

THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA  
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**JAPAN'S AND CHINA'S STRATEGIES FOR  
MARITIME DIPLOMACY IN SOUTHEAST  
ASIA, 1945-2014**

**IDENTIFYING PROSPECTS FOR MARITIME COOPERATION**

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## Synopsis

The current geopolitical environment in maritime Southeast Asia is an area of escalating concern for regional and extra-regional stakeholders, International Relations (IR) scholars and maritime security experts. While maritime sovereignty disputes are a major issue, power shifts within the region have contributed to increasing strategic competition. The intersection of rival interests and strategies is manifested in the maritime domain where tensions run high. A growing body of literature identifies the need for greater strategic trust, with maritime cooperation prescribed by many as a measure for strategic trust building between states in Southeast Asia. These theoretical and practical prescriptions provide a roadmap for maritime cooperation. This thesis investigates effective mechanisms for maritime diplomacy through a comparative analysis of Japan's and China's maritime cooperative strategies. Consequently, it expands on the current literature, and supplements existing recommendations for cooperation.

The Straits of Malacca (SOM) and the South China Sea (SCS) provide the context for the examination of Japan's and China's maritime cooperative strategies. Empirical case studies of these two stakeholders over the period from 1945 to 2009 form the basis by which to assess the coherence of the existing framework for maritime cooperation. A corresponding analysis finds functional approaches to maritime cooperation to be an effective mechanism for the advancement of trust and cooperation in the region. Furthermore, this thesis demonstrates how constitutive factors in states' strategic thinking must come together to support effective cooperative strategies. The coherence of Japan's interests and preferences underpinned its functional approach to cooperation. Conversely, China's pluralism has constrained its cooperative disposition and its efforts towards maritime cooperation in the SCS. As a consequence strategic mistrust has prevailed in this area. For as long as China's territorial objectives take rank, tensions will remain, with far reaching implications for

regional peace and stability. This too is the case for Japan in the ECS and Takeshima/Tokdo disputes where the ongoing advancement of its maritime claims in the disputes areas obfuscates the prospects for maritime cooperation.

## **Declaration**

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signed: \_\_\_\_\_

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## Acronyms

ADMM+- ASEAN Defence Minister Meeting Plus

ADIZ- Air Defence Identification Zone

AFC- Asia Financial Crisis

AMF- ASEAN Maritime Forum

APEC- Asia Pacific Economic Cooperation

ARF- ASEAN Regional Forum

ARF ISM-MS- ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security

ASEAN- Association of Southeast Asian Nations

CC- Central Committee

CCP- Chinese Communist Party

CBM- Confidence Build Measure

CLCS- Commission on the Limits of the Continental Shelf

CMC- Central Military Commission

CNP- Comprehensive National Power

COC- Code of Conduct

CSCAP- Council for Security Cooperation in the Asia Pacific

CSIS- Center for Strategic and International Studies

CLB- Cabinet Legislation Bureau

CMC- Central Military Commission

CTF- Combined Task Force

DMAA- Agreement on the Prevention of Dangerous Military Activities

DOC- Declaration on the Conduct of Parties in the South China Sea

EAEC- East Asian Economic Caucus

EAS- East Asia Summit

EEZ- Exclusive Economic Zone

ECS- East China Sea

EIA- Energy Information Administration

EU- European Union

FASA- Federation of ASEAN Shipowners' Association

GDP- Gross Domestic Product

GEF- Global Environment Facility

GWT- Gross Weight Tonnage

HA/DR- Humanitarian Assistance and Disaster Relief

IEG- Intelligence Exchange Group

ICBM- Intercontinental Ballistic Missile

ICJ- International Court of Justice

IGO- Inter-Governmental Organisation

IJN- Imperial Japanese Navy

IMB- International Maritime Bureau

IMCO- Inter-Governmental Maritime Consultative Organisation

IMO- International Maritime Organisation

INCSEA- Incident at Sea Agreement

ISC- Information Sharing Centre

ISG- Inter-Sessional Support Group

ISM-MS- Inter-Sessional Meeting Maritime Security

IUU- Illegal, Unreported and Unregulated

JAMS- Japan Association for Marine Safety

JCG- Japan Coast Guard

JDA- Japanese Defense Agency

JICA- Japan International Cooperation Agency

JMSDF- Japanese Maritime Self Defense Force

JSA- Japan Safety Agency

LDP- Liberal Democratic Party

MEH- Marine Electronic Highway

MITI- Ministry of Trade and Industry Japan

MLIT- Ministry of Land, Infrastructure, Transport and Tourism Japan

MMEA- Malaysian Maritime Enforcement Agency

MOF- Ministry of Finance

MOFA- Ministry of Foreign Affairs

MOT- Ministry of Transport Japan

MOU- Memorandum of Understanding

MSA- Japanese Maritime Safety Authority

MSC- Malacca Straits Council

MSP- Malacca Straits Patrols

MSP-IS- Malacca Straits Patrols Information System

MSSI- Malacca Straits Security Initiative

NATO- North Atlantic Treaty Organisation

NGO- Non-Governmental Organisation

NDPO- National Defense Program Outline

ODA- Official Development Assistance

OECD- Organization for Economic Cooperation and Development

OSPAR- Oil Spill Preparedness and Response Plan

PD- Prisoner's Dilemma

PRC- People's Republic of China

PSC- Politburo Standing Committee

ReCAAP- Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia

ROC- Republic of Korea

RMSI- Regional Maritime Security Initiative



SAR- Search and Rescue

SARS- Severe Acute Respiratory Syndrome

SEAFDEC- Southeast Asian Fisheries Development Center

SCS- South China Sea

SCSW- South China Sea Workshops

SLBM- Submarine Launched Ballistic Missile

SOA- State Oceanic Administration

SOM- Straits of Malacca

SSRFAB – South Sea Fisheries Administration Bureau

SUA- Suppression of Unlawful Acts

TAC- Treaty of Amity and Cooperation

TCO- Transnational Criminal Organisation

TEU- Twenty-Foot Equivalent

TTEG- Tripartite Technical Experts Group

UK- United Kingdom

UNCLOS- United Nations Convention on the Law of the Sea

UNEP- United Nations Environment Programme

US- United States

USCG- United States Coast Guard

USSR- United Soviet Socialist States



## Introduction

Maritime cooperation is an essential requirement for peace and stability and to allow for the development of prosperity. Without cooperation, conditions for good order at sea are compromised and the risk of mistrust and insecurity increase. As a global common, states' shared and unobstructed access to the oceans hinges upon their willingness to cooperate. Similarly, many people globally are dependent upon the oceans for their individual security and prosperity. States' unilateral efforts to secure their interests are insufficient to effectively manage the oceans' vast trans-boundary resources and sea lanes.<sup>1</sup> Moreover, unilateral strategies risk encouraging what the literature identifies as the 'security dilemma', which refers to an escalating dynamic of competition and insecurity that heightens the potential transaction costs for all actors. Such concerns point to the need for maritime cooperation and the construction of trust in the international system. Consequently, there is a vast body of literature on maritime cooperation that helps to identify the pragmatic means by which to advance cooperation and build trust.<sup>2</sup> However, within the International Relations literature that deals with this question of why and how states cooperate there are competing views on how cooperation and trusting relations are best achieved. Dominant International Relations literature favours top-down approaches, in which trust is implied, while alternative International Relations literature and the maritime specific literature identifies the need for bottom-up approaches to cooperation as a diplomatic tool by which to manage the security

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<sup>1</sup> Sam Bateman, Joshua Ho and Jane Chan, 'Good Order at Sea in Southeast Asia', *S. Rajaratnam School of International Studies*, RSIS Policy Paper, April 2009.

<sup>2</sup> See Sam Bateman, 'Maritime confidence building measures-an overview', Background paper prepared for the Conference on Maritime Confidence Building Measures in the South China Sea, Special Report, Australian Strategic Policy Institute, Sydney, September 2013; John F. Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', *The Naval War College Review*, vol. 58, no. 3, Summer 2005, pp. 63-86; Hasjim Djalal and Ian Townsend-Gault, 'Managing Potential Conflicts in the South China Sea: Informal Diplomacy for Conflict Prevention', in Chester A Crocker, Fen Osler Hampson, and Pamela R. Aall (eds.), *Herding Cats: Multiparty Mediation in a Complex World*, United States Institute of Peace, Washington DC, 1999, pp. 107-133; Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', *The International Journal of Marine and Coastal Law*, vol. 21, no. 1, 2006, pp. 83-108.

dilemma through the gradual construction of trust. Maritime cooperation between the United States (US) and the Union of the Soviet Socialist Republics (USSR) during the Cold War is often cited as an example of what can be achieved through bottom-up approaches.<sup>3</sup>

Operationalising maritime cooperation and constructing trust remains a crucial challenge in Southeast Asia because of deficiencies in good order at sea and long standing disputes over sovereignty in the South China Sea (SCS). Tensions erupt periodically, which was the case in the late 80s and 90s.<sup>4</sup> The deterioration in the geopolitics of the SCS from 2009 onwards evoked further attention to this question of how cooperation and trust are best achieved. Prevailing views prescribe bottom-up approaches to cooperation as a means of preventive diplomacy in the SCS. Recommendations for maritime cooperation in the SCS were the focus of a conference held by the Australian Strategic Policy Institute in December 2013. It was attended by several authoritative scholars, each of whom made prescriptions for bottom-up maritime cooperation, including information exchange, joint development of marine resources, protection and preservation of marine resources and safety of navigation.<sup>5</sup> The absence of such cooperative mechanisms in the SCS, however, demonstrates ambivalence towards this approach. This thesis seeks to resolve the confusion born out of competing views as to whether cooperation is a means to trust or the outcome of trusting relations by comparatively examining their behaviours against varied recommendations for maritime cooperation.

As key players in the region, Japan and China's cooperative dispositions have a considerable impact on the prospects for regional maritime cooperation and peace and stability.

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<sup>3</sup> David F. Winkler, 'US-Soviet Maritime Confidence-Building Measures', in Jill R. Junnola (ed.), *Maritime Confidence Building in Regions of Tension*, The Henry L. Stimson Center, Report no. 21, May 1996, pp. 1.-23.

<sup>4</sup> Taylor Fravel, 'China's Strategy in the South China Sea', *Contemporary Southeast Asia*, vol. 33, no. 3, 2011, pp. 297-299.

<sup>5</sup> Bobb Carr, Sam Bateman, Hasjim Djalal, Justin Jones, Kwa Chong Guan, and Ray Riggs, 'Maritime Confidence Building Measures in the South China Sea Conference', *ASPI Special Report*, December 2013.

Consequently, this thesis examines the evolution of Japan and China's approaches to maritime cooperation in Southeast Asia between 1945 and 2014. The Straits of Malacca (SOM) provides the context for this thesis' analysis of Japan's maritime cooperation in Southeast Asia. Japan, while not a littoral state of the SOM nor a resident power has, since the late 60s/early 70s, maintained a role in security matters in the waterway that is the lifeline of its economy. Conversely, as a resident power, China's maritime geography and interest in the maritime sovereignty disputes in the SCS guarantees sustained involvement in the area. China, over many centuries, had a strong commercial presence in the SCS that was disrupted by the arrival of the Europeans from the 17<sup>th</sup> century.<sup>6</sup> As this thesis shows, Japan's and China's different circumstances influence their preferences for different mechanisms for maritime cooperation in Southeast Asia.

The extended time frame adopted by the thesis allows for a detailed analysis of the roles of Japan and China in these respective maritime areas and an overview of the trends and patterns in their maritime cooperation and advancement of trust. Case studies of Japan's and China's maritime cooperative strategies in Southeast Asia demonstrate that while Japan played a positive role in helping to provide maritime safety and security in the region, China's actions were a source of tensions. The comparative assessment of Japan's and China's varied methods of seeking maritime cooperation in Southeast Asia demonstrates that bottom-up approaches are more sensitive to principles of non-interference. However, their success rests upon the ability of states to understand how they may contribute to negative threat perceptions that make it hard for partners to understand that their intentions are sincere. This sensibility is also what is required in East Asia where maritime disputes overwhelm the potential for maritime cooperation. China's experiences, in the SCS reveal,

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<sup>6</sup> Li Kangying, *The Ming Maritime Trade Policy in Transition: 1368-1567*, Harrassowitz Verlag, Wiesbaden, 2010, pp. 4-6; Xu Qi, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', Translated by Andrew S. Erickson and Lyle J. Goldstein, *Naval War College Review*, vol. 59, no. 4, Autumn 2006, p. 53.

however, that states' unique circumstances, particularly as they affect their understanding and application of sovereignty, determine their willingness and ability to acquire this sensibility. These research findings are reinforced by the subsequent examination of Japan's own difficulties in advancing maritime cooperation and trust in the ECS and Takeshima/Tokdo island disputes. These obstacles to cooperation and trust, however, are not insurmountable. This thesis finishes off by offering additional recommendations for how states may navigate these difficulties to operationalise cooperation and develop trust which may be applied elsewhere.

### **Advancing Maritime Cooperation and Constructing Trust**

The theoretical and practical ideas of International Relations scholars and maritime security experts help elucidate strategies for maritime cooperation. Dominant International Relations perspectives offer rationalist accounts of cooperation between states. According to these views, self-interested actors will pursue cooperation when they are set to gain from the transaction. John Mearsheimer, distinguished Professor in the Department of Political Science at the University of Chicago, whose views are closely associated with the Realist perspective, believes that cooperation occurs when it amounts to relative gains. Based on this purely rationalist logic, prospects for cooperation are limited as risks of exploitation by self-interested states in an anarchic system create a disincentive for cooperation. Other rationalist accounts, including but not limited to defensive variants of realist thinking and neoliberalism, offer a more optimistic view of cooperation, acknowledging the potential for mutual gains among states. Aspiring to this rationalist logic, Aaron Hoffman prescribes top-down mechanisms for cooperation on high stakes security issues whereby the risk of exploitation is diminished by means to ensure cooperative outcomes.<sup>7</sup>

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<sup>7</sup> Aaron Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, SUNY Press, New York, 2006, pp. 8-11.

The risks associated with protracted power struggles and the consequent nuclear arms race between the US and the USSR was the cause for International Relations scholars' further investigation into the prospects for cooperation between states.<sup>8</sup> Alternative International Relations perspectives developed during this period reject the notion that states are predetermined by material factors. Less focused structural impositions, constructivist scholars identify motivations for cooperation outside of material gains. Their efforts to highlight the role of non-material factors and agency allowed for a more positive prognosis for cooperation. Peter Katzenstein's account of the effect of identity on states' redefines what constitutes rationalist thinking and, in turn, expands upon rationalist accounts by redefining what this constitutes. Alexander Wendt's contention that systemic level interactions can alter 'identity' elucidates prospects for states as socially constructed actors to develop trusting relations through diplomacy.<sup>9</sup> Reflective of Wendt's theorising, Ken Booth and Nicholas Wheeler make recommendations for bottom-up, incremental cooperation on mutually shared issues in which assurance against exploitation stems from states effective signalling their positive intentions.<sup>10</sup> Towards these ends, Booth and Wheeler identify the concept of the 'security dilemma sensibility' as a means to ameliorate misperceptions. In acquiring the security dilemma sensibility, states extend empathy towards prospective cooperative partners as a way of signalling to them their benign intentions.<sup>11</sup>

More recently this question of why and how states cooperate has been examined by maritime security experts concerned with the future of Southeast Asia. In 1990 Professor Hasjim Djalal, a former Indonesian diplomat, and Professor Ian Townsend-Gault developed the SCS

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<sup>8</sup> The Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival*, Simon and Schuster New York, 1982.

<sup>9</sup> Alexander Wendt, 'Anarchy is what States Make of it: The social Construction of Power Politics', *International Organization*, vol. 46, no. 2, Spring 1992.

<sup>10</sup> Ken Booth and Nicholas J. Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, Palgrave Macmillan, New York, 2008.

<sup>11</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 7.

Workshops (SCSW) as a second track diplomatic initiative among competing claimant states. While at the time of their commencement in 1990 the SCSW were only open to members of the Association of Southeast Asian Nations (ASEAN) to discuss areas for maritime cooperation, by 1991 the workshops were inclusive of China, Taiwan and Laos and Vietnam; not yet ASEAN members.<sup>12</sup> Their efforts to promote bottom-up maritime cooperation are supported by Sam Bateman and Zou Keyuan.<sup>13</sup> Bateman was an Australian delegate to the Council for Security Cooperation in the Asia Pacific (CSCAP) which in 2006 established the Study Group on Facilitating Maritime Cooperation in the Asia Pacific.<sup>14</sup> The increasing economic dynamism of both East and Southeast Asia and the corresponding geopolitical shift to the region further exacerbated tensions. Several interrelated factors contributed to the increased prominence of the region in international affairs. The re-emergence of China saw its power extend into maritime Southeast Asia, where it overlaps with the interests of emerging Southeast Asian states. With impressive economic growth figures, which the OECD forecasted to continue, Southeast Asia has elevated its status on the global stage.<sup>15</sup> Indonesia and the Philippines were particularly noteworthy among the top performing Southeast Asian economies due to their high growth rates and declining debt.<sup>16</sup> As these states continue to emerge economically and contend for power so too will their incentive and ability to contest other states' competing interests as a demonstration of their new status. The signs of this development may be observed in the expanding naval expenditure in the region. Naval expansion and modernisation programs over the past two decades have made the

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<sup>12</sup> Djalal and Townsend-Gault, 'Managing Potential Conflicts in the South China Sea: Informal Diplomacy for Conflict Prevention', pp. 107-133

<sup>13</sup> Bateman, 'Maritime confidence building measures-an overview', pp. 7-12; Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', pp. 83-108

<sup>14</sup> CSCAP, Study Group on Facilitating Maritime Cooperation in the Asia Pacific, Final Study Group Report and Report of Meeting on Cooperation in Semi-Enclosed and Enclosed Seas, 2008.

<sup>15</sup> Organisation for Economic Cooperation and Development, 'Economic Outlook for Southeast Asia, China and India 2014: Beyond the Middle-Income Trap', 2013, p. 2; OECD, Emerging Asian economics expected to remain resilient, but structural reform critical, say new economic outlook for Southeast Asia, China and India', 8 October 2013, <<http://www.oecd.org/newsroom/seaopr.htm>> accessed 13 April 2013.

<sup>16</sup> Karen Brooks, 'Six Markets to Watch: Indonesia and the Philippines', *Foreign Affairs*, vol. 93, no. 1, January/February 2014, p. 37.



region's maritime spaces, in which there is already a high level of commercial traffic, increasingly congested. In particular, the proliferation of submarines amongst inexperienced operators has raised concerns amongst analysts.<sup>17</sup>

The accompanying geostrategic changes add new importance to Southeast Asia within the global balance of power. Subsequently, extra-regional states, including the US, Japan and India, have all vied for greater influence and presence in Southeast Asia. President Obama formally announced the US 're-pivot' or 're-balance' to Asia strategy during a major address to the Australian Parliament in November 2011, stating that as the US planned to wind down its commitment to the war in Afghanistan it would begin to refocus its attention on Asia.<sup>18</sup> Japan, long an extra-regional stakeholder within Southeast Asia, sought to remain a key extra-regional player, while, as India's economic growth continued and its interests expanded, it, too, endeavoured to extend its reach into Southeast Asia.<sup>19</sup> The interplay of these states' convergent and divergent interests is manifested in the Southeast Asian maritime domain. While all extra-regional states have an interests in regional peace and stability, keen observers of the regional dynamic have expressed concern over 'power maximisation' strategies that increase the likelihood of a security incident to occur, accidental or otherwise.<sup>20</sup> In such an event the prosperity of all states with interests in the region would be put at risk.

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<sup>17</sup> Brendan Nicholson, 'Submarines on collision course in busy sea', *The Australian*, 10 April 2014, <<http://www.theaustralian.com.au/national-affairs/policy/submarines-on-collision-course-in-busy-sea/story-e6frg8yo-1226879396585#>> accessed 15 April 2014; Sam Bateman, 'The perils of submarine operations', *The Strategist*, ASPI, 10 April 2014, <<http://www.aspistrategist.org.au/the-perils-of-submarine-operations-2/>> accessed 15 April 2014.

<sup>18</sup> 'Remarks by President Obama to the Australian Parliament', The White House, 17 November 2011, <<http://www.whitehouse.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliamentaccessed>> 9 April 2014.

<sup>19</sup> Bilveer Singh, 'Southeast Asia India Defence Relations in the Changing Regional Landscape', *Institute for Defence Studies and Analyses*, Monograph Series, no. 4, May 2011, pp. 15-16.

<sup>20</sup> Leszek Buszynski and Christopher B. Roberts, 'The South China Sea: Stabilisation and Resolution', in Leszek Buszynski and Christopher B. Roberts (eds.), *The South China Sea and Australia's Regional Security Environment*, Australian National University, National Security College Occasional Paper, no. 5, September 2013, p. 51.

Adding to these pressures, Southeast Asian waters are prone to a number of transnational security challenges. Piracy plagued the SOM for centuries.<sup>21</sup> During the 1990s, as incidents of maritime piracy were on the rise in the Straits, maritime cooperation gradually began to evolve.<sup>22</sup> A subsequent examination of these initiatives by Bradford deemed them ‘inadequate’ to address the complex suite of challenges that affect security in this waterway.<sup>23</sup> The implication is that effective sea lane security requires the collective efforts of all states with a vested interest in safety of navigation through this region. The maritime domain is a commonly shared space and is diametrically different to land territories where clearly defined borders allow for greater autonomy in actions and rules of the game for interactions among states. In the maritime domain the interests of states overlap and intersect in a space in which jurisdictions are not clearly defined.

Professor Michael Wesley, Director of the School of International Political and Strategic Studies at the Australian National University, characterises maritime Southeast Asia as a potential ‘shatterbelt’ of risk.<sup>24</sup> Escalating geostrategic competition and the presence of numerous non-traditional security challenges could see the further deterioration of conditions in this key strategic area. Good order at sea and mitigation of risk resulting from strategic competition is best achieved through maritime cooperation. Accordingly, it is argued that states with converging interests should pursue functional cooperation in practical issue areas. Pursued consistently over time, functional maritime cooperative initiatives serve as effective mechanisms for the construction of trust. Thus, in their assessment of the Southeast Asian maritime environment, a number of maritime security experts make practical suggestions for

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<sup>21</sup> Ger Teitler, Piracy in Southeast Asia: A Historical Comparison’, *MAST*, vol. 1, no. 1, 2000, p. 68.

<sup>22</sup> Robert C. Beckman, Carl Grundy-Warr and Vivian Louis Forbes, ‘Acts of Piracy in the Malacca and Singapore Straits’, *Maritime Briefing*, vol. 1, no. 4, International Boundaries Research Unit, University of Durham, 1994, p. 15.

<sup>23</sup> Bradford, ‘The Growing Prospects for Maritime Security Cooperation in Southeast Asia’, p. 63.

<sup>24</sup> Michael Wesley, *SEA-Blindness: Why Southeast Asia Matters*, Speech delivered to the East-West Center, Washington, 9 March 2011; Saul Bernard Cohen, *Geopolitics: The Geography of International Relations*, Rowman and Littlefield, Maryland, 2009, p. 5.

maritime cooperation that are consistent with the constructivist perspective advanced by Wendt. Sam Bateman, Joshua Ho and Jane Chan recommend that states pursue maritime cooperation as a measure for good order at sea. Canvassing prospective risks to the effective management of regional waters, Bateman, Ho and Chan highlight existing opportunities for functional maritime cooperation in Southeast Asia.<sup>25</sup> Oceans policy literature similarly supports bottom-up cooperation, advising states to adopt integrated and holistic national oceans policies' as a means to assist in coordinating efforts towards inter-state cooperation for good oceans governance.<sup>26</sup> Correspondingly, several maritime security experts have examined the potential for functional maritime cooperation in areas of escalating tensions, including Mark Valencia, Jon Van Dyke and Noel Ludwig, who explore possibilities for maritime cooperation on joint development of resources in the South China Sea (SCS).<sup>27</sup>

The deterioration of conditions for good order in Southeast Asia saw a proliferation of endorsements for a functional and incrementalist approach. Djalal, Townsend-Gault, Bateman and Zou Keyuan are long-term advocates. Their views are supported by Rory Medcalf and Raoul Heinrichs from the Lowy Institute, and Justin Jones from the Australian Sea Power Centre.<sup>28</sup> These scholars advocate maritime cooperation as a means to build confidence and provide rules of the game to help ensure against the risk of increasing strategic competition. Bateman further suggests that pursued over time these functional maritime Confidence Building Measures (CBMs) serve as 'building blocks', facilitating the development of trusting relations for the amelioration of tensions and further development of

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<sup>25</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', April 2009.

<sup>26</sup> Arild Underdal, 'Integrated Marine policy', *Marine Policy*, vol. 4, no. 2, 1980, pp. 159-160; Nien-Tsu Alfred Hu, 'Integrated Oceans Policymaking: An Ongoing Process of a Forgotten Concept?', *Coastal Management*, vol. 40, no. 2, pp. 108-109.

<sup>27</sup> Mark J. Valencia, John M. Van Dyke and Noel A. Ludwig, *Sharing the Resources of the South China Sea*, Martinus Nijhoff Publisher, The Hague, 1997.

<sup>28</sup> Rory Medcalf, Raoul Heinrichs and Justin Jones, 'Crisis and Confidence: Major Power and Maritime Security in Indo-Pacific Asia', *Lowy Institute and the MacArthur Foundation*, June 2011.

cooperation.<sup>29</sup> Employing this logic John Bradford recommends that existing mechanisms for maritime cooperation in the SOM could be built upon further to account for remaining deficiencies in good order at sea, and to help alleviate the distrust that hindered many initiatives in this area.<sup>30</sup> Other scholars supplement these recommendations by elucidating the most pervasive obstacles to cooperation and ways of overcoming these. Bateman and Ian Storey reveal sovereignty sensitivities to be the most pervasive obstacle to maritime cooperation.<sup>31</sup> Offering guidance on how to navigate these obstacles, Zou Keyuan highlights the importance of ‘scale’ and the need to start small with non-threatening functional matters.<sup>32</sup> Bateman and Bergin make another important contribution to the literature on functional maritime cooperation in demonstrating the importance of civilian led methods.<sup>33</sup>

While the need to build maritime cooperation and trust between states in the maritime environment is readily accepted by scholars and government officials alike, there is some confusion about the conditions under which cooperation may emerge and the best means by which this may be achieved. This confusion is reflected in the ambivalence towards functional maritime cooperation, particularly in the SCS and competing calls for a formalised binding code of conduct to govern states’ behaviour and ensure trust among stakeholders.<sup>34</sup> Confusion regarding the best means of cooperation stems from differing views on how trust is constructed between states. As Richard Ned Lebow suggests trust is understudied in

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<sup>29</sup> Bateman, ‘Background paper: maritime confidence building measures-an overview’, p. 10.

<sup>30</sup> Bradford, ‘The Growing Prospects for Maritime Security Cooperation in Southeast Asia’, p. 84.

<sup>31</sup> Sam Bateman, ‘Managing the South China Sea: Sovereignty is not the Issue’, *RSIS Commentaries*, no. 126, 29 September 2011, p. 2; Ian Storey, ‘Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation’, in Daljit Singh (ed.), *Southeast Asian Affairs: 2009*, Institute of Southeast Asian Studies, Singapore, 2009, p. 37.

<sup>32</sup> Zou Keyuan, ‘Joint Development in the South China Sea: A New Approach’, p. 102.

<sup>33</sup> Sam Bateman and Anthony Bergin, ‘What came first? Strategic trust and maritime confidence building measures’ *The Strategist*, ASPI, 22 August 2013, <<http://www.aspistrategist.org.au/which-came-first-strategic-trust-and-maritime-confidence-building-measures/>> accessed 15 April 2014; Bateman, ‘Maritime confidence building measures-an overview’, pp. 8-11.

