

JIIA-CSIS Joint Open Seminar on Freedom of Navigation and Maritime Capacity Building

March 2016



公益財団法人 日本国際問題研究所
The Japan Institute of International Affairs

**JIIA-CSIS Joint Open Seminar on Freedom of
Navigation and Maritime Capacity Building**

March 2016

Preface

In partnership with the Center for Strategic and International Studies (CSIS) of Indonesia, the Japan Institute of International Affairs (JIIA) hosted a half-day seminar on the security challenges in Asian seas in Jakarta in March 2016.

Asia's dynamism and economic prosperity rely heavily on unimpeded access to the seas, but different understandings and perceptions of freedom of navigation among states pose a great challenge for regional security. Another challenge to regional maritime security is the different capacities and capabilities among regional states to implement the rights and obligations defined by the United Nations Convention on the Law of the Sea. The panelists in this seminar discussed how states can narrow the gap in understanding the freedom of navigation and jointly develop the capacity for maritime domain awareness.

This report consists of a summary of discussions among leading experts from Japan, the US, Vietnam, the Philippines, Australia, and India, and a collection of essays contributed by those panelists. I hope this report helps readers deepen their understanding of the maritime security challenges in Asian waters.

March 2016

Yoshiji NOGAMI
President
The Japan Institute of International Affairs

Contents

◆Program	
◆Summary.....	1
Opening Remarks	
Philips J. Vermonte (Executive Director, Centre for Strategic and International Studies (CSIS)).....	1
Shingo Yamagami (Acting Director-General, The Japan Institute of International Affairs (JIIA)).....	1
Keynote Speech	
Jusuf Wanandi (Vice Chair, Board of Trustees, CSIS Foundation).....	1
Discussion.....	3
Session One: Securing Freedom of Navigation in Asian Waters.....	4
Discussion.....	8
Session Two: Maritime Domain Awareness and Capacity Building	10
Discussion.....	15
Closing Remarks	17
◆Essay	18
Tetsuo Kotani	18
Raul “Pete” Pedrozo.....	21
Christopher B. Roberts.....	24
Rahul Mishra.....	29
Catherine Panaguiton	33
Ha Anh Tuan	37
Hideshi Tokuchi	41
John F. Bradford and Gregory R. Adams	46

Program

JIIA-CSIS Joint Open Seminar on Freedom of Navigation and Maritime Capacity Building

29 March 2016
CSIS Auditorium, Jakarta, Indonesia

13:00 **Opening Remarks**

Dr. Philips J. Vermonte, Executive Director, Centre for Strategic and International Studies

Ambassador Shingo Yamagami, Acting Director - General, The Japan Institute of International Affairs

13:40 **Keynote Speech**

Speaker: **Mr. Jusuf Wanandi**, Vice Chair, Board of Trustees, CSIS Foundation

14:10 **Session 1: Securing Freedom of Navigation in Asian Waters**

This session discusses legal/military/strategic challenges to freedom of navigation in Asian waters and provides prospects for regional cooperation

Speakers: **Dr. Tetsuo Kotani**, Senior Research Fellow, The Japan Institute of International Affairs

Dr. Christopher Roberts, Associate Professor and Director of Executive Education, the Australian Defence Force Academy, UNSW, Australia

Dr. Rahul Mishra, Senior Fellow, Indian Council of World Affairs

Discussant: **Dr. Kuik Cheng-Chwee**, Associate Professor, Strategic Studies and International Relations Programme, National University of Malaysia

Moderator: **Dr. Shafiah Muhibat**, Senior Researcher, Centre for Strategic and International Studies

15:40 Break

16:00 **Session 2: Maritime Domain Awareness and Capacity Building**

Speakers from littoral and user states discuss the needs for maritime domain awareness and capacity building to establish open and stable seas in Asia.

Speakers: **Ms. Catherine Panaguiton**, College of Law, University of the Philippines Diliman

Dr. Ha Anh Tuan, Director, Center for Policy Analysis, Institute for South China Sea Studies, Diplomatic Academy of Vietnam

Mr. Hideshi Tokuchi, Former Vice Minister of Defence for International Affairs, and Senior Fellow, National Graduate Institute for Policy Studies (GRIPS), Japan

Commander Gregory Adams, N7 Theater Security Cooperation, United States 7th Fleet, Task Force 73

Discussant: **Dr. Collin Koh Swee Lean**, Associate Research Fellow, Maritime Security Programme, S.Rajaratnam School of International Studies, Singapore

Moderator: **Ambassador Shingo Yamagami**, Acting Director - General, The Japan Institute of International Affairs

17:30 **Closing Remarks**

Ambassador Shingo Yamagami, Acting Director - General, The Japan Institute of International Affairs

Summary

Opening Remarks

Philips J. Vermonte (Executive Director, Centre for Strategic and International Studies (CSIS)):

The issue of the South China Sea (SCS) is our main subject of discussion today. Similar to our governments, CSIS tries to take a balanced approach to the problem. We are non-claimants to the SCS and have been engaging with many different stakeholders from all over the region, including China. As think tanks, it is our duty to promote rational discussion towards achieving at least a short-term solution, if not also a long-term solution. Our aim is to not escalate the situation and to minimize the tension in the SCS. Discussing freedom of navigation (FON) and the development of maritime capability go hand-in-hand with our objectives.

Shingo Yamagami (Acting Director-General, The Japan Institute of International Affairs (JIIA)):

This seminar is timely for two reasons. First, Asian waters, including the SCS and the East China Sea (ECS), are not necessarily calm. Second, we are expecting to see the ruling of the international arbitration court between the Philippines and China soon.

I would also like to pose a few questions as food for thought. First, what is at stake? While the issues in the SCS certainly include bilateral territorial claims, there is a broader issue, which is what kind of regional order we wish to see in Asia. Is this an order in which disputes are resolved in a peaceful manner, or one in which might is right? Second, have the efforts to halt massive reclamation and militarization of features in the SCS been successful? If not, what goals should we aim for? Third, what is needed of coastal states in the region, and what can non-Association of Southeast Asian Nations (ASEAN) countries do to help them?

Keynote Speech

Jusuf Wanandi (Vice Chair, Board of Trustees, CSIS Foundation):

The main problem in the region is not between ASEAN and China, it is rather the United States and China. The problem of militarization is only in the hands of these two

superpowers. There have been clashes between Chinese and Indonesian ships in the SCS. However, Indonesia should not over-react. Such clashes are natural in a region where the rule-based order has not been completely established. Over-reactions only make the situation worse.

Given that the problem of militarization is in the hands of the United States and China, they should first solve this problem themselves. The critical issue is the presence of the United States in the SCS and what that entails in relation to the United Nations Convention on the Law of the Sea (UNCLOS). The basic problem for China is that supposed spy ships are entering their exclusive economic zone (EEZ). There is no adequately clear provision in UNCLOS to address this. China and the United States need to come to some sort of agreement on this issue. Otherwise, it will remain a bone of contention. Whatever coast guard fleet ASEAN countries have pales in comparison to the capabilities of the two superpowers.

Of course, China-ASEAN relations are also at stake. The ASEAN consensus is to not deal with claims and counter claims. That is a matter for individual member countries. ASEAN is aiming to jointly establish a regional order that maintains peace and stability, which have been essential for Asia's rise as an economic power in recent decades. If they are compromised, not only Asia, but also the world economy will be affected. I believe this is an outcome that no one, not even the Chinese, wants.

That being said, peace and stability can be overridden by matters of strategic importance. However, we are not yet facing such a situation. ASEAN is trying to lay down a rule-based system together with China. In doing so, we must also work together with Japan and the United States. To that end, ASEAN has been holding bilateral talks with China over the last two years. However, nothing of significance has been decided upon.

CSIS is therefore trying to establish the support of at least the ASEAN and Chinese think tanks in order to accelerate this negotiation process, the implementation of the Declaration on the Conduct of Parties (DOC), and the formulation of the (Code of Conduct). Government officials have participated as well. Some basic principles have been agreed upon, as well as commonalities that will serve as principles for the COC. Final results are expected in July.

CSIS is also holding similar meetings with non-Chinese powers in the region, such as Japan and India. Furthermore, given the complexity of the issue, reaching agreement among the ASEAN countries themselves is also not straightforward. These meetings also serve to build confidence. Ultimately, if there is not a certain level of understanding among us all, we cannot achieve a regional order. We also hope that our

efforts will help facilitate agreements on the DOC and COC at the governmental level. Unfortunately, dialogue between the ASEAN and Chinese governments is not currently progressing.

Discussion

Audience 1:

You stated that the militarization of submerged features in the SCS is a matter for the United States and China to resolve. The biggest difference between the ECS and the SCS is that deterrence is working in the ECS due to Japan's robust maritime coast guard, backed up by maritime self-defense forces, backed up by US forces. It is therefore not just a matter between China and the United States. There is certainly a role to be played by coastal nations. Where does Indonesia stand on this?

Wanandi:

There is definitely a basic difference between the ECS and the SCS. The ECS only involves two parties, with clear claims and long history. The situation in the SCS is much more difficult due to the number of claimants and recent massive reclamation work. Therefore I do not believe that the approach in the ECS can be adapted to the SCS. Instead, the stakeholders should all come together and come to some sort of common agreement.

Audience 2:

Dialogue is positive, but only if it is based on the understanding that the status quo must be in place. Will Indonesia change its stance on the SCS following the incident on March 20?

Wanandi:

I do not think Indonesia has changed its stance.

Audience 2:

I understand that the CSIS and National Institute for SCS Studies (NISCSS) established a joint center for SCS studies. What is the center's role and who will participate in it?

Wanandi:

This is a continuation of existing efforts and related to a variety of matters that have yet

to be fully worked out. Subjects include general principles of international law, relevant provisions of UNCLOS and the DOC, the principle of cooperation without prejudice, and recommendations for practical cooperation to be considered by ASEAN and China.

Session One: Securing Freedom of Navigation in Asian Waters

Shafiah Muhibat (Senior Researcher, CSIS/Moderator):

In this session we will discuss the legal, military and strategic challenges to FON in Asian waters. We will also explore the prospects for cooperation to maintain FON.

Tetsuo Kotani (Senior Research Fellow, JIIA):

Many countries are concerned by China's actions, which undermine FON. Chinese officials and academics always answer that there is nothing to fear and that FON of foreign countries is guaranteed. However, the reality is that China has interfered with FON by foreign countries.

The main issue is China's selective and arbitrary interpretation of UNCLOS. This compromises UNCLOS and the foundation of global maritime governance. UNCLOS defines the rights and obligations of states in the maritime domain. It also provides a grand bargain between maritime powers and coastal states. If coastal states seek a larger jurisdiction beyond the UNCLOS scope, it will destabilize the UNCLOS treaty structure. That is really what is at stake. China's interpretation of UNCLOS has also compromised FON. China claims that warships need to seek permission to conduct innocent passage in Chinese territorial waters, which is obviously an excessive maritime claim. China also does not allow foreign militaries to conduct surveillance or other actions in the Chinese EEZ. It also does not recognize the airspace over the Chinese EEZ as international airspace. Such actions to increase its jurisdiction challenge UNCLOS and the FON regime.

China's claim that it has never interfered with commercial navigation is also false. Chinese coast guard ships have harassed commercial and other ships of claimant countries. China's excessive maritime claims, such as the nine-dash-line claim or low tide elevations in the high seas, all constitute a violation of UNCLOS. This is why Manila has launched a case against such Chinese actions.

On the other hand, China has enjoyed FON in global waters, including surveillance and other military activities in the Japanese and US EEZs. China thus applies a double standard for maritime navigation. It does not seem that China will accept the universal principle of FON as its navy expands operations globally. China

does not accept the concept of the rule of law. Domestic law is of greater importance than international law to the Chinese administration. China justifies actions that interfere with foreign countries' activities and navigational rights, using domestic laws. While China criticizes the United States for violating UNCLOS, it is the United States that endorses UNCLOS regimes in its own domestic law, and China that is challenging UNCLOS regimes from the inside.

I think it is therefore time for the international community to initiate an international version of the FON program in the Chinese near seas. This is to counter China's double standard. So far the United States is the only country to have conducted FON operations in the SCS, which China argues is militarizing the conflict, and which it uses to justify its militarization of reclaimed features as defenses measures. Participation by Japan, Australia and other maritime countries is needed to reinforce the legitimacy of FON operations.

Many countries in the region share a similar interpretation of UNCLOS to China rather than the United States and do not welcome foreign military activities in their EEZ. However, today EEZs constitute 40% of the world's waters, and if foreign countries are not allowed to conduct military activities in EEZs, particularly surveillance, that would raise the level of unpredictability and ultimately undermine regional and global security. We must therefore promote universal principles and universal understanding of FON regionally and globally.

Christopher Roberts (Associate Professor and Director of Executive Education, the Australian Defence Force Academy, University of New South Wales):

China has recently increased its island construction activities in the SCS. China is not the first country to have done so but is doing so at a massive scale. Rather than worrying about who started what, the consequences of these actions for the region and its stability are much more crucial concerns.

