointly utilizing South China Sea’s resources. For example, on January 12th, 2008, the Philippines Speaker of the House and Chinese Premier Wen held talks in Beijing and signed an agreement to establish common fishing area, which did not exclude other nations that claim respective rights on the South China Sea.

### ***Pan-Beibu Gulf Economic Cooperation***

Pan-Beibu Gulf economic cooperation is a vital part of economical cooperation among nations surrounding the South China Sea. The plan of Pan-Beibu Gulf cooperation to be discussed encompasses Vietnam, Malaysia, Singapore, Indonesia, Brunei and the Philippines. As most of these nations are parties involved in the South China Sea issues, from a geo-political and geo-economical perspective, the realization of this plan will turn South China Sea into “an inner lake” of this regional economic cooperative zone, which would have a great impact on this area’s political and security situation. This plan’s joint programs comprised joint exploration on oil and mineral resources, maritime traffic,

tourism and offshore environmental protection and so on, which directly points to the sovereignty and territorial disputes of the South China Sea.

Pan-Beibu Gulf economic cooperation, first launched by the Guangxi Government, has made some progress. The first-stage scheme covered Guangxi, Guangdong, Hainan and Vietnam. Ever since the middle of 2006, Guangxi has expanded this cooperation regime to cover the whole Southwestern and Southeastern parts of China, the Philippines, Vietnam, Malaysia, Brunei, Singapore, and Indonesia. On the basis of the Pan-Beibu Gulf economic cooperative zone, Guangxi proposed the “One Axis and Two Wings” economic cooperative structure, which includes EMS, on-land economic cooperation (Nanning-Singapore Passage) and Pan-Beibu Gulf maritime economic cooperation.

Pan-Beibu Gulf economic cooperation has received the nod of ASEAN nations in principle. As scholars indicate that “the emergence of Pan-Beibu Gulf economic cooperation will help sustain the China-ASEAN dialogue and promote their cooperation on marine affairs, which also could act as the platform of exchanges and cooperation of all sides concerning South China Sea”.<sup>19</sup> The regional economic integration and greater interdependence among relevant sides greatly enhance the relationship between China and ASEAN countries, foster mutual trust of security issues between both sides, which is conducive to the relief of tensions on the South China Sea issues.

### ***Non-traditional Security Cooperation***

South China Sea is one of the busiest sea lanes in the world. Because of the busy shipping by sea and the rapid development of surrounding countries, the environmental pollution in the region is getting serious with each passing day. More importantly, the countries surrounding the South China Sea face a number of non-traditional security threats, such as transnational crimes (piracy, smuggling and illegal immigration), terrorism, marine ecological damage and so forth. To this end, the joint response to non-

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<sup>19</sup> Chen Shanzhe, “Pan-Beibu Gulf: The New Strategic Plan Between China and ASEAN”, *21<sup>st</sup> Century Business Herald*, 28 July, 2006, p.4.

traditional security issues becomes the general consensus among the countries in the region. According to “*the Declaration on the Conduct of Parties in the South China Sea*”, the signatory countries stressed that the Parties concerned may explore or undertake cooperative activities as follows pending a comprehensive and durable settlement of the disputes: (1) Maritime environmental protection; (2) Maritime scientific research; (3) Safety of navigation and communication at sea; (4) Search and rescue operation; and (5) Combating transnational crimes, including but not limited to trafficking in illicit drugs, piracy and armed robbery at sea, and armed illegal traffic.<sup>20</sup> Non-traditional security cooperation has become an important part of regional cooperation in East Asia.

Take piracy as an example. According to the latest information issued by Piracy Reporting Centre of International Maritime Bureau, the figure of pirate attacks has tripled to more than 30 only from January to September in South China Sea, with 21 times as successful boarding attack. Therefore, the media has named South China Sea as the “new heaven of pirates”. There exists a variety of reasons for the rampant piracy in South China Sea; one important reason is the ownership disputes in many sea areas, which are devoid of effective supervision. Besides, the cross-border crimes committed by the pirates increased the complexity of problem-solving. As close neighbors, China and ASEAN countries share common interests in fighting against piracy. China has worked closely with the Philippines, Malaysia and Vietnam in combating piracy since January 1999. In 2002, “*the Joint Declaration on the Cooperation of Non-Traditional Security*” was released by China and ASEAN countries, which indicates that it is necessary to strengthen regional and international cooperation, for non-traditional security issues such as piracy, terrorism and others have become increasingly prominent, and caused great challenges to the international and regional security. In November 2004, 16 countries including the 10 ASEAN countries, China, Japan, and South Korea jointly drafted “*Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia - ReCAAP*”, which can be regarded as an important step in jointly fighting against