<sup>34</sup> Ralf Emmers, ‘ASEAN, China and the South China Sea: An Opportunity Missed’, *IDSS Commentaries*, no. 30, 19 November 2002, p. 3; Rodolfo C. Severino, ‘Toward a Code of Conduct for the South China Sea’, *East Asia Forum*, 11 August 2012, <<http://www.eastasiaforum.org/2012/08/11/toward-a-code-of-conduct-for-the-south-china-sea/>> accessed 14 November 2013;

International Relations literature thus explaining the confusion regarding the circumstances in which it exists has arisen.<sup>35</sup> Associate Professor Brian Rathbun offers us a way of resolving this confusion by differentiating between ‘strategic trust’, implicit in the making of formalised institutions, and ‘generalised trust’ that can be transferred to other issue areas. Rathbun suggests, top-down approaches to cooperation, as seen in the proposed SCS Code of Conduct, imply that trust comes first as it is implicit in the making of institutions that ensure cooperative outcomes.<sup>36</sup> However, based on more generalised notions of trust others suggest that trust is not a pre-requisite for cooperation but the product of bottom-up approaches. Robert Axelrod’s rationalist account of cooperation highlights the possibility for cooperation between antagonists without formalised mechanisms for enforcement. According to Axelrod, cooperative interactions sustained over time help foster trusting relations that work to maintain long-term cooperation.<sup>37</sup> Similarly, the work of Booth and Wheeler, Djalal, Townsend-Gault, Bateman, Zou Keyuan which were referred to, determine that trust is constructed through cooperation. These scholars’ arguments highlight the importance of reciprocity, consistency and time for the development of cooperation and trust.<sup>38</sup>

This thesis argues that bottom-up approaches have proven to be effective as a means of preventive maritime diplomacy in Southeast Asia. Bottom-up cooperation enables states to gradually advance from relations of ‘generalised trust’ to ‘strategic trust’ manifest in the making of security communities. An examination of past efforts towards maritime cooperation within the region help support this contention and provide us with valuable insights into the conditions for establishing effective mechanisms of functional maritime cooperation and strategic trust building. The empirical examination undertaken of Japan’s

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<sup>35</sup> Richard Ned Lebow, ‘The Role of Trust in International Relations’, *Global Asia*, vol. 8, no. 3, Fall 2013, pp. 16-23.

<sup>36</sup> Brian Rathbun, ‘Before Hegemony: Generalized Trust and the Creation and Design of International Security Organizations’, *International Organization*, vol. 65, no. 2, 2011, p. 246.

<sup>37</sup> Robert Axelrod, *the Evolution of Cooperation*, Basic Books, New York, 1984.

<sup>38</sup> Robert Axelrod, *the Evolution of Cooperation*, Basic Books, New York, 1984, p. 10.

and China's maritime cooperation in the SOM and the SCS respectively over an extended timeframe helps corroborate the views of the leading scholars on the utility of bottom up cooperation. These studies also illustrate the obstacles to top-down cooperative measures where mistrust and tensions run high. The existing International Relations and maritime security literature on cooperation provides a starting point for the analysis of Japan and China's varied approaches to maritime cooperation in Southeast Asia. From both the comparative analysis of Japan's and China's experiences in the Southeast Asia and the extension of the Japan case study to East Asia we build upon these insights to help identify a way forward. These comparative assessments highlight how the interaction of material and ideational factors inform states' understanding and application of the principle of sovereignty and how this may determine their willingness and ability to commit to maritime cooperation.

### **The Approach Taken In This Thesis**

The key International Relations and maritime security literature debates the question of whether top-down or bottom-up approaches to cooperation are most effective. Using a combined conceptual and empirical approach this thesis seeks to elucidate answers to the 'chicken and egg problem': what comes first cooperation or trust? By way of resolving the debate this thesis begins by looking at its theoretical origins. International Relations literature, emphasising the influence of rationalist thinking, suggests that top-down mechanisms which tackle high stakes issues, increase information about cooperative partners, provide assurances against exploitation and, therefore, have the greatest chance of success. These understandings of cooperation are based on narrow definitions of trust which only recognise its existence at the strategic level. By way of contrast, alternative International Relations and maritime security perspectives stress the importance of social interactions in the formation of a state's identity, interests and preferences. They provide recommendations for functional bottom-up approaches to cooperation as a means to incrementally build

confidence and trust. For these scholars trust exists in many different forms starting with basic trust that is developed through cooperation on low-level issues in which mutual gains are observable. Only once basic trust has been established can states look to cooperation on strategic level issues for which a higher degree of trust is required. According to this logic maritime cooperation on non-threatening mutual issues pursued consistently over time serves as 'building blocks' for the advancement of trust. Bottom-up approaches determine that cooperation is the means by which to build trust and therefore comes first.

The development of Empirical case studies of Japan and China's maritime cooperation in Southeast Asia between 1945 and 2014 are subsequently undertaken as a basis for testing these varied recommendations. The case study of Japan focuses on the SOM, where it has directed its maritime cooperation, while the case study of China focuses on the SCS as its key priority area for maritime security.

The findings of the empirical case studies corroborate the argument developed in the thesis. Japan's successfully pursued a gradualist approach to cooperation that over time built trusting relations with the littoral states of the SOM. The US, as the guarantor of its pacifist posture and regional security facilitated Japan's maritime cooperation in the SOM. Japan and the littoral states were able to identify and focus on shared issues. Its maritime cooperation was delivered through bilateral and civilian channels, enhancing the willingness of the littoral states to accept Japan as a cooperative partner. The trust that developed as a consequence of such sustained efforts provided the basis for more comprehensive and multilateral maritime cooperation. By comparison, China's functional maritime cooperation in the SCS was obfuscated by the US Cold War policy of containment, competing sovereignty claims, and prevailing factors of mistrust towards competing claimant states which were exacerbated by an inability to take the sovereignty issue off the table in favour of functional cooperation. I argue that, while not without their difficulty, the bottom-up measures prove more amenable

to sovereignty sensitivities which have obfuscated the forms of cooperation prescribed by top-down measures. Top-down cooperative measures in both the SOM and the SCS run counter to well entrenched principles of dialogue, and norms of consensus decision making and non-interference within the region.

In assessing alternative International Relations perspectives on how states' identities, interests and preferences are formed and pursued, I argue that material factors alone do not contribute to a willingness to cooperate. While not dismissing the importance of rational calculations, consistent with constructivist views I take an eclectic approach, recognising also the role of ideational factors and social interactions matter in establishing conditions for cooperation. *Contra* Hoffman, I argue that rationalist, top-down prescriptions for cooperation which stress the importance of assurance measures in dealing with high stakes issues neglect other opportunities for cooperation and, therefore, building basic trust.<sup>39</sup> Alternate prescriptions for building trust are identified by Booth and Wheeler, and Djalal and Townsend-Gault, who emphasise the importance of less formalised diplomatic interactions in the gradual establishment of trusting relations.<sup>40</sup> These recommendations correspond with Brian Rathbun's understanding of how trust is developed incrementally. This logic suggests that rather than being mutually exclusive, bottom-up and top-down cooperative measures may co-exist. The success of top-down measures relies on bottom-up measures which act as effective trust building mechanisms. Rathbun's suggestions are supported by an examination of cooperation in the European Union.

A survey of the Southeast Asian maritime domain and past examples of cooperation reveals both the ineffective conduct of more formalised security cooperation and the need for

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<sup>39</sup> Aaron Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, SUNY Press, New York, 2006.

<sup>40</sup> Booth and Wheeler, *The Security Dilemma: Fear Cooperation and Trust in International Politics*; Djalal and Townsend-Gault, 'Preventive Diplomacy: Managing Potential Conflicts in the South China Sea'.



cooperation towards good order at sea and the amelioration of tensions. The Southeast Asian maritime environment is characterised by a myriad of security challenges, ranging from Illegal and Unreported and Unregulated (IUU) fishing to piracy and prospective maritime terrorism, which necessitate cooperative responses. Yet boundary and territorial disputes, and concerns over interventionist approaches, created difficulties in the way of maritime cooperation. I argue that the pervasiveness of these concerns have prevented the development of maritime cooperation to its more advanced and binding forms. Furthermore, here the author raises question about top-down for which there is a higher requirement of trust and also the utility of dominant western International Relations approaches which may preference this approach. Instead it is argued that, in light of prevailing sovereignty sensitivities in the SCS, bottom-up incrementalism may better deal with shared challenges and as a result creates more opportunities for cooperation and the evolution of trust. In turn, this thesis concludes that non-threatening functional issues of common concern present fertile grounds for advancing maritime cooperation and trust, and that less threatening civilian led measures are the most effective vehicle for the delivery of bottom up initiatives.

A study of Japan and China's strategies of maritime cooperation in Southeast Asia during 1945- 2014 provides empirical evidence by which to further assess scholars and practitioners recommendations for incremental approaches to maritime cooperation. Japan's post-war circumstances, namely its pacifist constitution and public, combined with a dual hedging strategy, gave preference to bottom-up cooperation with the SOM's littoral states; supplemented by its alliance with the US. Japan's maritime cooperation in the SOM developed gradually over more than four decades. The consistency and reciprocity of Japan's cooperative efforts enabled the littoral states to understand it as a sincere and trustworthy cooperative partner. Towards the end of this period more comprehensive cooperative initiatives were established because of the development of trust between Japan and the littoral

states of the SOM. The mutual gains and prosperity resultant from great stability in the SOM served the interests of all respective states and others which rely on safety and security in this waterway.

By way of contrast, China's dual maritime strategy was characterised by simultaneous pursuit of cooperation and territorial objectives. Its differential behaviour hampered the development of cooperation and trust in the SCS between 1949 and 2014. From the establishment of the People's Republic of China in 1949, China was unable to relinquish the issue of sovereignty in favour of functional cooperation. Under Mao's leadership, when China was being 'contained' by the US during the Cold War, cooperative objectives were absent from its strategic thinking. While reforms first implemented under Deng Xiaoping expanded China's interests, leading to a greater willingness to cooperate, concurrent and sustained efforts to advance its sovereignty claims undermined cooperation with other claimant states in the SCS. As a consequence, in 2014 China's maritime cooperation in the SCS was still at a stage of relative infancy. Trust had not yet developed with other claimant states.

The first part of the thesis, Chapters 1 and 2, engages the relevant International Relations and maritime security literature to begin to understand the prospects for cooperation.. Chapter 1 presents a critical review of the key International Relations literature that deals with this question of cooperation in the international system. It begins with a review of the influential Realist, Liberal and Constructivist International Relations perspectives, focussing on their different explanations of how states formulate interests and preferences. Taken together they reveal a range of opportunities for cooperation among states. The second part of the Chapter examines how states come to operationalise cooperation. Arguing in favour of bottom-up approaches, this section introduces Booth and Wheeler's concept of 'security dilemma sensibility' as a way out of the competitive interactions. Other prescriptions and prescriptions for a functional and incrementalist approach to cooperation are also discussed here. The final

section of the Chapter turns to the maritime sphere, and examines the recommendations of maritime analysts, including experts in the law of the sea and oceans policy, for functional maritime cooperation.

Chapter 2 builds on the recommendations of these experts by critically analysing the dominant literature on maritime security in Southeast Asia. An examination of the regional maritime security environment identifies key issue areas for which maritime cooperation is required. The following historical account of maritime cooperation in Southeast Asia demonstrates a preference towards bottom-up approaches. Past examples of maritime cooperation in Southeast Asia also illustrate that ‘sovereignty sensitivities’ are the greatest obstacle to cooperation. These are proven to be particularly pervasive for more advanced forms of cooperation. Scholars, including Bradford, Bateman, and Zou Keyuan, offer practical insights to advance bottom-up approaches, namely the importance of ‘scale’ and ‘civilian leadership’, into ways of navigating sovereignty sensitivities to operationalise maritime cooperation.

Chapters 3, 4, 5 and 6 provide the empirics by which to test the efficacy of the proposed bottom-up approach to maritime cooperation. Chapter 3 examines Japan’s post-war maritime strategic thinking and the development of its maritime diplomacy, arguing it pursued a ‘dual hedging strategy’. Included here is an examination of how particularities of the state, and correspondingly, foreign actor policy and processes determined Japan’s approach to maritime cooperation. First emerging in the 1950s, under the guidance of this strategy, cooperation with Southeast Asia supplemented the security provisions of the US alliance. Identification of three distinct periods in the evolution of Japan’s foreign and security policies in general, and maritime strategic thinking in particular, provides the basis for this analysis. The first period to be examined is from the post-war leadership of Shigeru Yoshida, when this strategy first emerged, to the commencement of Prime Minister Takeo Fukuda’s political tenure in 1976.

The second period is marked by the Fukuda Doctrine, which, it is argued, saw meaningful changes to Japan's security and maritime strategies, with considerable shift towards a preference for maritime cooperation. This period extends until the early 1990s when considerable political change took place in Japan. The final period considered in this Chapter details Japan's cooperative maritime strategy from the first post-war non-LDP leadership of Morihiro Hosokawa, elected in 1993, until the last months of Tarō Asō's turbulent leadership in 2009.

Drawing upon the research presented in Chapter 3, Chapter 4 examines the application of Japan's maritime diplomacy in the SOM under the auspices of its dual hedging strategy from 1945 to 2014. First, the author investigates Japan's maritime interests in Southeast Asia, determining that the SOM is the locus of these interests. Following, the author conducts a chronological assessment of the application of Japan's maritime cooperation in the SOM. From this assessment the author establishes the precise methods and consequences of Japan's approach so as to assess if this approach facilitated or hampered the development of trust. It is argued that the sensitivity of Japan's bottom-up approach to maritime cooperation helped foster trusting relations with the littoral states from which more advanced cooperative mechanisms were born in the SOM.

Also building upon the analysis of Japan's maritime strategy in Chapter 3, Chapter 5 examines the evolution of China's maritime diplomacy from the creation of the People's Republic of China (PRC) in 1949 to 2014. This chapter assesses China's maritime interests, arguing that it developed a 'Janus-like' dual strategy that determined the simultaneous pursuit of its maritime territorial objectives and cooperation. The chapter is divided into three sections, focussing on three periods in the development of China's foreign and security policies. As in the examination of the development of Japan's maritime diplomacy, here particular attention is given to China's unique foreign policy actors and processes that

affected its own maritime diplomatic strategy. The first section assesses China's maritime strategic thinking during Mao Zedong's leadership, 1949-76. The second section assesses the period of Deng Xiaoping's leadership between 1978 and 1997, arguing that there were momentous changes in China's foreign and security policies. The third section examines further developments in China's dual maritime strategy under Presidents Jiang Zemin (1997-2002) and Hu Jintao from 2002 until 2014, demonstrating the continuation of its dual hedging strategy.

Primary sources in the form of government White Papers and other official publications provide an authoritative basis for these case studies. Secondary scholarly literature, particularly that which deals with foreign language texts, supplements the primary source data for a more detailed study and analysis of Japan's and China's maritime strategies and their application in the SOM and SCS respectively.

Corresponding with the application of Japan's strategy in Chapter 4, Chapter 6 assesses China's interests in, and examines chronologically the application of, its dual maritime strategy in the SCS. This assessment examines whether its dual strategy worked to enhance or undermine cooperation. It is argued that the paradox contained within this strategy made it difficult for the other claimant states in the SCS to perceive China as a trustworthy, cooperative actor. The prevailing two-way trust deficit made it difficult for China to exercise the willingness required to break from its more assertive behaviour and the subsequent tit-for-tat dynamic.

Chapter 7 compares Japan and China's respective maritime cooperative strategies in the SOM and the SCS. This Chapter makes use of the theoretical perspectives on the importance of maritime cooperation explored in Chapters 1 and 2 to interpret the empirical research undertaken in Chapters 3, 4, 5 and 6. Chapter 7 identifies how we may establish whether

cooperative strategies are successful on the basis of a theoretically and practically informed emphasis on the importance of maritime cooperation. In addition this chapter assesses the successes and shortcomings of Japan's and China's maritime diplomacy against the theoretical and practical recommendations provided by both International Relations scholars and maritime security experts.

This analysis finds that proximal geography and territorial sovereignty disputes can be pervasive challenges to acquiring the security dilemma sensibility and, in turn, maritime cooperation. Unlike Japan, China, situated on the verge of the region, has the added difficulty of overcoming issues which arise from competing sovereignty claims in the adjacent SCS. Proximal geography, but moreover, China's territorial ambitions in maritime Southeast Asia, provide some explanation for the disparate outcomes of Japan and China's maritime cooperation. The comparative analysis suggests that the developmental stage of a state impacts on its ability and willingness to pursue cooperative strategies. Both Japan and China's maritime cooperation was spurred by their development. Their expanding economic interests gave greater value to regional relations and the benefits obtained through cooperation. It is no coincidence therefore, that Japan's desire to cooperate in Southeast Asia emerged before China's. The emergence of Japan as a significant economic player in Southeast Asia predates China's by 30 years. Their contrasted domestic political systems were another key differentiator of their varied maritime cooperative strategies. Japan's capitalist system allowed the private sector a key stake and role in maritime cooperation while China's state-led communist system stifled their involvement.

While material factors impact on cooperative strategies, this thesis highlights the role of agency and non-material factors in a state's strategic thinking. It argues that opportunities exist to reconstitute structures and relations through reciprocal cooperation. Leadership and public sentiment in Japan had a decisive impact on its disposition for cooperation. Stability in

the SOM was in the interest of leaders in pursuit of economic development and prosperity with the added intent of consolidating the ruling party in government. Furthermore, cooperation was the *modus operandi* for Japan's important objective of divorcing itself from its immediate past as the aggressor in the War in the Pacific. In contrast, the enormity of China's endogenous problems, notably the rise of public opinion amongst an increasingly influential middle class, made it difficult to fully pursue maritime cooperation over and above its territorial objectives. Leveraged as a political tool, China's 'century of national humiliation' pervades the public's thinking and makes concessions to competing claimants potentially risky. Nationalism similarly affected Japan's maritime diplomacy in the ECS and Takeshima island dispute where it may learn from China's experiences in Southeast Asia in order to attenuate competitive behaviours and advance maritime cooperation.

Consequently, both in its theoretical and empirical examination of maritime cooperation, this thesis helps to resolve the confusion, reflected in the apparent ambivalence towards cooperation, as to what comes first, cooperation or trust. Cooperation is both the means to and the outcome of trusting relationships. More advanced forms of cooperation are predicated on the trust which comes to bear through basic forms of cooperation. The findings of the thesis also provide a framework for establishing the prospects for maritime cooperation elsewhere and offer practical recommendations for bottom-up approaches in regions of tension.

The demonstrated efficacy and essential components of bottom-up incrementalist approaches along with remaining challenges helps to develop a roadmap for maritime cooperation from which we can identify greater prospects for cooperation and the construction of trust.

Maritime cooperation is an effective means by which to build trusting relations, without which tensions prevail and the risk of conflict remains. The recommendations of bottom-up cooperation are particularly relevant for the Southeast Asian region in which dominant

International Relations perspectives hold less sway and top-down measures are viewed as external impositions. However, states must be empathetic towards the perceptions of the interests of others, as actions which incite uncertainty and fear undermine cooperation and trust.



## Chapter 1: Operationalising Cooperation

### Introduction

The prospects for maritime cooperation in Southeast Asia are analysed amongst maritime security experts. The deterioration of security conditions in the Southeast Asia domain from the mid-1990s led several of these experts, including Sam Bateman, Yen-Chiang Chang, Hasjim Djalal and Ian Townsend-Gault, and Rommel Banloi to prescribe functional and incremental means of maritime cooperation.<sup>41</sup> Despite broad consensus amongst these maritime security experts, a lack of functional cooperative initiatives in the region suggests that there is some confusion amongst regional state policy makers as to whether bottom-up incrementalist approaches to maritime cooperation can be pursued under conditions of uncertainty and mistrust. Yet despite a broad consensus amongst maritime security experts some confusion remains as to whether cooperation or trust comes first. This confusion is seen in states' maritime strategy and policy and their ambivalence towards functional cooperation in the SCS. This confusion is similarly manifest in the International Relations literature which examines questions of cooperation in the international system. It is the purpose of this chapter to examine the International Relations and maritime security literature to identify the cause and nature of this confusion and what these various theoretical perspectives offer in terms of why and how states cooperate..

The first part of this chapter examines why states seek to cooperate; identifying the varying motivations for which states may pursue cooperation based on the construction of their identity, interests and preferences. International Relations scholars who have extensively

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<sup>41</sup> Sam Bateman, 'Asia-Pacific Maritime Confidence Building', in Jill R. Junnola (ed.), *Maritime Confidence Building in Regions of Tension*, Report no. 21, The Henry L. Stimson Center, May 1996, p. 35; Rory Medcalf, et al., 'Crisis and Confidence: Major Powers and Maritime Security in the Indo-Pacific Asia', *Lowy Institute and the MacArthur Foundation*, June 2011, p. 26; Yen-Chiang Chang, 'International legal Obligations in Relation to Good Ocean Governance', *Chinese Journal of International Law*, vol. 9. no. 3, 2010, pp. 589-590; Djalal and Townsend-Gault, 'Preventive Diplomacy: Managing Potential Conflicts in the South China Sea', pp. 107-108; Rommel C. Banloi, 'A Functionalist Approach to the Management of Conflicts in the South China Sea: Options for China and ASEAN Claimants', Presentation Paper for the Fourth China-ASEAN Research Institutes Roundtable, University of Hong Kong, 18-20 October, 2011, pp. 2-4;

researched the question of whether cooperation can be achieved in an anarchic international system offer different theoretical explanations. These scholars provide different rationales as to what determines states' identities, interests and preferences and, in turn, their decision to cooperate. These affect states' understanding and application of sovereignty; either conducive or restrictive of cooperation.

Dominant International Relations perspectives that stress the self-help nature of the international system limit the prospects for cooperation to strategies of power maximisation which underwrite absolute notions of sovereignty. Resulting from his analysis of anarchy and uncertainty in the international system, John Mearsheimer concluded that states' identities, interests and preferences are informed by the quest for material gain and maximisation of security. According to Mearsheimer's rational calculations, states may cooperate when it facilitates relative gains.<sup>42</sup> Alternatively, adopting a broader definition of states' identities, interests and preferences, other scholars extend the grounds for cooperation. Allowing for more flexible approaches to sovereignty, Andrew Moravcsik demonstrates why states with interdependent interests may choose to cooperate in order to capitalise on opportunities for mutual gains.<sup>43</sup> Alternative constructivist perspectives discount the notion that states are fatalistic and that the security dilemma is irresolvable. Taking from both sociohistorical and material rationales, Peter Katzenstein and Alexander Wendt illustrate the co-constitutive roles of structural considerations and agency in the formulation of states' interests and strategic preferences.<sup>44</sup> For these thinkers states' preferences, understandings of sovereignty and the decision to cooperate is not merely informed by the potential to maximise gains but *also* by

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<sup>42</sup> Ken Booth, Nicholas J. Wheeler and M. Williams (eds.), 'Conversations in International Relations: Interview with John Mearsheimer Part II', *International Relations*, vol. 20, no. 2, 2004, pp. 231-233.

<sup>43</sup> Andrew Moravcsik, 'Taking Preferences Seriously: A Liberal Theory of International Politics', *International Organization*, vol. 51, no. 4, Autumn 1997, p. 517.

<sup>44</sup> Peter J. Katzenstein, 'Introduction: Alternative Perspective on National Security', in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics*, Columbia University press, New York, 1996; Alexander Wendt, 'The agent-structure problem in international relations theory', *International Organization*, vol. 41, no. 3, Summer 1987, p. 338.

the role of agency and ideational factors including history and culture. Ideational factors and agency determine the value of material factors and how states respond to these. As Chris Hemmer and Katzenstein explain, such ‘eclectic explanations’, that account for both material and non-material factors, helps understand variations in states preferences for cooperation.<sup>45</sup>

In the second part of this chapter the author turns to examine subsequent views on how states may decisively operationalise cooperation. Dominant and alternative International Relations perspectives offer varied prescriptions for cooperation. Based upon rationalist explanations for states’ behaviour Aaron Hoffman prescribes formalised top-down approaches to cooperation. According to Hoffman, cooperation between egoists requires the development of rules, norms and principles as mechanisms to govern states behaviour. However, according to top-down recommendations for cooperation, mutual gains are an insufficient basis for cooperation as the temptation for relative gains can be overwhelming. Subsequently, states must commit to assurance measures to sustain cooperation.<sup>46</sup> Top-down approaches suggest that trust is the precondition for cooperation as the creation of institutions requires a level of pre-existing trust. However, if formalised mechanisms of cooperation require trust, how then do states first establish the kind of trusting relations demonstrated in these initiatives?

Alternative perspectives rather support bottom-up measures for cooperation. Such bottom-up recommendations, as suggested by Brian Rathbun, determine that states are incrementally able to build a ‘reservoir’ of generalised trust through functional cooperation on mutually shared issues.<sup>47</sup> By comparison to top-down approaches in which trust is implied, bottom-up approaches rather suggest that less formalised cooperation is an effective trust building

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<sup>45</sup> Christopher Hemmer and Peter J. Katzenstein, ‘Why Is There No Nato in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism’, *International Organization*, vol. 56, no. 3, 2002, p. 577; Rudra Sil and Peter J. Katzenstein, ‘Analytic Eclecticism in the Study of World Politics: Reconfiguring Problems and Mechanisms across Research Traditions’, *Perspectives on Politics*, vol. 8, no. 2, June 2010.

<sup>46</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, pp. 7-12.

<sup>47</sup> Rathbun, ‘Before Hegemony: Generalized Trust and the Creation and Design of International Security Organizations’, pp. 246-254.

mechanism as a cyclical interactive process by which to build the goodwill, confidence for the purposes of preventive diplomacy and further cooperation. This section highlights the need to acknowledge and separate on the one hand evolved comprehensive cooperation from imposed top-down. While not discounting the benefits of top-down, experiences of European integration suggest formalised cooperative mechanisms are prefaced by bottom-up confidence and trust building mechanisms. Over time states reciprocal cooperative interactions can develop norms which increase the costs of uncooperative behaviour and provide rules for the game.<sup>48</sup> Furthermore, top-down recommendations miss opportunities to build trust as they are implied in the making of the institutions that they prescribe. Hence better their co-existence with bottom-up measures that provide the conditions of trust from which more formalised mechanisms may develop.

Primary advocates of this bottom-up incrementalist offer more precise recommendations for how states may implement effective bottom-up cooperative strategies. Booth and Wheeler provide the starting point for such cooperative strategies in offering a way out of the security dilemma by prescribing means for states to signal their integrity and reliability as cooperative partners. Their recommendations for mitigating uncertainty are grounded in historical assessments of diplomacy and cooperation. According to Booth and Wheeler, self-awareness as to how a state's measures for security may unintentionally incite fear and mistrust is the psychological precondition for ameliorating the dynamics which give rise to the security dilemma and hinder cooperation. This cognitive awareness has been conceptually developed by Booth and Wheeler in what they have termed 'the security dilemma sensibility'. By applying the security dilemma sensibility, as an antidote to mistrust, states can employ

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<sup>48</sup> Anne-Marie Slaughter, 'International Relations Principal Theories', in R. Wolfrum (ed.), *Max Planck Encyclopaedia of Public International Law*, Princeton University Press, online edition, <[http://www.princeton.edu/~slaughtr/Articles/722\\_IntlRelPrincipalTheories\\_Slaughter\\_20110509zG.pdf](http://www.princeton.edu/~slaughtr/Articles/722_IntlRelPrincipalTheories_Slaughter_20110509zG.pdf)> accessed 11 October 2012.

measures to reassure others of their peaceful intentions and to build goodwill, confidence and trust in order that cooperative efforts will not be exploited.<sup>49</sup>

Finally, the author investigates how these recommendations for bottom-up cooperation have been applied to the maritime sector. In support of this approach, case examples of maritime cooperation illustrate the making of and effects that these incrementalist ‘building block’ measures have had in other maritime regions of tension. Several maritime security experts similarly prescribe a functional and incrementalist approach to maritime cooperation in Southeast Asia.<sup>50</sup>

## 1.1: Why States Cooperate

### 1.1.1: Dominant Perspectives

Leading International Relations theorists’ differing interpretations of how states’ identities, interests and preferences are constituted, offer varied prospects for cooperation. Self-interested and rational characterisations of state actors have been well canvassed by International Relations literature.<sup>53</sup> Under the aegis of rational choice some scholars claim that due to uncertainty and the possibility of being exploited, states’ interests focus on short-term objectives of power and preparedness for conflict.<sup>54</sup> These thinkers are associated with the realist school of thought and its various subsets. Classical realism bases prescriptions for power maximisation on a pessimistic understanding of human nature. This school of realism is often identified by the work of its forefather Hans Morgenthau. According to Morgenthau humans are inherently self-interested and ‘evil’. The lust for

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<sup>49</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, pp. 6-7.