What is motivating China? There are three possible factors, which are energy insecurity, developmental imbalance domestically, and the "China Dream" vision. These ideas also tie into concerns by the Chinese administration about its own fragility, which sometimes results in the administration prioritizing domestic issues at the expense of international ones.

China's actions in the SCS are surely part of a grand strategy. I personally view this as a kind of first-level chess game between China and ASEAN. China's island construction is a means of achieving de facto control vis-à-vis the militaries and navies of Southeast Asia, not the United States. One could argue that China's calculation is that

countries such as Japan, the United States and Australia can only go so far in their response and it would not be enough to deter China from its current strategy.

There is also a second-tier challenge that emerges from this, which is that China's calculation leads to a potential dent in the US security umbrella and those of its allies. Furthermore, there is the third component of China's extensive measures, such as the One Belt, One Road strategy.

Another point worth considering is who is reacting to whom? The initial reaction of the United States to the mutual defense treaty being raised by the Philippines was one of hesitance and embarrassment. The United States did not wish to be inadvertently drawn into conflict and treaty obligations over territorial disputes. In addition, China also talks about the submission by Malaysia and Vietnam to the Commission on the Limits of the Continental Shelf. This is also done as part of due process under international law and treaty obligations. If China disagrees with this, it can act as a constructive international citizen and actually make that case under international law to the Permanent Court of Arbitration.

In terms of implications and way forward, we do not have enough common interest in the ASEAN community to be able to meaningfully respond to countries that adopt the tactics China has. For ASEAN to move forward, it must have a core group of countries that can actually work together and share common interests. Furthermore, ASEAN must not let the interests of the group as a whole be compromised by any one member country. To that end an ASEAN Minus X framework may be useful. The result of the Philippines' arbitration case may also encourage other ASEAN claimants to submit their own cases, or at least use their willingness as leverage. However, this alone will not solve the dispute and broader support from regional stakeholders is also needed.

Rahul Mishra (Senior Fellow, Indian Council of World Affairs):

If, as has been argued, deterrence will not work in the SCS, has cooperation worked? Is China ready to bilaterally resolve one of the disputes with one of the Southeast Asian countries? My answer is no. In any case, I do not believe that deterrence is the answer in the ECS either.

The situation in the SCS is the single greatest challenge to the idea of FON. It is an exception rather than the norm. To understand it, there are three salient points we must keep in mind. First, in the past 10-15 years, there has been a shift in the focus of international politics to the Asia-Pacific or Indo-Pacific region and the emergence of a very fragile regional maritime equilibrium. Second is the simultaneous rise of several Asian countries and the reemergence of Japan as a normal country, all of whom are

increasingly assertive. Third is that at the institutional level, we are marred by the problems of weak organizations for dealing with the situation and weak commitment among member countries. Furthermore, such organizations often leave at least one of the major powers out of the group.

Regarding the legal challenges for FON, not all stakeholders are fully committed to international laws and UNCLOS. China has seen the United States' non-commitment to UNCLOS and come up with its own set of interpretations, which is reasonable from an international law perspective. The challenge is therefore to determine the universal rules of FON that are complied with by each and every country of the world. The other challenges, such as the nine-dash line, island building, and so forth, stem from this core issue. Furthermore, how do you deal with one country, in this case China, saying that it does not believe in UNCLOS?

The second set of challenges are military. Militarization of the SCS is one of the latest trends. It is not healthy and risks upsetting the regional maritime equilibrium. It is not just the Chinese and ASEAN countries flexing their muscles. Countries on the sidelines, such as India, are being brought into the issue, for example via requests for defense exports and so forth.

There are two major trends at the geopolitical level. One is China's unprecedented rise and ever-increasing assertiveness. The second trend is rising polarization in the Asia-Pacific region. Recently, we have seen countries such as India and Indonesia being shaken out of their traditional non-alignment. FON in the SCS is the key challenge and rather than collective defense, I would advocate collective pressure to encourage China to engage in a step-by-step discussion and implementation of a peaceful solution agenda. To that end, discussions for a quadrilateral and quadrilateral plus framework are back on the table. Finally, the onus is on China, as the world's second largest power, to ensure that the region remains peaceful.

Kuik Cheng-Chwee (Associate Professor, Strategic Studies and International Relations Programme, National University of Malaysia):

I would like to highlight three major issues that are consistent and clear. First is the legal dimension and the importance of a rule-based order that would affect FON. Second is the emphasis on the elaboration of China's maritime action and how it affects regional security and issues. Third is the need for international action.

These three themes highlight the desirability of a certain action given the growing tension in the SCS. However, desirability does not immediately translate into feasibility. This is important when thinking about the prospect for regional cooperation.

Furthermore on the subject of regional cooperation in the SCS, there are three dimensions that we must ask ourselves. First, cooperation among whom? Second, what form of cooperation, to what extent and in what way? Third, to what extent could and should any eventual cooperation be done without creating any regional polarization and tension escalation? I believe these questions are reflected in the responses of ASEAN countries over the last few years.

Finally, we must bear in mind the three logics of action to identify and make sense of different countries' responses to the SCS and why the ASEAN countries have until today decided to stay clear of the issue, despite rising tensions in the SCS. These are security, economic, and political logic. By focusing excessively on the SCS issue, we are prioritizing the security logic at the expense of the economic and political logic, which is not realistic. Therefore, I would argue against those who say that ASEAN is sitting on the fence or sending mixed messages.

Discussion

Audience 1:

First, how will the recent slowdown of the Chinese economy affect China's external behavior? Second, why does ASEAN not support the Philippines' arbitration case, which represents a peaceful means of dispute settlement, and relatedly, if it were ruled that the nine-dash line is not valid, would it give ASEAN the opportunity to speak with one voice?

Audience 3:

First, even if China claims that it has not interfered with the FON of commercial ships, if these ships already feel that their FON will be undermined, the feeling itself is a serious issue. Second, what is the ultimate purpose of raising the issue of FON in international fora?

Audience 4:

The concept of greater international participation in FON operations is worth considering. First, how can we include European countries in these efforts? Second, what is the role of Taiwan?

Kotani:

The purpose of an international FON program is not to contain China, but to safeguard

the universal principle of FON. We are all beneficiaries of the FON concept. If FON is compromised, we will all lose. I am also not proposing merely operations but a program that also includes diplomacy. China will of course not respond well to this, but conversely, if we do nothing, the SCS will become a Chinese lake.

I would also encourage participation by European countries. The issues in the SCS are significant not only because of its importance as a shipping lane, but also for what the issue represents for the international community. However, it is not clear if European countries can participate.

Roberts:

I think it is important to highlight that we have seen, witnessed, and heard talk about the engagement of China and various statements by various leaders that positive achievements have been made. However, China's recent actions show that it is not in harmony with the ASEAN way. My concern now is that whatever is done will be too little too late. The region is already polarized, as evidenced by Cambodia. We cannot let the future of ASEAN cohesion be hijacked by a single issue, and to that end an ASEAN Minus X framework would be useful.

Regarding China's economic downturn, I believe that the weaker its economy, the weaker its bargaining position to come to a reasonable compromise, for fear of a backlash from its citizens. That is also very troubling.

In terms of cooperation, Indo-Pacific cooperation as described by Dr. Kotani should be designed as a comprehensive, multi-layered and multi-tiered package that changes the cost-benefit analysis that is currently being maintained within Beijing. China needs the world as much as we need China. We need to act with absolute unity to make it clear that China's behavior is absolutely not tolerable. It cannot punish the world.

Mishra:

I think containment of China, militarily or economically, is out of the question. I believe collective pressure rather than collective defense is what we need. We cannot isolate China on the military or economic front. We have to keep telling China that its actions are not acceptable. Internationally, China is an asocial country and takes time to socialize in international organizations and multilateral fora. We should focus our efforts on bringing China into a world where international norms and rules are respected.

China's economic woes will encourage it to focus more on nationalistic and external actions. This is a standard pattern of behavior among countries.

Involving European countries is a fascinating idea. It will contribute to applying collective pressure on China.

Kuik:

I agree about the value and importance of international law as a means of peacefully managing territorial disputes. However, it is not clear if other ASEAN countries will follow the Philippines' example or make an open statement of support for the Philippines' case. Though not impossible, it is unlikely to happen at this point in time, firstly because other ASEAN countries do not share the same level of security concern about the SCS, and secondly, because ASEAN's preferred approach is not direct confrontation, but indirect, low-profile action.

Session Two: Maritime Domain Awareness and Capacity Building

Shingo Yamagami (JIIA/Moderator):

This session will cover maritime domain awareness and capacity building. Referring back to Mr. Wanandi's earlier comments, he raised two points that are highly pertinent to this session. First, should we juxtapose China and the United States? Second, what is the merit of capacity building in terms of coast guard or naval forces?

Catherine Panaguiron (College of Law, University of the Philippines Diliman):

In the Philippines many governmental structures already existed for addressing specific maritime issues. However, what was lacking was some kind of one-stop office that could coordinate all these different structures. To that end the National Coast Watch system was established in 2011. This has been very important for the country's maritime domain awareness and capacity building in terms of avoiding duplication of efforts and maximizing resources.

Another issue faced by the Philippines is the emphasis on maritime security alone. Maritime security must also be combined with maritime safety, development of the maritime economy, and so forth. The National Coast Watch system also tries to balance these different interests.

Furthermore, the Philippines cannot consider only its own interests, but must also bear in mind those of the international community and international law. It therefore conducts joint activities with other countries. This too must be carefully coordinated, for example to avoid conflicts of interest, and the National Coast Watch system acts as the inter-agency body that promotes the interests of the Philippines, while also flexibly

catering for the partner country's interests.

Maritime domain awareness and capacity building is not reliant only on one country's efforts. Many stakeholders and interests are always involved. Therefore, cooperation is essential for these types of projects. Predetermining goals and being flexible is also important. Finally, we must ensure that everything is coherent, all resources are maximized, and all the information that is gathered is utilized to come up with the best possible solution to a particular issue.

Ha Anh Tuan (Director, Center for Policy Analysis, Institute for South China Sea Studies, Diplomatic Academy of Vietnam):

The key question we need to answer is what we can do to ensure FON and enhance maritime domain awareness in the SCS. Furthermore, how can we cooperate in regional capacity building to promote FON and maritime domain awareness? To that end, there are three smaller questions that we need to answer. First, why is capacity building important? Second, what are the challenges for capacity building and cooperation for capacity building? What are the opportunities for regional countries and extra-regional countries?

Capacity building is needed in this region to detect incidents and intervene in such incidents. At a higher level we need capacity building to maintain regional peace and security. Furthermore, at the highest level, we need capacity to develop the region in a sustainable way. Unfortunately, the region lacks the equipment and human resources needed for these goals. An information-sharing network is also required.

However, many problems stand in the way of regional cooperation for capacity building. The three key challenges are the conceptual challenges, practical challenges, and legal and political implications. Regarding the first challenge, capacity building focuses only on the subject, and not the performance and objective of the institutions. This becomes a problem in the case of disputes, where, in a zero sum game, one institution performs better to the detriment of another institution.

In terms of practical challenges, there are many issues to be resolved in the SCS, and many different institutions and people involved. It is therefore difficult for all stakeholders to agree on how best to balance capacity building for human resources, technological equipment, and cooperative mechanisms. Even within these three types of capacity building, it is difficult to agree on which segment to focus on.

We must also ensure that capacity building is cooperative and not confrontational. It is clear that China's capacity exceeds that of ASEAN. China has already used this advantage to pursue its own interests at the expense of others in the region. This unequal

capacity could impede regional cooperation.

With regard to the legal and political implications of capacity building, two questions are raised. First, will the cooperation for capacity building be conducted without prejudice? Second, can cooperation be conducted without impeding existing mechanisms, particularly the role of ASEAN?

As for opportunities for promoting cooperation in capacity, I already mentioned the three major areas of human resources, technological equipment, and cooperative mechanisms. For human resources, it is better to focus on policymakers rather than practitioners, because policymakers play a more important role in disputes. In the technological equipment field, maritime domain awareness requires vessels, information sharing, and joint programs. For cooperative mechanisms, ASEAN Plus and ASEAN Minus on a voluntary basis are very useful frameworks.

Finally, I would like to make two major suggestions. First, we should conduct more joint programs to monitor the SCS using different means, such as satellite imagery and unmanned aircraft, and share said information. This will let us detect and prevent potential incidents, while also collecting objective evidence should an incident actually occur. Second, we should improve the capacity of weaker littoral states by improving their equipment and technology, and training their staff.

Hideshi Tokuchi (Former Vice Minister of Defence for International Affairs, and Senior Fellow, National Graduate Institute for Policy Studies):

Free security access underwrites free economic and political access. Balance of power at sea must be restored in our favor in order to ensure free access in the face of a land power dominating the region. The SCS is important not only in terms of regional strategy, but also as the second largest seas in the world and the source of 10% of the global catch.

Capacity building in the region has been conducted on a request basis. A more holistic approach is necessary, particularly in maritime security. We must work together to address the current security concerns in the SCS and appropriately position capacity building and maritime domain awareness in these efforts. I would like to raise three points regarding regional cooperation for maritime security, which are the principles of cooperation, maritime security capacity building, and maritime domain awareness.