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<sup>20</sup> “Declaration on the Conduct of Parties in the South China Sea”, <http://www.aseansec.org/13163.htm>.

piracy.<sup>21</sup> The concerned countries will strengthen cooperation in joint response to non-traditional security issues in East Asia in the future, which will be conducive to enhancing mutual trust among countries in the region and lay the foundation for the peaceful settlement of the South China Sea issues.

There is another important content in non-traditional security cooperation in the South China Sea, that is, the cooperation in fighting against natural disasters. The climate is very complex in the South China Sea, where frequent tropical storms are widespread and tides remain diverse. It is a big threat for maritime shipping, resource development and fishing activities. To this end, climate information sharing, early warning and disaster-prevention cooperation would be extremely important among the countries surrounding the South China Sea. China Meteorological Bureau works with Vietnam and other countries on joint meteorological forecasting, meteorological information exchange, educational training, and scientific research of close areas, weather identification technology, business management organization, forecasting, evaluation, and monitoring for Asian climate.<sup>22</sup> More importantly, China has provided important assistance for the countries surrounding the South China Sea and international shipping through the South China Sea on maritime search and rescue. When tropical storm occurred in the sea, China's maritime rescue team provided direct help to the vessels in distress from Vietnam, the Philippines and other countries, saving many lives of the crew in distress. On May 19, 2006, the South China Sea Rescue Bureau of the Ministry of Transport of China successfully rescued 15 Vietnamese fishing boats and 330 Vietnamese fishermen in Dongsha water area.<sup>23</sup> Considering China's great technology and the advantages of sea

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<sup>21</sup> Joshua Ho, "Combating Piracy and Armed Robbery in Asia: Boosting ReCAAP's Role", *RSIS Commentaries*, 23 June, 2008.

<sup>22</sup> "China working with Vietnam to Strengthen Cooperation in Perilous Weather Forecasting", [www.dpdmc.com/shownews.asp?news\\_id=2074](http://www.dpdmc.com/shownews.asp?news_id=2074) 2010-10-17.

<sup>23</sup> "The Largest International Maritime Rescue Operations Successfully Rescued 330 Vietnamese Fishermen", *people's daily*, 22 May, 2006, p.5.

power among the countries surrounding the South China Sea, China contributes crucially to maritime security of the South China Sea.

### ***Cooperation in Marine Environmental Protection***

The South China Sea environmental protection is an important area of multilateral cooperation among countries. Ever since the beginning of the 21st century, the 7 countries of China, Vietnam, Cambodia, Thailand, Malaysia, Indonesia, and Philippines, countries surrounding the South China Sea, launched an important initiative on South China Sea environmental protection. In 2002, the UNEP formally put into place the project of “Reversing the Environmental Degradation Trend in South China Sea and Thailand Bay”, or shortened as the South China Sea Project. The project involves the participation of the above-mentioned 7 countries and works on areas concerning the 6 fields of red trees, coral reef, seaweed, wet land, fishery resources and land-sourced pollution control. The aim is to effectively protect biodiversity and maintain marine sustainable development.<sup>24</sup> By now, the project has effectively improved the bio-environment of the South China Sea. China is a member of the Regional Marine Action Plan, the East Asian Marine Action Plan, and the Northwest Pacific Action Plan. Under the framework of East Asian Marine Action Plan, China participates in four areas of cooperation under the South China Sea Project except the coral reef and the fishery resource work groups. China’s effective territorial and marine governance over the South China Sea has gained applause from UN program officers. South China Sea, a marine area shared by China and other Southeast Asian nations, is our common marine homeland for survival and development, and is an important shipping channel. Therefore, we all have the responsibility and obligation to protect the marine environment and contribute to a sustainable marine economy.