<sup>50</sup> See for example Bateman, ‘Asia-Pacific Maritime Confidence Building’, p. 35; Rory Medcalf, Raoul Heinrichs and Justin Jones, ‘Crisis and Confidence: Major Powers and Maritime Security in Indo-Pacific Asia’, *The Lowy Institute and the MacArthur Foundation*, June 2011, p. 26; Thang Nguyen Dang, ‘Cooperation in the South China Sea: from Dispute Management to Ocean Governance’, *Proceedings of the 4<sup>th</sup> International Conference ‘The South China Sea: Cooperation for Regional Security and Development’*, Vietnam, 18-21 November 2012, p. 8; Yen-Chiang Chang, ‘International Legal Obligations in Relations to Good Ocean Governance’, *Chinese Journal of International Law*, vol. 9, no. 3, 2010, pp. 589-590; Djalal and Townsend-Gault, ‘Preventive Diplomacy: Managing Potential Conflicts in the South China Sea’, pp. 107-108; Rommel C. Banloi, ‘A Functionalist Approach to the Management of Conflicts in the South China Sea: Options for China and ASEAN Claimants’, *Presentation Paper for the 4<sup>th</sup> China-ASEAN Research Institutes Roundtable*, Hong Kong, 18-20 October 2011, pp. 2-4.

power that characterises human nature is reflected in the behaviour of the state.<sup>51</sup> As such, in an anarchic international system populated by self-interested actors the only way for states to be secure is to ‘maintain and improve their relative power positions.’<sup>52</sup> Such views of anarchy are predicated on an absolute understanding of sovereignty which divulges unlimited power with the state.<sup>53</sup> Morgenthau’s rational thinking limits cooperation to these purposes. Due to the self-interested nature of human beings it follows that cooperation carries the risk of being cheated and hence should only be pursued when the attainment of power can be assured. States may form alliances with others with commonly shared interests in the status quo as a means to increase their power vis-à-vis competitors as seen in the Anglo-American alliance whereby these states came together to preserve a favourable balance of power in Europe.<sup>54</sup>

Structural realism, or otherwise referred to as neorealism, similarly equates interests to power. This school of realism, however, departs from its classical antecedent in emphasising the anarchic structure of the international system and states’ and the distribution of power amongst states which leads them to self-help strategies. This parsimonious edifice of realism is most commonly associated with the work of Kenneth Waltz. In his work *Theory of International Politics* Waltz suggests that ‘[a]narchy entails relations of coordination among a system’s units, and that implies their sameness.’<sup>55</sup> The only defining characteristic of states to which determines both their behaviours and others’ responses is the distribution of capabilities.<sup>56</sup> Similarly, based on this structural reasoning the limitations on cooperation are not human nature but the lack of a centralised system of governance states that could prevent states from cheating.

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<sup>51</sup> Hans Morgenthau, *Politics Among Nations*, Alfred A. Knopf Inc., New York, 1949, p. 3.

<sup>52</sup> Morgenthau, *Politics Among Nations*, p. 175.

<sup>53</sup> Morgenthau, *Politics Among Nations*, p. 314.

<sup>54</sup> Morgenthau, *Politics Among Nations*, p. 177.

<sup>55</sup> Kenneth Waltz, *Theory of International Politics*, Addison-Wesley Publishing Company, The Philippines, 1979, p. 93.

<sup>56</sup> Waltz, *Theory of International Politics*, pp. 93-99.

Waltz's work provides the basis for defensive realism. According to defensive realists states interests are in relative power rather than indefinite power accumulation.<sup>57</sup> According to Waltz this is the best way for states to guard their sovereignty that like other structuralists he views as absolute. In cooperative dynamics as described above 'states are compelled to ask not 'Will both of us gain?' but who will gain more?''<sup>58</sup> Instances in which cooperation may occur are, however, limited due to the sensitivity towards relative gains. Joseph Grieco, in his article *Realist Theory and the Problem of International Cooperation*, outlines the 'relative gains problem'. For Grieco, 'fear that gaps in jointly produced gains favor [sic] partners' impedes cooperation. Furthermore, as Jervis explains, optimism for cooperation is measured by the belief that aggressor states are common. These concerns are coupled with the difficulty in determining whether one faces a revisionist or status quo state and therefore the tendency may be towards self-help rather than to risk exploitation. For these neorealist thinkers cooperation is best assured through binding mechanisms that punish defection. This rational logic forms the basis for Robert Jervis' account of the creation of international regimes. In his article *Security Regimes* Jervis canvasses the possibilities for regime building amongst states concerned for a common security threat. While Jervis recognises possibilities for cooperation based on non-threatening security issues he casts doubt on their sustainability in light of persisting temptations to defect for short-term gains. According to Jervis, cooperation is best sustained through the establishment of a regime for collective security in which states' 'behaviour is regulated'.<sup>59</sup> Similarly, Aaron Hoffman casts doubt on the reliability of cooperation based on mutual gains. According to Hoffman, mutual gains do not provide enough incentive for cooperation when the stakes are high as the temptation to defect is greater. Alternatively Hoffman claims that states can only maintain cooperation when the

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<sup>57</sup> Kenneth Waltz, *Man, the State and War*, Columbia University Press, New York, 1954, p. 198.

<sup>58</sup> Waltz, *Theory of International Politics*, p. 105.

<sup>59</sup> Robert Jervis, 'Security Regimes', *International Organization*, vol. 36, no. 2, Spring 1982, p. 358.

cost of doing so is reduced and the possibility to pursue relative gains is tempered by associated costs.<sup>60</sup>

Structural realism also lends its basic tenets to offensive realism. Offensive variants believe that the security dilemma is a key feature of the anarchic international system. Offensive realism is thoroughly examined by John Mearsheimer. Mearsheimer recasts some of Waltz's basic assumptions to produce the basic tenets of offensive realism. For Mearsheimer anarchy prescribes offensive power maximization to ensure against cheating.<sup>55</sup> Therefore, Mearsheimer suggests that state actors only cooperate when it allows them to achieve their interests through the maximisation of relative gains.<sup>56</sup> The conflictual nature of international relations as described by offensive realists like Mearsheimer present few opportunities for cooperation between states.

Structural realist theories, in conceptualising the state as a unitary actor, downplay the particularities of the state and their effect on FP making. Its parsimonious character offers predictive capacity in understanding states' thinking and behaviour. Rational calculations are made on the basis of the 'positional' character of states and where power lies in the international system. As William Wohlforth explains, however, realism's focus on what it can offer in terms of the general behaviours of states creates challenges in accounting for the nuances of foreign policy making.<sup>61</sup> While its parsimonious qualities may offer valuable predictions of how states will behave under foreseeable circumstances when applied to foreign policy it cannot account for the various levels of analysis that allow for case by case analysis. Wohlforth takes up this objective and attempts to connect the 'insights of general theory to the details and uncertainty of analysing specific foreign policy situations.'<sup>62</sup> In turn, he advises that from realist theory we can create a checklist for the analysis of foreign policy

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<sup>60</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, pp. 2-3.

<sup>61</sup> William C. Wohlforth, 'Realism and foreign policy', in Steven Smith, Amelia Hadfield and time Dunne (eds), *Foreign Policy: Theories, Actors, Cases*, Second Edition, Oxford University Press, Oxford, 2012, p. 36.

<sup>62</sup> Wohlforth, 'Realism and foreign policy', p. 36.



from which we 'look to where the power is, what the groups' interests are, and the role power relationships play in reconciling clashing interests.'<sup>63</sup>

It is with this purpose that neoclassical realism differentiates itself from strictly structural explanations and revives the approach of early classical realist for whom unit level factors mattered in international politics. As a mark of its realist pedigree neoclassical realism accepts that material factors, namely the relative distribution of power, are the primary consideration in states' thinking and behaviour. In contrast to theories of structural realism, however, neoclassical realism rejects the idea that states' thinking and behaviour are unaffected by unit level factors. Bearing greater resemblance to their classical forefathers, neoclassical realists reintroduce factors internal to the state in the rational calculations that they make. According to Gideon Rose, despite the efforts of structural realists international politics cannot neatly be divorced from foreign policy. Much of that which occurs in the international system may only effectively be explained through consideration of domestic policy actors and processes. Like their classical counterparts, neoclassical realists similarly believe that individuals are consequential as calculations of relative power are synthesised into policy via their perceptions. For these reasons, Rose argues, understanding 'the links between power and policy requires close examination of the contexts within which foreign policies are formulated'.<sup>64</sup> Neoclassical realism therefore, claims that cooperation too will be determined not only by the distribution of power but the context in which this occurs.

Classical liberal theories similarly accept anarchy and proclaim that states are rational actors seeking the fulfilment of self-interests. Rather than view international relations as an inevitable and inescapable game of power politics, however, liberals understand international relations to include possibilities of progress. The international system is conceived as more of

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<sup>63</sup> Wohlforth, 'Realism and foreign policy', p. 37.

<sup>64</sup> Gideon Rose, 'Neoclassical Realism and Theories of Foreign Policy', *World Politics*, vol. 51, no. 1, 1998, p. 147.

a society, where states can work together to advance the liberal project whereby cooperation is commonplace and the likelihood of conflict is reduced. The liberal project connotes a more limited notion of sovereignty. As the system progresses states are affected by external constraints including, international conventions, treaties and customs which have a regulatory effect on states behaviour.<sup>65</sup>

It is endogenous factors that are said to compel states to engage in such progress. According to liberals, states' interests and preferences are also defined by unit level factors. Hence their thinking and behaviour is not strictly limited to the power politics but incorporate considerations of state particularities. They reveal the importance of societal factors, including the economy, domestic political structures and values in the rational calculations made by states. In his article *Culture and Preferences in the International Cooperation Two-Step* Jeffrey Legro argues 'that preference formation [is] primarily driven by a domestic and social bureaucratic influence, namely organisational culture, not the balance of power.'<sup>66</sup> Hence, possibilities for cooperation are likewise determined by these unit level factors. As Andrew Moravcsik explains '[i]deational liberalism focusses of the compatibility of social preferences across fundamental public goods like national unity, legitimate political institutions, and socio-economic regulation.'<sup>67</sup> Compatibility between these societal factors expands the prospects for cooperation between states. Similarly, Michael Doyle proposes that the advancement of liberal values at the international level may open up possibilities for cooperation as they attenuate states' compulsion towards power politics. Consequently he

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<sup>65</sup> Barry Hindess, 'Sovereignty as Indirect Rule', in Trudy Jacobsen, Charles Sampford, and Ramesh Thakur (eds.), *Re-envisioning Sovereignty: The end of Westphalia?*, Ashgate, Hampshire, 2008, pp. 311-312.

<sup>66</sup> Jeffrey W. Legro, 'Culture and Preferences in the International Cooperation Two-Step', *The American Political Science Review*, vol. 90, no. 1, 1996, p. 119.

<sup>67</sup> Moravcsik, 'Taking Preferences Seriously: A Liberal Theory of International Politics', p. 524.

suggests that while these ideals do not preclude the possibility of war 'liberalism does leave a coherent legacy on foreign affairs'.<sup>68</sup>

Other liberal scholars have looked at how these ideals are transmitted through individuals. Janice Stein proposes that leaders may directly influence the decision to cooperate. According to Stein's behavioural assessment, people are characteristically risk averse. Therefore leaders may choose to cooperate due to their inherent desire to avoid loss.<sup>69</sup> Graham Allison's 1969 analysis of the Cuban missile crisis provides another example of the manner in which leadership can affect states' decision-making. Allison's careful assessment of the correspondence that took place between key members of the Kennedy administration and the US military demonstrates that President Kennedy, evoking his role as the Commander in Chief of the US military, was willing to remove the missiles from Turkey and pursue a diplomatic track to deescalate the tensions with the Soviet Union despite calls from military officials for an invasion of Cuba. Kennedy and his closest advisors, including Secretary of State Robert Kennedy and Secretary of Defence Robert McNamara, while understanding of the US nuclear superiority, were ultimately unwilling to run the risk of a retaliatory nuclear strike.<sup>70</sup> Robert Kennedy's testimony of the negotiations that took place leading up to the end of the crisis best illustrates the importance of these individuals in mitigating this potential crisis. Written in his personal account of the crisis Robert Kennedy stated that 'the fourteen people involved were very significant...If six of them had been President of the U.S., I think that the world might have been blown up'.<sup>71</sup>

Commercial liberalism is yet another important component of the liberal project. Discussions of commercial liberalism often invoke reference to the work of Adam Smith whose theory of

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<sup>68</sup> Doyle, 'Liberalism and World Politics', p. 1151.

<sup>69</sup> Stein, 'International co-operation and loss avoidance: framing the problem', p. 4.

<sup>70</sup> Graham Allison, 'Conceptual Models and the Cuban Missile Crisis', *The American Political Science Review*, vol. 63, no. 3, September 1969, p. 714.

<sup>71</sup> Quoted in Allison, 'Conceptual Models and the Cuban Missile Crisis', p. 714.

economic rationalism provides the basis for this liberal school of thought. According to Smith, the free market provides self-interested actors with common gains as guided by the 'invisible hand' of competition. In this view both domestic and international society affects the rational thinking and behaviour of states for it is these societal factors which determine states' self-interested participation in the capitalist market. These economic linkages were said to have a pacific effect on international relations as they produce common and interdependent interests.

In keeping with this liberal thinking, others stress the importance of state-society complexes and shared democratic beliefs in the formulation of states' interests and preferences. As John Oneal and Bruce Russett explain '[t]his 'liberal peace' perspective incorporates the hypothesis that trade and foreign investment, as well as institutions and practices of democratic governance, reduce the incidence of militarized [sic] conflict between countries.'<sup>72</sup> This proposition was initially presented by Kant in the *Perpetual Peace*. In this thesis three interrelated characteristics of democratic states are presented as the stable grounds for peace; system of representative democracy, international law and organisations, and economic interdependence.<sup>73</sup> Oneal and Russett's support for the liberal peace thesis is centred on their empirical examination of its application through which they concur that states which possess these three key characteristics of democracies are less likely to go to war with one another.<sup>74</sup>

Subsets of neoliberalism, or liberal institutionalism, differ from classical thinking while it retains some of the key tenets of realist thinkers. Neoliberal scholars share the neorealist emphasis on the anarchic international system and their understanding that

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<sup>72</sup> John R. Oneal and Bruce M. Russett, 'The Classical Liberals Were Right: Democracy, Interdependence, and Conflict, 1950-1985', *International Studies Quarterly*, vol. 41, no. 2, 1997, p. 267.

<sup>73</sup> Immanuel Kant, *Perpetual Peace*, The Great Books Foundation, Chicago, 1795, pp. 13-23.

<sup>74</sup> Oneal and Russett, 'The Classical Liberals Were Right: Democracy, Interdependence, and Conflict, 1950-1985', pp. 275-288.

states are essentially unitary actors as a consequence of which their thinking and behaviour is foremost determined by their positional character at the international level. In view of their key similarities Keohane and Lisa Martin comment that ‘for better or worse, institutional theory is a half-sibling of neorealism.’<sup>75</sup> It is their view of institutions and the prospects for cooperation for which they are associated with the liberal school and that set them aside from realist schools. For neoliberal thinkers suggest that institutions can ameliorate the effects of anarchy by affecting the structure of the international system through the creation of institutions in a way that increases information and reduces fear, uncertainty and subsequent transaction costs.<sup>76</sup> As their name suggests, liberal institutionalists view institutions as key to facilitating common and interdependent interests as they establish norms that may govern states’ behaviour. Liberal scholars Robert Keohane and Joseph Nye developed this line of thinking in their book *Power and Interdependence* in which they claim ‘in a world of multiple issues imperfectly linked, in which coalitions are formed transnationally and transgovernmentally, the potential role of international institutions in political bargaining is greatly increased.’<sup>77</sup>

Despite its liberal tendencies to look within the state neoliberalism was predominantly a structural theory. For instance prominent neoliberal scholar Keohane recognises the importance of domestic political factors and the importance of individuals in policy making. Like neorealist thinkers, he understands that structural analysis can help create general theories of states’ behaviour. Yet Keohane rejects the parsimonious potential and value of structural realism instead claiming that various issue-area structures, not simply the distribution of material power, make up the international system. Despite a

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<sup>75</sup> Robert O. Keohane and Lisa Martin, ‘Institutional Theory, Endogeneity, and Delegation’, Paper prepared for the meeting on ‘Progress in International Relations Theory’, January 15-16, 1999, p. 3.

<sup>76</sup> Robert Jervis, ‘Realism, Neoliberalism, and Cooperation: Understanding the Debate’, *International Security*, vol. 24, no. 1, 1999, p. 43.

<sup>77</sup> Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, Brown and Company, Boston, 1977, p. 35.

shared structural approach to the analysis of international relations structural approach neoliberals see greater prospects for cooperation as the world that they analyse, incorporating non-traditional security matters, presents further areas of mutual interests as seen by the creation of institutions. As Keohane claims, states' interests 'depend on the institutional context of action as well as on the underlying power realities and state position upon which Realist thought concentrates.'<sup>78</sup> Therefore, he continues, '[s]ome international systems are rich in institutions and processes that provide information to governments and other actors; in other systems, information is scarce or of low quality.'<sup>79</sup>

In their collaborative article *Achieving Cooperation Under Anarchy* Robert Axelrod and Keohane refer to the benefits of institutions, not only as a means by which to increase information but also as way to deter cheating by establishing norms and rules of behaviour and mechanisms for punishment. In this sense institutions help lengthen the shadow of the future, which Axelrod and Keohane declare a key 'situational dimension' which affects the propensity for states to cooperate.<sup>80</sup> Similarly Janice Stein suggests

by lengthening the 'shadow of the future' the pursuit of long-term and mutual

objectives make it possible for self-interested members to consider a single choice within the context of a longer term relationship, thereby securing jointly preferable outcomes that each could not achieve individually.<sup>62</sup>

Based on their confidence in institutions neoliberals share a more limited approach to sovereignty with their classical forbearers. While Keohane does not suggest that institutions function autonomously of states interests he does propose that

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<sup>78</sup> Robert Keohane, *International Institutions and State Power*, Westview Press, Colorado, 1989, pp. 62-64.

<sup>79</sup> Keohane, *International Institutions and State Power*, pp. 60-64.

<sup>80</sup> Robert Axelrod and Robert Keohane, 'Achieving Cooperation Under Anarchy: Strategies and Institutions', *World Politics*, vol. 38, no. 1, 1985, pp. 228-233.

interdependence and institutions have meant that sovereignty as an institution has been redefined. As he declares though 'the state is the key institution' and 'is by no means dead' states have given up full 'supremacy over what occurs within their territory.'<sup>81</sup>

Proposing theories of power and interdependence, neoliberalism was thought to subsume neofunctionalism as a way of explaining processes of cooperation. Careful not to label itself a theory neofunctionalism emerged in the 1950s to explain processes of European integration. Neofunctionalism was self-labelled to be a form of soft rationalism emphasising the importance of values in the equation. Founding proponent of this paradigm Ernst Haas claims that 'societal actors, in seeking to realize [sic] their value-derived interests will choose whatever means are made available by the prevailing democratic order.'<sup>82</sup> This rationale is manifested in incremental processes of integration whereby commonly shared functional interests first cause states to commit to institutions. A transfer of loyalty to the supranational body takes place once states become aware that this is the best means to achieve their mutual interests.<sup>83</sup> As regional expert Amitav Acharya notes, Haas himself conceded that such theories has become 'obsolescent' by the 1970s with the emergence of neorealist structural reasoning that too provided for interdependence but in a wider theoretical framework which appealed to other forms of rationalism and International Relations more broadly.<sup>84</sup>

Neoliberalism employs game theory to demonstrate the merits of institutions and the associated prospects for cooperation. The Prisoner's Dilemma (PD) effectively demonstrates why states cooperate to achieve mutual gains. Robert Axelrod's iterative PD reveals that

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<sup>81</sup> Robert Keohane, 'Hobbes's dilemma and institutional change in world politics: sovereignty in international society', in Robert Keohane (ed.), *Power and Governance in a Partially Globalised World*, Routledge, London, 2002, pp. 71-74.

<sup>82</sup> Ernst B. Haas, 'Does Constructivism Subsume Neofunctionalism?', in Thomas Christiansen, Knud Erik, Jørgensen and Antje Wiener (eds.), *The Social Construction of Europe*, Sage Publications Ltd., London, 2001, pp. 23-28.

<sup>83</sup> Ernst B. Haas, *The Uniting of Europe; Political, Social, and Economic Forces, 1950-1957*, Stanford University Press, California, 1958, p. 16.

<sup>84</sup> Amitav Acharya, 'Comparative Regionalism: A Field Whose Time has Come?', *The International Spectator*, vol. 47, no. 1, 2012, pp. 7-8.

where there are shared interests, cooperation may be pursued by self-interested independent actors in the absence of altruistic motivations as it yields a mutually beneficial outcome. Within the PD, actors are presented with four options on how best to pursue their interests using the risk-reward calculus as presented in Figure 1.1.<sup>85</sup> As illustrated in the figure below, the actors may reap reward and avoid loss in instances in which both actors choose to cooperate. As shown in Figure 1.1 defection only presents states with potentially positive outcomes if its goal is to seek zero-sum gains.

**Figure 1.1: The Prisoners' Dilemma**

		Column Player	
		Cooperate	Defect
Row Player	Cooperate	R=3, R=3 Reward for mutual cooperation	S=0, T=5 Sucker's payoff, and temptation to defect.
	Defect	T=5, S=0 Temptation to defect and sucker's payoff	P=1, P=1 Punishment for mutual defection

Source: Robert Axelrod, *The Evolution of Cooperation*, Basic Books, New York, 1984, p. 8.

When the scenario is iterated, however, the temptation to defect is reduced and the incentive to cooperate is increased as there is now the potential for the actors to retaliate with similarly uncooperative behaviour. The actors now have longer term objectives that need to be considered within the immediate decision to cooperate or not. In his book *The Evolution of Cooperation* Robert Axelrod comprehensively analyses the iterated PD as a simulation of the international political environment and its conditions of anarchy. The findings of Axelrod's empirical research demonstrate that by extending the trajectory of the dynamic, the

<sup>85</sup> Robert Jervis, 'Cooperation Under the Security Dilemma', *World Politics*, vol. 30, no. 2, January 1978, p. 168.



immediate decision to cooperate is made in the context of the longer term relationship.<sup>86</sup> Axelrod's findings are supported by the previous work of Karl Deutsch and Anatol Rapoport.<sup>87</sup> As Deutsch explains, Rapoport's 300-play sequence of the PD shows that for actors engaged in a long-term interaction, mutual cooperation is the most rational choice. Actors who attempted to defect found themselves in a protracted lose-lose dynamic which they later sought to rectify through cooperative strategies.<sup>88</sup> For the preservation of long-term mutual gains promises of future interactions will encourage reciprocal cooperation. Hence, states may choose to cooperate in the short term both for the immediate benefits which may be received and the longer term benefits for which reciprocal cooperation supports.

These liberal perspectives help explain why the Pugwash Conferences and the Palme Commission emerged amongst democratic states during the Cold War. In 1957 the Pugwash conferences were first convened. The Pugwash organisation has since convened over 275 conferences addressing mutual security issues between states. As stated on its official website, the intended purpose of these conferences 'is to bring together, from around the world, influential scholars and public figures concerned with reducing the danger of armed conflict and seeking cooperative solutions for global problems.'<sup>89</sup>

Institutionalist theory is supported by Hedley Bull's liberal philosophy. Bull, in his 1971 book *The Anarchical Society*, investigated the prospects for international order founded on principles and norms. Bull's examination of the international system and societal interactions within led him to believe that states are not purely egoistic and fatalistic. Alternatively Bull suggested, states may seek to establish cooperative agreements for the conduct of their

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<sup>86</sup> Axelrod, *the Evolution of Cooperation*, p. 10.

<sup>87</sup> Karl W. Deutsch, *The Analysis of International Relations*, Prentice-Hall, New Jersey, 1968, pp. 121-123.

<sup>88</sup> Deutsch, *The Analysis of International Relations*, pp. 121-123.

<sup>89</sup> Named after the location of the first conference in Nova Scotia, Canada, the meeting was attended by scientists from the US, the USSR, the UK, Australia, Austria, Canada, China, France, Japan and Poland. Bertrand Russell's and Albert Einstein's 1955 Manifesto on the potential devastation of the advent of nuclear weapons provided the impetus for the Pugwash conference. Author not supplied, Pugwash Conferences on Science and World Affairs, 'About Pugwash', <<http://www.pugwash.org/about.htm>> accessed 12 November 2013.

behaviour due to common interests and values.<sup>90</sup> With mutually beneficial causes the Palme Commission emerged as neoliberalism was gaining greater recognition in mainstream International Relations theory. In 1982, as the Cold War raged, the Palme Commission was established. Led by Swedish Prime Minister Olof Palme, the Commission brought together seventeen states representing different regions of the world.<sup>91</sup> The purpose of the Commission was to investigate opportunities to build strategic trust and cooperation between states for greater peace and stability.<sup>92</sup> These recommendations for cooperation appealed to the international community's sensibility to avoid the devastating consequences of a prolonged period of war.

### 1.1.2: Alternative Perspectives

The failure of dominant theories to predict the end of the Cold War saw the emergence of alternative International Relations perspectives. The evolving constructivist approach in International Relations sought to explain the factors that caused the unexpected demise of the Soviet Union. Departing from strict rationalist accounts scholars associated with this alternative theorising discount the premise that states are predetermined by material calculations.<sup>93</sup> According to proponents of this perspective, while mutual gains and interdependence encourage states to pursue cooperation it does not solely determine their will to cooperate.<sup>94</sup> Two states faced with the same material interests may demonstrate different dispositions for cooperation. This is because these factors alone cannot explain the variances

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<sup>90</sup> Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, Macmillan, London, 1971, pp. 3-13.

<sup>91</sup> The Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival*, 1982.

<sup>92</sup> Barry Buzan and Lene Hansen, *The Evolution of International Security Studies*, Cambridge University Press, New York, 2009, p. 137.

<sup>93</sup> See for example, Alexander Wendt, 'Anarchy is what states make of it: the social construction of power politics', *International Organization*, vol. 46, no. 2, Spring 1992; Peter Katzenstein, 'Introduction: Alternative Perspectives on National Security'; Martha Finnemore, 'Constructing Norms of Humanitarian Intervention', in *The Culture of National Security: Norms and Identity in World Politics*, Peter J. Katzenstein (eds.), Columbia University Press, New York, 1996.

<sup>94</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 179.

in states' preferences and behaviour and their corresponding foreign policies.<sup>95</sup> Wendt's structurationist reasoning similarly emphasises the role of non-material factors. According to Wendt the intersubjectivity of knowledge and the subsequent social construction of legacies and collective identity as distilled through agency helps to understand why it is that the US has demonstrated less concern for Britain's advanced nuclear capabilities than a comparatively scant North Korean nuclear arsenal. The legacy of cooperation and trust between the US and Britain is markedly contrast with the suspicion and misgivings affecting US-North Korea relations.<sup>96</sup> Material factors and ideational factors do not stand alone, but it is ideational factors including but not limited to cultural and domestic political ideals, strategic culture and nationalism in the formulation of foreign policy and the manifestations of international relations which give meaning to material factors and inform the manner in which states respond.

Since the critical turn, International Relations theorists have increasingly interrogated the role of these ideational factors in determining states' identity, and in turn, their interests and preferences. As a corollary to states' interests, prominent constructivist scholar Peter Katzenstein describes the importance of identity in the formulation of threat perceptions. As Katzenstein explains, '[c]onceptions of self and other are always part of threat perceptions'. Furthermore, he continues, '[t]he norms and identities that trigger different threat perceptions are not merely derivative of material capabilities.' Rather, they obtain meaning from ideational factors rooted in social life.<sup>97</sup>

While liberal scholars take note of the effect of some of these factors in their unit level analyses constructivist scholars investigate the role of in the formulation of states' identities

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<sup>95</sup> Katzenstein, 'Introduction: Alternative Perspectives on National Security', pp. 1-27.