Regarding the first point, we must bear in mind the following four principles. First, we must respect and support the unity of ASEAN, which guarantees the power of ASEAN and contributes to the security of the greater region. Second, unity of efforts on the part of supporters is necessary, including not only Japan and the United States, but

also NATO and others. Third, a whole-of-government approach is a must. Fourth, the domestic stability of the regional countries and international cooperation for achieving this are essential.

Concerning maritime security capacity building, in the long-term we need to enhance the maritime security capacity of the littoral states. Before that, the littoral states must establish their own concepts, goals and so forth of their force developments, and share this basic information with assistance providers, to ensure relevant and effective cooperative capacity building. To date, littoral states have tended to focus on specific items of cooperation, without a broader picture of the future orientation of their defense programs.

Regarding maritime domain awareness, expanding regional transparency can impose costs on coercion, while incomplete domain awareness enables coercion. There are three main points. First, the format of maritime domain awareness must be crafted through multilateral governmental efforts, projects initiated by private organizations, or the initiatives of a core country. Second, the purpose of such efforts and the priority level of different objectives must be clearly defined. Third, scientific research cooperation for the maritime environment should be included in overall maritime domain awareness efforts, not only for ensuring food and environmental security, but also to gain international public support.

To conclude, for the long-term stability of Southeast Asia, capacity building support must be accelerated. Further cooperation among like-minded countries is a must to generate synergy and reinforce the rule-based international order.

Gregory Adams (N7 Theater Security Cooperation, United States 7th Fleet, Task Force 73):

The United States is undertaking a number of practical measures to address the issues in the SCS through multilateralism. Some countries are participating in these measures so they can be seen as collaborating against China. However, this sometimes hampers the initiative, because other countries do not want to be seen as ganging up against China.

Multilateralism is a key facet of US strategy. The United States conducts many bilateral military exercises with partners in the region. However, more multilateral exercises are needed. In the last 20 years or more, any response to a crisis has always been multilateral, never only bilateral. That is why the United States is trying to conduct more targeted multilateral initiatives.

However, trying to make bilateral exercises multilateral is easier said than done. There are a variety of political and other challenges. Furthermore, the tensions in the

SCS make this particularly difficult.

The United States has chosen this timing in light of the increasing emergence of multilateral fora such as ADMM Plus or ARF, which include their own multilateral maritime exercise components. ASEAN has in fact paved the way for such multilateralism, while also supported by the long-standing bilateral engagements in the region. The United States acknowledges and wishes to support ASEAN's leadership in this regard.

Collin Koh Swee Lean (Associate Research Fellow, Maritime Security Programme, S. Rajaratnam School of International Studies):

Maritime domain awareness is a central theme in our discussions and I would like to explore the different perspectives in which it has been addressed. First, the United States has the strongest maritime capacity in the region and has served a long-standing role as an offshore stabilizing power. Japan, meanwhile, is aspiring to become a more active contributor to security in Southeast Asia.

We also heard from speakers from two different Southeast Asian countries, the Philippines and Vietnam. These two countries share commonalities, in that they are both parties to the SCS disputes and are obviously members of Southeast Asia. However, there are also key differences. Maritime domain awareness extends beyond the SCS disputes and refers also to myriad other challenges. The point is that there are two sets of actors, those that provide the aid, and those that receive the aid. However, even among recipients there are diverse interests and motivations for receiving aid, as well as the ability to absorb the aid and to put them into action.

In addition, when talking about maritime domain awareness capability, it is not enough to collect and analyze raw information, rather it is necessary to produce timely, accurate, and actionable data. Moreover, there is no point acquiring the capability to detect and classify incidents, without then being able to act on it and enforce sovereignty.

Both Southeast Asian panelists discussed challenges in relation to the division of roles and limited budgets. I wonder if this is due to a lack of holistic policy or maritime strategy at the national level that can set a direction for the role and responsibilities of each agency in each country and how they should work with one another. Perhaps that is something we must address before we can effectively engage in capacity building.

Another point worth exploring further is how to manage the geopolitical risk of capacity building, such as cooperative versus confrontational capacity building, and the issues posed by excessive capacity and militarization. This also pertains to questions

about arms control and what constitutes legitimate build-up of capabilities and those that are not. Furthermore, capacity building that is considered defensive by one party, may be perceived as offensive by another.

Another issue we must address is that while ASEAN member countries pay lip service to regional cooperation, their actions have often been lukewarm. For example, the ASEAN Information-Sharing Portal, which was launched to share maritime information among ASEAN countries, has largely fallen into disuse. There has also been lackluster support for joint operations, such as joint patrols in the SCS in areas outside the disputed waters. The question is how to acquire buy-in from all countries to separate the SCS disputes from the more common functional challenges that they face.

The idea of European participation in capacity building in Southeast Asia is also intriguing. In fact, it is already occurring, albeit mainly in soft capacity areas. That being said, it is questionable how much capacity European countries really have to focus on Southeast Asia, given the issues they face at home. Perhaps we also need to think carefully about how best to synchronize the involvement of such extra-regional partners to avoid duplication, and skepticism on the part of recipients.

Regarding multilateral exercises, these are more than just simple exercises of partnership dealing with common security issues. Such cooperative capacity building efforts may actually touch on unresolved sovereignty and jurisdictional issues. As a result, what was meant to be cooperative may potentially be perceived as controversial.

Discussion

Panaguition:

The establishment of an interagency mechanism within the Philippines for resolving all maritime issues in a streamline manner has been revolutionary. Until now, different positions within the government had caused much fragmentation and delayed decision-making.

Ha:

Vietnam does indeed lack the capacity to build up and implement a maritime strategy. Capacity building can lead to a capacity arms race, so we must focus on cooperation. Furthermore, any cooperation must be premised on respect for the status quo.

Tokuchi:

European involvement is essential because European countries tend to view China as an

economic partner alone, and not in international security terms. Additionally, the international rules that govern the European theater are exactly the same as those in this region. If Europe opposes Russia's activities in Ukraine, it must also oppose China's actions in the SCS.

Another point is that to make capacity building more effective, littoral states must be more candid about the weaknesses in their security capabilities. We respect their national pride, but pride can also obstruct candidness.

Adams:

The United States hopes to act as a stabilizer in the region and the move to more multilateral efforts is an investment in trust and confidence building.

Regarding overall maritime policy and capacity building, I believe both need to be addressed concurrently.

I believe the ASEAN Information-Sharing Portal failed because it was not inclusive enough. For example, it does not include the United States.

Audience 5:

The solution in the SCS is cooperation. Cooperation in politics and economics is not a problem. However, cooperation in defense is problematic because of the national interests involved. Also, how can we build maritime capacity if not all countries in the world have ratified UNCLOS?

Audience 6:

I would like to hear more details about the US initiative Cmdr. Adams mentioned and how many countries openly support it.

Audience 7:

If China conducts land reclamation in the Scarborough Shoal, how will the Philippines respond and how can the international community assist?

Adams:

We have had some success gaining observers for our exercises. We have also held concurrent training activities. We are trying to bring intra-regional partners together to conduct multilateral exercises while also looking for extra-regional partners. The fundamental capacities we are trying to build are multilateral communication, information sharing, and planning.

Tokuchi:

Japan can cooperate with ASEAN in military equipment, albeit with some restrictions. However, before talking about specific equipment, we need to talk about the orientation of each ASEAN country's security efforts.

Regarding the Scarborough Shoal, there will be no quick fix. Therefore, strong unity on our side is necessary. All ASEAN countries probably benefit from the current order and so we are in a position to reinforce the current order. If China is dissatisfied with this it must respond in a peaceful manner.

Ha:

With regard to the Scarborough Shoal, looking more broadly, maybe the next area may be the South Luconia Shoals of Malaysia or the Natuna Islands of Indonesia.

Panaguiton:

The Philippine position has always been to respect international law and resolve disputes peacefully. The situation seems to be heating up rather than cooling down. The Philippine government is trying to increase surveillance and maritime presence in the area, and lobbying partners for support.

Closing Remarks

Shingo Yamagami (JIIA/Moderator):

Perhaps the ASEAN countries, like Japan, are understated, and are not successful in getting our messages across on the global stage. In spite of that, the attention of the international community is on the issue of the SCS, because the facts speak for themselves.

I also raised the question this morning of what kind of regional order we wish to see. Perhaps what we would like to see is not a totem pole with one particular country on the top, rather it is a regional order based on equal partnership. My final point is that in the SCS issue, the very unity of ASEAN is at stake.

Essay

Tetsuo Kotani

Freedom of Navigation and Good Order at Sea

Freedom of navigation has become a key phrase in Asian security issues. The international community expresses great concern about China's attempt to undermine freedom of navigation in Asian waters, while Chinese officials and experts respond by arguing that freedom of navigation is guaranteed as China has not interfered with commercial ships transiting the Asian seas. In reality, China's excessive regulations against maritime navigation endanger sea lines of communication and interfere with freedom of navigation and free flow of commerce. China's selective and arbitrary interpretation of the UN Convention on the Law of the Sea (UNCLOS) poses a serious challenge to freedom of navigation as the customary international law, and good order at sea as envisioned in the UNCLOS.

By defining states' rights and obligations in the maritime domain, the UNCLOS maintains a grand bargain between the rights of maritime powers that seek unimpeded navigation in world waters and the interests of coastal states that demand broader jurisdiction over their waters. UNCLOS provides a legal basis for good order at sea that ensures the safety and security of shipping and permits countries to pursue their maritime interests in accordance with agreed principles of freedom of navigation. As Ambassador Tommy Koh, who chaired the conference that negotiated UNCLOS stated, the world community's interest in the freedom of navigation is facilitated by the compromises on the status of the exclusive economic zone (EEZ), by the regime of innocent passage through the territorial sea, by the regime of transit passage through straits used for international navigation and by the regime of archipelagic sea lanes passage.

In other words, any efforts to reshape the navigational regimes in UNCLOS destabilize the entire treaty structure and weaken good order at sea. Coastal states often strive to expand their jurisdiction beyond their territorial waters. China, in particular, persists in making a series of excessive maritime claims as part of a sea denial strategy. An example is China's claim that foreign warships must notify Beijing and obtain Chinese permission to undertake innocent passage through its territorial waters. China

also prohibits foreign military activities, including surveillance and exercises, in its exclusive economic zone (EEZ) and fails to recognize the airspace above the EEZ as international airspace. Based on its domestic regulations, China has interrupted foreign militaries' legitimate navigation and activities as seen in the 2001 EP-3 incident, 2009 Impeccable incident, and 2013 Cowpens incident. China has disturbed Japan's lawful surveillance activities in the East China Sea as well.

China's claim that it guarantees freedom of navigation for commercial ships is false. China's excessive maritime claims based on the strait baseline from the contested Paracel Islands and the ambitious but ambiguous nine-dash line in the South China Sea, territorial claims of low-tide elevations and artificial island building in the disputed Spratly Islands, use of force in the disputed areas, and infringement of foreign territories such as the Senkaku Islands and Natuna Islands—all threaten the safety and security of shipping and other countries' pursuit of their maritime interests. For instance, in the arbitration case, Manila is making claims against China's obstruction of the Philippines' navigational rights and lawful exploitation of living and non-living natural resources.

On the other hand, China enjoys freedom of navigation in the world's waters. China conducted innocent passage in US territorial waters without getting US permission. China conducts military surveillance and exercises in Japanese and US EEZs. China has conducted military operations in the Indian Ocean, the Mediterranean, and the Caribbean. China thus applies a double standard for freedom of navigation.

The question is whether China can accept the universal principle of freedom of navigation as its navy operates more globally. As China does not recognize the concept of the rule of law, the chance is not so high. Chinese Communist Party rules the country by law and domestic regulations have more power than international law. China will continue to restrict navigational rights for foreign ships in its "near seas," while enjoying the universal principle of freedom of navigation in global waters.

Therefore it is time to initiate an international freedom of navigation program in China's "near seas." The United States has resumed freedom of navigation operation in the South China Sea to counter restrictions on navigational rights. However, China criticizes US operations for "militarizing" the South China Sea, while justifying its militarization as "self defense." To make US operation more legitimate, Japan, Australia, and other like-minded maritime nations should join the United States to safeguard freedom of navigation from China's excessive maritime claims and to maintain good order at sea.

Nevertheless, many Asian littoral states share in the Chinese interpretation of the law of the sea and do not welcome foreign military surveillance activities in their EEZs.

But EEZs now account for 40 percent of world's waters, and if military activities in those EEZs were restricted, that would lead to an increased level of unpredictability and uncertainty and, as a result, would destabilize regional and global security. In order to promote a universal interpretation of freedom of navigation, the international community should prioritize maritime issues in multilateral forums such as G-7 and the East Asia Summit. This would entail working to convince countries in the region of the benefits of freedom of navigation as a community right while emphasizing respect for sovereign rights of littoral states over maritime resources.

The Pacific War thus clearly showed that impediments to free navigation can result in human tragedy. Imperial Japan sought regional dominance, endangering the freedom of navigation in the western Pacific and opening up hostilities with the United States and others. The United States conducted commercial raids by sinking Japanese merchant ships to defeat Japan. Today, freedom of navigation is not only a foundation of regional security, but also a core value of the liberal international system. In order to avoid another human catastrophe, the international community should address the threat of excessive maritime claims by pursuing greater coordination in their policies on free navigation and by jointly promoting the concept of free navigation in the region.

