

ASEAN to devise Code of Conduct on South China Sea

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In the first quarter of 2019, the next round of negotiations between China and ASEAN on the Code of Conduct (COC) on South China Sea is expected to be finalised. If the leaked document of the negotiating draft of the COC is to be believed, China could drastically change its approach and activities across the South China Sea.

Vietnam, which is standing up to China, is pressing for the agreement on the anvil to outlaw China's currently ongoing activities across the disputed waters like construction of artificial islands, military infrastructure and missile deployment. Vietnam is also trying to prohibit any new Air Defense Identification Zone. China has proposed a vague "nine-dash line" which Vietnam wants to define in the COC as per International Laws.

China and Vietnam hold divergent positions on the South China Sea. While China adopts an admixture of historical claims and the United Nations Convention on the Law of the Sea (UNCLOS) as a comprehensive stance, Vietnam avoids Chinese bait. Hanoi does not refer to history but rightfully relies more on UNCLOS.

China criticises UNCLOS as a Western idea, and blames Vietnam for internationalizing the dispute by seeking support of other claimants and international powers like the US to contain China.

ASEAN nations in South China Sea region naturally have security concerns given China's imperialistic and aggressive designs in the sea. They justifiably oppose Beijing's construction of artificial islands. Off late, China has been masking these conflicts under friendly ties but Vietnam remains the flag bearer of the opposition to Chinese influence. In November 2018, China appealed to ASEAN nations to complete COC negotiations before 2021.

As Vietnam will hold the ASEAN chair in 2020, the maturing of COC negotiations around that time could put certain diplomatic and political pressures on Hanoi. As Chairman, Vietnam is entitled to put forward its claims first stand.

China fears that Vietnam's just insistence on UNCLOS could sway other ASEAN nations to support it, handing over an upper hand in negotiations.

There are demands in the Philippines and other blocs and ASEAN to fully support Vietnam's stance against China in negotiating the COC. Albert Del Rosario, the then Foreign Affairs Secretary of the Philippines who dragged the South China Sea issue to international arbitration tribunal, supports Vietnam's stance.

However, President Duterte hesitates. After all, Manila is now China's largest trading partner having close economic and trade ties and Duterte was threatened to adopt a relatively friendly attitude toward China. This forces Philippines' neutrality in diplomacy, including the disputes between China and the US.

Malaysia, which usually follows practical diplomacy under Prime Minister Mahathir Mohamad, is likely to support Vietnam's proposals but unlikely to take the lead.

Mahathir has cancelled three Belt and Road initiative projects last year and just announced cancellation of \$19.6 billion worth projects. Kuala Lumpur is experiencing a run-in period with Beijing and could go for a big row with China on the South China Sea.

Divergence with ASEAN in COC negotiations should prompt China to shun its aggressive designs in South China Sea. Given the strategic environment of fierce China-US competition, China must learn to live peacefully with neighbouring countries as strengthening ties with them could help overcome its looming international isolation.

China cannot avoid the South China Sea issue while communicating with ASEAN members. Kingdoms formed and dissipated at different periods of history. So relying on past to claim on South China Sea islands can be confusing at best. Beijing must cease activities on artificial islands under construction to ease

tensions and win the trust of ASEAN and the international community. China must open the South China Sea to unhindered international maritime navigation. It should provide an institutional guarantee for regional peace to convince surrounding countries that it will not resort to force to resolve disputes. A flexible and accommodative solution is the need of the hour.