<sup>96</sup> Alexander Wendt, 'Constructing International Politics', *International Security*, vol. 20, no. 1, Summer 1995, p. 73.

<sup>97</sup> Peter Katzenstein, 'Same War: Different Views: Germany, Japan, and Counterterrorism', *International Organization*, vol. 57, no. 4, 2003, p. 736.

and therefore, interests and preferences. Richard Jackson discusses the relationship between US cultural and political norms and ideals, identity and policy when analysing US counter terrorism post-September 11. According to Jackson

the most important reason why the war on terror was so successful, and why it remains hegemonic in the Obama administration, is that it is rooted in, and fully expresses, American cultural grammar and identity. That it is built upon, and infused with, the existing hegemonic political culture and commonsense views of the society.<sup>98</sup>

Strategic culture functions in a similar way to cultural and political ideals to inform states' identities, interests and preferences. Critical International Relations theory has precisely examined the effect of a state's prevailing strategic culture on its decision making. To assist in understanding its constitutive role Desmond Ball offers a comprehensive definition of strategic culture. As Ball explains, strategic culture is the concept that:

different countries and regions approach the issues of war, peace and strategy from perspectives which are quite distinctive and deeply rooted, reflecting their different geostrategic situations, resources, history, military experience and political beliefs. These factors profoundly influence how a country perceives, protects and promotes its interest and values with respect to the threat or use of force.<sup>99</sup>

While under many circumstances cooperation is a rational choice for states; strategic culture will also determine states' preferences and its cooperative disposition.<sup>100</sup> If, according to a state's strategic culture, power acquisition and the application of force are seen to be

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<sup>98</sup> Richard Jackson, 'Culture, identity and hegemony: Continuity and (the lack of) change in US counterterrorism policy from Bush to Obama', *International Politics*, vol. 48, no. 2/3, 2011, p. 398.

<sup>99</sup> Desmond Ball, 'Strategic Culture in the Asia-Pacific', *Security Studies*, vol. 3, no. 1, Autumn 1993, pp. 44-45.

<sup>100</sup> Legro, 'Culture and Preferences in the International Cooperation Two-Step', pp. 118-119.

necessary measures for the protection of key interests, this thinking neglects the effectiveness of cooperation for which coercion and expansionist agendas are antithetical. Alternatively, if the application of uncooperative strategies in the past has incurred a high cost, the prevailing strategic culture may reject the utility of force and presage a more enlightened view of cooperation. A state's propensity to perceive the strategic benefits of cooperation is in large part predicated on its threat perceptions and the perceived utility of force. The prevailing culture of a society and bureaucratic organisations will either restrain or encourage the use of force in response to a threat.<sup>101</sup> Hence, while rational calculations may favour cooperation, if the state's prevailing culture and disposition does not support a preference to cooperate, such opportunities may be missed.

Nationalism has also featured prominently in alternative analyses of states' identity and interests.<sup>102</sup> Investigating the effects of nationalism, Stephen van Evera looks at the manner in which nationalism helps define states' understandings of self as either 'tolerant' or 'hegemonistic'.<sup>103</sup> From this study he suggests that hegemonistic nationalisms and subsequent self-identities contribute to a greater likelihood of war while tolerant self-images are more conducive to peace. In van Evera's words '[i]nterwar Nazi nationalism in Germany, fascist nationalism in Mussolini's Italy, and militarist nationalism in imperial Japan illustrate such hegemonistic nationalism; the wars they created illustrate the results.'<sup>104</sup> Similarly, nationalism helped construct national identities in the Soviet republic states that flew in the face of a collective Soviet identity as the mainstay of the Union. The fervency of nationalism with which the republic states unique identities were constructed fatally challenged their

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<sup>101</sup> Legro, 'Culture and Preferences in the International Cooperation Two-Step', pp. 119-121.

<sup>102</sup> Alexander Wendt, 'Collective Identity Formation and the International State', *American Political Science Review*, vol. 88, no. 2, June 1994, p. 387.

<sup>103</sup> Stephen van Evera, 'Hypotheses on Nationalism and War', *International Security*, vol. 18, no. 4, 1994, p. 13.

<sup>104</sup> van Evera, 'Hypotheses on Nationalism and War', p. 13.

union.<sup>105</sup> If the socially constructed identity of the state perceives other actors as untrustworthy and pits its security against others while applauding the use of force, prospects for cooperation may be missed.

Individual agency may, however, alter these ideational factors and states' corresponding identity and interests. Nationalist sentiments can be influenced by ruling elites to garner support for political objectives. Scholars have argued that the break-up of the former Yugoslavia incited ethnic differences and nationalist fervour amongst different interest groups. Anthony Oberschall, Emeritus Professor of Sociology at the University of North Carolina, argues that Serbian and Croatian leaders' decisive manipulation of nationalist sentiments was a key contributing factor in 'the spread and support for xenophobic nationalism and ethnic violence among people who had lived cooperatively for thirty years.'<sup>106</sup> Like culture, nationalism may be manipulated by leaders to allow for the justification of their decisions.<sup>107</sup>

The work of these scholars challenges rationalists' views that states' interests are formed *a priori* by revealing the co-constitutive roles of structure and agency in defining states' identities, interests and preferences.<sup>108</sup> While not dismissing material structures Edward Lock likewise explains, '[a]gency is also central to the concept of 'experiential legacies'; only human agents are capable of experiencing events and constructing legacies regarding those events through practices of communication.'<sup>109</sup> The demise of the Cold War led some scholars to herald the failure of realism and champion cooperation. Offering his hindsight on the closure of the Cold War Richard Ned Lebow stated that:

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<sup>105</sup> Rourke, *International Politics on the World Stage*, pp. 30-31.

<sup>106</sup> Anthony Oberschall, 'The manipulation of ethnicity: from ethnic cooperation to violence and war in Yugoslavia', *Ethnic and Racial Studies*, vol. 23, no. 6, 2000, pp. 982-984.

<sup>107</sup> Alastair Ian Johnston, 'Thinking About Strategic Culture', *International Security*, vol. 19, no. 4, Spring 1995, p. 38.

<sup>108</sup> Katzenstein, 'Introduction: Alternative Perspectives on National Security', pp. 1-27;

<sup>109</sup> Edward Lock, 'Refining strategic culture: return to the second generation', *Review of International Studies*, vol. 36, no. 3, July 2010, p. 692.

fear of anarchy and its consequences encouraged key international actors with the goal of changing the structure. The pluralist security community that has developed among the democratic industrial powers is in part the result of this process. This community and the end of the Cold War provide evidence that states can escape from the security dilemma.<sup>110</sup>

Similarly, in retrospect of the Cold War Booth and Wheeler suggest, ‘structures are of course powerful, but agents can change history’.<sup>111</sup> As Booth and Wheeler explain, during his time in power, while facing considerable opposition from those within his Party, Gorbachev employed a strategy of ‘defensive defense’, markedly contrasted to the strategic preferences of the Soviet Union in the preceding years.<sup>112</sup> Critics of this reasoning often refer to structural and material factors, namely the power imbalance between the Soviet Union and the US and the Soviet Union’s economic malaise as the cause for the end of the Cold War. While not discounting the structural pressures on the Soviet Union Booth and Wheeler argue, if it had not been for ‘the decisiveness of Gorbachev’s agency’, however, the ideological war may have ended very differently if offensive posturing and strategic competition had prevailed, as advocated for by Gorbachev’s political opponents.<sup>113</sup>

Recognising the role of agency in the formulations, these scholars stress the importance of social interactions in the formation of the state’s identity, interests and preferences. While rationalist logic considers states’ interests to be composed prior to their interactions, agency suggests that states’ interests are not static.<sup>114</sup> Subsequently, constructivist scholar Alexander Wendt, in his seminal article *The agent-structure problem in international relations* illustrates how interactions both at the domestic and international level inform states interests

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<sup>110</sup> Richard Ned Lebow, ‘the long peace, the end of the Cold War, and the failure of realism’, *International Organization*, vol. 48, iss. 2, 1994, p. 251.

<sup>111</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 166.

<sup>112</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 145.

<sup>113</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 154.

<sup>114</sup> Wendt, ‘Collective Identity Formation and the International State’, p. 384; See also Axelrod and Keohane, ‘Achieving Cooperation under Anarchy: Strategies and Institutions’.

and preferences due to the co-constitutive nature of structure and agency in the formation of their identities.<sup>115</sup> Martha Finnemore, Professor of Political Science and International Affairs at George Washington University similarly, believes that states' identities interests and preferences are altered by their interactions with one another; hence the creation of normative values, including humanitarian intervention.<sup>116</sup> Consequently, these scholars who reveal the co-constitutive role of structure and agency and the interaction of material and ideational factors identify further possibilities for cooperation that may be overlooked by rationalist thinkers.<sup>117</sup> The outcomes of cooperative interactions may change the states' identities, interests and preferences and through the construction of international norms that encourage cooperation. As Finnemore claims, 'because they are intersubjective, rather than merely subjective, widely held norms are not idiosyncratic in their effects. Instead, they leave broad patterns of the sort that social science strives to explain.'<sup>118</sup> For proponents of this thinking it is through this process of interactions and identity formation that states come to understand and apply sovereignty.. As Wendt suggests, states are socialised through their interactions they understand that 'they can afford to rely more on the institutional fabric of international society and less on individual national means'.<sup>119</sup>

Just as identity is said to matter in the determining states disposition for cooperation so too is collective identity. Hemmer's and Katzenstein's assessment of the development of the North Atlantic Treaty organisation (NATO) submits that collective identity amongst Western powers provided the basis for this cooperative mechanism.<sup>120</sup> According to Colin Gray, Professor of International Politics and Strategic Studies at the University of Reading, however, the reconstitution of interests through socialisation is an incremental process in

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<sup>115</sup> Wendt, 'The agent-structure problem in international relations theory', p. 338.

<sup>116</sup> Finnemore, 'Constructing Norms of Humanitarian Intervention', pp. 153-184.

<sup>117</sup> Wendt, 'Collective Identity Formation and the International State', p. 384.

<sup>118</sup> Finnemore, 'Constructing Norms of Humanitarian Intervention', p. 153.

<sup>119</sup> Wendt, 'Anarchy is what States Make of it: The Social Construction of Power Politics', p. 414.

<sup>120</sup> Hemmer and Katzenstein, 'Why Is There No Nato in Asia? Collective Identity, Regionalism, and the Origins of Multilateralism', p. 585.



which experiences gradually permeate the society and the state's thinking, and begins to inform the way state perceives its circumstances and behaves in response.<sup>121</sup> Explanations of the formation and effects of collective identity accounts for the 'shifting loyalties' observed by Haas in European integration,<sup>122</sup> and in this sense, complete with neoliberalism, subsumes neofunctionalism.<sup>123</sup>

These varied explanations of why states cooperate provided by dominant and alternative International relations perspectives should not be considered as mutually exclusive. Each on their own encounter 'uncomfortable difficulties' when trying to account for the varied success of cooperative mechanisms. Hemmer and Katzenstein point out that neoliberalism cannot explain why there was no NATO in Asia or the longevity of this institution in the post-Cold war period no more than realism can explain why it is that the US rather pursued a system of bilateral alliances in East Asia while multilateralism prevailed in Europe. From such observations these scholars conclude that '[s]trict formulations of both liberalism and realism are less convincing than eclectic variants that also incorporate important insight from constructivist theory.'<sup>124</sup> Taken together these perspectives considerations of material structures and incentives, ideational factors and how they come to inform identity provide a holistic account of states' cooperative behaviours.

## **1.2: Recommendations for Cooperation**

### **1.2.1: Top-Down Approaches to Cooperation**

These varied theoretical perspectives determine varied recommendations for cooperation between states. Differing recommendations are predicated on different understandings of trust. Trust is seen as an essential component in cooperative interactions. It is trust which

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<sup>121</sup> Colin S. Gray, 'Strategic culture as context: the first generation of theory strikes back', *Review of International Studies*, vol. 25, no. 1, 1999, p. 52.

<sup>122</sup> Thomas Risse, 'Neofunctionalism, European identity, and the puzzles of European integration', *Journal of European Public Policy*, vol. 12, no. 2, 2005, throughout.

<sup>123</sup> Acharya, *Comparative Regionalism: A Field Whose Time has Come?*, p. 8.

<sup>124</sup> Hemmer and Katzenstein, 'Why is There No NATO in Asia? Collective Identity Regionalism, and the Origins of Multilateralism', pp. 576-577.

distinguishes US relations with Britain from those with North Korea in Wendt's comparative analysis. While there is consensus amongst these scholars that an important relationship exists between cooperation and trust, there is less certainty regarding the precise nature of this relationship and which begets the other.

Rationalist approaches to the study of International Relations give preference to top-down approaches to cooperation that stress the importance of measures to ensure against exploitation. Rationalist thinkers view the anarchic nature of the international system as a key constitutive factor in states' thinking. According to this logic, in a decentralised system states face the constant difficulty of interpreting others intentions and in turn developing an appropriate and effective response to their actions. The dilemma of interpretation and response is comprehensively canvassed in theorists John Herz's and Herbert Butterfield's seminal works on the prevalence of uncertainty in the anarchic international system.<sup>125</sup> For Herz, a forbearer of offensive realism, the uncertainty of others' intentions is unresolvable and great power politics is inescapable. His prescription to the prevalence of uncertainty was to acquire the material capabilities and power so as to 'prepare for the worst'. It was Herz who first coined the term the 'security dilemma'. The security dilemma stems from states' inability to concretely gauge others' intentions. It is the indeterminable difficulty of channelling the thoughts of others which stokes fear in the minds of others and evokes offensive strategies. As a contingency plan, fear of others' intentions often causes states to deploy strategies for their own security that create insecurity for others. Driven out of fear, states best seek to ensure their security through the acquisition of material capabilities. The following is Herz' account of the security dilemma as it appeared in his influential 1952 article published in *World Politics*:

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<sup>125</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, pp. 22-41.

Wherever such anarchic society has existed-and it has existed in most periods of known history on some level- there has arisen what may be called the 'security dilemma' of men, or groups, or their leaders. Groups or individuals living in such a constellation must be and usually are concerned about their security from being attacked, subjected, dominated, or annihilated by other groups and individuals. Striving to attain security from such an attack, they are driven to acquire more and more power in order to escape the impact of the power of others. This, in turn, renders the others more insecure and compels them to prepare for the worst.<sup>126</sup>

Like Herz, in 1951 British historian Herbert Butterfield wrote of the 'irreducible dilemma' to describe the 'predicament' self-interested human beings are faced with as each seeks their survival. According to Butterfield

you cannot enter into another man's counter fear or even understand why he should be particularly nervous....since he cannot see inside your mind he cannot have the same assurance of your intentions that you have.<sup>127</sup>

As a contemporary protagonist of this realist logic Mearsheimer too believes uncertainty is inescapable.<sup>128</sup> According to Mearsheimer the fear and insecurity which weapons bring is inexorable as states' possession of offensive capabilities connotes potentially hostile intentions. The ambiguous meaning of weapons and military capabilities compounds the psychology of uncertainty which naturally exists between states. States perpetually face the problem of interpreting offensive from defensively based military capabilities. The ambiguity that surrounds material capability makes it exceedingly difficult to discern whether a state that possesses a capability that may be employed for either defensive or offensive purposes

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<sup>126</sup> John Herz, 'Idealist Internationalism and the Security Dilemma', *World Politics*, vol. 2, no. 2, January 1950, p. 157.

<sup>127</sup> Herbert Butterfield, *History and Human Relations*, Collins, London, 1951, p. 21.

<sup>128</sup> John J. Mearsheimer, *The Tragedy of Great Power Politics*, Norton and Company, New York, 2003, p. 31.

has good or bad intentions. While offensive weapons may be acquired with the intent to deter others from taking aggressive measures, as is the case for nuclear weapons, the outward perception is muddled by conditions of uncertainty and fear. Further, Mearsheimer follows that in order to not be caught off guard it is necessary to account for ambiguity by interpreting states with offensive capabilities as potential adversaries and responding as such.<sup>129</sup> According to the logic that flows from this reasoning, uncertainty is an irresolvable obstacle in the way of cooperation. Without a centralised authority to bind states to agreements, states are able to renege on their commitments. Hence, fear that the other may not reciprocate a conciliatory approach to security acts as a deterrent and obfuscates opportunities for cooperation. The Prisoner's Dilemma reveals uncertainty to be an obstacle to cooperation in the international system. Notwithstanding the benefits of cooperation, the isolation of the actors in the Prisoner's Dilemma creates uncertainty regarding each other's intentions and incites fear that cooperative responses will be exploited and loss will be incurred. Under these conditions defection may be employed as a means to avoid risk.

Others who similarly aspire to this realist logic prescribe a top-down approach to cooperation. Speaking to the prevalence of uncertainty and mistrust in the international system Hoffman remains pessimistic about opportunities for cooperation unless there exists a means to assure those states engaged that their interests will not be exploited by others. According to Hoffman, suspicion between states is inevitable, therefore cooperative mechanisms must provide states with some assurance that they will not be exploited. In turn, Hoffman recommends the creation of institutions; designed to install protective measures that reduce the transaction costs of cooperation. Hoffman's institutionalism stresses the importance of rules that restrain actors' ability to make costly defections. In accepting the conditions of the institution, actors can signal to others their intent to apply restraint. This institutionalist

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<sup>129</sup> Booth, Wheeler and Williams (eds.), 'Conversations in International Relations: Interview with John Mearsheimer Part II', pp. 231-233.

approach seeks to tackle the high stakes security issues first as a measure of trust. Hoffman refers to the federation of American states as an example of this institutionalist approach and its efficacy.<sup>130</sup> Keohane's assertion about utilitarian cooperation for mutual gain is commonly associated with institutionalism.<sup>131</sup> However, Hoffman distinguishes his recommendations for institutional cooperation from this more common understanding, initially referring to it as a modern institutionalist approach. Hoffman's definition of trust and his corresponding top-down prescriptions for cooperation are held in common by rational choice 'new institutionalists'.

Writing of the need for reliable assurances Hoffman highlights the importance of trust in cooperative arrangements. This rationalist thinking defines trust as the 'willingness to take risks based on the expectation that others will honor [sic] particular obligations.'<sup>132</sup>

According to Hoffman,

*trust* refers to an actor's *perception* that it may safely delegate control of its interests to others (that is potential trustees) under certain circumstances. This perception is rooted in belief that potential trustees will protect the interests placed in their care even if some of its own interests suffer.<sup>133</sup>

Based on his definition, Hoffman claims that trust is observable in the creation of rules, norms and principles manifest in security communities in which the stakes are high and yet actors are still willing to commit to cooperation. In turn, he suggests that lesser forms of cooperation based upon confidence in a particular outcome do not constitute trusting relationships.<sup>134</sup> Furthermore, Hoffman suggests that the fragility and unsustainability of

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<sup>130</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, pp. 8-11.

<sup>131</sup> See Robert Keohane, *After Hegemony*, Princeton University Press, New Jersey, 1984; Keohane, *International Institutions and State Power*, 1989; Robert Keohane and Lisa Martin 'The Promise of Institutional Theory', *International Security*, vol. 20, no. 1, Summer 1995.

<sup>132</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, p. 16.

<sup>133</sup> Aaron Hoffman, 'The Structural Causes of Trusting Relationships: Why Rivals Do Not Overcome Suspicion Step by Step', *Political Science Quarterly*, vol. 122, No. 2, Summer 1997, p. 288. Italics in original.

<sup>134</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, pp. 6-10.

rationally based cooperative arrangements reveals the absence of trust in these relationships. The often tumultuous peace process between Israel and Palestine is cited as a case in point. The deep suspicion between these parties disenabled the progress of cooperative efforts towards peace and stability.<sup>135</sup>

This top-down institutionalist approach, however, limits the prospects for cooperation as it suggests that cooperation can only take place in the context of trusting relations. As Rathbun suggests, trust is implicit in the making of institutions as prescribed by Hoffman. However, top-down approaches to cooperation do not tell us how trust is established in the first instance. According to Rathbun, '[r]ationalist arguments have certain intuitive appeal, but they beg the question of how states are able to come together to build institutions to solve problems of distrust without some reservoir of trust in the first place.'<sup>136</sup> Without recommendations for the construction of trust the prospects for cooperation remain limited. Hoffman himself concedes that such institutionalised cooperation and trust is difficult to achieve as conditions of mistrust prevail. Similarly casting suspicion on the vigour of cooperative mechanisms Jervis claims that due to inescapable conditions of anarchy and uncertainty, cooperative arrangements may 'contain the seeds of their own destruction'. Reducing the likelihood of conflict through cooperative arrangements may encourage states to attempt relative gains.<sup>137</sup> This is seen in the game of the Stag Hunt. The creation of institutions changes the Prisoner's Dilemma into a game of Stag Hunt in which the incentive to cooperate is increased through formalised agreement. If the creation of the institution alters the risk reward calculus and gives preference to mutual cooperation over relative gains then the actors no longer face the same dilemma. For states engaged in institutions there is greater degree of predictability regarding others behaviour. In the game of the Stag Hunt players

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<sup>135</sup> Hoffman, *Building Trust: Overcoming Suspicion in International Conflict*, pp. 44-45; Robert Jervis,

<sup>136</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of Security Organizations', p. 244.

<sup>137</sup> Jervis, 'Security Regimes', p. 368.

represent a group of people collectively hunting a stag. The presence of a rabbit, however, presents the temptation for the hunters to defect from the group and pursue the short-term reward at the cost of allowing the stag to go free.<sup>138</sup> Hence, while the structure of the game or institution provides for greater assurances, there is still a dilemma of sorts as the benefits of short-term gains are not removed by the potential for long-term benefits of remaining in the group. The fragility of institutionalised cooperation demonstrates deficiencies in trust. While cooperative institutions may provide safeguards for cooperation they do not work to foster trust that is required to maintain cooperative dynamics.

### **1.2.2: Bottom-Up Approaches to Cooperation**

As a substitute for this approach other scholars recommend incremental bottom-up cooperative mechanisms. Non-threatening common issues areas provide an opportunity for states to build confidence and trust and expand on the possibilities for more comprehensive forms of cooperation and trust. Bottom-up approaches to cooperation do not discount the value of top-down mechanisms; however, this logic suggests that such formalised cooperative arrangements develop from the bottom-up. Specialist on European integration Björn Fägersten concedes that while top-down approaches to cooperation amongst European Union (EU) members has assisted processes of integration they are best coupled with bottom-up approaches that facilitate the development of trusting relations upon which stable institutions are established.<sup>139</sup>

As a key protagonist of such bottom-up approaches neofunctionalism stands alone from International Relations' rationalist approaches. There varied prescriptions stem from the different worlds that they examine. While those rationalist thinkers associated with

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<sup>138</sup> Jack Donnelly, *Realism and International Relations*, Cambridge University Press, Cambridge, 2000, p. 152.

<sup>139</sup> Björn Fägersten, 'Bureaucratic Resistance to International Intelligence Cooperation-the case of Europol', *Intelligence and National Security*, vol. 25, no. 4, August 2010; Björn Fägersten, 'Let's find a common purpose before stressing about a shared phone number', *European Global Strategy*, 17 December 2013, <<http://www.euglobalstrategy.eu/nyheter/opinions/fagersten-lets-find-a-common-purpose-before-stressing-about-a-shared-phone-number>> accessed 12 January 2014.

International Relations analyse the anarchic international system, neofunctionalism is dictated by explanations of European integration. Neofunctionalism understands that incremental cooperative processes occur when functional cooperation in one area spills over into other issues areas. States' recognition of their interdependence and confidence and trust in democratic processes causes them to hand over some responsibility for a particular task to a supranational body. Cooperative accomplishments and difficulties in resolving other interdependent interests nationally cause greater commitment to the supranational organisation and lead to political integration.<sup>140</sup>

As mentioned previously, constructivism is said to better account for incremental processes of cooperation in explaining how the transfer of loyalties occurs. As Acharya notes, Haas never claimed that his theory of neofunctionalism would apply to other regions. Rather it is constructivism which has helped account for the role of local agency.<sup>141</sup> Distinguishing these constructivist thinkers from their rationalist counterparts is the belief that the identities, behaviours and interactions of states under these conditions will either inhibit or encourage cooperation.<sup>142</sup> Hence through cooperative interactions, as a way of affecting identities, states can build generalised trust. Highlighting the importance of social interactions and the role of agency these scholars contend that material factors do not predetermine states thinking. As suggested by Wendt, 'anarchy is what states make of it'.<sup>143</sup> Uncertainty, whilst omnipresent, need not be an insurmountable obstacle in the way of cooperation.

Consistent with this thinking functional cooperation can help to circumvent the perceived material disincentives to cooperate as the development of pragmatic cooperative efforts will build goodwill, confidence and trust amongst the respective parties and help to ease tensions which disseminate from the regional maritime territorial disputes and high security issues.

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<sup>140</sup> Haas, *The Uniting of Europe; Political, Social, and Economic Forces, 1950-1957*, throughout.

<sup>141</sup> Acharya, *Comparative Regionalism: A Field Whose Time has Come?*, pp. 7-9.

<sup>142</sup> Legro, 'Culture and Preferences in the International Cooperation Two-Step', p. 118.

<sup>143</sup> Wendt, 'Anarchy is what states make of it: the social construction of power politics'.



Over time reciprocal and sustained interactions of functional cooperation is conducive to the incremental development of goodwill, confidence and trust and further cooperation.

In helping to resolve the confusion as to what takes place first: cooperation or trust, Rathbun differentiates between *generalised trust* and *strategic trust*. According to Rathbun, '[g]eneralized [sic] trusters begin interactions with cooperation, even without specific information about the trustworthiness of others.'<sup>144</sup> While strategic trust is that which is applied by rational egoists, generalised trust refers to the perceived trustworthiness of others rather than trust in the measures to restrain their behaviours.<sup>145</sup> Hoffman's definition of trust corresponds with Rathbun's definition of strategic trust while ignoring more generalised forms of trust. States can look to build this 'reservoir' of generalised trust by signalling to others their trustworthiness.<sup>146</sup> Looking at the origins of American multilateralism, Rathbun claims that generalised trust between US and its strategic partners led to the creation of multilateral organisations and institutions including, the League of Nations and its successor the United Nations.<sup>147</sup> In this instance trust is based on the expectation of reciprocity in actions as determined by non-material factors. While rationalists say material factors and the potential for gains can only effectively be used to gauge reciprocity Rathbun suggests that the non-material traits of the actors more accurately indicate the likelihood of their reciprocity. According to Rathbun individual agency and domestic politics are the key determinants of actors' general trustworthiness.<sup>148</sup>

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<sup>144</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of International Security Organizations', p. 249.

<sup>145</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of International Security Organizations', pp. 243-244.

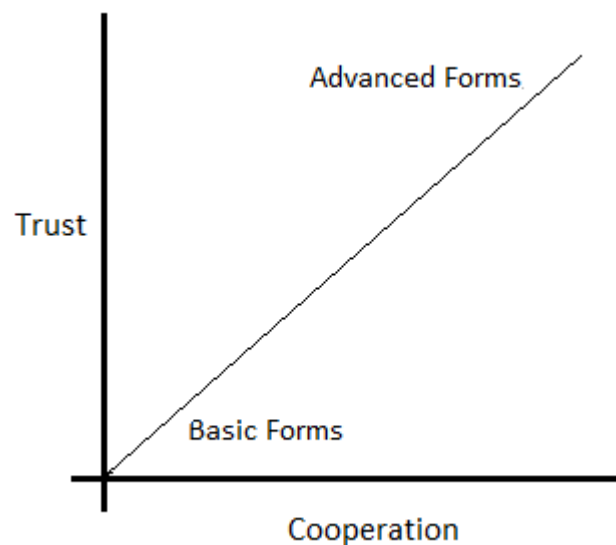
<sup>146</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of Security Organizations', p. 249.