Raul “Pete” Pedrozo*

Overcoming Challenges to Freedom of Navigation in Asian Waters

All nations have a right to enjoy freedom of navigation and overflight in and over the world’s oceans. However, if left unused, these inherent rights atrophy over time, particularly in the face of illegal maritime claims. That is why, since 1979, the United States has maintained a robust freedom of navigation (FON) program that exercises U.S. navigational rights and freedoms and demonstrates non-acquiescence in unlawful claims that purport to restrict use of the world’s oceans. The program is principle-based and comprehensive in scope, challenging excessive claims not only of potential adversaries and competitors, but also allies and partners, in every region in the world.

Asia-Pacific is home to some of the world’s most strategic sea lines of communication (SLOC). Almost 30 percent of global maritime trade transits the South China Sea (SCS) annually, including \$1.2 trillion in ship-borne trade bound for U.S. ports. U.S. national security and economic well-being are dependent on unfettered access to these SLOCs. Unfortunately, the number of challenges to freedom of navigation in Asian waters is significant and the prospect is dim for resolving these challenges through regional cooperation.

Unlawful Maritime Claims

Asian waters are replete with unlawful maritime claims that purport to limit freedom of movement and other lawful uses of the seas. With the exception of Singapore and Brunei, every Asian nation asserts claims that are inconsistent with international law. Most problematic are the numerous excessive straight baseline claims and purported restrictions on military activities in the exclusive economic zone. China’s 9-dash line claim in the SCS is also highly problematic. Left unchallenged, these claims could become the new norm, not only in Asia-Pacific, but globally, thereby restricting navigational rights and freedoms, and other lawful uses of the seas, vital to U.S. national security and economic interests.

* Captain Pedrozo (U.S. Navy, Ret.) is the Deputy General Counsel for the Defense POW/MIA Accounting Agency. Previously he was a Professor of International Law in the Stockton Center for the Study of International Law at the U.S. Naval War College, where he now serves as a Non-Resident Scholar.

* Captain Pedrozo could not participate in the seminar due to flight cancellation.

Land Reclamation

Land reclamation projects by the Philippines, Malaysia, Vietnam and Taiwan have been ongoing in the SCS since the 1970s. These efforts—a little over 170 acres—however, pale in comparison to the more than 2,900 acres of land China has reclaimed on seven of the eight features it occupies in the Spratlys since 2013. Many of China’s reclamation efforts have occurred on low-tide elevations that cannot generate maritime zones. At best, China can establish 500-meter safety zones around these artificial islands, yet China appears to impermissibly claim the full panoply of maritime zones around these features. The creation of these artificial islands hampers regional efforts to resolve the underlying territorial and maritime disputes peacefully by permanently changing the status quo in the SCS.

Militarization

China is improving its naval and air capabilities, including new generation platforms and advanced weapons systems, in order to intimidate its neighbors and displace the United States as the leading naval power in Asia-Pacific. It has also enhanced its maritime law enforcement capabilities to aggressively advance its claims—use of law enforcement platforms reduces the likelihood of a military response by the other claimants and provides the PLA with a force multiplier in the event of an armed conflict. China additionally has built airstrips on disputed features in the SCS capable of accommodating virtually every aircraft in the PLA inventory, constructed military installations on these features to enhance its maritime domain awareness, and deployed surface-to-air missiles to the Paracel Islands, thereby expanding its anti-access/area denial capabilities into the SCS. China’s militarization of the region is destabilizing and violates its commitment to abide by the 2002 ASEAN Declaration of the Conduct of the Parties on the South China Sea.

South China Sea Arbitration

Beijing summarily rejected efforts by the Philippines to apply the rule of law to the SCS dispute. In January 2013, the Philippines initiated arbitral proceedings against China under UNCLOS, challenging the legality of China’s claims and actions in the SCS. China refused to participate in the mandatory proceedings. In October 2015, the Tribunal concluded that it had jurisdiction over seven of the Philippines’ submissions and would determine jurisdiction over the other eight submissions during the merits phase. China replied that the decision was “null and void” and was not binding on China. On November 30, the Tribunal concluded its hearing on the merits and remaining issues

of jurisdiction; a final decision is due by June. As a party to UNCLOS, China is legally bound to comply with the ruling of the Tribunal. If it fails to do so, the status of UNCLOS as the “constitution for the world’s oceans” will be irreparably harmed.

Prospects for Regional Cooperation

For decades, the United States has called on other maritime nations to conduct their own FON programs. Those pleas have fallen on deaf ears, most states preferring to let the United States do the heavy lifting to preserve their navigational rights and freedoms. Although ASEAN has expressed “serious concern over recent and ongoing developments” in the SCS, it lacks the unity and conviction to confront China as an organization, preferring instead to pursue the ever-elusive binding Code of Conduct for the SCS. The United States is encouraging other regional states, including Australia, India, Japan and the Philippines, to conduct combined patrols in the SCS, but firm plans have yet to be developed.

The challenges to navigational freedoms in Asia-Pacific are substantial, but not insurmountable. Although successfully confronting these challenges is best achieved through a united coalition of interested states, for the reasons indicated above, preserving freedom of access to Asian waters will continue to be primarily a U.S.-only effort, with sporadic support from regional friends and allies if they deem it in their national interests to provide such assistance. America’s commitment to maintain peace and stability and economic well-being in Asia-Pacific by facilitating the free flow of commerce and promoting compliance with the international law, however, is clear—U.S. ships and aircraft will “fly, sail, and operate wherever international law allows, as we do around the world,” and the SCS will not be an exception.

Christopher B. Roberts

**Strategic, Political and Economic Challenges to Security and Cooperation
in the South China Sea**

U.S.\$5.3 trillion in trade passes through the South China Sea every year and this represents approximately 50% of global trade. Moreover, by 2035, an estimated 90% of fossil fuel exports will be absorbed by Asia. However, more critical for China and Taiwan, together with the five ASEAN claimant states (if Indonesia is included as a *de facto* claimant state), are the potential hydrocarbon resources within the maritime subregion together with the level fish stocks representing a crucial component of food security. While China's 'Land and Resources Ministry' has publically declared that there are an estimated 55 billion tons of oil and 20 trillion cubic meters of gas, this potentially exaggerated estimate by Chinese authorities dramatizes and reinforces hyper-nationalistic sentiments. The reality is that it is not possible to reliably estimate figures about the potential hydrocarbon reserves of the subregion until there is an agreement between the claimant countries, or between the claimant countries for an international consortium, to undertake a multilateral seismic survey of the sub-region. Moreover, international analysis all too often undervalues the strategic and political importance of regional fish stocks that represent 25% of Southeast Asia's protein needs and 10% of the global fisheries catch.

The current phase in the escalation of tensions over the South China Sea started in 2007, rather than the more common emphasis on 2009, when Chinese paramilitary vessels drove away Vietnamese fishing vessels from the Spratly islands, sinking three in July 2007, and China 'forced a British-American-Vietnam oil consortium to abandon development of a gas field off southern Vietnam'. Nonetheless, while the 2009 submissions of Malaysia and Vietnam to the United Nations Commission on the Limits of the Continental Shelf (CLCS) have provided some clarification to the claims of these two states, many Chinese interlocutors from Beijing have unreasonably argued that the fulfilment of this obligation under international law has justified China's disproportionate response during the seven years that have followed.

While Beijing has, for example, sought to unilaterally impose a fishing ban in legally disputed territories since 2009, Beijing has more recently sought to tender oil and gas blocks in disputed territory, twice cut Vietnamese exploration cables (within what is on the balance of law Vietnam's Executive Economic Zone), designated Woody

Island (disputed by Vietnam) as part of the Sansha prefecture, and then established a military garrison and most recently placed missile launchers at the island. Between May and September 2014, Beijing also situated a deep sea oil rig (the HD-981), arguably within the EEZ of Vietnam. China has undertaken coercive actions involving paramilitary and People's Liberation Army assets, *inter alia*, in an attempt to force other claimant states from their control of disputed maritime features (e.g. the Scarborough Shoal). Moreover, Beijing has undertaken one of the greatest engineering feats in modern history through the rapid construction of artificial islands equating to more than 3,000 acres of new land across six maritime features within approximately 15 months.

So what is motivating Beijing? In a paper presented to a 2015 workshop on the South China Sea at the Australian National University, Evelyn Goh argued that 'China's geostrategic enterprise is prompted by a number of factors: its energy insecurity, developmental imbalance between the poorer mountainous east and prosperous Western coast of China, and the "China dream" of re-emerging as the dominant power in Greater Asia – i.e. the "Middle Kingdom".' Some analysis claims that the issue of energy insecurity is not just confined to the need to access hydrocarbon reserves in the South China Sea for the purpose of economic growth, but that it is also related to the 'so-called Malacca Straits' dilemma where Beijing fears that some foreign powers (e.g. the U.S.) may block the aforementioned flow of trade that is of critical importance to China's national security. However, as stated by Rear Admiral James Goldrick (Australia, Rtd), the Malacca Straits is not a true 'choke point' as there are alternative routes such as the Sunda and Lombok Straits that, while slightly costlier in terms of transportation, will and do provide alternative options.

Given the developments of the past decade, it is increasingly hard to deny that Beijing is acting on the basis of a grand strategy: not only regarding the South China Sea but also in relation to the broader Indo-Pacific. Here, some of the key achievements to date include the near *de facto* exercise of control of the South China, within a mere two years, vis-à-vis the Southeast Asian claimant states. This has, in turn, presented a challenge to the level of confidence in the San Francisco system (i.e. hub and spokes alliance network) provided by the U.S. Also, there is increasing evidence that this second component is another pillar of Beijing's grand strategy. Beijing's calculus is that Western countries – most notably the U.S. – can't economically afford to respond to its provocations in the South China Sea, particularly with regard to non-ally claimant states such as Vietnam. However, even with treaty allies, the hesitance of the U.S. to be forcibly drawn into the dispute was evident when the Philippines explicitly raised the 'treaty provisions' with the U.S. and the latter awkwardly responded that 'the treaty

does not require the U.S. to intervene on behalf of the Philippines over reefs'. While the U.S. has since toughened its position, this has been 'forced' by the continued provocations of Beijing. It is hard to deny that the U.S. has been anything other than a hesitant but responsible actor in the face of Chinese aggression.

Nonetheless, it is apparent that Beijing believes that it needs to reinforce its grand strategy via a second track approach utilising hard power and a range of associated military contingencies are evident by continued increases in military expenditure and associated military procurements. Such an approach is likely based on a calculation that neither the U.S. or any of its allies, such as Japan and Australia, can afford to interfere in Beijing's strategy due to their economic dependence on China and the cost of such interference to their own economies as well as the global economy. If so, there are some risks to this calculation, not least of which could be an underestimation of the importance that the U.S. places on confidence in its alliance network and its perceived role as a guarantor of regional peace and security. However, the limited response of the U.S. to date, through its 'freedom of navigation exercises', together with the hesitance of other countries like Australia in joining such U.S. actions, reinforces the validity of Beijing's calculation. Moreover, a recent attempt by the U.S. to build a coalition of the willing that would include other democratic states, such as India, in enforcing the right to freedom of navigation, also failed. More importantly, the issue of freedom of navigation is a fallacy as it is not in Beijing's interests to challenge the innocent passage of trade and Beijing could argue that its *de facto* control of the South China Sea will in fact enhance such freedom of navigation through a guarantee that it can protect these vessels from threats such as piracy.

The third prong to Beijing's strategy concerns a broad array of initiatives designed to enhance Beijing's soft power by increasing the level of economic influence and dependence on Beijing. Broader initiatives for this purpose include: (1) the One Belt One Road (OBOR); (2) the Maritime Silk Road (3); the Asian Infrastructure and Investment Bank; (4) the establishment of a Chinese version of the Free Trade Area of the Asia-Pacific (FTAAP); and (5) an escalation of efforts to secure new bilateral partnerships with neighbouring countries. Already, significant trade, aid, and investment policies have weakened ASEAN unity with the most notable example being the failure of the ASEAN Foreign Ministers Meeting (AMM) to reach a consensus over the Phnom Penh Joint Communique in 2012 leading to the intervention by Indonesia and its former Foreign Minister, Marty Natalegawa, and the 'face saving' solution for a 'Six Point Plan'. China now represents 32.6% of imports to Cambodia and in 2012 Chinese loans and investments in the country represented U.S.\$2.7 billion while investments to the

country, between 1994 and 2012, represented U.S.\$9.17 billion (Cambodia's GDP in 2012 was just U.S.\$14.1 billion).

Since the time of the 2012 Joint Communiqué incident, ASEAN has managed to respond to recent developments through a number of collective statements following the Chairmanship of Myanmar in 2014 but, despite protests by Beijing to one of the latest statements in 2015, these statements represent 'too little, too late' and have not managed to stall the advancement of China's grand strategy for the region. ASEAN's capacity to provide a collective 'diplomatic voice' on the South China Sea, let alone negotiate a meaningful Code of Conduct, is also hamstrung by broader intra-mural divisions.