The deep cooperation between China and countries surrounding the South China Sea, ensured the absence of conflict and confrontation in South China Sea since the end

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<sup>24</sup> “China Officially Launched the Project of Multilateral Cooperation on Environmental Protection in the South China Sea”, <http://finance.sina.com.cn/b/20020529/214038.html>

of the Cold War. A peaceful and stable marine platform has been built up to ensure free navigation on this piece of sea. This brings benefits to neighboring countries by providing a peaceful environment for economic development and enables the normal marine trade activities of Northeast Asian countries such as Japan, South Korea, and Russia. Moreover, countries in North America, Europe and South Pacific are also using this sea area for economic trade and exchanges with East Asian countries. It is, therefore, fair to say that China and ASEAN countries are building on this South China Sea platform to construct a series of bilateral and multilateral arrangements and to promote East Asian regional cooperation on the basis of mutual benefits and win-win results. South China Sea is the geographical center of this regional arrangement that benefits East Asian countries and East Asia as a whole.

### **Problems and Prospects: the South China Sea and the Future Cooperation in East Asia**

In the past year, there have been various disputes and clashes in South China Sea, which were overstated by the western media as chaotic tensions. It seemed as if the countries surrounding the South China Sea have been confronting with each other and are on the verge of conflicts. Actually, in essence, the friendly cooperation among those countries is still developing, and the East Asian regional cooperation is continuing, therefore peace and stability surrounding the South China Sea have never changed.

There are three variables that might lead to changes in the South China Sea.

Firstly, the intrusion of the US. In the past year, the US attempted to intervene in the affairs of South China Sea. The US has made military close-up reconnaissance in this area,<sup>25</sup> and made frequent military maneuvers with countries surrounding South China

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<sup>25</sup> The Chinese government considered it illegal of the U.S. military ocean surveillance ship to measure in the Chinese EEZ without the permission of Chinese government. It violates the principles of *NUCLOS*, *Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China* and *Provisions of the People's Republic of China on the Administration of Foreign-related Maritime Scientific Research*.

Sea. It officially announced that the US would pay close attention to South China Sea, and even regarded the navigation freedom in South China Sea of great concern to the US national interest.<sup>26</sup>

Secondly, the application and registration of outer continental shelf in the United Nations. Since the UN required all countries in the world to apply for outer continental shelf in 2009, all the coastal countries in East Asia have submitted their applications according to their own needs, which left some conflicts into the open.

Thirdly, new activities of some countries in South China Sea. Under the current complicated circumstance, some countries attempted to pass domestic laws to support their claims on some islands and sea areas in South China Sea, and some others declared their sovereignty over the islands they occupied.

The latter two are merely the embodiment of traditional propositions of the surrounding countries, and will not shatter the essence of peace and stability in the South China Sea, while the first factor has caused considerable uncertainty to this area.

Nevertheless, although some changes have happened in the South China Sea, the situation is still controllable and direct confrontations between countries are not likely to take place, let alone military conflicts or wars. The future prospects of the South China Sea are closely related to East Asian integration. It is the common goal of all nations to enhance cooperation in issues of the South China Sea by means of peaceful and friendly negotiation. As for the peaceful solution to the South China Sea issues, it requires the countries concerned to take East Asian regional cooperative integration into consideration, strive gradually and step by step, and ultimately realize coordination and cooperation in all maritime affairs in South China Sea. The author holds that we could make joint efforts in the following aspects.

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<sup>26</sup> Su Hao, "Trouble Maker or Security Seeker in the South China Sea?", *People's Daily*, 20 August, 2010, p.3.

Firstly, we should find better ways to collaborate exploration of the South China Sea resources on a bilateral and multilateral basis. *South China Sea area in the Tripartite Agreement for Joint Marine Seismic Undertaking Accord of China, Vietnam and Philippines* is such a case in point proving China's policy of "collaborate exploration of the South China Sea" being feasible, therefore worth of being practiced in other South China Sea countries.<sup>27</sup> With all the South China Sea countries enjoying good diplomatic relations with each other, their leaders having developed dear personal friendship in the regionalization process and the effective functioning of different branches of their governments, more bilateral and multilateral coordination and cooperation could be done in a more comprehensive manner. Some countries have clearly shown this attitude recently. Philippine President Benigno Aquino III also said that he would further implement the *Tripartite Agreement for Joint Marine Seismic Undertaking Accord* and help promote the tripartite cooperation. In the collaborative exploration process, the South China Sea countries could enhance mutual understanding and trust and create a good aroma for further co-development and co-exploration of this area.