<sup>147</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of Security Organizations', p. 257-262.

<sup>148</sup> Rathbun, 'Before Hegemony: Generalized Trust and the Creation and Design of Security Organizations', p. 254.

Corresponding with this argument, Booth and Wheeler conceptualise trust as existing along a continuum where at each different point a different level of trust exists. As diagrammatically expressed in Figure 1.2, the level of trust between states corresponds with the fortitude of cooperation.

**Figure 1.2: The Trust Continuum**



At the lowest end of the spectrum is the trust required for functional cooperation. This level of trust is derived from confidence in a certain specific outcome due to a convergence of interests amongst the respective actors. Cooperative interactions on functional issues can build the trust that is required for cooperation on more difficult issues.<sup>149</sup> Booth and Wheeler, therefore contend that while uncertainty may be inescapable under conditions of international anarchy, states make take measures to ameliorate psychological uncertainty, fear and mistrust. By decisively fostering confidence and trust with others through cooperation states can reduce the temptation to resort to self-help measures. They argue that the application of

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<sup>149</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 229.

mechanisms and measures to overcome the dynamics of the security dilemma and foster conditions conducive to cooperation is theoretically embodied by the ‘mitigator logic’.<sup>150</sup>

Further, they warn of the risks associated with security maximisation strategies. The psychology of uncertainty is a pervasive obstacle to cooperative outcomes as the resultant fear leads states to seek security against, rather than in concert with, one another.<sup>151</sup> However, this approach presents a self-fulfilling prophecy as one actor’s attempted means to security creates insecurity for others. Mearsheimer’s contingency pre-empts competition and compromises possibilities for peace and cooperation by hastening the security dilemma. When states perceive others’ security seeking as aggressive intentions they in turn reciprocate these actions with similar measures with the net outcome of greater insecurity for all. This reciprocal and paradoxical interaction between states drives the spiralling dynamic of the security dilemma. Despite the contentions of proponents of offensive realism, the rationality of power maximisation should be interrogated when this behaviour runs contrary to the interests of the state, particularly over the longer term.

Thomas Schelling demonstrates the guaranteed risks associated with accounting for the worst in *Fear of Reciprocal Surprise Attack*. As is the case for the person who seeks to arm and defend themselves against an intruder only to increase the potential that they too will be met with force, states in their acquisition of material power encourage further mistrust and may predetermine hostilities regardless of their intentions.<sup>152</sup> The promises of the security dilemma and the fragility of prevailing power maximisation and deterrence strategies was the subject of the Palme Commission. The Commission was first convened in 1981 as both the arms race and the corresponding threat to peace and stability escalated. In the report produced by the Commission, *Common Security: A Blueprint for Survival*, it was stated that ‘the well-

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<sup>150</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics* 2008, pp. 14-15.

<sup>151</sup> Stein, ‘International co-operation and loss avoidance: framing the problem’, p. 8.

<sup>152</sup> Thomas C. Schelling, *The Reciprocal Fear of Surprise Attack*, The RAND Corporation, Santa Monica, 1958, p. 1.

worn path of military competition is a blind alley; it cannot lead to peace and stability'.<sup>153</sup> Alternatively, the independent commission prescribed common and cooperative approaches to security and the gradual reduction of nuclear armaments as a means to mitigate the security dilemma and provide greater assurances for peace.<sup>154</sup>

#### 1.4: Navigating the Security Dilemma

As prime advocates of this incrementalist approach Booth and Wheeler offer recommendations for how states may positively alter the structure of the international environment and ameliorate the security dilemma. The first step in winding back the dynamics of the security dilemma is to realise that these dynamics are at play and that states observable behaviour may not be a complete representation of their intentions. In order for cooperative outcomes to be achieved states must be aware of the manner in which their actions may unintentionally stoke fear in others and in turn how their own actions may be perceived in this light in order to avoid playing into the conditions of the security dilemma.<sup>155</sup> Wheeler and Booth have termed this cognitive psychology as the *security dilemma sensibility*; defined as:

an actor's intention and capacity to perceive the motives behind, and to show responsiveness towards, the potential complexity of the military intentions of others. In particular, it refers to the ability to understand the role that fear might play in their attitudes and behaviour, including, crucially, the role that one's own actions may play in provoking that fear.<sup>156</sup>

Once having acquired the capacity to understand the perceptions of others, in order to overcome uncertainty, states must proceed one step further and effectively operationalise the

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<sup>153</sup> The Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival*, p. 100.

<sup>154</sup> The Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival*, p. xiii.

<sup>155</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, pp. 2-4.

<sup>156</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 7.

security dilemma sensibility by signalling to others their benign intentions. Sustained dialogue and avenues for communication is one way in which states can identify areas of mutual interests and communicate their peaceful purposes. In order to build goodwill, however, dialogue is insufficient on its own. Further, states may choose to pursue policies which aid a sense of sincerity regarding their purportedly peaceful intentions. In doing so, states can work to allay misperceptions as an obstacle to cooperation. In taking measures to reassure their neighbours through more conciliatory policies states can build goodwill to produce conditions which facilitate cooperation.

Under conditions whereby suspicion and mistrust prevail, words can be cheap.<sup>157</sup> Axelrod's iterative PD demonstrates the manner in which actions speak louder than words. Cooperation under the iterative PD is supported by reciprocity as a means to provide assurance to prospective cooperative partners. Booth and Wheeler suggest that Gorbachev demonstrated this self-awareness in his dealings with Reagan during the Cold War. Ostensibly, Gorbachev understood the importance of its actions in signalling to the US the benign intentions of the Soviet Union when facing increasing domestic pressure. So as to support its benevolent image and peaceful intentions, in the final stages of the Cold War, Gorbachev pursued a policy of 'transparent defensiveness' in which measures taken on behalf of the Soviet Union presented a potential risk to their own security. Gorbachev made unilateral reductions in Soviet nuclear capabilities as a means to signal to the US his peaceful motives and intentions to cooperate.<sup>158</sup> Furthermore, with a common interest in reducing the potential for reciprocal surprise attack, through a series of negotiations and sustained dialogue between the Soviet Union and the US, the two parties built the requisite trust that would allow them to conclude upon arms control measures.<sup>159</sup> While these cooperative efforts taken by leaders (in arms

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<sup>157</sup> Axelrod, *the Evolution of Cooperation*, Basic Books, New York, 1984, p. 12.

<sup>158</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 168.

<sup>159</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, pp. 145-154

control) did not eliminate uncertainty, they did help to reassure each other of their peaceful intent and ameliorate mistrust; conditions which would facilitate further cooperation between the two longstanding adversaries.<sup>160</sup> The cooperative development of norms and rules can help provide greater certainty and trust by decreasing transaction costs and providing disincentives for uncooperative behaviour.<sup>161</sup>

Trust is a requisite factor to overcome conditions of uncertainty that encourage unilateral security maximisation strategies with the net effect of greater instability. Accepting that uncertainty cannot be entirely avoided in the anarchic international system, inter-state trust can, however, help to ameliorate uncertainty and fear which may inhibit cooperation. This is the general contention of the mitigator logic which refutes the notion that uncertainty is a fatalistic condition for states. While historically friendly relations help to provide insight and greater certainty regarding others' intentions, past aggressors and adversaries may too seek to cooperate under different circumstances. As demonstrated by the efforts of Gorbachev and Reagan, negative legacies do not preclude a state's ability from engaging in a cooperative arrangement with other states, including those previously subject to its aggression. In recognition of their mutual interests states can take measures in order to develop cooperation and foster trust. A state will be encouraged to pursue cooperation when it has confidence that the other will reciprocate in turn and not be tempted by defection.<sup>162</sup>

### **1.5: Constructing Maritime Cooperation**

Deteriorating conditions in the SCS have provided the impetus for further examination of the possibility for maritime cooperation and trust building in the regional maritime domain. There have been widespread recommendations for cooperation to reinstate conditions of stability and security in this space. Speaking at 2015 opening of the International Maritime

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<sup>160</sup> Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, p. 167.

<sup>161</sup> Stein, 'International co-operation and loss avoidance: framing the problem', p. 7.

<sup>162</sup> Jervis, 'Cooperation Under The Security Dilemma', p. 168.

Defence Exhibition, Singapore's foreign minister called upon China and the ASEAN states to 'expeditiously' conclude upon the Code of Conduct (COC) in the SCS.<sup>163</sup> As others have been quick to point out the claimants states have failed to take heed of these calls and the COC has yet to progress.<sup>164</sup> Alternatively, as more formalised and institutionalised mechanisms have not developed an incrementalist, or 'building block', approach to cooperation and trust is commonly prescribed by maritime security experts.

Several scholars and analysts have called for functional maritime cooperation both as a means to address a number of shared challenges and to build trust between states operating in this area. As a global common, the maritime domain presents several opportunities for mutual gain and cooperation between states. In accordance with the theoretical views of scholars, states functional maritime cooperation for mutual gain serves as a goodwill and confidence building measure (CBM) between states. Such maritime CBMs can include dialogue, educational exchanges, combined exercises,<sup>165</sup> maritime scientific research, surveying and dredging of shipping lanes, installation and maintenance of navigational buoys, maritime search and rescue (SAR) activities, and joint surveillance among others.<sup>166</sup> These initiatives can take place at either a track-one or track-two level.

A number of cooperative and legal frameworks prescribe such forms of functional maritime cooperation. The conceptual framework of 'good order at sea' advises functional maritime cooperation in a number of areas including safety and security and marine ecological sustainability and management. According to maritime security expert Sam Bateman;

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<sup>163</sup> Dr Ng Eng Hen, Singapore defence minister, Speech delivered at the opening ceremony of the International Maritime Defence Exhibition, Singapore, 19 May, 2015, <[http://www.imdexasia.com/pdf/media-release/Speech\\_by\\_Minister\\_for\\_Defence\\_Dr\\_Ng\\_Eng\\_Hen.pdf](http://www.imdexasia.com/pdf/media-release/Speech_by_Minister_for_Defence_Dr_Ng_Eng_Hen.pdf)> accessed 22 May 2015

<sup>164</sup> Ralf Emmers, 'ASEAN's Search for Neutrality in the South China Sea', *Asian Journal of Peace Building*, vol. 2, no. 1, 2014, pp. 64-65.

<sup>165</sup> Bateman, 'Asia-Pacific Maritime Confidence Building', p. 35.

<sup>166</sup> Bateman, 'Asia-Pacific Maritime Confidence Building', p. 35; Rory Medcalf, et al., 'Crisis and Confidence: Major Powers and Maritime Security in the Indo-Pacific Asia', *Lowy Institute and the MacArthur Foundation*, June 2011, p. 26.

Good order at sea permits the free flow of seaborne trade and ensures that nations can pursue their maritime interests and develop their marine resources in an ecologically sustainable and peaceful manner in accordance with international law.<sup>167</sup>

Oceans governance has been conceptually developed as a policy prescription for good order at sea. Multilateral formations for oceans governance help drive and coordinate maritime cooperation in a number of different areas including marine biological diversity and sustainability, resource management and maritime SAR.<sup>168</sup> The participation of coastal states which have a monopoly on activities in their territorial waters allow for more comprehensive cooperative mechanisms to be established as challenges to maritime safety and security tend to neglect boundary delimitations. Such functional forms of cooperation have been seen in the frameworks for oceans governance established through the Arctic Council. The Arctic Council was first established in 1996 as a means to promote greater maritime cooperation amongst its eight member states Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the US.<sup>169</sup> The 1989 Arctic Environmental Protection Agency involving the eight member states, served as a forerunner to the Arctic Council. Since its inception in 1996, the Arctic Council has formed six cooperative working groups each of which address a different area of functional maritime cooperation.<sup>170</sup> In 2011 the members of the Arctic Council collectively acceded to the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic for the purpose of bolstering maritime safety measures in

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<sup>167</sup> Sam Bateman, 'Part II: Securing Navigation in the South China Sea', in Wu Shicun and Zou Keyuan (eds.) *Maritime Security in the South China Sea: Regional Implications and International Cooperation*, Routledge, Oxon, 2009, p. 17.

<sup>168</sup> Thang Nguyen Dang, 'Cooperation in the South China Sea: from Dispute Management to Ocean Governance', Proceedings of the 4th International Workshop 'The South China Sea: Cooperation for Regional Security and Development', p. 8.

<sup>169</sup> 'The Arctic Council', *Arctic Council*, <<http://www.arctic-council.org/index.php/en/#>> accessed 20 August 2013.

<sup>170</sup> 'The Arctic Council', *Arctic Council*, <<http://www.arctic-council.org/index.php/en/#>> accessed 20 August 2013.



this area. Under this agreement the members have committed to joint search and rescue activities in which members are allowed to enter the jurisdiction of others upon request.<sup>171</sup> As an operational mechanism this maritime cooperative agreement is more comprehensive than its precursors.

International legal expert Yen-Chiang Chang promotes the United Nations Law of the Sea Convention (UNCLOS) as a framework for good oceans governance.<sup>172</sup> The duty of both user states and coastal states to cooperate for the provision of maritime safety and security is prescribed in a number of articles contained in the UNCLOS regime.<sup>173</sup> With the exception of Cambodia, all East Asian states are signatories to the Convention which govern the world's oceans.<sup>174</sup> A number of states including, Australia, Canada, China, Russia and the United Kingdom (UK), have begun to implement provisions for maritime safety and security and cooperation outlined in UNCLOS through their national ocean policies.<sup>175</sup> Australia's 1998 Ocean Policy details its commitment to regional and international mechanisms for the protection of the marine environment as prescribed under Article 197 of UNCLOS.<sup>176</sup> Several

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<sup>171</sup> 'The Agreement on Aeronautical and Maritime Search and Rescue in the Arctic', *International Federation of Red Cross and Red Crescent Societies*, 2009, <<http://www.ifrc.org/docs/idrl/N813EN.pdf>> accessed 21 August 2013.

<sup>172</sup> Yen-Chiang Chang, 'International legal Obligations in Relation to Good Ocean Governance', *Chinese Journal of International Law*, vol. 9, no. 3, 2010, pp. 589-590.

<sup>173</sup> Article 43 of the UNCLOS regime prescribes cooperation between coastal states and user states of Straits for safety and security. Articles 74, 83, 150 and 151 of UNCLOS encourage states to pursue provisional maritime cooperative agreements for the exploitation and management of marine resources that circumvent disputed maritime boundaries. Article 100 requires states to cooperate in response to maritime piracy. Further, Article 108 states that parties to UNCLOS should pursue cooperation in response to other forms of maritime crime including trafficking. Articles 118, 123, 143, 242 and 266 and 269 273 277 prescribe maritime cooperation for various measures towards effective marine environmental protection. Article 129 obliges signatories to cooperate for the safety and security of maritime transport. Articles 279, 280, 281, 282 and 282 of the Convention encourage states to cooperate in the management and resolution of maritime disputes. What is more, Articles 138, 160, 197, 244 and 268 promote states' obligations to pursue and promote maritime cooperation at the regional and international level in broader terms. The United Nations Law of the Sea Convention, <[https://www.un.org/depts/los/convention\\_agreements/texts/unclos/part5.htm](https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm)> accessed 03/04/2011.

<sup>174</sup> Seokwoo Lee, 'UNCLOS and the Obligation to Cooperate', in Clive Schofield (ed.) *Maritime Energy Resources in Asia: Legal Regimes and Cooperation*, NBR Special Report no. 37, The National Bureau of Asian Research, February 2012, p. 26.

<sup>175</sup> Rudolfo H. Dorah, 'Towards Integrated National Ocean Policy in the South Pacific: Solomon Islands', Second International Seminar on Islands and Oceans, Oceans Policy Research Foundation, PowerPoint presentation, 2010, p. 5.

<sup>176</sup> 'United Nations Convention on the Law of the Sea', 10 December, 1982; Commonwealth of Australia, 'Australia's Oceans Policy: Caring, understanding, using wisely', vol. 1, 1998, pp. 31-32.

other states including India, Jamaica, Japan, Mexico, New Zealand, Norway, Portugal, Vietnam, the Philippines and the US have all been working towards the implementation of UNCLOS provisions in their national ocean policies.<sup>177</sup> Moreover, like all mechanisms of international law the UNCLOS regime promotes cooperation in and of itself. As international legal expert Seokwoo Lee posits, cooperation is the bedrock of international law.<sup>178</sup> The effectiveness of international legal regimes and instruments requires reciprocity amongst states.

Bateman, Ho and Chan believe that such functional bottom-up efforts may be used as ‘building blocks’ to advance maritime cooperation including its institutionalisation. Pioneers of the Indonesian South China Sea (SCS) workshops in the 1990s, Hasjim Djalal and Ian Townsend-Gault similarly promoted such a functional ‘building block’ approach maritime cooperation in the SCS. Djalal and Townsend-Gault championed functional cooperation as a form of preventive diplomacy to peacefully manage the disputes in the SCS.<sup>179</sup> Rommel Banloi similarly specified functional cooperative strategies for the prevention of increasing strategic competition and rivalries in this area.<sup>180</sup>

The INCSEA provides an example of effective bottom-up functional cooperation and what attributes these measures may have. As testimony to its efficacy, functional maritime cooperation between the US and the Soviet Union helped to provide for maritime safety during the Cold War. At the height of the Cold War, the US and the Soviet Union pragmatically devised a maritime cooperative agreement to provide greater safety for their seafarers. Following a number of incidents at sea and collisions, in May 1972 the navies of

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<sup>177</sup> Dorah, ‘Towards integrated National Ocean Policy in the South Pacific: Solomon Islands’, p. 6.

<sup>178</sup> Seokwoo Lee, ‘UNCLOS and the Obligation to Cooperate’, p. 25.

<sup>179</sup> Djalal and Townsend-Gault, ‘Preventive Diplomacy: Managing Potential Conflicts in the South China Sea’, pp. 107-108.

<sup>180</sup> Rommel C. Banloi, ‘A Functionalist Approach to the Management of Conflicts in the South China Sea: Options for China and ASEAN Claimants’, Presentation Paper for the Fourth China-ASEAN Research Institutes Roundtable, University of Hong Kong, 18-20 October, 2011, pp. 2-4.

the Soviet Union and the US jointly established the Incidents at Sea Agreement (INCSEA) to establish rules and regulations to limit their encounters at sea. Article III of the agreement states that ‘ships operating in proximity to each other, except when required to maintain course and speed, shall remain well clear to avoid risk of collision.’ The agreement was negotiated between naval professionals from the two sides committed to improving safety for their seamen and willing to ignore the strategic and ideological competition that pervaded US-Soviet relations. Direct reference to submarine activity was omitted from the agreement due to the implications for intelligence gathering. This functional approach to confidence-building allowed the two parties to circumvent the political obstacles to their cooperation. As naval expert John McNeill explains, the agreement is said to be effective ‘in that major incidents did not occur and the regional crisis [in the Middle East in October 1973] did not escalate into conflict between the world’s two major navies.’ According to McNeill it was the ‘step-by-step approach’ in which ‘unresolved issues were set aside’ that is attributable to the success of the INCSEA.<sup>181</sup> Naval historian David Winkler provides a similar account of the INCSEA suggesting that the two sides’ willingness to set aside political disputes facilitated the process of adoption.<sup>182</sup> Subsequently, the INCSEA Agreement helped to increase trust and facilitated good-will and reduce tensions between these two parties, leading to further cooperative initiatives.<sup>183</sup> This same year these two states signed the SALT I Agreement pledging to ‘undertake to limit submarine-launched ballistic missile (SLBM) launchers and modern ballistic missile submarines to the numbers operational and under construction on the date of signature.’<sup>184</sup> The INCSEA agreement was later expanded to include the Agreement

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<sup>181</sup> John H. McNeill, ‘Military-to-Military Arrangements for the Prevention of U.S.-Russian Conflict’, *Naval War College Review*, 1994, p. 29.

<sup>182</sup> David F. Winkler, ‘The Evolution and Significance of the 1972 Incidents at Sea Agreement’, *The Journal of Strategic Studies*, vol. 28, no. 2, 2005, p. 368.

<sup>183</sup> Winkler, ‘US-Soviet Maritime Confidence-Building Measures’, pp. 1-24.

<sup>184</sup> Quoted in Jan Prawitz, ‘Paper 1. Naval arms control: history and observations’, in Richard W. Fieldhouse (ed.), *Security at Sea: Naval Forces and Arms Controls*, Oxford University Press, Oxford, 1990, pp. 47-48.

on the Prevention of Dangerous Military Activities (DMAA).<sup>185</sup> The DMAA was intended to build upon the existing INCSEA to provide a more comprehensive cooperative arrangement for safety at sea.<sup>186</sup> In 1979 the SALT Agreement was institutionalised in the SALT II Treaty; committing the parties to limit the overall number of intercontinental ballistic missiles, (ICBMs), SLBMs, heavy bombers and air-to-surface ballistic missiles that they were in possession of by the time that the treaty was to enter into force. By 1 January 1981 both sides had limited these arsenals to 1200 each as agreed to in the treaty.<sup>187</sup> While the broader competitive dynamic persisted, these functional cooperative agreements were helpful in creating a more stable security environment.

## Conclusion

Both structural and non-structural factors determine the prospects for maritime cooperation. Preferences and the constitutive factors of structure and agent will help to inform states' decisions to cooperate or not. While rational calculations focused on gains will help to inform the choice to cooperate or not, the pursuit of absolute or relative gains alone cannot explain why maritime cooperation has been pursued and effectively implemented. The pursuit of maritime cooperation for reasons other than rational choice elucidates the role of agency in the formulation of political and strategic choice. Gorbachev's decision to cooperate with the US was not merely informed by the balance of power or the aim of relative gain but by his leadership and the desire to avoid loss. Similarly, President Kennedy's management of the Cuban Missile crisis was not strictly informed by rational calculations of interests. Non-material factors and the role of leadership informed the course that these events took. Furthermore, the INCSEA agreement and the following DMAA were decisively pursued by

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<sup>185</sup> Department of the Navy Office of the Chief of Naval Operations, 'OPNAV Instruction 5711.96', Navy Pentagon, Washington D.C., November 10, 2008, p. 1.

<sup>186</sup> Timothy J. Nagle, 'The Dangerous Military Activities Agreement: Minimum Order and the Superpower Relations on the World's Oceans', *Virginia Journal of International Law*, vol. 31, no. 1, 1990-1991, pp. 125-126.

<sup>187</sup> Prawitz, 'Paper 1. Naval arms control: history and observations', p. 48.

the respective parties as a means to ensure greater maritime safety for their seafarers. What is more the success of these two cooperative initiatives was determined by the behaviour and interactions of the states involved. By applying the security dilemma sensibility, states can employ measures to build confidence, good will and trust and help ameliorate conditions of uncertainty which hinder maritime cooperation. Functionalist maritime cooperation facilitates the incremental process of building trust and in turn increases the prospects for further, more comprehensive cooperation. In regions of tensions where the pervasiveness of mistrust frustrates maritime cooperation, pragmatism and a focus on less politically provocative issues can deliver functional cooperation. Functional cooperation is an incipient confidence building measure; helping to establish generalised trust and reduce tensions to expand the possibilities for cooperation on the more challenging maritime security issues.

## **Chapter 2: The History of Maritime Cooperation in Southeast Asia: applying hindsight to cooperative strategies**

### **Introduction**

As a conduit between the Indian and Pacific Oceans, rich in several living and non-living marine resources, maritime Southeast Asia is of strategic significance for regional and extra-regional states. Maritime safety and security, and the protection and sustainable exploitation of resources can present a convergence of material interests amongst states operating in the Southeast Asian maritime domain. Consequently, a number of maritime cooperative initiatives have been developed within the region to facilitate good order at sea and peace and stability between states. Following the end of the Cold War, the decline of ideological differences and the escalation of non-traditional security challenges encouraged the evolution of maritime cooperation in Southeast Asia. The successes and failures of past efforts in Southeast Asia demonstrate the cooperative preferences of regional states.

First commencing during the final stages of the Cold War, maritime cooperation developed from the bottom-up. Predicated on principles and norms of cooperation, regional multilateral institutional frameworks, including ASEAN and its adjunct organisation the ASEAN Regional Forum (ARF) have helped to promote functional regional maritime cooperation. These mechanisms of maritime cooperation developed incrementally over time, culminating in a number of ‘particularly noteworthy’ mechanisms including the 1992 Declaration on the South China Sea, the 2002 Declaration on the Conduct of Parties in the South China Sea, the trilateral MALSINDO patrols and the 2007 Cooperative Mechanism for the Safety of Navigation and Environmental Protection in the Straits of Malacca. More formalised efforts, particularly those recommended by extra-regional states that ostensibly prioritised their objectives, failed to eventuate due to the persistence of sovereignty sensitivities and the fear of resurgent colonialism.

Similarly, persisting sovereignty sensitivities and states' subsequent preoccupation with matters of territoriality have constrained the operationalisation and efficacy of functional regional maritime cooperative initiatives. Despite the considerable progress towards regional maritime cooperation, these mechanisms remain insufficient in ameliorating regional maritime security challenges. The 2009 report *Good Order at Sea in Southeast Asia* put forward recommendations to further advance cooperation by building on existing mechanisms to developed institutionalised cooperation.<sup>188</sup> States, however, have remained reluctant to commit to binding forms of cooperation despite the existing frameworks for their delivery. While a number of initiatives demonstrate greater progress in regional maritime cooperation, the limitations of these initiatives illustrate how sovereignty disputes are a persistent source of mistrust that if not managed effectively may undermine the prospects for maritime cooperation. Contributing the ideas of scholars presented in Chapter 1, regional maritime security experts provide more nuanced and precise prescriptions for bottom-up approaches to cooperation that circumvent issues of sovereignty. While Zou Keyuan speaks of the importance of scale and the need to start small with areas for functional cooperation that do not provoke sovereignty concerns, Sam Bateman likewise recommends civilian led efforts over and above more threatening military measures. These lessons offer additional insights into the successes and shortcomings of Japan's and China's regional maritime cooperation to be examined in the following four chapters.

It is the purpose of this chapter to examine the history of maritime cooperation in Southeast Asia and subsequently build upon the theoretical recommendations of scholars presented in Chapter 1 to develop a more comprehensive framework for the analysis of Japan's and China's maritime cooperation in Chapters 3, 4, 5 and 6. First, the author provides an overview of the Southeast Asian maritime domain, detailing the intersection of states'

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<sup>188</sup> Bateman, Ho and Chan, *Good Order at Sea in Southeast Asia*, p. 36.

interests in the area. The consecutive section of this chapter identifies regional and extra-regional states' common interests in the area as opportunities for functional bottom-up maritime cooperation. Following on from this discussion, the author examines the literature that discusses conceptions of cooperation and trust in Asia to begin to consider how it may correspond with practical experiences. Past instances of maritime cooperation within the region are then examined. This historical assessment of regional maritime cooperation is broken down into three sections; demonstrating the evolution of these initiatives over time and the material and non-material factors which encouraged these efforts. The first section of this discussion looks at the scant few initial efforts that took place during the late stages of the Cold War. Moving on the author examines the increase in functional cooperation post – Cold War highlights how states' overwhelming concern for the integrity of their sovereignty creates difficulties in the way of maritime cooperation. These difficulties are demonstrated to be particularly challenging for top-down approaches due to principles of non-interference, fears of resurgent colonialism and the absence of effective confidence and trust building measures. The final section of this chapter addresses how states may navigate these obstacles by employing more precise bottom-up methods. The chapter demonstrates how maritime security experts and policy makers have built upon the ideas of scholars detailed in Chapter 1 in advancing recommendations for an incrementalist approach to maritime cooperation. Consequently, from Zou Keyuan's analysis of failed endeavours for joint development in the SCS we gauge the importance of small scale mechanisms oriented to functional issues that do not incite sovereignty concerns.<sup>189</sup> Examining the difficulties in the SCS Sam Bateman makes another valuable contribution to the literature by illustrating the need to separate out civilian and military led methods, giving preference to the former.<sup>190</sup>

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<sup>189</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 102.

<sup>190</sup> Bateman, 'Maritime confidence building measures-an overview', pp. 8-11.