In the context of such divisions and during a pilot survey undertaken by the author, 100 ASEAN elite from all ten of the ASEAN nations indicated that 60 percent did not trust their ASEAN Neighbours to be good neighbours. In a separate survey of every ASEAN nation at the grass roots level (provided in seven languages and involving 819 participants), only 15% of Burmese, 22% of Singaporeans, 25% of Thais, 26% of Indonesians and 29% of Cambodians trusted their ASEAN neighbours to be 'good neighbours'. Moreover, 47% of the Singaporean elite and 45% of Thai elite believed that armed conflict between ASEAN members states was foreseeable within the next twenty years (a year later armed conflict over the Preah Vihear Temple occurred). For the purpose of China's strategy, it is also important to highlight that three of the ASEAN countries from this sample listed China as one of their most important 'strategic allies' while another four listed the United States – for the foreseeable future, ASEAN wide unity will remain extremely difficult under such circumstances .

Regarding the ways forward, a senior member of Malaysia's Institute of Strategic and International Studies (ISIS) argued in 2015, in the wake of the annual Asia-Pacific Roundtable, 'that we can't afford to offend the Chinese as we need to engage them for the purpose of a peaceful outcome around ten years from now'. I replied that ASEAN and the broader Indo-Pacific do not have ten years, in fact it may already be too late. Thus, if the finalisation of a Code of Conduct by ASEAN is to be meaningful then, given recent developments, the goal should be for a conclusion by no later than 2017. Moreover, this may require new approaches and a revision of ASEAN's *modus operandi* including (a) an ASEAN-X approach which would avoid countries such as Cambodia hijacking an optimal document (i.e. an aversion of a 'lowest common denominator outcome); and (b) there may also be a need to conclude this Code of Conduct within ASEAN and then offer it to Beijing as a *fait accompli* for ratification.

In the case of the latter and more forceful option, the COC should be designed as an instrument that can also be ratified by all of ASEAN's dialogue partners including

Japan, the U.S. and Australia. Should the forthcoming ruling by the Permanent Court of Arbitration in The Hague be in favour of the Philippines, then the ASEAN states with claims to the South China Sea should also seek recourse to the PCA, or at least threaten such recourse as a means to maximise their bargaining position vis-à-vis the South China Sea. In turn, Western countries such as the U.S. and Japan should reduce the dependence of countries such as Laos and Cambodia on China through aid, trade, and investment and recent developments indicate that they are already well on track with this path.

Beyond this, and in the context of the broader Indo-Pacific, there is a strategic need for greater state-led economic governance in order to divert trade, aid, and investment dependence away from China. This strategy applies not only to the ASEAN nations but also other countries such as Australia where, in the 2014 financial year, trade with China represented 34% of Australia's total merchandise trade and 40.4% of merchandise exports. The continuation of such trade dependence is untenable given the recent behaviour of Beijing, including its challenge to the role of the United States as Australia's key security ally. Therefore, key Indo-Pacific governments should take a proactive approach by strategically directing investments toward alternative ASEAN economies as well as India, Japan and South Korea.

Such policies should also include greater state regulation concerning foreign investments and ownership (e.g. vis-à-vis natural resources). Thus, economic modelling should dismiss the current mantra against the continuation of state owned enterprises and the manner by which these can be managed profitably can be modelled on the Singapore and Norwegian models. In the case of the latter, state ownership of natural resources has enabled the establishment of large scale future funds that have secured the long-term sustainability of critical needs such as health care, education, and pensions.

The need for such strategic direction has been made all the more apparent by increased evidence concerning the structural, demographic, and environmental constraints to China's economy. Given that China remains an authoritarian state, the risks to the regional and global economies are all the more dire as history reveals that such states will seek recourse to desperate measures including the exploitation of international disputes to manipulate domestic regime legitimacy (i.e. the exploitation of hyper-nationalism). In this sense, a militarily powerful but domestically weak China is to be feared far more than the rapidly developing model of the past three decades.

Rahul Mishra

Challenges to the Freedom of Navigation in Asian Waters

Introduction

Freedom of navigation has become one of the most debated and contentious issues in modern Asian politics. Majority of Asia's trade is seaborne and with the increase in international trade, securing sea-lanes of communication (SLOC) and ensuring freedom of navigation have become key priorities for a large number of countries. Asia is also a home to two most important oil transit chokepoints, Strait of Malacca and Strait of Hormuz and the disruption of these chokepoints may fuel energy crisis in the world

Until recently, maritime disputes were not at the forefront of big Asian power's foreign policy. However, the territorial tension in the East and Southeast Asian region have become a cause of international concern in the recent years, attention has been drawn towards a bigger problem, i.e., securing the freedom of navigation in the Asian Waters so much so that the it has become a catchphrase and one of the most debated topics in the Asian security architecture. However, to grasp a holistic and comprehensive picture of the issue of freedom of navigation, it is essential to bear in mind the three major emerging trends in Asia that have been shaping the politico-strategic and economic architecture of the Asia-Pacific region as also the debates pertaining to the issue of freedom of navigation.

First, as the focus of international politics is shifting towards the Asia, weaknesses of the regional maritime security equilibrium are being exposed. It is now evident that the regional strategic equilibrium is fragile and is faced with structural tensions.

Second, simultaneous rise of several Asia-Pacific countries is now leading to more assertive behaviour on their part. They are recalibrating their strategies on all fronts to protect and advance their national interests. This applies not just to China, but also to India, Indonesia, Vietnam, and other countries of the region.

Third, at the institutional level, the region is marred by twin problems- weak regional mechanisms, and weak commitment of the members of existent regional organisations. Moreover, most of the Asia-Pacific regional groupings have left one or the other major power out of the system. East Asia Summit (EAS) is one promising regional grouping, which not only involves all the regional players but also the international actors such as the US, Japan, Russia and China. However, EAS is still

evolving, and has a long way to go before it proves itself akin to the ‘Asian Security Council’.

Legal Challenges

So far as the legal challenges are concerned, the first and foremost is- the issue of commitment of the major stake holders in Asia; the question whether they really believe in the international laws and the UN Convention on the Law of Sea (UNCLOS). The answer perhaps is not a complete ‘Yes’, if not a Complete NO!

This is because of the fact that while the US has not ratified the UNCLOS, China has come up with its own set of interpretations in the light of the Philippine case at the Permanent Court of Arbitration at The Hague. With the two major powers not fully committing themselves to the UNCLOS, the situation becomes difficult for UNCLOS credibility.

For example, on the Philippines case at the Permanent Court of Arbitration, the Philippines has taken up the case to question the very basis of the Chinese claims in the South China Sea. However, China argues that the matter should be resolved bilaterally, between China and the Philippines, through diplomatic means; more importantly it should be in conformity with China’s own 1992 territorial law.

It has also been reported that China wants an alternative forum to discuss these issues, if at all. Thus, the biggest challenge is to determine what are the universally acceptable rules of freedom of navigation. And whether we can ensure compliance of all the countries of the region. Further, what steps could be taken if a particular country does not follow the rules. Other challenges emanate from this. The ADIZ (Air Defence Identification Zone), the legal basis of the ‘nine-dash line’, the issue of Artificial Island building/ Land Reclamation are cases in point.

As the Philippine case at The Hague goes forward this question will become even more relevant because this is not only going to encourage the Southeast Asian claimants to the dispute, but also force China rethink its policy on the South China Sea and freedom of navigation.

Military Challenges

The second set of challenges are the ones in the military domain. On the count, it may be argued that the ‘creeping militarisation’ of the South China Sea is not a healthy trend and has the potential to offset the strategic equilibrium.

Military muscle flexing between the US and China; Japan and China; and China and its Southeast Asian neighbours has posed challenge to the regional order. Recent

trends strongly indicate that this might also lead to an Asian arms race. The US response to the China's island militarisation activities so far includes conducting the Freedom of Navigation Operations (FONOPs). The recent US moves include the visit of *USS Lassen* and *USS Curtis Wilbur* in October 2015 and January 2016 respectively, closer to the reef constructed by China in the spratly islands. On the other hand, in February 2016, according to satellite images, China deployed two batteries of 8 HQ-9 surface to air missiles launchers on Woody Island in the Paracel islands. Clearly, the objective was to gain anti-access area denial in the region. To keep a close eye on the US naval movements in South China Sea, China also launched the Gaofen-4 geosynchronous satellite, which arguably is one of the highest-resolution satellites in the geosynchronous orbit.

Geopolitical Challenges

At the geopolitical level, there are two major trends:

- China's unprecedented military rise and its ever-increasing assertive postures are alarming for the neighbouring countries. Also, the implications of China's 'One Belt One Road' (OBOR) initiative are likely to be far reaching for countries near and far.
- The rising polarisation in the region, which is because of the willingness of the Southeast Asian countries to stand up to the Chinese assertions. Today, its not just Vietnam and Philippines, but also Malaysia and Indonesia, which have been opposing the Chinese activities in the South China Sea and East China Sea waters. For instance, while Indonesia is keen to work with China on infrastructure building, trade and commerce, it has been assertive in responding to illegal fishing activities from the Chinese side. This is a new trend rather this is gaining more and more prominence across the region.

Concluding Observations

1. The recent developments have the potential to turn this into a violent conflict.
2. 'Collective Pressure' should replace 'Collective Defence', which should guide policies of the US, Japan, Australia and the countries of Southeast Asian region in dealing with China's rising territorial and maritime assertions. Pressurising China for a step-by-step discussion, consensus and implementation of a peaceful solution agenda should be a priority.
3. The discussion on a binding Code of Conduct (CoC) should be efficiently pursued not only through the Association of Southeast Asian Nations (ASEAN) but also

through ASEAN Defence Minister Meeting (ADMM) Plus and EAS. The other countries of EAS may perhaps consider signing the CoC and try to put more pressure on China.

4. Putting pressure on China jointly to halt military activities in and around Asian waters seems to be a viable option to ensure the freedom of navigation. In this direction, steps such as joint naval patrols between countries and issuing statements calling for freedom of navigation may be taken.
5. For China, if it wants its OBOR initiative to gain credibility, it needs to prove its capability as a responsible stakeholder, both at regional and global levels. First step in this direction will be to ensure the freedom of navigation, only then OBOR's maritime arm, Maritime Silk Road can be kick started smoothly.
6. Finally, the onus lies on China in ensuring that the region remains peaceful. Pressing its own agenda unilaterally, making claims without understanding other's point of view, and disregarding UN and other bodies on South China Sea are detrimental to the Chinese interests in the region.

Catherine Panaguiton

Maritime Domain Awareness and Capacity Building: Not Just about Maritime Security

Maritime Domain Awareness (MDA) is defined by the International Maritime Organization (IMO) as the effective understanding of anything associated with the maritime domain¹ that could impact security, safety, economy, or environment.²

On the other hand, literature provides the following definition of Maritime Capacity Building (MCB)³:

“activities which are directed at the **empowerment** of governments and coastal communities to efficiently and efficaciously govern and sustainably exploit the maritime domain, including territorial waters and exclusive economic zones.”

MCB definition centred on empowerment stresses the importance of the transfer of knowledge, skills and technology and the establishment of routines, procedures and institutions that improve governance and exploitation. It is a broad definition that emphasises that maritime security implies working governance structures and has an

¹ The maritime domain is defined as all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances. See Amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual <http://www.imo.org/blast/blastDataHelper.asp?data_id=29093&filename=1367.pdf>

² See Amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual <http://www.imo.org/blast/blastDataHelper.asp?data_id=29093&filename=1367.pdf>

³ The definition of Maritime Capacity Building (MCB), on the other hand, is not as singular as MDA. For advocates of a narrow understanding capacity building only concerns the training of security forces and the police. Those drawing on a broad understanding include various aspects of ocean governance, the blue economy or the resilience of coastal populations. The argument of the advocates of a broad understanding is that capacity building is useless if it does not address the broader causes of piracy and the interlinked maritime insecurities. A further source of contestation is whether capacity building should include more than the transfer of knowledge and skills (software), and should also entail the delivery of equipment and tools, ranging from training facilities to naval and patrol vessels (hardware).