Secondly, we should further implement *Declaration on the Code of Conduct on the South China Sea (DOC)*, which is a reflection of the consensus of resolving conflicts in a peaceful manner of all parties. It is also in accordance with the "five principles of peaceful co-existence" and other international conventions as the *UN Charter*, the *United Nations Convention on the Law of the Sea* and the *Treaty of Amity and Cooperation in Southeast Asia*. When DOC was signed, Joint Working Group on the South China Sea of China and other ASEAN countries began to discuss how to put DOC in to actual practice to maintain peace in the South China Sea area. With peace being guaranteed and maintained, China will make further cooperation on institutionalization of South China Sea co-development with other countries.

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<sup>27</sup> "Philippines, China, Vietnam to conduct joint marine seismic research in South China Sea", [http://english.peopledaily.com.cn/200503/15/eng20050315\\_176845.html](http://english.peopledaily.com.cn/200503/15/eng20050315_176845.html).

Thirdly, we should maintain the South China Sea as an area of peaceful cooperation other than military confrontation. One important sign of being peaceful is free navigation. After the Cold War, with more than 40,000 ships annually, and one third of total volume of world marine shipping passed, twice of that of Suez Canal and three times of Panama Canal, the South China Sea route has become one of the busiest marine route in the world, which enormously facilitates the trade exchange and people traveling between East Asian countries and other countries.<sup>28</sup> Moreover, the military ships of different countries also came in and out for sham battles. All these activities have been and are being going on in good order with no interference or interruption. However, according to the international law and consensus of the international community, any hostile military activity targeted to a coastline country in its EEZ will be regarded as offensive to that country and breaking of the free navigation principle ensured by the international law, and should be condemned and punished. Therefore, countries surrounding the South China Sea and other concerning countries should discuss and take effective measures to maintain peaceful, non-partisan and cooperative status of the free navigation of the South China Sea.

Fourthly, we should bolster non-traditional security cooperation. With frequent occurrence of pirates, cross-national crimes, to further non-conventional security cooperation among countries and regions has become a common consensus. At the “ADMM+” held this October, all countries committed further cooperation with eight dialogue partners in the five priority programs of maritime security, disaster emergency help, military medical care, and counter-terrorism and humanitarian aid.<sup>29</sup> Maintenance of peace and security of the South China Sea area and the free navigation of its marine route can only be achieved by further regional and international cooperation.

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<sup>28</sup> Liu Feitao, “No Freedom of Navigation in the South China Sea?”, *Global Times*, 8 November, 2010, p. 14.

<sup>29</sup> Tan Seng Chye, “ADMM + 8: Adding Flesh to a New Regional Architecture:”, *RSIS Commentaries*, No. 131/2010 dated 15 October 2010; Yang Razali Kassim, “ADMM Plus New Twists to Old Security Issues”, *RSIS Commentaries*, No. 133/2010 dated 19 October 2010.

Fifthly, we should promote the economic cooperation between China and ASEAN countries to further advance the East Asian integration process smoothly. Regional economic integration and the increasing interdependence among East Asian countries have been playing a positive role in improving the security relationship between China and ASEAN countries. On the other hand, the decrease of security problems could boost the development of regional economic integration. After the launching of the China-ASEAN Free Trade Area early this year, the interdependence between China and ASEAN countries has further developed. In the future, cooperation between China and ASEAN will be closer and elevated to a new height, which will positively ease the tensions in the South China Sea. China, Japan, South Korea and other Northeast Asian countries are the main countries that use sea-lanes in the South China Sea. Therefore, it is the seaway that closely connects Northeast Asia and Southeast Asia. Comparing with the deepening of East Asian regional cooperation and expanding the mechanism for mutual benefit and win-win progress, the current territorial disputes are posing less important. Countries in Northeast Asia and Southeast Asia should take account of the overall situation and pursue the long-term interests, settle the territorial disputes through cooperation. In order to realize the energy security and keep the goods traffic flowing, Northeast Asia countries could provide substantial support to the construction and maintenance of sea-lanes in the South China Sea, such as supplying fund and technology to maintain the security of sea-lanes in the Malacca Straits.