## 2.1: Overview of Maritime Southeast Asia

Southeast Asian geopolitics both past and present are largely defined by regional maritime affairs.<sup>191</sup> The extended period of colonialism in Southeast Asia was supported by the maritime power of the extra-regional Empires and their command of sea lanes and trade. Today, the waters of Southeast Asia still bear important economic and strategic benefits for both regional and extra regional states. Approximately 60 per cent of all peoples living in Southeast Asia are in one way or another dependent upon the maritime domain for their economic subsistence.<sup>192</sup> Southeast Asia is home to some of the most critically important waterways in the world; imperative to the health of regional economies and the global economy.<sup>193</sup> Situated between Indonesia, Malaysia and Singapore, the Straits of Malacca (SOM) facilitates the transit of more than 90,000 vessels, approximately half of world trade annually..<sup>194</sup> Connecting the Indian Oceans and the South China Sea, the SOM are the primary route for trade from the Middle East and Europe to Northeast Asia. As such the Straits are one of the busiest waterways globally.<sup>195</sup> This seaborne cargo includes roughly 13 million bbl/d of crude oil, transiting the straits to the energy hungry economies of Asia.<sup>196</sup> As shown in Figure 2.1 many of these vessels subsequently transit through the SCS and vice versa.<sup>197</sup>

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<sup>191</sup> The Southeast Asian region is comprised of the following states: Brunei, Cambodia, East Timor, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. 'South East Asia', *Australian Government Department of Foreign Affairs and Trade*, <<http://www.dfat.gov.au/geo/sea/>> accessed 15 August 2013.

<sup>192</sup> Bradford, 'The Growing Prospects for Maritime security Cooperation in Southeast Asia', p. 63.

<sup>193</sup> Sam Bateman, 'Regime Building in the Malacca and Singapore straits: two steps forward, one step back', *The Economics of Peace and Security Journal*, vol. 4, no. 2, 2009, p. 45.

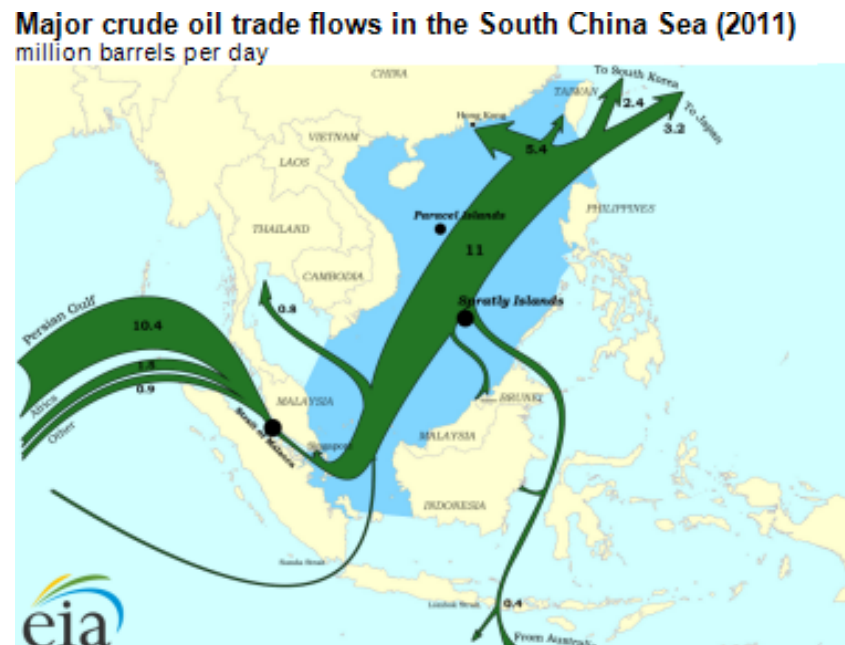
<sup>194</sup> Bateman, 'Regime Building in the Malacca and Singapore Straits: two steps forward, one step back', p. 45.

<sup>195</sup> Sheldon W. Simon, 'Safety and Security in the Malacca Strait: The limits of Collaboration', in John Bradford, James Manicom, Sheldon W. Simon and Neil Quartaro (eds.), *Maritime Security in Southeast Asia: U.S., Japanese, Regional, and Industry Strategies*, The National Bureau of Asian Research, 2010, p. 3.

<sup>196</sup> US Energy Information Administration, 'World Oil Transit Chokepoints', <[http://www.eia.gov/emeu/cabs/World\\_Oil\\_Transit\\_Chokepoints/Malacca.html](http://www.eia.gov/emeu/cabs/World_Oil_Transit_Chokepoints/Malacca.html)> consulted 17/09/2010.

<sup>197</sup> Author not supplied, 'Roiling the South China Sea', *The Japan Times*, August 5 2010, <<http://search.japantimes.co.jp/cgi-bin/ed20100805a1.html>> consulted 01/09/2010.

**Figure 2.1: Oil Trade Flows in the SCS**



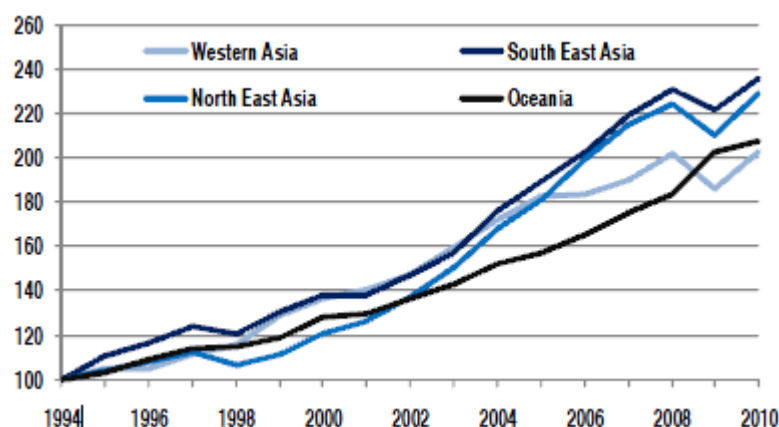
Source: U.S. Energy Information Administration, 2011.

As seen in Figure 2.2, corresponding to the growth of their economies and demand for resources, both regional and extra-regional states reliance upon these sea lanes has increased considerably over the years.<sup>198</sup> In a report disseminated by the US Energy Information Administration (EIA) energy consumption amongst the non-OECD Asian economies was predicted to increase annually by 2.6 per cent. According to their estimates, by 2035 these states will constitute 30 per cent of worldwide consumption.<sup>199</sup> Greatly dependent upon foreign energy reserves and seaborne trade China and Japan have come to be the two heaviest users of these sea lanes extending through the SOM and SCS. Prospective increases in energy demands will be met with greater reliance on regional sea lanes.

<sup>198</sup> Anders C. Sjaastad, 'Southeast Asian SLOCs and security options', in K. C. Guan and J. K. Skogan (eds.) *Maritime Security in Southeast Asia*, Routledge Oxon, 2007, p. 3.

<sup>199</sup> US Energy Information Administration, 'South China Sea', <<http://www.eia.gov/countries/regions-topics.cfm?fips=SCS>> accessed 3 June 2013.

**Figure 2.2: Yearly Container Traffic Flows -Twenty-Foot Equivalent Unit (TEU)**



Source: ‘Shipping Statistics and Market Review’, *Institute of Shipping Economic and Logistics*, 2011.

The waters of Southeast Asia also accommodate the navies and coast guards of many regional and extra-regional states. Operating between the Pacific and Indian Oceans, the SOM and the SCS is a thoroughfare between US naval bases in Guam, Japan and South Korea.<sup>200</sup> The ongoing US re-balancing strategy will ensure US naval presence in these waters. Though restricted, from the early 1990s the Japanese Maritime Self Defense Force (JMSDF) has increased its presence in maritime Southeast Asia.<sup>201</sup> However, due to constitutional constraints on the JMSDF, the Japan Coast Guard (JCG) has a more significant presence in Southeast Asia.<sup>202</sup> Following the initial development of its South Sea Fleet between the late 1990s and early 2000s China has also increased its number of naval vessels stationed in the waters of maritime Southeast Asia bordering its continental landmass.<sup>203</sup>

<sup>200</sup> Rosihan Arsyad, ‘Cooperation to Safeguard Shipping through the Malacca Strait’, in Andrew Forbes (ed.), *Asian Energy Security: Regional Cooperation in the Malacca Strait*, Sea Power Centre, Australia, 2008, p. 176.

<sup>201</sup> Vijay Sakhuja, ‘Japanese Maritime Self Defence Force: Kata and Katana’, *Institute for Defence Studies and Analyses*, 2001, <<http://www.idsa-india.org/an-jul1000.html>> accessed 16 August 2013.

<sup>202</sup> Tetsuo Kotani, ‘Japan’s maritime Challenges and Priorities’, in Sam Bateman and Joshua Ho (eds.), *Maritime Challenges and priorities in Asia: Implications for Regional Security*, Routledge, Oxon, 2012, p. 210.

<sup>203</sup> Felix K. Chang, ‘China’s Naval Rise and the South China Sea’, *Orbis*, Winter 2012, pp. 23-24.

PLAN forces are supplemented by an increasing number of Chinese maritime law enforcement vessels operating in the area.<sup>204</sup>

The energy potential of maritime Southeast Asia further contributes to its significance.<sup>205</sup> Regional states' increasing demands for oil and gas heightened the value of prospective maritime energy reserves in the SCS.<sup>206</sup> As noted by Zou Keyuan, estimations of substantial energy reserves in the SCS have caused some commentators to refer to this maritime region as the 'second Persian Gulf'.<sup>207</sup> These estimates are, however, disputed. While the US EIA forecasted reserves in the Spratly Archipelago to be approximately seven billion barrels, Chinese estimates are much higher. As oil and gas exploration in the area has been limited, the exact extent of energy reserves remains unknown.<sup>208</sup> According to Bateman, Ho and Chan, despite varied estimates of seabed energy reserves, 'Southeast Asia is the most active area in the world for fixed offshore oil platforms projects'.<sup>209</sup> Southeast Asia is also rich in living marine resources which regional states are dependent upon for their economic and food security. Fishing grounds are an important source of food for peoples within the region and a major export commodity.<sup>210</sup> A study conducted by the Rockefeller Foundation identified Indonesia and the Philippines as two of the most fishing dependent states in the world. The sustainability of regional migratory fish stocks is indispensable to meeting peoples' nutritional and subsistence needs within these states.<sup>211</sup> In addition, Southeast Asian fishing

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<sup>204</sup> Megha Rajagopalan, 'China's civilian fleet plays key role in Asia's disputed seas', *The Sydney Morning Herald*, 6 March 2014, <<http://www.smh.com.au/world/chinas-civilian-fleet-plays-key-role-in-asias-disputed-seas-20140307-hvgdv.html>> accessed 19 June 2014.

<sup>205</sup> Arsyad, 'Cooperation to Safeguard Shipping through the Malacca Strait', p. 175.

<sup>206</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', *RSIS Policy Paper*, p. 15.

<sup>207</sup> Quoted in Zou Keyuan, 'Cooperative development of oil and gas resources in the South China Sea', in Sam Bateman and Ralf Emmers (eds.) *Security and International Politics in the South China Sea: Towards a cooperative management regime*, Routledge, Oxon, 1008, p. 80.

<sup>208</sup> Clive Schofield, 'Dangerous ground: A geopolitical overview of the South China Sea', in Sam Bateman and Ralf Emmers (eds.), *Security and International Politics in the South China Sea: towards a cooperative management regime*, Routledge, Oxon, 2009, pp. 15-16.

<sup>209</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', p. 15.

<sup>210</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', p. 15.

<sup>211</sup> Author not supplied, 'Securing the Livelihoods and Nutritional Needs of Fish-Dependent Communities', *The Rockefeller Foundation*, May 2013, p. 29.

grounds provide an important source of protein for Japan's and China's domestic consumption.<sup>212</sup>

## 2.2: Opportunities for Maritime Cooperation in Southeast Asia

Given their transboundary nature, the security of both regional and extra-regional states' interests and activities in Southeast Asia necessitate functional maritime cooperation. Regional sea lanes and marine resources lie athwart a number of states' maritime zones.<sup>213</sup> Consequently, their effective and sustainable exploitation and management require states' collective efforts. The prevalence of a number of maritime safety and security challenges highlights deficiencies in regional measures for good order at sea and, in turn, opportunities for maritime cooperation for both regional and extra-regional states, including Japan and China; to be taken up in the following chapters. Persistent transnational maritime security challenges including maritime piracy, armed robbery, maritime terrorism, trafficking, smuggling, Illegal, Unreported and Unregulated fishing (IUU) and environmental concerns similarly neglect boundaries and thus require cooperative responses.<sup>214</sup> Dating back to the colonial era, the waters of Southeast Asia have been plagued by high levels of maritime piracy.<sup>215</sup> The end of the Cold War and the waning of superpower naval presence saw a

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<sup>212</sup> Gary R. Morgan and Derek J. Staples, 'The history of industrial marine fisheries in Southeast Asia', *Food and Agricultural Organization of the United Nations*, Bangkok, 2006, pp. 6-29.

<sup>213</sup> US Department of State Bureau of Intelligence and Research, 'Territorial Sea Boundary: Indonesia-Malaysia', International Boundary Study, Series A: Limits in the Sea, no. 50, 10 January, 1973, p. 2; Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', pp. 11-18.

<sup>214</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', p. 63; Sam Bateman, 'Regional Efforts for Maritime Cooperation: State and Prospect' in Dalchoong Kim, Seo-Hang Lee and Jin-Hyun Paik (eds), *Maritime Security and Cooperation in the Asia-Pacific toward the 21<sup>st</sup> Century*, Institute of East and West Studies, South Korea, 2000, p. 215; Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', p. 41; For the purpose of this thesis the author employs the definition of piracy contained within UNCLOS. Under UNCLOS piracy is defined as 'any illegal acts of violence or detention, any act of depredation, committed for private ends by the crew or the passengers of a private ship or private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State', United Nations Oceans and the Law of the Sea Division, Legal Framework for the Repression of Piracy Under UNCLOS, <[http://www.un.org/depts/los/piracy/piracy\\_legal\\_framework.htm](http://www.un.org/depts/los/piracy/piracy_legal_framework.htm)> accessed 30 August 2015.

<sup>215</sup> Ger Teitler, 'Piracy in Southeast Asia: A Historical Comparison', *MAST*, vol. 1, no. 1, 2000, p. 68.

resurgence of piracy in Southeast Asia, particularly the SOM.<sup>216</sup> Incidents of armed robbery against ships anchored at ports are also commonly reported.<sup>217</sup> Post-September 11, there was growing concern for the potential convergence of piracy and terrorism in Southeast Asian waters. Due to the intricate and intimate geography of the region, criminals may escape apprehension in neighbouring states' jurisdictions. In addition to criminal acts of piracy, armed robbery, and terrorism, high rates of IUU fishing in Southeast Asia are a major concern for regional states. Indonesia claims that illegal fishing practices come at a cost of \$3 billion a year.<sup>218</sup> Aside from the financial costs, illegal fishing contributes to the depletion of valuable fish stocks with long-term consequences for states' food security. Sustainable fishing practices, particularly of migratory and fish species and straddling stocks including tuna, marlin and mackerel,<sup>219</sup> necessitate cross-jurisdictional cooperation. Furthermore, a 2009 regional risk assessment deemed maritime SAR to be rudimentary and in need of further development.<sup>220</sup> The 2013 typhoon in the Philippines causing devastation to many people living in the coastal region of Tacloban serves as a reminder of the need for robust regional search and rescue arrangements.<sup>221</sup> Cooperation in the above mentioned areas is prescribed under the UNCLOS regime to which Brunei, Indonesia, Malaysia, Singapore, Thailand, Vietnam and the Philippines are all signatories.<sup>222</sup>

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<sup>216</sup> Tamara Renee Shie, 'Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation', in Graham Gerard Ong-Webb (ed.), *Piracy Maritime Terrorism and Security the Malacca Straits, Institute of Southeast Asian Studies*, Singapore, 2007, p. 174.

<sup>217</sup> ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships*, Annual Report, 1 January- 31 December 2013, January 2014, p. 9.

<sup>218</sup> Heriyanto Pontianak, 'Illegal Fishing Cost Indonesia 3 Billion Dollars A Year', *IPS Asia-Pacific*, 26 November, 2012, <<http://www.aseannews.net/about-ips-asia-pacific/>> accessed 22 August 2013.

<sup>219</sup> S.M. Garcia J. F. Caddy, J. Csirke, D. Die, R. Grainger and J. Majkowski, 'World review of highly migratory species and straddling stocks', Technical Paper no. 337, *Food and Agriculture Organization of the United Nations*, <<http://www.fao.org/docrep/003/t3740e/T3740E00.htm#TOC>> accessed 22 August 2013.

<sup>220</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', *RSIS Policy Paper*, S. Rajaratnam School of International Studies, Singapore, April 2009, p. 38.

<sup>221</sup> Author not supplied, 'Philippines calls for help as huge operation begins after typhoon Haiyan', *The Guardian*, 10 November 2013, <<http://www.theguardian.com/world/2013/nov/10/philippines-outside-help-rescue-operation-typhoon-haiyan>> accessed 25 February 2014.

<sup>222</sup> 'The United Nations Convention on the Law of the Sea', 10 December 1982, <[www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)> accessed 3 April 2011; IMO, Status

The limited maritime capacities of regional states reinforce the need for functional maritime cooperation. The East Asian maritime domain involves several different actors with varying maritime capacities and capabilities. States' effective responses to the array of small 's' security challenges which present themselves in the region requires the development of their maritime capabilities. Despite their current modernisation and expansion programs, with the exception of Singapore which has acquired comprehensive maritime power projection capabilities, the Southeast Asian states' maritime capabilities remain inferior in comparison with other navies and coast guards operating in the region, notably the US Navy, the PLAN, the JMSDF and the JCG.<sup>223</sup> Consequently, Southeast Asian states have struggled to meet the complex challenges of regional maritime safety and security independently. Accordingly, functional and operational cooperation amongst regional and extra-regional states makes for more effective measures for good order at sea. Functional cooperation for maritime capacity building can help increase states' ability to provide security in their maritime waters. Assistance for capacity building may commonly involve technical assistance, dialogue, information sharing and joint training exercises. Furthermore, the coordination of states'

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of Conventions, <[www.imo.org/About/Conventions/StatusofConventions/.../status-x.xls](http://www.imo.org/About/Conventions/StatusofConventions/.../status-x.xls)> accessed 7 June 2013; Yun Yun Teo, 'Target Malacca Straits: Maritime Terrorism in Southeast Asia', *Studies in Conflict and Terrorism*, vol. 30, no. 6, 2007, p. 544.

<sup>223</sup> Author not supplied, 'Indonesia's Naval Development and Maritime Cooperation', *S. Rajaratnam School of International Studies*, Singapore, 2011, pp. 4-6; Author not supplied, 'Malaysia's and Indonesia's Naval Development: A comparative analysis', PowerPoint Presentation, <<http://www.mima.gov.my/mima/wp-content/themes/twentyeleven/cms/uploads/presentation/135.Malaysian%20-%20Indonesian%20Naval%20Development.pdf>> accessed 22 August 2013; Ken Jimbo, 'Japan and Southeast Asia: Three Pillars of a New Strategic Relationship', *The Tokyo Foundation*, 30 May, 2013, <<http://www.tokyofoundation.org/en/articles/2013/japan-and-southeast-asia>> accessed 22 August 2013; Ministry of Defence Singapore, 'Our Assets', <[http://www.mindef.gov.sg/imindef/mindef\\_websites/atozlistings/navy/assets.html](http://www.mindef.gov.sg/imindef/mindef_websites/atozlistings/navy/assets.html)> accessed 22 August 2013; US Pacific Command, 'US PACOM Facts', <<http://www.pacom.mil/about-uspacom/facts.shtml>> accessed 22 August 2013; Sunshine Lichauco de Leon, 'US helps the Philippines improve its military capability', *The Guardian*, 7 August, 2012, <<http://www.theguardian.com/world/2012/aug/06/us-helps-philippines-improve-military>> accessed 22 August 2013; Koh Swee Lean Collin, 'Vietnam's new Kilo-class Submarines: Game-changer in Regional Naval Balance?', *RSIS Commentaries*, 28 August, 2012, pp. 1-2; Richard J. Samuels, 'New Fighting Power!': Japanese Growing Maritime Capabilities and East Asian Security', *International Security*, vol. 32, no. 3, Winter 2007/2008, pp. 94-102; Author not supplied, Summary of Conference proceedings, 'Naval Modernisation in Southeast Asia: Nature, Causes, Consequences', hosted by the S. Rajaratnam School of International Studies, Singapore, 26-27 January 2011, pp. 9-15.



maritime resources can improve the scale and scope of maritime law enforcement activities.<sup>224</sup>

Such functional means of maritime cooperation, however, offer more than the immediate material gains for states. When pursued repeatedly over an extended time frame functional maritime cooperative initiatives serve as trust building mechanisms. Canvassing the challenges that affect the Southeast Asian maritime domain, International Relations scholar Michael Wesley has characterised this region as a prospective 'shatterbelt'. Wesley borrows the term 'shatterbelt' from Saul Cohen to describe the conditions which may arise if the current geostrategic environment and consequent tensions ensue. As illustrated in the previous chapter however, reciprocal cooperation helps to build confidence and trust, in turn, ameliorating tensions between states. This is important for maritime stability and security as tensions amongst states compromise these conditions. Maritime Southeast Asia, particularly the SCS, has commonly been cited as a potential flashpoint due to recurring tensions in the area.<sup>225</sup> From the late mid-1970s, states' efforts to advance their competing interests and claims in the SCS have resulted in a number of incidents at sea and the consequent erosion of diplomatic relations and regional peace and stability. Since this period China and Vietnam have engaged in a number of naval skirmishes in the area, including the 1988 deadly battle for ownership of Fiery Cross in the Spratly Islands in which 75 Vietnamese personnel lost their lives.<sup>226</sup> Following this incident China's and Vietnam's relations further deteriorated and

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<sup>224</sup> Sam Bateman, 'Capacity Building for Maritime Security Cooperation: What are We Talking About?', in Andrew Forbes, (ed.), *Maritime Capacity Building in the Asia-Pacific Region*, Papers in Australian Maritime Affairs, no. 30, Sea Power Centre, Australia, 2001, pp. 5-11.

<sup>225</sup> Lindsay Murdoch, 'Claims over remote South China Sea rocks certain to be a flashpoint', *The Sydney Morning Herald*, 24 December, 2012, <<http://www.smh.com.au/world/claims-over-remote-south-china-sea-rocks-certain-to-be-a-flashpoint-20121223-2btjh.html>> accessed 26 August 2013; Michael Wesley, 'What's at stake in the South China Sea?', *The Lowy Institute*, Strategic Snapshots, no. 11, July 2012, p. 1; Scott Snyder, Brad Glosserman, and Ralph A. Cossa, 'Confidence Building Measures in the South China Sea', *Issues and Insights*, no. 2-01, CSIS Pacific Forum, August 2001, p. viii; David G. Wiencek, 'South China Sea Flashpoint', *China Brief*, vol. 1, iss. 2, 24 July, 2001.

<sup>226</sup> Daniel J. Dzurek, *The Spratly Islands Dispute: Who's on First*, Maritime Briefing, vol. 2, no. 1, International Boundaries Research Unit, *University of Durham*, 1996, pp. 18-39.



both parties increased their military presence in the disputed area.<sup>227</sup> More recently, tensions between these two states have again increased following China's oil exploration and land reclamation activities. The placement of a Chinese rig in the disputed Paracel Island chain in May 2014 sparked a jostling match between China and Vietnam.<sup>228</sup> Both sides have reported cases of aggressive manoeuvring.<sup>229</sup> The Philippines Foreign Affairs Department issued a formal protest in February 2015 in response to the Chinese construction of an artificial island on Mischief Reef in the Spratly archipelago.<sup>230</sup>

Regional naval modernisation and expansion campaigns exacerbate conditions of mistrust and persisting anxieties over sovereignty. Dating from the mid-1990s regional states have accelerated the development of their maritime capabilities in order to meet the array of maritime security challenges and to advance their interests.<sup>231</sup> In addition, concerns for China's intentions in the Southeast Asia sub-region are cited by a number of scholars as a factor owing to the naval modernisation programs of other claimant states, namely, Indonesia, Malaysia, Vietnam, and the Philippines.<sup>232</sup> Furthermore, the timeline of naval expansion in Southeast Asia coincided with states increased exploitation of maritime

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<sup>227</sup> Dzurek, 'The Spratly Islands Dispute: Who's on First', p. 22.

<sup>228</sup> Sam Bateman, 'New Tensions in the South China Sea: Whose Sovereignty Over Paracels', *RSIS Commentaries*, no. 88, 14 May 2014.

<sup>229</sup> Zhang Yunbi, 'Vietnam rams ships 100s of times', *China Daily*, 17 May 2014, <[http://www.chinadaily.com.cn/world/2014-05/17/content\\_17514433.htm](http://www.chinadaily.com.cn/world/2014-05/17/content_17514433.htm)> accessed 9 August 2014; Author not supplied, 'Chinese ships ram Vietnamese vessels in latest oil rig row: officials', *Thanh Nien News*, 7 May 2014, <<http://www.thanhniennews.com/politics/chinese-ships-ram-vietnamese-vessels-in-latest-oil-rig-row-officials-26069.html>> accessed 9 August 2014.

<sup>230</sup> Author not supplied, 'Philippines Protests Chain Land Reclamation at Another Reef', *The New York Times*, 10 February 2015, <<http://www.nytimes.com/aponline/2015/02/10/world/asia/ap-as-philippines-china-disputed-reef.html?r=0>> accessed 2 June 2015.

<sup>231</sup> Caroline Liss, 'Southeast Asia's Maritime Security Dilemma: State or Market?', *Japan Focus*, June 2007, <[http://japanfocus.org/articles/print\\_article2444](http://japanfocus.org/articles/print_article2444)> consulted 31/06/2010 >.

<sup>232</sup> Richard A. Bitzinger, 'The Growth of Chinese Military Power And Its Implications For Military Modernization In Southeast Asia', Paper presented at the Fourth International SCS Workshop, 19-21 September 2012; Author not supplied, Summary of Conference proceedings, 'Naval Modernisation in Southeast Asia: Nature, Causes, Consequences', p. 9; Richard Jacobson, 'Modernizing the Philippine Navy', *The Diplomat Online Edition*, 22 August 2013, <<http://thediplomat.com/2013/08/22/modernizing-the-philippine-military/>> accessed 5 September 2013.

resources, dependency on sea lanes and the escalation of maritime territorial disputes.<sup>233</sup> Beginning in the 1980s and increasing considerably during the 1990s, Southeast Asian states began to significantly improve their indigenous maritime capacities. The past decade saw the further acceleration of regional naval procurements. During the period dating from 2005-2009, Southeast Asia near doubled its weapons procurements compared to the previous period of 2000-2004.<sup>234</sup> This upward trend has continued post-2009 with many regional states acquiring advanced weaponry including but not limited to surface combatants and amphibious ships.<sup>235</sup> While the causes of the region's suggested naval arms race are complexly interrelated and debated, the outcome and consequences are more easily determined. States' acquisition of potentially offensive capabilities can incite fear in others and provoke mistrust between states as outlined in Chapter 1. Consequently, increasing expenditure on naval capabilities has been identified as a cause of inter-state tensions in the region.<sup>236</sup>

The greater involvement of extra-regional states in the SCS since 2009 has also contributed to tensions in the area. In 2009 US-China relations took a turn for the worst following the USNS *Impeccable* incident. US reports of the incident claim Chinese naval vessels and fishing trawlers harassed the USNS *Impeccable*, cutting in front of its line of path at a dangerous distance, while it conducted hydrographic surveys in the SCS. The US publicly protested China's actions, declaring its behaviour to have been dangerous and prohibited under international law. China responded in turn claiming the US to have been in violation of international and domestic law. Tensions between the two parties continued to flare when the

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<sup>233</sup> Author not supplied, Summary of Conference proceedings, 'Naval Modernisation in Southeast Asia: Nature, Causes, Consequences', pp. 9-14.

<sup>234</sup> Carl Thayer, 'Southeast Asia: Patterns of Security Cooperation', Strategy, *Australian Strategic Policy Institute*, September 2010, p. 10.