Moreover, actors involved in capacity building work within very different temporalities. Naval missions, for instance, primarily conduct very short term and ad hoc training as part of their port visits. They focus on the transfer of skills largely through demonstration. Capacity building projects, such as the IMO led Djibouti Code of Conduct process (DCoC), the UNODC's Counter Piracy Program, or the EU's capacity building mission EUCAP Nestor work in a short to mid-term timeline of six months to two years. Here the focus is on the delivery of some equipment and the provision of intensive (usually one week) training courses

for selected specialists. Long term perspectives which focus on the setting up of training infrastructure, education – such as professional courses or executive masters – are an important dimension to make capacity building sustainable. They have so far rarely been part of the programmes. Overall a short to mid-term logic dominates that focuses on projects with deliverables and measurable outcomes. This 'projectisation' is to some degree paradoxical, since much of the impact of capacity building will be on a less tangible level. See Christian Bueger, "Counter-Piracy and Maritime Capacity Building: Fallacies Of A Debate"

<<http://www.lessonsfrompiracy.net/files/2014/10/Bueger-Lessons-for-Maritime-Capacity-Building.pdf>>

intrinsic link to the blue economy. It hence includes measures directed at illicit activities and maritime crime, such as piracy, or the trafficking of people, weapons, or other illicit goods as well as the regulation of the blue economy, including fisheries, tourism or natural resources.⁴

Issues on MDA and Capacity Building

As it is fairly obvious in the foregoing, Maritime Domain Awareness and what I would like to call its enabling mechanism, Maritime Capacity Building, are not only concerned with Maritime Security. This would be the common misconception when these terms are heard especially with the brewing tensions in the disputed areas in the South China Sea and the West Philippine Sea. However, such must be corrected. Ensuring Maritime safety and the sustainable development of the marine economy are as equally important as safeguarding territory. This is in order to set goals and implement steps in pursuit of said goals, to ultimately realise true MDA, by way of MCB. It is indisputable though that trying to find a solution to balance all these concerns in the formulation and implementation of plans for MDA and MCB is not an easy feat.

Further in the above, MDA and MCB within a particular State for example, is not as simple as figuring out said State's gains and the satisfaction of its own interests. Regional interests and the international community as a whole cannot be dispensed from being factored into the situation.

Relatedly, it must be noted that a lot of the projects for MDA and MCB of a particular State's success lies not only with the sole involvement of said State, but through cooperative efforts with other States. Further, MDA likewise *'includes the ability to monitor activities in such a way that trends and anomalies can be identified early to facilitate decision-makers' responses. Data alone is insufficient; information must be collected, fused, analysed, protected and disseminated so that decision-makers are able to anticipate potential threats and take effective and appropriate action.'*⁵ For example, MDA entails a collaborative effort not only between a Main Centre and the Regional Operating Centres (ROCs) of a particular State, but with a number of other States as well to ensure the best possible data available to be used for decision-making.

As gleaned from above, multiple interests surround MDAs and MCB. In MCB, fully understanding how these multiple interests come into play involves venturing on the concept of 'ownership' of a MCB project. As Bruen notes,

⁴ *Ibid.*, 8.

⁵ US White House website. "National Maritime Domain Awareness Plan For the National Strategy for Maritime Security", December 2013 <https://www.whitehouse.gov/sites/default/files/docs/national_maritime_domain_awareness_plan.pdf>

“Ownership refers to different aspects of planning and implementing reconstruction and development projects. It refers to who sets the agenda and identifies priorities, but also who manages resources, implements and evaluates projects. If capacity building is defined in terms of empowerment then ownership is an absolute necessity.”

Ensuring participation and moving regional organisations and governments into leadership positions are important first steps towards ownership. There are however, major tensions that hamper ownership in practice. Firstly, there is often a mismatch of interests of the international community and the countries that are supposed to own the process.⁶

Another concern as well is that international and local actors moreover tend to work within different values and often have conflicting understanding of how planning, implementation and evaluation should be carried out.⁷ In working together, these actors must be prepared to be flexible in their terms and positions so as to come up with a workable arrangement. And finally, a third tension is related to the identification of needs *vis-à-vis* the available data resources to make such an identification. As Bueger emphasises, ‘to be able to identify needs, one requires knowledge (and often research) about what one is actually needed. It would not be only against the principle of ownership if international actors provide this knowledge, for instance through need assessments that draw on Western standards and are carried out by international experts. It also creates the danger that regional actors produce a show for the international community in order to access resource. The only alternative is then that countries will have to learn to conduct their own assessments in relying on experts from the region or their own countries. This in turn highlights the importance of research and education, and to work with ‘soft’ forms of capacity building, such as embedded advisors, which do not devise what a country needs but assist in the formulation of such needs.

Conclusion

It is beyond cavil that MDA and MCB are integral parts in the realisation of a Maritime Nation that at the same time respects international law. As shown in the previous

⁶ While the primary interest of the international community may be maritime security, for many other countries, the primary interest is in the efficient and sustainable management of the blue economy. This by nature leads to different priorities. If the international community’s priority is in policing the sea, regional states foreground measures that have long term economic benefits, including the building of better infrastructures, such as port facilities, or roads, or maritime research and education. Ownership then implies respect of these different priorities and to pay careful attention to potential clashes of interest. See Bueger note n 3 at 10.

⁷ *Ibid.*

discussion though, many factors ought to be considered in undertaking steps and projects to achieve the same. Cooperative effort with key players⁸ is key in coming up with a workable solution. The way ahead to these must be carefully studied to ensure realisation of goals and maximisation of resources in projects that promote MDA and seek to undertake MCB.

⁸ May be states, international organisations, expert individuals in the industry, et al.

Ha Anh Tuan

Maritime Domain Awareness and Capacity Building in the South China Sea

In the past few years, the situation in the South China Sea (SCS) has escalated, threatening regional peace, stability, and the rule of law in the maritime domain. A common view is that a threat of a total inter-state war is still remote. However, risks of local conflicts have increased because of more frequent interactions between different actors in this region.

In order to properly manage disputes and avoid serious incident which could easily transform into a conflict, many things need to be done to halt this trend. One important area is to promote cooperation in capacity building, enabling actors to share similar views on the regional situation, which will serve as a solid foundation to build confidence between parties in the SCS.

Defining Capacity Building

We have, for many times, conveniently mentioned about "capacity building" when we discuss about maritime security managements in the SCS. However, we have not pay proper attention to the meaning of the term "capacity building" itself.

Capacity was defined by the United Nations Development Program as "the ability of people, institutions and societies to perform functions, solve problems and set and achieve objectives."¹ Capacity building is "the process of institution building or training at individual, institutional and systemic levels."²

The main focus, therefore, is on training individuals and providing knowledge, equipments, and other necessary means for institutions to function better. One important aspect has been neglected in these definitions: institutions' ability to set and achieve their objectives. In any circumstance, the performance of individuals and institutions are generally evaluated by their capacity to fulfill the given objectives. In the case of managing disputes, performance improvements of an institution in one country may not be of interest of other institutions (in other countries). In other words, capacity building may be conflictual by nature.

¹ Lopes, Carlos and Thomas Theisohn *Ownership, Leadership and Transformation. Can We Do Better for Capacity Development?*. UNDP/Earthscan, New York, 2003, p.1

² Binger, Al *et al*, *Capacity 21: Evaluation Report 1993-2001*. UNDP. 2002, p.3.

Issues in Capacity Building Cooperation in the SCS

In the particular case of cooperation for capacity building in the SCS, several key questions need to be addressed:

i. Capacity building for whom?

There are different institutions in different countries taking part in the management of the SCS: The navies, law enforcement agencies, policy makers at provincial and ministerial levels, fishers, and so on. Both institutions (at unit level) and individuals can generally be categorised as “policy makers” and “practitioners”. Given our limited resources for capacity building cooperation, who should be the key target?

ii. What capacity?

Many institutions and individuals need further advance their capacities. English training for individuals to better communicate with others from other countries is important. But more policy-oriented and technical knowledge could be more important because it directly helps parties to build common knowledge and understanding of the disputes and therefore provides foundation for addressing the disputes. Some key capacities could be:

- Monitoring the coastal areas of states (both equipments and ability to operate equipments).
- Properly understanding international laws and principles concerning the disputes.
- Understanding the historical context of the disputes.
- Searching and rescuing people in needs at sea.

iii. Nature of capacity building:

As previously discussed, when referring to a dispute, capacity building could be cooperative or confrontational in nature. For example, building capacities for all parties to communicate with one another is cooperative. But capacity building to dominate other disputants, or even to protect illegal activities is definitely confrontational. One latest development: On March 19, 2016, an Indonesian law enforcement ship was intercepted by a Chinese coast guard vessel when it was towing an illegal fishing ship in Natuna water.³ The modernisation and expansion of Chinese LEAs has allowed these agencies to dominate other regional force, therefore, must be differentiated from the efforts of some regional countries to enhance their ability to monitor their coastal areas. Areas could be seen as cooperative capacity building:

- English training for all levels.
- Information sharing between stakeholders (many ways to share information).
- Building capacity for littoral states with weak capacity to monitor their coastal areas.

³ <http://m.thejakartapost.com/news/2016/03/21/ri-confronts-china-fishing.html>

Areas could be seen as confrontational capacity building:

- Building excessive capability to monitor and intercept other activities in disputed areas.
- Militarisation and para-militarisation of the disputed areas aiming at changing of status quo.

Promoting Cooperative Capacity Building to Better Monitor Disputes in the SCS

In the past few years, extra-regional powers, especially the US and Japan, have contributed to promote capacity building to better monitor the situation in the SCS. These activities have been conducted at both national and regional level.

At national level:

- Countries may focus on abilities to monitor coastal areas through enhancing technological and equipment supports. At the same time, we must differentiate this with excessive advancement of LEAs to the disputed waters.
- Countries may also renovate/restructure their decision making mechanism to better coordinate agencies, especially to avoid unplanned or unintended incidents at sea.
- Promoting the principle of law and legal procedure in monitoring maritime domain by conducting training programs for staff at all levels.

At regional level:

Many ways to promote regional cooperation for capacity building, which would serve promoting regional peace and stability.

- Strengthening institutional cooperations:
 - o Enhancing the role of ASEAN and ASEAN-led mechanisms in monitoring the SCS.
 - o Fostering joint measures to enhance maritime domain awareness.
 - o Creating a professional network among agencies of states for better coordination and cooperation to prevent disputes from escalating to conflict and prevent conflict from spreading out.
- Enhancing political and legal framework:
 - o Negotiating and applying interim measures for dispute settlement while awaiting for COC.
- Promoting information sharing:
 - o Information sharing is one important measure to promote greater transparency and cooperation at sea. Several efforts on information sharing have been discussed in the past few years and this approach should be supported.

- Each country can voluntarily provide their military exercises in the SCS, major LEAs ships plans, and other information.
- Using different technologies to better monitor the SCS: Sattellite, GPS, Unmanned aircrafts, etc...

Hideshi Tokuchi

Maritime Domain Awareness and Capacity Building in Southeast Asia

Last year Japan achieved some significant developments in its national security policy. There was a lot of public attention on the issue of collective self-defense and the security legislation, but such new initiatives are just another expression of “Proactive Contribution to Peace,” one of the basic principles behind Japan’s National Security Strategy and National Defense Program Guidelines of 2013.

Capacity building support is one of the key instruments in the implementation of “Proactive Contribution to Peace.” The Ministry of Defense of Japan has been engaged in this activity, focused on Southeast Asia. As this business is in its early stage, there is wide room for further development and sophistication.

So far, those efforts are made on the basis of request from the assistance recipients, and thus a more holistic approach is necessary. Particularly, maritime security is one of the most urgent issues in Southeast Asia. From this point of view, this paper focuses on capacity building support for Southeast Asian maritime security.

Importance of Southeast Asia

Southeast Asia is much relevant to the peace and prosperity of Japan.

First, Southeast Asia, which was known for its poverty in the twentieth century, is a great engine of economic growth in today’s world. Prosperity of the region is critically important for that of Japan.

Second, Japan and the regional countries share common security interests in a wide range of issues including natural disaster management and stable and rules-based maritime order.

Third, the ASEAN members are building their mutual relationship upon the common values such as democracy, human rights and rule of law. They and Japan share these values and can strengthen their relationship, capitalizing on these values¹.

Fourth, diversity certainly features in Southeast Asia. The region is diverse in many senses. This unique nature of this region makes a difference in forging energy necessary to survive and prosper in today’s world. Japan has much to learn from this point.

¹ See ASEAN Community Vision 2025.

Fifth, Southeast Asia is important from the view-point of sea traffic. Our international trade depends much on sea transport and we have key stakes in the peace and stability of maritime domain particularly in the Indo-Pacific region. Geopolitical significance of the South China Sea as an integral part of world sea transport is clear in everyone's eyes, as it occupies the critical location of sea lines of communication from the Indian Ocean to the Pacific Ocean.

Sixth, the depth of the South China Sea, more than 1,000m in average, adds a strategic importance when we address the issues of Chinese submarine operations. A Japanese expert draws an analogy between the Sea of Okhotsk in the Cold War era and the South China Sea in today's world.

Seventh, a good catch of fishery resources from the South China Sea, which accounts for around 10% of the world total, is a proof of importance of this area for the food security of Asia including Japan.

Weakness in Southeast Asian Security

Southeast Asia is so important for Japan as discussed above that Japan has to contribute much more to the regional peace and stability. In doing so, we must take the following three points in mind: First, China's exploitation of power vacuum in the South China Sea; second, security capability of Southeast Asian countries; and third, tyranny of distance.