Sixthly, countries outside the region should respect the well-accepted norms governing the marine management among East Asian countries, actively and constructively participate in the East Asian regional cooperation. Countries outside East Asia are deeply connected with countries in East Asia region in terms of politics, security and economy. East Asia countries, including China, vigorously welcome them to the region, and agree to develop positive economic cooperation and healthy military exchanges bilaterally and multilaterally. Consequently, those countries should take practical actions to promote the East Asian regional cooperation process, instead of

instigating contradictions between China and countries surrounding the South China Sea for the purpose of breaking the relationship among East Asian countries. The East Asian countries oppose to such kind of negative and hostile intrusion. Some big powers outside the region have not signed the *United Nations Convention on the Law of the Sea* yet.<sup>30</sup> They recognize that “EEZ should be considered as part of high seas”, therefore they could enjoy the absolute Freedom of Navigation, which denies the innocent passage in EEZ and the navigation restrictions among islands imposed by archipelagic states. Thus, the major powers outside the region should accept the norms of the *United Nations Convention on the Law of the Sea*, respect the reasonable rights of archipelagic states on their waters, and coordinate with countries surrounding the South China Sea to maintain peace and stability in the region.

Recently, a very famous Chinese newspaper on current events—*Global Times* conducted an opinion poll in 7 representative big cities in China. Concerning the question “*What do you think is China’s main goal in the future 10 to 20 years?*”, most Chinese choose “The acceleration of economic development and the construction of modern power” rather than “Response to island disputes and the protection of maritime territory.”<sup>31</sup> This is the public opinion in China, as well as the public desire in countries surrounding the South China Sea. If the above-mentioned cooperation could be actively conducted, and the relevant countries actually shoulder the responsibility of safeguarding peace and stability in the South China Sea, an effective platform would be built up for the development of East Asian regional cooperation and construction of East Asian Community.

### **Conclusion**

Since modern times, the East Asian nations had suffered from the aggression and domination from Western colonialist and imperialist by way of sea for ages, resulting in

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<sup>30</sup> David Joseph Attard, *The Exclusive Zone in International Law*, Oxford University Press, 1987, p.83.

<sup>31</sup> “Opinion Poll on Island Disputes in 7 Representative Big Cities in China”, *Global Times*, 8 November, 2010, p.1.

humiliated and enslaved “East Asian tragedy”. Even to this day, Western countries have been attempting to pursue the dominance over East Asian waters and the behavioral pattern and mode of thinking of the Western power politics still exert negative influence on East Asia. The specter of “East Asian tragedy” is still haunting East Asia. Through proposal and action on South China Sea issue, currently some big countries outside the region seem to attempt to provoke us by using the conflict between the East Asian nations and tear the East Asian region apart to achieve its aim to dominate the fate of East Asia. We should urge these countries to restrain the “imperial impulse” and we hope they will become the constructive participant in the process of regional cooperation in East Asia rather than the troublemakers messing up the regional peace. The launch of the East Asian regional cooperation in East Asia aims to unite our East Asia as a whole and thus get out of the shadow of the divided “East Asian tragedy” caused by the west.

The process of regional cooperation in East Asia has linked all the East Asian countries together including the countries surrounding the South China Sea, all of which are the important members under the framework of regional cooperation. Although there still exist some disputes in the South China Sea, they did not affect the friendly cooperation between them in the past. At present, there exist the common aspiration of safeguarding peace and prosperity among the countries surrounding the South China Sea, and the cooperation concerning economy, security and so forth, as well as the mutual benefit and friendly multi-layer cooperation framework in the form of bilateral or multilateral cooperation. They will continue to keep the South China Sea as a platform to support the regional integration in East Asia and even to promote peace and development in the entire Pacific region. It is hoped that the countries surrounding the South China Sea, East Asian countries and countries outside the region will work together to turn the South China Sea into a peaceful sea, a communicative sea as well as being a sea to advance common development through the promotion of East Asian integration process, with rising seawater of regional cooperation in East Asia overwhelming the disputed reefs in the South China Sea.

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