<sup>235</sup> Richard A. Bitzinger, 'IMDEX Asia: Southeast Asian Naval Expansion and Defence Spending', *RSIS Commentaries*, 19 May 2015, pp. 1-2.

<sup>236</sup> Maj Ooi Tjin-Kai, 'Interpreting Recent Military Modernizations in Southeast Asia: Cause for Alarm or Business As Usual?', *Pointer Journal of the Singapore Armed Forces*, vol. 38. no. 1, 2012, p. 13.

following day the USNS again passed through the SCS but this time it was escorted by the USS *Chung-Hoon* guided missile destroyer.<sup>237</sup> Hillary Clinton's statement at the 2010 annual ARF in Hanoi regarding US 'national interests' in the SCS and the suggestion that the US could facilitate talks between claimant states additionally angered China.<sup>238</sup>

US Defence Secretary Chuck Hagel's denouncement of China's 'destabilising' actions in the SCS and Japanese Prime Minister Abe's pronouncements of support for ASEAN claimant states at the 2014 Shangri-La Dialogue similarly vexed China.<sup>239</sup> In his Keynote Speech, Abe stated that 'Japan will offer its utmost support for efforts by ASEAN member countries to ensure the security of the seas and skies and rigorously maintain freedom of navigation and overflight.'<sup>240</sup> China's fears for Japan's motivations are accentuated by renewed hostilities between these longstanding rivals. Hostilities were again brought to the fore in late 2013 following Prime Minister Abe's accession to power as both states tried to assert their nationalist objectives in the East China Sea (ECS).<sup>241</sup> Japan's willingness to engage in the SCS incites Chinese nationalist sentiments and encourages efforts to advance its claims in the SCS. Japan's declaration of support for the ASEAN claimants may also inspire other claimants' efforts to assert their claims; escalating the tit-for-tat dynamic.

Construction on land features within the Spratly island group in 2014 and 2015 again saw an escalation tensions not only between China and the Southeast Asian states but also the US. Images released by *Janes Defence Weekly*, detailed China's building of land mass and

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<sup>237</sup> Captain Raul Pedrozo, 'Close Encounters at Sea: The USNS *Impeccable* Incident', *Naval War College Review*, vol. 62, no. 3, Summer 2009, pp. 101-102.

<sup>238</sup> Mark Landler, 'Offering to Aid Talks, U.S. Challenges China on Disputed Islands', *The New York Times*, 23 July 2010, <<http://www.nytimes.com/2010/07/24/world/asia/24diplo.html?>> accessed 10 August 2014.

<sup>239</sup> Author not supplied, *The Shangri-La Dialogue Report*, International Institute for Strategic Studies, London, 12 August 2014, p. 17; Philip Wen, 'China lashes 'provocative from US, Japan at Shangri-La Dialogue', *Sydney Morning Herald*, 1 June 2014, <<http://www.smh.com.au/world/china-lashes-provocative-challenge-from-us-japan-at-shangri-la-dialogue-20140601-zrueh.html>> accessed 7 June 2014.

<sup>240</sup> Shinzo Abe, Keynote Address at the Shangri-La Dialogue, International Institute of Strategic Studies, May 2014.

<sup>241</sup> Euan Graham, 'Abe's Defence Policy: Leveraging the 'Senkaku Effect'', *RSIS Commentaries*, no. 25, 8 February 2013.

infrastructure on Mischief Reef.<sup>242</sup> In May 2015 the US conducted a fly-over of the Spratly in a military surveillance plane, broadcasting the activity to an international audience via a CNN team on-board the flight.<sup>243</sup> Speaking at the Shangri-La Dialogues in Singapore on May 30, 2015, US Defence Secretary Ashton Carter denounced China's reclamation of '2,000 acres, more than all other claimants combined.'<sup>244</sup>, claiming that China was 'out of set with international norms that underscore the Asia-Pacific security architecture.'<sup>245</sup> China responded to US admonitions with indignation stating activities were 'legitimate, reasonable and justified'<sup>246</sup> and construction of facilities are 'mainly for the purpose of improving the functions of the relevant islands and reefs and the working and living conditions of personnel stationed there'<sup>247</sup> and to facilitate search and rescue activities in the area.<sup>248</sup>

These tensions which have arisen from maritime territorial disputes, the growth in naval expenditure and procurements and the greater involvement of extra-regional states reinforce the need for strategic trust building. Functional maritime cooperative mechanisms implemented outside the region demonstrate their effect in helping to defuse tensions that heighten the potential for an incident, accidental or otherwise, to occur.<sup>249</sup> The proceeding history of maritime cooperation in Southeast Asia looks at why functional cooperation has

<sup>242</sup> James Hardy, London O'Connor and Sea O'Connor, 'China starts work on Mischief Reef land reclamation', *IHS Jane's Defence Weekly*, 11 March 2015, <<http://www.janes.com/article/49917/china-starts-work-on-mischief-reef-land-reclamation>> accessed 1 June 2015.

<sup>243</sup> Helene Cooper and Jane Perlez, 'U.S. Flies Over a Chinese Project at Sea, Beijing Objects', *The New York Times*, 22 May 2015, <[http://www.nytimes.com/2015/05/23/world/asia/us-flies-over-a-chinese-project-at-sea-and-beijing-objects.html?\\_r=0](http://www.nytimes.com/2015/05/23/world/asia/us-flies-over-a-chinese-project-at-sea-and-beijing-objects.html?_r=0)> accessed 1 June 2015.

<sup>244</sup> Jermyn Chow, 'Shangri-La Dialogue: China and other claimants urged to halt reclamation in South China Sea', *The Straits Times*, 31 May 2015, <<http://www.straitstimes.com/news/singapore/more-singapore-stories/story/shangri-la-dialogue-china-urged-halt-reclamation-south-c>> accessed 1 June 2015.

<sup>245</sup> Ashton Carter, Speech delivered at the Shangri-La Dialogues, Singapore, May 30, 2015, <<https://www.iiss.org/en/events/shangri%20la%20dialogue/archive/shangri-la-dialogue-2015-862b/plenary1-976e/carter-7fa0>> accessed 1 June 2015.

<sup>246</sup> Chow, 'Shangri-La Dialogue: China and other claimants urged to halt reclamation in South China Sea', 2015.

<sup>247</sup> Sun Jianguo, Speech delivered at the Shangri-La Dialogues, Singapore, 31 May 2015, <<http://www.iiss.org/en/events/shangri%20la%20dialogue/archive/shangri-la-dialogue-2015-862b/plenary4-b8e3/sun-0dfc>> accessed 2 June 2015.

<sup>248</sup> Ministry of Foreign Affairs PRC, 'Foreign Ministry Spokesperson Hu Chunying's Regular Press Conference', 9 April 2015, <[http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/t1253488.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1253488.shtml)> accessed 2 June 2015.

<sup>249</sup> Jill R. Junnola, 'Preface', in Jill R. Junnola (ed.), *Maritime Confidence Building in Regions of Tension*, Henry L. Stimson Center, Report No. 21, May 1996, p. ix.

been the favoured approach taken by states in the region but failed to develop to more advanced forms as was the case for the INCSEA and DMAA despite the obvious imperative. Following the implementation of INCSEA both sides reported a reduction in aggressive manoeuvring and the number of incidents at sea.<sup>250</sup> A US government official involved in the bilateral negotiations further suggested that the confidence and trust fostered through the INCSEA created a climate favourable to further cooperative agreements between the two rival super powers; owing to the adoption of the 1987 Nuclear Risk Reduction Centers and the 1989 Agreement on Prevention of Dangerous Military Activities.<sup>251</sup>

### 2.3: Conceptions of Cooperation and Trust in Asia

Studies that investigate the role of local agency in determining states' preferences provide reasons for that these prescriptions for bottom-up cooperation may prove to be particularly salient in Asia. Amitav Acharya's 2009 book *Whose Ideas Matter*, takes up the where Hemmer and Katzenstein left off in examining why the Southeast Asian Treaty Organization did not materialise into a NATO like multilateral security organisation. While Hemmer's and Katzenstein's earlier article elucidates how a collective transatlantic identity gave the US preference towards a formalised cooperative agreement in Europe, Acharya supplements Hemmer's and Katzenstein's argument by offering an explanation as to why East Asian identities are not amenable to top-down cooperative constructs. His investigation of ideas and norms in Asia reveals a preference towards less formalised cooperative agreements as manifest in the ASEAN-way and embodied principles of non-interference. According to Acharya, principles of neutrality of non-interference that arose in the 1950s reflect both power calculations and the desire to remain neutral in power politics but also the history of subordination to the West that has caused these states to be suspicious of top-down constructs

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<sup>250</sup> Winkler, 'US-Soviet Maritime Confidence-Building Measures', pp. 1-10.

<sup>251</sup> Winkler, 'US-Soviet Maritime Confidence-Building Measures', p. 13.

for security.<sup>252</sup> Acharya believes that these states shared history has given rise to ‘sentiments of nationalism and anti-colonialism’ that have come to form a collective identity through processes of socialisation which gives less priority to power differentials than western collective identities.<sup>253</sup>

East Asia specialist David Kang provides additional non-material accounts for these variations in non-western states’ behaviour.<sup>254</sup> Like Acharya he suggests that ‘Eurocentric ideas have yielded several mistaken conclusions and predictions about conflict and alignment behaviour in Asia.’<sup>255</sup> According to Kang’s 2003 analysis of China’s re-emergence, despite its meteoric rise in the last decade other regional states have not pursued balancing tactics *against* China. Alternatively, during the early 2000s period, these states sought to bandwagon *with* China. Kang believes that Asia’s ancient history may offer use explanations as to why this is the case. Examining the workings of the ancient tributary trade system Kang argues that Asia has not had the same experience with anarchy which in the transatlantic region lends some credibility to power politics. According to Kang the ancient hierarchical system of tributary trade, ‘reinforced through centuries of cultural exchange’ brought peace to the East Asian region.<sup>256</sup> Kang also points to the role of domestic factors to provide explanation for the relative absence of power politics in Asia. According to Kang the persistence of internal challenges has caused these states to accord less priority to machinations of power in the international sphere.<sup>257</sup>

Alastair Iain Johnston, Professor of International Relations at Harvard University, further contributes to this literature. Drawing upon the work of both Acharya and Kang among

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<sup>252</sup> Amitav Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, Cornell University Press, Ithaca, 2009.

<sup>253</sup> Acharya, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, p. 36.

<sup>254</sup> Johnston, ‘What (If Anything) Does East Asia Tell Us About International Relations Theory’, p. 60.

<sup>255</sup> David C. Kang, ‘Getting Asia Wrong: The Need for New Analytical Frameworks’, *International Security*, vol. 27, no. 4, Spring 2003, p. 58.

<sup>256</sup> Kang, ‘Getting Asia Wrong: The Need for New Analytical Frameworks’, pp. 66-67.

<sup>257</sup> Kang, ‘Getting Asia Wrong: The Need for New Analytical Frameworks’, p. 65.

several other East Asian international relations experts, Johnston, in an article published in 2012, suggests that despite material imperatives to do so regional states have not displayed the same disposition towards hard balancing tactics as encouraged by rational calculations. Rather there is a distinctive regional preference towards eclectic strategies that reflect both material and non-material thinking.<sup>258</sup> Like Acharya and Kang, Johnston indicates that the greater disposition toward less formalised and securitised cooperative arrangements as evidenced by ASEAN and the ARF may be attributed to a collective memory that warns of the implications for subordination in more formalised constructs. While Johnston disputes the benignity of the tributary system he concedes greater recognition to modern history in the formation of Asian identities of non-interference.<sup>259</sup>

Non-western sources similarly demonstrate greater caution towards top-down structures and power maximisation strategies in Asia. According to William Callahan, Professor of International Relations at the London School of Economics, Chinese conceptions of world order reflect a preference towards less formalised institutions. Callahan challenges Zhao's understanding of the ancient Chinese concept of *Tianxia*, meaning 'All under Heaven', as a prescription for formalised top-down world institutional order. Zhao claims, based upon his reading of the Chinese text *Daode jing* by Lao zi that '[w]hile the Western world prioritizes the individual and works in terms of the nation-state, the Tianxia system starts at the largest level, Tianxia, and orders political and social life in a top-down manner'- 'Tianxia, state, family'.<sup>260</sup> Contrary to Zhao, Callahan claims that popular understandings of *Tianxia* advise the opposite. He finds when examining this ancient Chinese text that 'while there is nothing in this passage that prioritizes [sic] Tianxia over other spaces of activity—and actually

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<sup>258</sup> Alastair Iain Johnston, 'What (If Anything) Does East Asia Tell Us About International Relations Theory', *Annual Review of Political Science*, vol. 15, 2012, pp. 59-60.

<sup>259</sup> Alastair Iain Johnston, 'What (If Anything) Does East Asia Tell Us About International Relations Theory', *Annual Review of Political Science*, vol. 15, 2012, pp. 63-68.

<sup>260</sup> William A. Callahan, 'Chinese Visions of World Order: Post-hegemonic or a New Hegemony?', *International Studies Review*, vol. 10, no. 4, 2008, p. 752.

suggests that we start with the self, not with the world—Zhao reads it as a top-down hierarchy’.<sup>261</sup>

Junyi Wang, surveying the work of several Chinese scholars on the issue of its ‘peaceful rise’ also finds that ‘a notable difference with the Western literature was greater emphasis on the notion that international relations is not a zero sum game’. According to Wang the majority of views expressed by scholars, including Professor Pang Zhongying from Renmin University, Su Jingxiang and Xu Jian, offered more optimistic forecasts for the power transition in Asia, proposing cooperation for common interests and integration for the preservation of the regional peace and stability.<sup>262</sup> Such recommendations for cooperation and integration reflect a belief in the processes of socialisation espoused by bottom-up approaches. Non-western conceptions of trust demonstrate a consistency with alternative International Relations perspectives and bottom-up approaches to cooperation. Investigating conceptions of trust, Chinese business sociologist Richard Whitley finds that trust is developed through informal means of personal relationships rather than institutions.<sup>263</sup> Hendrichke’s assessment of client-patron relations as presented in Chinese sources finds that trust is developed through sustained reciprocal interactions.<sup>264</sup> While western sources, including Whitley treat such conceptions of trust as inferior due to their informal and low-level nature,<sup>265</sup> they are more in keeping with notions advanced by constructivist scholars and embodied in recommendations for bottom-up cooperation.

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<sup>261</sup> Callahan, ‘Chinese Visions of World Order: Post-hegemonic or a New Hegemony?’, p. 753.

<sup>262</sup> Junyi Wang, ‘The Impact of China’s Resurgence on the Political Economy of East Asia: Economic Integration and Security Challenges’, PhD Thesis, Flinders University of South Australia, 2012, pp. 18-21.

<sup>263</sup> Richard D. Whitley, ‘The Social Construction of Business Systems in East Asia’, *Organization Studies*, vol. 12, no. 1, 1991, p. 14.

<sup>264</sup> Hans Hendrichke, ‘Networks as Business Networks’, in *China’s Economy in the 21<sup>st</sup> Century: Enterprise and Business Behaviour*, Barbara Krug and Han Hendrichke (eds.), Edward Elgar Publishing Massachusetts, 2007, pp. 202-225.

<sup>265</sup> Whitley, ‘The Social Construction of Business Systems in East Asia’, p. 14.



## 2.3: Past Examples of Cooperation in Southeast Asia

### 2.3.1: Early Efforts towards Functional Cooperation

The history of maritime cooperation in Southeast Asia demonstrates a consistency with the argument of scholars presented above. The regional cooperative mechanisms to have developed over the last four or more decades bear many of the basic hallmarks of bottom-up approaches. Maritime cooperation in Southeast Asia has largely been centred upon shared, functional issues. These mechanisms were largely informal, with a focus on Track Two initiatives and non-binding agreements. As Southeast Asia's economic growth began to escalate in the 1960s,<sup>266</sup> collective endeavours to ensure safe navigation and environmental protection emerged. The creation of ASEAN, based on common interests and principles of non-interference and engagement, provided fertile grounds and an effective vehicle for maritime cooperative initiatives. Since then, the majority of initiatives have taken place at a Track Two level. In 1967, the same year ASEAN was established, its member states formed the Federation of ASEAN Shipowners' Association (FASA) to discuss matters relating to seaborne trade. 1967 also marked the inception of the Southeast Asian Fisheries Development Center (SEAFDEC).<sup>267</sup>

During the Cold War the littoral states of the SOM: Indonesia, Malaysia and Singapore were also active in their pursuit of maritime cooperation for safety and security in the valuable waterway along which they are precariously positioned. In 1970 Indonesia and Malaysia came to agreement on the delimitation of their overlapping territorial waters in the SOM.<sup>268</sup> This agreement was followed by a series of consultations between the respective states' governments regarding governance of the SOM. Subsequent to their discussions, the littoral states issued a Joint Statement consisting of five points that defined their common position on

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<sup>266</sup> John Page, 'The East Asian Miracle: Four Lessons for Development Policy', in Stanley Fisher and Julio J. Rotemberg, National Bureau of Economic Research Macroeconomics Annual, vol. 9, MIT Press, 1994, p. 221.

<sup>267</sup> Southeast Asian Fisheries Development Center, 'About SEAFDEC', <<http://www.seafdec.org/index.php/about>> accessed 5 July 2013.

<sup>268</sup> Michael Leifer, *Malacca, Singapore and Indonesia*, Sijthoff and Noordhoff International Publishers, The Netherlands, 1978, p. 44.

the management of the SOM. Contained therein was their advancement of the need for trilateral maritime cooperation for the effective governance of the Straits.<sup>269</sup> In October 1971 the littoral states chose to take Japan up on its offer to help conduct hydrographic surveys in the SOM to improve navigational safety following a number of oil spills.<sup>270</sup> This same year Indonesia, Malaysia and Thailand reached agreement on a common point for their maritime boundaries; Indonesia and Thailand established a separate agreement to settle another disputed maritime boundary and Thailand and Malaysia signed an agreement for the delimitation of their maritime boundaries in the SOM.<sup>271</sup> The settlement of maritime disputes preceded further cooperative measures. In 1975 Indonesia, Malaysia and Singapore established the Tripartite Technical Experts Group (TTEG) as a forum whereby the littoral states could coordinate policies to enhance navigational safety in the Straits.<sup>272</sup> In 1978, Malaysia and Thailand successfully negotiated a maritime fisheries accord after which the two parties reached a Memorandum of Understanding (MoU) for joint development of seabed resources in their overlapping EEZs in the Gulf of Thailand.<sup>273</sup> Nonetheless, with the exception of these isolated initiatives, during the Cold War maritime cooperation in Southeast Asia was largely limited due to extra-regional rivalries.<sup>274</sup>

### 2.3.2: The Ratcheting Up of Functional Cooperation Post-Cold War

As Cold War differences abated and considerable changes to the regional geostrategic environment ensued, the grounds for maritime cooperation in Southeast Asia were extended.

<sup>269</sup> Leifer, *Malacca, Singapore and Indonesia: Volume Two*, p. 204.

<sup>270</sup> Leifer, *Malacca, Singapore and Indonesia: Volume Two*, p. 44.

<sup>271</sup> Vivian Louis Forbes, *The Maritime Boundaries of the Indian Ocean Region*, Singapore University Press, Singapore, 1995, p. 105; Etty R. Agoes, 'Archipelagic Resources in the South East Asia Region: A case Study of Indonesian Fisheries', in Myron H. Nordquist and John Norton Moore (eds.), *Maritime Border Diplomacy*, Koninklijke Brill NV, The Netherlands, 2012, p. 175.

<sup>272</sup> Cooperative Mechanism, 'Factsheet on the Tripartite Technical Experts Group (TTEG)', <[http://www.cooperativemechanism.org.my/index.php?option=com\\_content&view=article&id=16&Itemid=10](http://www.cooperativemechanism.org.my/index.php?option=com_content&view=article&id=16&Itemid=10)> accessed 20 September 2014.

<sup>273</sup> Author not supplied, 'Fishing Accord With Thailand', *The New Straits Times*, 30 April, 1980, <<http://news.google.com/newspapers?nid=1309&dat=19800430&id=DZJUAAAIBAJ&sjid=948DAAAIBA J&pg=3982,555758>1>> accessed 16 June 2013; Author not supplied, 'About the Malaysia-Thailand Joint Authority MTJA', *Malaysia-Thailand Joint Authority*, <<http://www.mtja.org/aboutus.php>> accessed 27 August 2013.

<sup>274</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', p. 75.

According to Lieutenant John Bradford of the US Navy, following the Cold War, '[s]tructural, normative and economic changes' allowed for greater maritime cooperation.<sup>275</sup> In the early to mid-1990s, as Cold War tensions began to ease, Southeast Asia experienced unprecedented stability. With the end of the ideological confrontation and subsequent division of interests and allegiances, new opportunities for cooperation arose. The inclusion of states belonging to the former communist-bloc in the Treaty of Amity and Cooperation (TAC) was demonstrative of the extended grounds for regional cooperation. Further, record levels of economic growth throughout the region, the rise of non-state transnational threats and reliance upon seaborne trade heightened states' awareness to their maritime interests. Southeast Asia's raised consciousness of their shared maritime interests precipitated a greater willingness for cooperation.<sup>276</sup> Mutual recognition and understanding of the need for cooperation in regards to the rise of transnational maritime security challenges instigated the development of many cooperative arrangements throughout Southeast Asia.<sup>277</sup> While interstate conflict was still of concern for some states in the region, ocean resource management, other associated and non-associated environmental concerns and safety and security of seaborne trade increasingly made their way onto the policy radars of such states during a time in which maritime security was high on states' agendas.<sup>278</sup>

International Relations scholar Sheldon Simon supplements Bradford's analysis further suggesting that it was the drawdown of US forces and its apparent retreat from the region that encouraged maritime cooperation in Southeast Asia and the inclusion of other extra-regional powers, China and Japan, in the regional security architecture.<sup>279</sup> In recognition of their mutual interests, states aspired to cooperative norms from which mutual gains could be

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<sup>275</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', p. 73.

<sup>276</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', pp. 63-65.

<sup>277</sup> Caroline Liss, 'Losing control? The privatisation of anti-piracy services in Southeast Asia', *The Australian Journal of International Affairs*, vol. 63, no. 3, September 2009, p. 391.

<sup>278</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', pp. 65-66.

<sup>279</sup> Sheldon W. Simon, 'Realism and neoliberalism: international relations theory and Southeast Asian security', *The Pacific Review*, vol. 8, no. 1, 1995, p. 8.

received. Scholars and government officials advanced their belief in a post-Cold War hierarchical order which presented greater prospects for both bilateral and multilateral cooperation amongst states with mutual interests through prevailing norms and increasing international institutions.<sup>280</sup> Their sentiments were widely shared amongst the pioneers of cooperative initiatives for Southeast Asian security.

In light of post-Cold War emerging security concerns, maritime cooperation in the SOM continued to incrementally develop. From the early 1990s the littoral states of the SOM worked in concert with one another and with extra-regional states to prevent incidents of piracy and maritime terrorism in the Straits. In 1992, Indonesia and Singapore established bilateral patrols and new channels for information sharing between their two navies in the SOM.<sup>281</sup> In 1992 Indonesia and Malaysia also established bilateral patrols in the SOM under their MALINDO agreement. The two parties subsequently created the Maritime Operation Planning team to manage the coordinated patrols which would take place in the Straits four times a year.<sup>282</sup> Rising rates of maritime piracy provided further impetus for regional maritime cooperation in Southeast Asia.<sup>283</sup> In 1996, 126 actual and attempted piracy attacks took place in Southeast Asian waters.<sup>284</sup>

With the onslaught of the Asian Financial Crisis (AFC) in the late 1990s maritime piracy and other transnational maritime security challenges began to increase. According to maritime

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<sup>280</sup> See George H. W. Bush's State of the Union Address 1991, <<http://video.google.com/videoplay?docid=8259800846851144110#>> accessed 04 January 2011, See also Mark E. Pietrzyk, 'Explaining the Post-Cold War Order: An International Society Approach', *International Journal on World Peace*, vol. 18, no. 3, September 2001, pp. 31-54.

<sup>281</sup> Yann-huei Song, 'Regional Maritime Security Initiative (RMSI) and Enhancing Security in the Straits of Malacca: Littoral States' and Regional Responses', in Wu Shicun and Zou Keyuan (eds.), *Maritime Security in the South China Sea: Regional Implications and International Cooperation*, Surrey, 2009, pp. 119-120.

<sup>282</sup> Yann-huei Song, 'Regional Maritime Security Initiative (RMSI) and Enhancing Security in the Straits of Malacca: Littoral States' and Regional Responses', p. 120.

<sup>283</sup> ICC International Maritime Bureau, 'Piracy and Armed Robbery Against Ships Report', Annual Report 1 January- 31 December, January 2005, p. 5.

<sup>284</sup> ICC International Maritime Bureau, 'Piracy and Armed Robbery Against Ships Report', Annual Report 1 January- 31 December, 2005, p. 5; ICC International Maritime Bureau, 'Piracy and Armed Robbery Against Ships Report', Annual Report 1 January- 31 December, January 2009, p. 5.



marked by the 1990 Peace Agreement in Paris, states were able to focus their attention on the worsening situation in the SCS.<sup>288</sup>

Due to prevalent sovereignty sensitivities informal Track Two initiatives were the preferable mode of maritime cooperation in the SCS and elsewhere in the region. The influential SCS Workshops (SCSW) were first established in 1990. This initiative was initially encouraged by the Indonesian diplomat Dr Hasjim Djalal and Professor Ian Townsend-Gault from the University of British Columbia, Canada. Conceived as a means by which to contribute to regional peace and stability, the Workshops would examine a number of different areas for functional maritime cooperation that could circumvent more sensitive issues of sovereignty.<sup>289</sup>

The first of the SCSW, Managing Potential Conflicts in the South China Sea, was held in January 1990 in Bali. The Indochinese and other non-ASEAN states were initially precluded from the Workshops. The invitation to participate in the second Workshop in Bandung in 1991 was extended to China, Taiwan, Vietnam and Laos. Prospects for cooperative marine scientific research took the focus of this Workshop. Arising from discussions regarding rising tensions in the SCS it was decided during the Workshop that the ASEAN states would issue a formal Declaration committing to the peaceful management of the disputes.<sup>290</sup> Following the initial recommendation during the 1991 SCSW the ASEAN states signed the 1992 Declaration on the SCS outlining these states commitment to principles of maritime cooperation for the peaceful settlement of the disputes.<sup>291</sup> In the 1993 SCSW the participants

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<sup>288</sup> Djalal and Townsend-Gault, 'Managing Potential Conflicts in the South China Sea: Informal Diplomacy for Conflict Prevention', p. 114.

<sup>289</sup> Yann-huei Song, *Managing Potential Conflicts in the South China Sea: Taiwan's Perspective*, NUS East Asia Institute Occasional Paper Series, no. 14, Singapore University Press, 1999, pp. 20

<sup>290</sup> Djalal and Townsend-Gault, 'Managing Potential Conflicts in the South China Sea: Informal Diplomacy for Conflict Prevention', pp. 116-118.

<sup>291</sup> 1992 ASEAN Declaration on the South China Sea, 22 July, 1992, <<http://cil.nus.edu.sg/rp/pdf/1992%20ASEAN%20Declaration%20on%20the%20South%20China%20Sea-pdf.pdf>> accessed 25 August 2013.

agreed to allow extra-regional states to participate in the workshops through the implementation of specific maritime cooperative initiatives.<sup>292</sup>

Efforts in the SOM and SCS were supplemented by several region wide maritime cooperative initiatives. In 1993 representatives of strategic studies centres from ten countries of the Asia Pacific came together to establish the Council for Security Cooperation in the Asia Pacific (CSCAP).<sup>293</sup> Through CSCAP, study groups were created whereby experienced scholars from the incorporated centres could share their views on security issues which commonly affected the region. Amongst the first of these established in 1994 was the study group on Confidence Building Measures and a separate study group to examine prospects for maritime cooperation. Through these study groups representatives from regional states jointly examined greater prospects for maritime cooperation and detailed their respective states' commitments to a number of different areas for functional areas.<sup>294</sup>

The creation of the ARF in May 1994 provided additional forums for multilateral dialogue, inclusive of extra-regional states.<sup>295</sup> The ARF facilitated routine multilateral official dialogue exchanges regarding issues of maritime security.<sup>296</sup> In 1996 the grouping held an Inter-Sessional Meeting on Search and Rescue Coordination and Cooperation in the Asia Pacific at which means to enhance regional maritime cooperation for SAR were discussed.<sup>297</sup> In November 1998, an ARF Meeting of Specialist Officials on Maritime Issues was held in

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<sup>292</sup> Djalal and Townsend-Gault, 'Managing Potential Conflicts in the South China Sea: Informal Diplomacy for Conflict Prevention', p. 119.