First, history tells us that China often advanced to the South China Sea region, exploiting power vacuum. China occupied half of the Paracel Islands in the 1950s after the French withdrawal from Indochina, and occupied the entire Paracels, chasing South Vietnamese away after the American withdrawal from Vietnam. In the 1980s it advanced to the Spratly Islands after the former Soviets reducing their military presence in Vietnam, and in the mid-1990s it occupied Mischief Reef after the American withdrawal from the Philippines.²

Second, Southeast Asian military capabilities are still weak. As for the Philippines, for example, its last squadron of fighter aircraft was already retired and the most modern ships in its navy are two former US Coast Guard cutters and its other main combatant is a WWII destroyer escort, one of the world's oldest serving warships.³

Third, tyranny of distance. The US as the center piece of the regional security system, i.e. the "hub-&-spokes" system, is geographically remote. The US is a resident power of the Asia-Pacific, but not a part of Asia. Even in the age of advanced military

² Ministry of Defense of Japan, "*China's Activities in the South China Sea*," December 22, 2015 (www.mod.go.jp/j/approach/surround/pdf/ch_d_act20151222e.pdf)

³ Dakota L. Wood, ed., "*2016 Index of U.S. Military Strength*" (Washington D.C.: The Heritage Foundation, 2015), p.120.

technology, tyranny of distance still remains militarily. Although there are roughly 136 thousand US troops stationed in the Asia-Pacific,⁴ there is no permanent US military presence in Southeast Asia, different from Northeast Asia. The distance between the South China Sea and Hawaii, the home of the US Pacific Command, is 5,000NM. It takes 10 to 13 days by sea.⁵

Regional Cooperation for Maritime Security

In order to address the security challenges Southeast Asia faces particularly in the South China Sea area, we need to work together. Capacity building support must be appropriately placed in a broader picture of such efforts. Otherwise, we may not provide our support effectively and efficiently.

Here, I discuss the following four points about the regional cooperation for maritime security: First, principles of cooperation; second, balance of power; third, maritime security capacity building; and fourth, maritime domain awareness.

First, the following four principles must be reminded of. One, we must respect and support the unity of ASEAN, as it is the unity that generates power and strength of ASEAN and of its members and leads to the stability of the entire region. We must oppose any attempts to undermine the unity. Two, unity of efforts on the part of supporters is necessary. Not only Japan and the US but also Australia, New Zealand and South Korea must be involved in the effort. Even NATO members such as the UK and Germany are increasingly interested in this region's security⁶. We should involve those Europeans as well and establish appropriate division of labor. Three, a whole-of-government approach is must. Maritime security especially in "gray zone" scenarios involves other agencies, law-enforcement in particular. It is important to strengthen law-enforcement capabilities so that a tension may not easily escalate to an all-out military contingency. And, four, domestic stability of the regional countries is prerequisite. Those countries which are occupied with their domestic instability cannot afford energy to address external challenges. Thus, international cooperation to help fix those internal problems will contribute to their greater attention to maritime security issues. In this regard, roles of the military of these countries should be reviewed. The

⁴ Ministry of Defense of Japan, "*Bouei Hakusho 2015 [Defense White Paper]*", p.14.

⁵ Wood, *op.cit.*, p.121.

⁶ See Philipp Hammond, "Opinion: Britain in partnership with a secure and prosperous Asia," *The Mainichi*, January 7, 2016

(mainichi.jp/English/articles/20160107/p2g/00m/0in/086000c), and also Dr. Ursula von der Leyen, "*Strengthening Regional Order in the Asia-Pacific*," Address to 14th IISS Shangri-La Dialogue, May 31, 2015 (www.iiss.org/en/events/shangri-la-dialogue/archive/shangri-la-dialogue-2015-862b/plenary4-68e3/leyen-9690).

military should be able to focus on external challenges much more by delegating internal security roles to other agencies.

Second, military presence to restore the balance of power in our favor is necessary in the short run. From this view-point, US Navy's FONOPS is much appreciated. Whether other countries participate in FONOPS or not, they must support the operation and cooperate in filling the vacuum, for example, by increasing exercises in the South China Sea area.

Third, we need in the long run to enhance maritime security capacity of the littoral states. Self-help by those littoral states must be encouraged. Maritime domain awareness must be put into this effort appropriately. But first, as the basis of having security assistance the littoral states must establish their own concepts, philosophies, goals, priorities and specific plans and programs of their force developments and share these basics with us in advance. Otherwise, we will not be certain whether our assistance is effective and relevant to the situation. We may even have to discuss with them how to formulate those basics. This is not just a matter of selling a weapon. Entire capabilities of respective assistance recipients are to be addressed.

For this purpose, we should encourage them enhance transparency in their plans, programs and in their policy processes. If ASEAN countries become more transparent in these policy-related matters, it will also have a positive impact to the success of ASEAN Political-Security Community (APSC) as APSC is based on the principles of democracy, fundamental freedom and the rule of law. These values cannot be pursued without transparency.

Fourth and finally, maritime domain awareness. As some American security experts say, imposing costs on coercion can best be accomplished not only by a demonstrable presence and a stronger network of durable partners, but also by expanding regional transparency, and incomplete domain awareness across vast stretches of sea and sky makes it easy for aggressors in high-friction areas to coerce while obscuring the line that separates aggressor and defender⁷. There are three points here. One, the efforts for common operating picture by maritime domain awareness are multilateral. Unity of efforts among the relevant parties is indispensable, and that is a difference from other capacity building support, which is usually conducted on a bilateral basis. It will need careful and sophisticated coordination. Interoperability and connectivity is also important. Two, the purpose of such efforts must be clearly defined and fully shared by the participants. Different countries may have different purposes in

⁷ Shawn Brimly, et al., *"IDEAS to ACTION: Suggestions for the 25th Secretary of Defense,"* (Washington D.C.: Center for a New American Security, 2015)p.15.

mind.⁸ Although the objective does not have to be necessarily single, there should be clear definition on the purpose. Three, scientific research cooperation for marine environment should be included in the overall efforts for maritime domain awareness. Although some Chinese scholars argue that the Chinese government has taken steps to conserve the fishery resources by several measures including imposing a limit on the number of fishing vessels, enforcing summer moratorium and building hydrobiological reserves⁹, what they have been exactly doing for the conservation of natural environment is not certain, as their reclamation is rapid and massive. Natural environment in the South China Sea is important from the view point of food security as the sea area accounts for roughly 10% of global catch annually¹⁰.

Conclusion

For the long-term stability of Southeast Asia, capacity building support, particularly for the maritime security capability of the littoral states is needed. There is huge room for cooperation between the US and Japan for this effort, and we must involve other like-minded countries to generate synergy and to undergird the rules-based international order.

⁸ For example, illegal fishing, illegal migration, illegal trade, terrorist movement, piracy, interruption of free flow of oceanic communication, and artificial island building.

⁹ Wu Shicun, ed., *What One Needs to Know about the South China Sea, 2nd edition*, (Beijing: Current Affairs Press, 2014)pp.18-19.

¹⁰ U.S.-China Economic and Security Review Commission, *2012 Report to Congress*, pp.229-230.

John F. Bradford and Gregory R. Adams

The Rising Tide of U.S. Maritime Security Cooperation in Southeast Asia

In Southeast Asia, an increasingly complex array of transnational threats posed by both state and non-state actors has made multilateral maritime security cooperation a must. Amidst the growing call for “more multilateral”, this paper describes some of the areas in which the U.S. 7th Fleet is refocusing its maritime security attentions to bolster U.S. investment in multilateral cooperation. In particular, it outlines the rationales and considerations underpinning the introduction of targeted multilateral elements into Southeast Asia’s previously bilateral cooperative maritime arrangements, with the desired end-state of increased efficiency and effectiveness of traditionally bilateral exercises.

Introduction

As the sea ebbs and floods with the phases of the moon, so too do nations’ maritime security posture as it is pulled by geopolitical currents and the evolving security climate. It is evident that in the face of today’s complex security environment, no one Navy has the capacity, or all the answers, to ‘go it alone’. It will take multinational and interagency cooperation, working together at sea and at home, to outsmart, outmaneuver, and overcome the array of man-made and natural threats to peace and stability in maritime Southeast Asia. The U.S. 7th Fleet is actively seeking to build stronger maritime security frameworks by networking existing bilateral alliances and security partnerships. As a key component of this push, the 7th Fleet is capitalizing on decades of successful investment in its bilateral relationships with partners and allies, and on the mutual trust and confidence that has been built, to introduce new multilateral elements into previously bilateral events. At the same time, the growth of high-value multilateral exercises and trade-show commitments in the region are creating similar conversations in naval headquarters across Southeast Asia – “what can we consolidate or cut to make room for the new priorities and increase in requirements?” Unfortunately, simple consolidation of events would likely yield a loss of training value. When too many training partners are brought together differences in political sensitivities, policy limitations, equipment and operational acumen can drive the training scenarios and the complexity of the skills exercises to become relatively low value. Therefore, the 7th Fleet is working closely with its partners to ensure multilateral elements are introduced,

deliberately and carefully, to ensure sustainment of the exercise's level of sophistication, while making it more effective and more efficient.

Rebalancing: A Larger and More Capable U.S. 7th Fleet

There's only one way to describe the security landscape in Southeast Asia -- it's complex.

Front and center is Chinese military and law enforcement activities in the South China Sea, including the ongoing island-building campaign taking place in internationally contested waters. Chinese interference with regional fisherman, keeping them from their generational sources of sustenance, further threatens regional stability. The irresponsible actions of the North Korean regime pose another concern in that instability on the Korean Peninsula has immediate impacts on Southeast Asian trade and commerce. The 4 March 2016 seizure of a North Korean ship by the Philippines Coast Guard shows that the regime's choices are creating resource demands for Southeast Asian maritime security forces. A resurgence of Russian activity in the Pacific is similarly concerning when one considers recent Russian military activities in Europe and the Caucasus. However, it is not only state actions that undermine maritime security in Southeast Asia.

In the last 15 years, maritime-savvy terrorist groups such as the Abu Sayyaff Group have been rolled back, but they have not been eliminated. The rise of ISIS, the emergence of its Southeast Asian affiliates, and the return of fighters from the Middle East threaten a renewal of these groups' capabilities. Similarly, maritime piracy has been addressed by states across the region, but has not been eradicated and there has been a recent rise in the number of reported attacks in the South China Sea. Other human activities, including Illegal, Unregulated and Unreported (IUU) fishing are causing irreversible damage to the maritime environment and, in particular, to coral reef ecosystems.¹ If current activities continue, fisheries will almost certainly collapse. The resulting food shortages, unemployment and anger of local populations will almost certainly become a major and immediate source of instability.

Given the mammoth proportions and dire implications of these security threats, it comes as no surprise that maritime security continues to be a central element of the U.S. Government's strategic rebalance to the Asia-Pacific. For the U.S. Navy, the rebalance has delivered significant expansion of operational capability as the result of improvements to both the quantity and quality of U.S. forces. The March 2nd arrival of

¹ "A study by the UN Environment Programme in 2004 cited the high concentration of coral reefs in Southeast Asian seas – 34% of the world's coral reefs, despite occupying only 2.5% of the total ocean surface."
<http://www.rappler.com/world/specials/93371-cirss-commentaries-environmental-turn-south-china-sea-disputes>

USS *Barry* into the 7th Fleet Area of Responsibility exemplifies both trends. *Barry* brings the total number of Aegis-equipped warships permanently assigned to the Fleet's Forward Deployment Naval Forces (FDNF) in Yokosuka, Japan to three cruisers and seven destroyers—the highest level it has been in decades. These FDNF ships work alongside an increasing number of ships deploying to the Western Pacific from their homeports in Hawaii and the West Coast of the Continental United States. In terms of quality, *Barry* carries the most advanced variant of the Aegis combat systems.² The other FDNF cruisers and destroyers are similarly advanced, and all-but-one are capable of ballistic missile defense operations. Beyond the surface fleet, the introduction of the P-8 maritime patrol aircraft; recent growth in numbers of submarines homeport in Guam; and modernization of the air wing associated with the forward-deployed aircraft carrier, USS Ronald Reagan demonstrate the holistic improvement in the 7th Fleets capabilities.

Underpinning the 7th Fleet's growing capacity to contribute to the whole-of-government, strategic U.S. rebalance to Asia, is the trust and confidence that comes as a by-product of decades of security commitments and naval presence in the Western Pacific. Since the end of WWII, throughout the Korean and Vietnam Wars, and into the post-Cold War, the U.S. Navy has consistently plied the waters of Southeast Asia, maintaining regional security, fostering navy-to-navy relationships and investing in partnerships. It is those long-standing security partnerships and alliances that have paved the way for a modernization of cooperative defense agreements, such as the Extended Defense Cooperation Agreement (EDCA) between the governments of the Philippines and United States and an agreement with the Government of Singapore to forward deploy the U.S. Navy's newest combatant, the Littoral Combat Ship (LCS) to Changi Naval Base. Through this lens, the U.S. Navy's contribution to the rebalance can be regarded as a noteworthy upgrade to a successful and longstanding participation in regional maritime security capacity and capability building.

Supporting Regional Organizations, Growing Demand for Important Work

As regional security frameworks have developed, so too has the 7th Fleet's contribution in support of an increasing number of regional bodies. In recent years, the 7th Fleet has actively supported the United States' enhanced engagement with ASEAN and participation in the East Asia Summit, essential features of the U.S. government's rebalance to Asia.³ In fact, ASEAN has been given center stage as a key partner

² <http://www.cpf.navy.mil/news.aspx/010540>

³ Daniel Russel, Assistant Secretary of States, Bureau of East Asian and Pacific Affairs, "ASEAN and America: Partners for

positioned at “the heart of Asia-Pacific’s architecture” and the 7th Fleet is fully cognizant that the maritime security agenda is central to developing an ASEAN Security Community.⁴ The 7th Fleet has directly supported initiatives by specialized bodies such as the Expanded ASEAN Maritime Forum (EAMF) and the ASEAN Defense Ministers Meeting Plus (ADMM+) Maritime Security Experts Working Group (EWG).

The 7th Fleet has also been strongly supportive of other regional maritime security multilateral institutions such as ReCAAP and the Western Pacific Naval Symposium (WPNS). While independent from ASEAN-based efforts, these share similar DNA in terms of membership and organizational cultures-based collaborative approaches and commitment to non-interference in members’ internal affairs. 7th Fleet units regularly appear in these organizations’ maritime security exercises and take part in their confidence building programs. For example, in 2013 the Aegis cruiser *Chosin* participated in ADMM+’s first Maritime Security Field Training Exercise (FTX)⁵, and in May of this year the U.S. Navy plans to provide a robust force package to the ADMM+ Maritime Security/Counter Terrorism FTX.

Considering the complex challenges in the region, and the growing demand for ships and aircraft to both operate and conduct these multilateral exercises, the U.S. Navy--as every Navy in the region--is resource constrained. Even though the total number of available assets U.S. Navy assets is increasing in the region, so too are the opportunities to engage. Layered on top of operational requirements and maintenance needs, the increase in demand for engagement and cooperative training is outpacing the increase in supply. Carefully targeted multilateral training is a key tool for optimizing the security value retained on forces invested. Doing so raises the sophistication of the exercise while aligning duplicative efforts and creating synergizes.

Why Multilateral Cooperation at Sea?

Since the dismantling of the Southeast Asia Treaty Organization (SEATO), the U.S.’s maritime security engagement in Southeast Asia has been either through existing multilateral organizations or implemented bilaterally through a ‘hub and spoke’ model. A perfect example of the Cold War-era hub-and-spokes approach is the U.S. led maritime security exercise series Cooperation Afloat Readiness and Training (CARAT). Since its inception in 1995, this annual exercise series has built interoperability,

the Future,” remarks, San Francisco, Commonwealth Club, 28 July 2014

<<http://www.state.gov/p/eap/rls/rm/2014/07/229872.htm>> accessed 6 June 2015.

⁴ J.N. Mak, “Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits,” in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, p. 134

⁵ Peter WALZ, “CHOSIN UNITES WITH WORLD NAVIES FOR AN INTERNATIONAL EXERCISE,” 3 OCT 2013.<[HTTP://WWW.NAVY.MIL/SUBMIT/DISPLAY.ASP?STORY_ID=76942](http://www.navy.mil/submit/display.asp?story_id=76942)> ACCESSED 6 JUNE 2015.

capability, and capacity between the U.S. Navy and its regional partners. Over the course of its two-decade history, CARAT events have increasingly more sophisticated and the number of CARAT partners has grown from six to ten. Today CARAT has rightfully earned its reputation as the premier U.S. maritime security training event in Southeast Asia. Until 2015, it had also remained strictly bilateral and bilateral training just simply isn't good enough anymore.

The 2004 Indian Ocean tsunami, 2013 typhoon Haiyan, 2014 disappearance of MH370 and 2015 crash of AirAsia 8501 all triggered multinational maritime responses. In all these cases, among the toughest challenges facing the response force was the effective sharing of information and coordination between the various navies and their diverse partner. Looking forward, it is almost impossible to envision a crisis that would trigger a strictly bilateral response between the United States and Southeast Asian partners. Therefore, complex coordination required between multilateral forces must be a focus of training. After decades of bilateral exercises and training, we know how to communicate one-to-one. However, something happens when you add a third and fourth partner to the same maritime space that complicates the operation exponentially. Similar to how you might act when talking with an old friend, versus in the presence of a small group gathered around a common host – it's just different.

The 7th Fleet is clearly not alone in this view. Whereas twenty years ago there were only a few multilateral training events in Southeast Asia's exercise calendar, today that calendar is full with a menagerie of multilateral exercises. As just a few examples, Australia hosts *Kakudu*, Indonesia organizes *Komodo*, the U.S. brings together regional navies at Southeast Asia Cooperation and Training (*SEACAT*), Singapore organizes a WPNS-sponsored event in conjunction with the International Maritime Defence Exhibition (IMDEX), and Malaysia sets up an WPNS-sponsored event at the end of Langkawi International Maritime Aerospace (LIMA). In addition, the ASEAN Regional Forum (ARF) hosts HADR events that rotate through the region, and ADMM+ will hold its second FTX in May 2016 when multinational ships will sail together as a combined maritime security task force from Brunei to Singapore. These large multinational exercises are invaluable as they build trust and confidence, construct norms of cooperation, establish baseline procedures for interoperability, and lay the foundation for regional security architectures.

Unfortunately, large multinational exercises also suffer from a number of distinct drawbacks. As they seek to maximize the number of partners involved, the level of training has to be aligned to the lowest level of interoperability. Where the objective is inclusion, this works, but where the objective is interoperability in a complex operating

environment, it leaves something to be desired. Further strategic mistrust and policy limitation between the parties involved can also limit the training to relatively benign security scenarios that deliver limited enhancements to warfighting skills. As a result, there is no plan to recreate a “SEATO Redux at Sea” or a “Southeast Asia RIMPAC,”—as some partners might fear— but instead a shift in mindset in the engagement opportunities we pursue, high-end targeted multilateral cooperation within the policies directed by respective national leaderships.

Networking Cooperation: Building Efficiency and Effectiveness with the Right Partners in the Right Places

After careful study of these operational needs, consideration of guidance coming from U.S. military and civilian leadership, and consulting with its regional partners and allies, 7th Fleet planners have developed a deliberate approach to introduce more multilateral elements into traditionally bilateral activities in Southeast Asia. These approaches have been carefully developed by listening to partners, seeking to understand their needs and concerns, and then finding areas of common benefit. One venue for this discussion was the first ever Fleet Commander’s Roundtable hosted by Vice Admiral Robert Thomas, then Commander 7th Fleet, while his command ship was visiting Singapore’s Changi Naval Base in May 2015.⁶ Captain Ronald Oswald, the 7th Fleet’s Assistant Chief of Staff for Theater Security Cooperation explained, “Looking back at [the region], even a couple of years ago things were different, but recent discussions with our partners about trilateral and multilateral exercises have been very positive.” The second such roundtable will be co-hosted by Admiral Thomas’ successor Vice Admiral Joseph Aucoin and the Republic of Singapore Navy Fleet Commander Rear Admiral Lew Chuen Hong on 19 March 2016. Similarly, on 5 March 2016, VADM Aucoin hosted the first ever trilateral staff talks with Officers from the Philippines Navy and the Japan Maritime Self Defense Force aboard his flagship USS *Blue Ridge* while making a routine port visit to Manila. Admiral Aucoin described these talks as “a tangible example of the unified commitment of our countries to the stability and security of this region.”⁷

One of the initiatives being pursued is the Targeted Multilateral CARAT Initiative. This initiative will selectively network targeted bilateral relationships into more effective and efficient training. First announced by VADM Thomas at the May 2015 Fleet Commanders’ roundtable, this initiative guarantees that the premium quality training

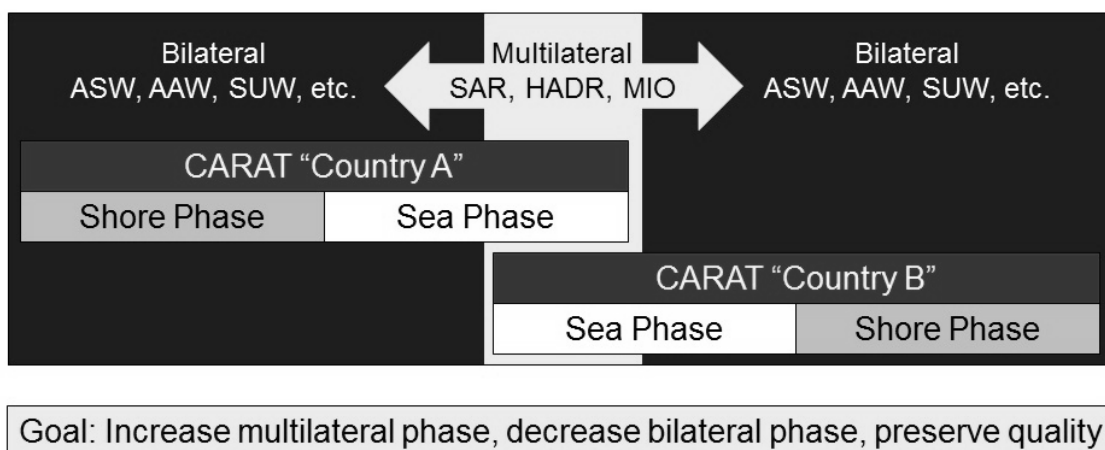
⁶ <https://www.youtube.com/watch?v=XZSOCLHPPFQ> and

<http://www.msn.com/en-ph/news/world/phl-japan-us-hold-talks-to-enhance-defense-cooperation/ar-AAgxtSa?li=AA9X5pk>

⁷ <http://www.cpf.navy.mil/news.aspx/010542>

enjoyed by bilateral CARAT exercises will be retained, while introducing more realistic and multilateral coordination structures. The types of activities conducted in the 10 separate CARAT events, across the region, from Bangladesh to Malaysia, have very similar objectives. A typical CARAT exercise begins ashore with symposia and subject matter expert exchanges, followed by 2 to 7 days at sea conducting everything from high-end Anti-Submarine Warfare (ASW) to simple communications drills. Targeting similar activities across two or more CARAT partners and agreeing to conduct those multilaterally allows for consolidation of somewhat redundant events. Overlapping bilateral exercises allows for surface and air assets to be re-invested in much needed training, certification, and maintenance activities, or re-allocated to meet the growing demand signal in other regional exercises.

Figure 1: Overlapping traditionally bilateral exercises at the intersection of shared security concerns, allows for greater efficiency and effectiveness of training.



CARAT third parties are carefully being selected to guarantee that they add value to the training and strengthen the existing relationships. Those additional partners share geography proximity or common training objectives. In some cases, the new multilateral element may involve existing CARAT partners. For example, one could envision a future CARAT event involving the United States, Bangladesh and the Philippines, because both Bangladesh and the Philippines are already cooperating closely with the U.S. Navy as they integrate ex-Hamilton-class cutters and AW-109 helicopters into their fleets. Alternately, two neighboring Southeast Asian partners may find it more effective and efficient to conduct HADR, SAR and anti-piracy training events trilaterally because they recognize that forces of nature, drifting vessels, lost aircraft, and criminals do not respect political boundaries. In other cases, the multilateral

element may be introduced by bringing in a partner not previously involved in the CARAT series. These extra-regional players can leverage their high-levels of interoperability with the U.S. to “plug in” to CARAT with sophisticated forces and add immediate training value. The practical benefits of this sort of cooperation are clear. While talking to reporters on the sidelines of the U.S.-sponsored multilateral Southeast Asia Cooperation and Training (SEACAT) exercise, Rear Admiral Charlie Williams, Commander of Task Force 73 located in Singapore explained, “There is a great opportunity in this region to take advantage of the already-existing individual exercises between many of the countries, and come together to multilaterally affect better interoperability and better training at sea.”⁸

This initiative is well underway, as a number of multilateral elements were included in CARAT 2015. For example, the Australian Navy observed CARAT Philippines, UK Royal Marines observed CARAT Indonesia, Portuguese and Australian Forces had roles in CARAT Timor Leste, and the Philippine Navy observed CARAT Malaysia. These events enabled the 7th Fleet and its CARAT partners to learn lessons about the practical implementation of the Targeted Multilateral CARAT Initiative, understand the nuanced complexities of adding new partners to longstanding events, and solicit feedback from CARAT partners. The biggest take away from the 2015 pathfinding experiences was general concurrence regarding the value of this approach and shared assessment that the initiative’s integral flexibility ensures that both value and return on investment are assuredly to be approved. As a result, regional maritime partners look forward to additional and more complex multilateral element in CARAT 2016.

Conclusion

The Targeted Multilateral CARAT Initiative is just one of the fresh new approaches the 7th Fleet is taking to network its cooperative endeavors in Southeast Asia. For example, Bangladesh, Cambodia, and four national coast guards are expected to be first time participants in SEACAT 2016 and the maritime components of the 2016 bilateral joint exercises *Cobra Gold* and *Balikatan* in Thailand and the Philippines respectively include a number of significant “first ever.” However, the advances being made in CARAT are perhaps the clearest representation of what is truly new. Trust in the strength of U.S. partnerships, the confidence built over time by regional cooperation, and the shared desire to be more effective and efficient are driving multilateral elements into previously bilateral operational relationships. The resulting cooperative networks

⁸ <http://www.todayonline.com/world/americas/us-rebalancing-brings-better-training-possibilities>

are fundamentally altering the dynamics of the 7th Fleets' theater security cooperation in Southeast Asia.