<sup>293</sup> CSCAP, 'About Us', <<http://www.cscap.org/index.php?page=about-us>> accessed 13 June 2013.

<sup>294</sup> CSCAP, 'Facilitating Maritime Security Cooperation in the Asia Pacific', <<http://www.cscap.org/index.php?page=facilitating-maritime-security-cooperation-in-the-asia-pacific>> accessed 13 June 2013; CSCAP, 'Concluded working and study groups', <<http://www.cscap.org/index.php?page=concluded-working-and-study-grups>> accessed 19 June 2014.

<sup>295</sup> Ralf Emmers, *Cooperative Security and the Balance of Power in ASEAN and the ARF*, RoutledgeCurzon, London, 2003, p. 32.

<sup>296</sup> ASEAN Secretariat, ASEAN and ARF Maritime Security Dialogue and Cooperation, Information paper, 4 October 2007.

<sup>297</sup> ASEAN, Summary Report of the ARF Inter-Sessional Meeting on Search and Rescue Coordination Cooperation in Asia Pacific Region, Honolulu, March 1996, <http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports/135.html> accessed 3 September 2013.

Honolulu.<sup>298</sup> At this meeting, maritime security experts from ARF member states openly discussed the most vexing challenges to good order at sea in the Asia Pacific.<sup>299</sup> The first meeting of the ARF Inter-Sessional Support Group (ISG) on CBMs was jointly hosted by Singapore and Japan in Tokyo between 1999 and 2000.<sup>300</sup> At the meeting it was agreed that from the next ISG CBM meeting, maritime cooperation would be included on the agenda.<sup>301</sup>

Various other multilateral maritime cooperative initiatives were developed with the aid of these regional frameworks. In 1993 Environment Ministers from the ASEAN member states signed the Strategic Plan of Action on the Environment for the period of 1994-1998.<sup>302</sup> In 1996 Cambodia, China, Indonesia, Malaysia, Thailand, Vietnam and the Philippines in collaboration with the United Nations Environment Programme (UNEP) and the Global Environment Facility (GEF) began the development of a project to protect the environmental integrity of the SCS and the Gulf of Thailand.<sup>303</sup> Growing concerns for food security catalysed additional forms of regional maritime cooperation. ASEAN members' dialogue on sustainable fishing practices encouraged greater cooperation amongst states towards these ends.<sup>304</sup> In 1997 ASEAN announced its Declaration on Transnational Crime.<sup>305</sup> In 2001 the

<sup>298</sup> ARF, List of ARF/Track Activities 1994-2012, <<http://aseanregionalforum.asean.org/library/arf-activities/list-of-arf-track-i-activities-by-subject.html>> accessed 4 September 2013.

<sup>299</sup> Mark J. Valencia, 'The U.S. Position on Co-operative Maritime Security Frameworks', *East-West Center*, Honolulu, p. 11.

<sup>300</sup> Ministry of Foreign Affairs Japan, 'Chairman's Statement the Seventh Meeting of the ASEAN Regional Forum', Bangkok, 27 July, 2000, <<http://www.mofa.go.jp/region/asia-paci/asean/conference/arf/state0007.html>> accessed 6 July 2013.

<sup>301</sup> US Department of State Bureau of Political-Military Affairs, 'Co-Chairmen's Summary Reports of the ARF Intersessional Support Group on Confidence Building Measures', 6 April, 2000, <<http://2001-2009.state.gov/t/ac/csbm/rd/12077.htm>> accessed 6 July 2013.

<sup>302</sup> ASEAN, 1994 Strategic Plan of Action on the Environment 1994-1998, 26 April, 1994, <<http://cil.nus.edu.sg/1994/1994-strategic-plan-of-action-on-the-environment-1994-1998-adopted-on-26-april-1994-in-bandar-seri-begawan-brunei-darussalam-by-the-environment-ministers/>> accessed 16 June 2013.

<sup>303</sup> The United Nations Environment Programme, 'Reversing Environmental Degradation Trends in the South China Sea and the Gulf of Thailand', Global Environment Facility South China Sea Project, <[http://www.unepscs.org/Project\\_Background.html](http://www.unepscs.org/Project_Background.html)> accessed 3 September 2013.

<sup>304</sup> ASEAN-SEAFDEC, Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region, <[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCwQFjAA&url=http%3A%2F%2Fwww.asspfisheries.net%2Findex.php%3Foption%3Dcom\\_phocadownload%26view%3Dcategory%26id%3D1%3Apolicy-documents%26download%3D2%3Aplan-of-action%26Itemid%3D2&ei=0CrWUezsJsf0AW0kYC4Cg&usg=AFQjCNGIph\\_Ql\\_N2gtQh4-OdtLEB51AP9A&sig2=WElpYMPqUKhKHln7Qpb-0A&bvm=bv.48705608,d.dGI](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCwQFjAA&url=http%3A%2F%2Fwww.asspfisheries.net%2Findex.php%3Foption%3Dcom_phocadownload%26view%3Dcategory%26id%3D1%3Apolicy-documents%26download%3D2%3Aplan-of-action%26Itemid%3D2&ei=0CrWUezsJsf0AW0kYC4Cg&usg=AFQjCNGIph_Ql_N2gtQh4-OdtLEB51AP9A&sig2=WElpYMPqUKhKHln7Qpb-0A&bvm=bv.48705608,d.dGI)> accessed 5 June 2013.



Plan of Action on Sustainable Fisheries for Food Security for ASEAN was adopted by ASEAN members in collaboration with SEAFDEC. The partnership of these two organisations would help deliver a number of other initiatives over the coming years to protect Southeast Asian fisheries.<sup>306</sup>

### 2.3.3: More Advanced Stages of Regional Maritime Cooperation

Over time as cooperation increased, more comprehensive initiatives developed. Consequently, the conflation of the threat posed by maritime piracy and the potential for maritime terrorism bolstered Southeast Asian maritime cooperation.<sup>307</sup> The October 2002 Bali bombings placed the Southeast Asia region within the realm of the war on terror. The attack against the *MV Limburg* the same month illustrated the potential vulnerability of the maritime domain to terrorism. Al Qaeda affiliated suicide bombers operating a small explosives laden motorised vessel rammed the oil tanker while underway off the coast of Yemen killing one crewman.<sup>308</sup> Further, the presence of several terrorist groups operating in maritime Southeast Asia, namely, Al-Qaeda, The Moro Islamic liberation Front, the Abu Sayyaff Group, Jemaah Islamiyah, the Kumupulan Militan Malaysia, the Gerakan Aceh Merdeka, and Laskar Jihad raised the alarm for potential maritime terrorist attacks in the region. Past incidents of maritime terrorism and reports of allegedly planned attacks gave credence to concerns that it was only a matter of time before an incident took place within Southeast Asia.<sup>309</sup> The economic disenfranchisement of those engaged in acts of piracy led some analysts to believe

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<sup>305</sup> ASEAN, ASEAN Declaration on Transnational Crime, 20 December 1997, <<http://www.asean.org/communities/asean-political-security-community/item/asean-declaration-on-transnational-crime-manila-20-december-1997>> accessed 25 February 2014; Shie, 'Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation', p. 171.

<sup>306</sup> ASEAN-SEAFDEC, ASEAN-SEAFDEC Strategic Partnership, <[http://www.asspfisheries.net/index.php?option=com\\_content&view=category&layout=blog&id=36&Itemid=65](http://www.asspfisheries.net/index.php?option=com_content&view=category&layout=blog&id=36&Itemid=65)> accessed 16 June 2013.

<sup>307</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', pp. 67-70; ASEAN Secretariat, ASEAN and ARF Maritime Security Dialogue and Cooperation, 2007.

<sup>308</sup> Jane Sutton, 'U.S. charges Saudi at Guantanamo with plotting to bomb oil tankers', *Reuters*, 29 August 2012, <<http://mobile.reuters.com/article/worldNews/idUSBRE87S1FT20120829>> accessed 11 August 2014.

<sup>309</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', pp. 67-70.

pirates could be easily co-opted by other criminals for profitable gain.<sup>310</sup> In response to the perceived threat of maritime terrorism the US increased its bilateral exercises and initiatives with Southeast Asian states.<sup>311</sup> In addition, in 2002 the US and India collectively sought to protect trade at the northern end of the Strait, providing escorts for vessels carrying high value and dangerous cargoes through the Malacca Strait.<sup>312</sup> Augmenting the efforts of these extra-regional states, in 2003 Thailand and Malaysia launched joint maritime patrols in their respective waters of the Malacca Straits.<sup>313</sup>

Efforts to boost security measures in the Straits followed shortly after the SuperFerry 14 maritime terrorist attack in Manila Bay in February 2004 in which 116 people were killed.<sup>314</sup> The devastating consequences of the SuperFerry incident catalysed further cooperative action to improve security in the Straits.<sup>315</sup> Following this incident the ARF held a meeting on CBMs on Regional Cooperation in Maritime Security where India extended the offer to host training to improve maritime security in Southeast Asia.<sup>316</sup> In July 2004, the pre-existing agreements between the littoral states were upgraded to multilateral patrols involving all three littoral states, under the Malacca Straits Security Initiative (MSSI), though commonly referred to as the MALSINDO patrols.<sup>317</sup>

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<sup>310</sup> John R. Hahn, 'Piracy and Maritime Terrorism; A Seamless Transition', *Naval War College*, Newport, 2004, pp. 6-7.

<sup>311</sup> Bradford, 'The Growing Prospect for Maritime Security Cooperation in Southeast Asia', p. 68.

<sup>312</sup> Mark J. Valencia, 'The Politics of Anti-Piracy and Anti-Terrorism Responses in Southeast Asia', in G. G. Ong-Webb (ed.), *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Institute of Southeast Asian Studies, Singapore, 2006, p. 90.

<sup>313</sup> Bradford, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', p. 68.

<sup>314</sup> Author not supplied, 'Bomb cause Philippine ferry fire', *BBC News*, 11 October 2001, <<http://news.bbc.co.uk/2/hi/asia-pacific/3732356.stm>> accessed 25 February 2014; Storey, 'Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation', pp. 38-40.

<sup>315</sup> Yun Yun Teo, 'Target Malacca Straits: Maritime Terrorism in Southeast Asia', p. 541.

<sup>316</sup> ASEAN Secretariat, ASEAN and the ARF Maritime Security Dialogue and Cooperation, 2007.

<sup>317</sup> Ministry of Defence Singapore, 'Launch of Coordinated Trilateral Patrols – MALSINDO Malacca Straits Coordinated Patrol', 20 July 2004, <[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2004/jul/20jul04\\_nr.html#.UwwkjoX0jIg](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2004/jul/20jul04_nr.html#.UwwkjoX0jIg)> accessed 25 February 2014; Joon Nam Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', in Graham G. Ong-Webb (ed.), *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Institute of Southeast Asian Studies, Singapore, 2006, p. 155.

With the apparent decay of security in the SOM, however, in 2005 Lloyd's London Joint War Committee declared the waterway a 'war-risk-area'.<sup>318</sup> Consequently, the littoral states endeavoured to augment the existing MALSINDO patrols by extending the scope of cooperative activities carried out under its auspices. In September of the same year the 'Eyes in the Sky' initiative was formally adopted by the three littoral states.<sup>319</sup> Thailand also joined the littoral states in the air patrols expanding the geographical scope of surveillance in the Straits.<sup>320</sup> At the annual Shangri-La Dialogue in May 2005, the adoption of joint air surveillance of the Straits was first proposed.<sup>321</sup> The MALSINDO patrols were widely heralded a success for regional maritime cooperation due to their inclusive and operational nature and the corresponding reduction in the number of piracy attacks in the SOM.<sup>322</sup> In 2006 additional multilateral initiatives were incorporated under the MSSI for the improved efficacy of the patrols. In April the littoral states agreed upon Standard Operating Procedures; at the same time renaming the initiative the Malacca Straits Patrols (MSP).<sup>323</sup> The Intelligence Exchange Group (IEG) and the MSP Information System (MSP-IS) were

<sup>318</sup> Author not supplied, 'Malacca Strait declared a high risk zone by Joint War Committee', *Lloyd's List*, 1 July 2005, p. 3, <<http://groups.yahoo.com/group/berita-bhinneka/message/89060>> accessed 6 June 2013.

<sup>319</sup> Ministry of Defence Singapore, 'Launch of the Eyes in the Sky (EiS) Initiative', Official press release, <[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2005/sep/13sep05\\_nr.html#.Udd2x5z46Sk](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2005/sep/13sep05_nr.html#.Udd2x5z46Sk)> accessed 6 July 2013; Opening Address by Efthimios E. Mitropoulos, Secretary General of the International Maritime Organization, 'Enhancing safety, security and environmental protection', Meeting on the Straits of Malacca and Singapore, 18 September, 2006, <[http://www.imo.org/blast/mainframe.asp?topic\\_id=1322&doc\\_id=7004](http://www.imo.org/blast/mainframe.asp?topic_id=1322&doc_id=7004)> accessed 6 July 13.

<sup>320</sup> Ministry of Defence Singapore, 'Launch of Eyes in the Sky (EiS) Initiative', Official Release, 13 September 2005, <[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2005/sep/13sep05\\_nr.html#.UGKAGOs8oE](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2005/sep/13sep05_nr.html#.UGKAGOs8oE)> accessed 6 July 2013.

<sup>321</sup> Yun Yun Teo, 'Target Malacca Straits: Maritime Terrorism in Southeast Asia', p. 545.

<sup>322</sup> Ellen Laipson, 'The Indian Ocean: A Critical Arena for 21<sup>st</sup> Century Threats and Challenges' in Ellen Laipson and Amit Pandya (eds.), *The Indian Ocean: Resources and Governance Challenges*, The Stimson Center, Washington DC, 2009, pp. 75-78; Author not supplied, 'US supports tripartite Malacca Straits security arrangements', *Antara News*, 17, January, 2011, <<http://www.antaranews.com/en/news/67092/us-supports-tripartite-malacca-straits-security-arrangements>> accessed 28 August 2013; Ada Suk-Fung Ng, 'A maritime security framework for fighting piracy', *Institute of Transport and Logistic Studies*, The University of Sydney, Working Paper, November 2011, pp. 1-8; While the MALSINDO patrols were commonly referred to as a noteworthy example of maritime cooperation its

<sup>323</sup> Ministry of Defence Singapore, Remarks by Chief of Defence Force LG Ng Yat Chung at the Malacca Straits Patrol (MSP) Joint Coordinating Committee Terms of References and Standard Operating Procedure Signing Ceremony', 21 April 2006, <[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2006/apr/21apr06\\_nr.print.img.html](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2006/apr/21apr06_nr.print.img.html)> accessed 18 August 2014; Storey, 'Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation', p. 41.

developed to facilitate the availability of accurate and timely information.<sup>324</sup> These initiatives were brought together under the direction of the Joint Standing Committee.<sup>325</sup> In 2007, the littoral states adopted the Cooperative Mechanism in the SOM as means by which to facilitate further cooperation amongst themselves and with extra-regional user states of the Straits.<sup>326</sup> In 2008 the MSP network became a quadrilateral initiative when the Standard Operating Procedures were revised to allow for Thailand's membership<sup>327</sup>

The resolution of previously intractable maritime territorial disputes amongst the littoral states of the SOM was indicative of a states' increased readiness to pursue maritime cooperation. In July 1992 Indonesia and Malaysia agreed to form a Joint Working Group to try to resolve the question of sovereignty relating to the islands of Pulau Sipadan and Pulau Ligitan.<sup>328</sup> Failing to settle conflicting claims to sovereignty through their bilateral discussions, Indonesia and Malaysia agreed to take the matter to the ICJ for arbitration.<sup>329</sup> In 2002 the International Court of Justice handed down its verdict, awarding sovereignty of the islands to Malaysia.<sup>330</sup> Shortly thereafter, Malaysia and Singapore reached a Special Agreement whereby both parties resolved to have the longstanding sovereignty disputes over

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<sup>324</sup> Ministry of Defence Singapore, 'Factsheet: Malacca Strait Patrols Information System', Official Release, 28 March 2008,

<[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2008/mar/28mar08\\_nr/28mar08\\_fs2.html#U\\_GlmmOs8oE](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2008/mar/28mar08_nr/28mar08_fs2.html#U_GlmmOs8oE)> accessed 18 August 2014.

<sup>325</sup> Ministry of Defence Singapore, Remarks by Chief of Defence Force LG Ng Yat Chung at the Malacca Straits Patrol (MSP) Joint Coordinating Committee Terms of References and Standard Operating Procedure Signing Ceremony', 21 April 2006.

<sup>326</sup> Simon, 'Safety and Security in the Malacca Strait: The limits of Collaboration', p. 3.

<sup>327</sup> Ministry of Defence Singapore, 'Thailand Joins Malacca Straits Patrols', Official Release, 18 September 2008,

<[http://www.mindef.gov.sg/imindef/press\\_room/official\\_releases/nr/2008/sep/18sep08\\_nr.html#U\\_GObmOs8oE](http://www.mindef.gov.sg/imindef/press_room/official_releases/nr/2008/sep/18sep08_nr.html#U_GObmOs8oE)> accessed 18 August 2014.

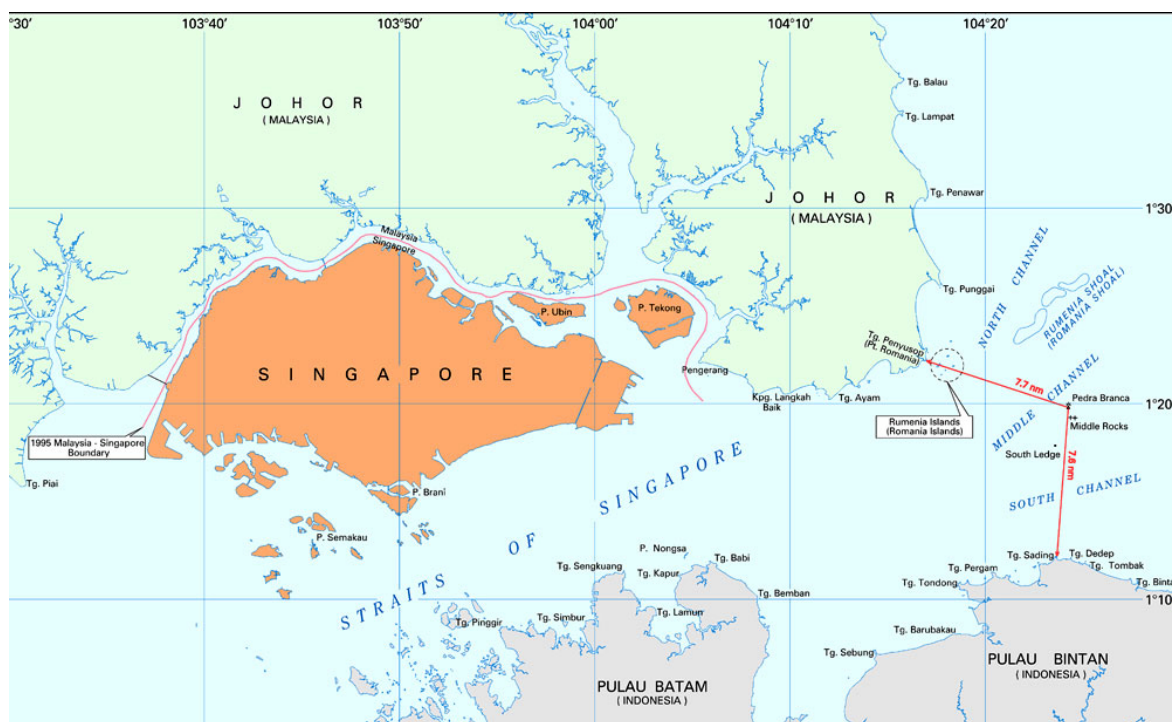
<sup>328</sup> ICJ, Case Concerning Sovereignty Over Pulau Sipadan and Pulau Ligitan, Reports of Judgements, Advisory Opinions and Judgements, 17 December 2002, <<http://www.icj-cij.org/docket/files/102/7714>> accessed 25 February 2014; Renate Haller-Trost, 'The Territorial Dispute between Indonesia and Malaysia over Pulau Sipadan and Pulau Ligitan in the Celebes Sea', *IBRU Boundary and Territory Briefing*, vol. 2, no. 2, 1995, p. 29.

<sup>329</sup> Robert W. Smith and Bradford L. Thomas, 'Island Disputes and the Law of the Sea: An Examination of Sovereignty and Delimitation Disputes', *IBRU Boundary and Territory Briefing*, vol. 2, no. 4, 1998, p. 8.

<sup>330</sup> International Court of Justice, 'International Court Finds That Sovereignty Over Islands of Ligitan and Sipadan Belongs to Malaysia', Press Release /605, <<http://www.un.org/News/Press/docs/2002/ICJ605.doc.htm>> accessed 13 June 2013.

Pedra Branca, Middle Rocks and South Ledge (see Figure 2.4) settled in the ICJ.<sup>331</sup> The case was settled in May 2008. Pedra Branca was awarded to Singapore's and Middle Rocks to Malaysia. Though the resolution was somewhat messy, with sovereignty of South Ledge left uncertain, the verdict allowed these states to move past issues of territoriality for the delimitation of maritime boundaries in the Singapore Strait.<sup>332</sup>

**Figure 2.4: Pedra Branca, Middle Rocks, and South Ledge**



Source: Ministry of Foreign Affairs Singapore, 'International Court of Justice-case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge'.

<sup>331</sup> Ministry of Foreign Affairs Singapore, 'International Court of Justice-Case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge', [http://www.mfa.gov.sg/content/mfa/media\\_centre/special\\_events/pedrabranca.html](http://www.mfa.gov.sg/content/mfa/media_centre/special_events/pedrabranca.html) accessed 13 June 2013.

<sup>332</sup> Robert Beckman and Clive Schofield, 'Moving Beyond Disputes Over Island Territory: ICJ Decision Sets Stage for Maritime Boundary Delimitation in the Singapore Strait', *Ocean Development and International Law*, vol. 40, no. 1, 2009, pp. 2-4.

The littoral states of the SCS similarly continued their efforts to induce greater cooperation and stability in the area. The most inclusive and comprehensive commitment to maritime cooperative in the SCS was the 2002 Declaration on the Conduct of Parties (DOC) signed by the ASEAN states and China.<sup>333</sup> First proposed at the 29<sup>th</sup> ASEAN Ministerial Meeting in 1996, ASEAN's intention was for the DOC to serve as a precursor to a COC. Under Point One of the DOC, signatories reaffirmed their commitment to the principles of peace and cooperation contained within UNCLOS and subsequently, restraint in the use of force and support for the status quo.<sup>334</sup> The DOC was considered a significant example of maritime cooperation and was referred to as a 'step in the right direction'.<sup>335</sup> The Philippines Secretary of Foreign Affairs Blas F. Ople similarly expressed his optimism for the DOC claiming it to be 'a major leap for peace'. His sentiments were shared by Chinese Vice Foreign Minister Wang Yi who claimed that the DOC would help promote peace and encourage claimants to focus on their economic cooperation.<sup>336</sup>

Regional wide endeavours also continued to advance. While the tenure of the CSCAP study groups was only two years, such earlier activities laid the ground work for their more advanced cooperative initiatives. Of particular significance was the 2008 Memorandum on Maritime Cooperation in Enclosed and Semi-Enclosed Seas. This Memorandum called upon states on the Asia Pacific to pursue functional cooperation both for material gain and as a means for preventive diplomacy. The guidelines contained within were non-binding but

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<sup>333</sup> 2002 Declaration on the Conduct of Parties in the South China Sea, 4 November, 2002, <<http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>> accessed 27 August 2013.

<sup>334</sup> Nguyen Hong Thao, 'The 2002 Declaration on the Conduct of Parties in the South China Sea: A Note', *Ocean Development and International Law*, vol. 34, p. 280.

<sup>335</sup> Ralf Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', Working Paper no. 87, *Institute of Defence and Strategic Studies*, Singapore, 2005, p. 2.

<sup>336</sup> Nguyen Hong Thao, 'The 2002 Declaration on the Conduct of Parties in the South China Sea: A Note', *Ocean Development and International Law*, vol. 34, p. 279.

rather set forth basic principles for cooperation.<sup>337</sup> Likewise, the ARF advanced its maritime cooperative efforts. In 2003 the ARF member states adopted the Statement on Cooperation against Piracy and other Threats to Maritime Security. Building upon earlier efforts, in 2008 several of these states participated in an ARF Advanced Maritime Security Training Programme organised and conducted by the Indian Coast Guard at which views on best practices were exchanged amongst participants.<sup>338</sup> The cooperative efforts of the ARF were augmented by the East Asia Summit (EAS). The EAS held its inaugural meeting in 2005 at which participants discussed commonly shared maritime security issues.<sup>339</sup> Demonstrating a growing commitment to regional maritime issues three more specialised maritime groups were later established under ASEAN. The first of these established was the ARF Inter-Sessional Meeting on Maritime Security (ISM-MS). The first ISM-MS took place in Indonesia in 2009.<sup>340</sup> The ISM-MS was tasked with developing a Work Plan on Maritime Security.<sup>341</sup> In 2010 the ASEAN Maritime Forum (AMF) was first convened in East Java, Indonesia at which issues of connectivity, maritime security and search and rescue were discussed.<sup>342</sup> The Forum consisted of Track 1.5 and Track 2 and private sector groups.<sup>343</sup> The ASEAN Defence Ministers Meetings-Plus (ADMM+), first convened in 2010, provided yet another vehicle for regional maritime cooperation. ‘Practical cooperation’ for maritime

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<sup>337</sup> CSCAP, ‘CSCAP Memorandum 13: Guidelines for Cooperation in Enclosed and Semi-Enclosed Seas and Similar Areas of the Asia Pacific’, 2008.

<sup>338</sup> Participants included China, Indonesia, Lao, Myanmar, South Korea, Russia, Singapore, Sri Lanka, Timor Leste and Vietnam. Author not supplied, ‘Advanced Maritime Security Programme for ARF Member States’, Chennai, India, 17-22 November 2008, <<http://aseanregionalforum.asean.org/files/library/ARF%20Chairman's%20Statements%20and%20Reports/The%20Sixteenth%20ASEAN%20Regional%20Forum,%202008-2009/MSTP%20Report.pdf>> accessed 19 June 2014.

<sup>339</sup> EAS, Chairman’s Statement of the First East Asia Summit, 14 December 2005, <[http://www.dfat.gov.au/asean/051214\\_chairs\\_statement.html](http://www.dfat.gov.au/asean/051214_chairs_statement.html)> accessed 9 April 2014.

<sup>340</sup> ARF ISM-MS, ARF Work Plan on Maritime Security, 2011.

<sup>341</sup> ARF, Chairman’s Statement of the Seventeenth ASEAN Regional Forum, Hanoi, Vietnam, 23 July 2010, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>> accessed 11 August 2014.

<sup>342</sup> Author not supplied, ‘First ASEAN maritime forum held in Surabaya’, *Antara News*, 31 July 2010, <<http://www.antaranews.com/en/news/1280584402/first-asean-maritime-forum-held-in-surabaya>> accessed 8 June 2015.

<sup>343</sup> Bateman, Ho and Chan, ‘Good Order at Sea in Southeast Asia’, p. 36.



security was a priority objective of the ADMM+ regional grouping.<sup>344</sup> A Maritime Security Experts Working Group was one of five expert working groups established by the ADMM+ grouping.<sup>345</sup> In October 2012 the first Expanded ASEAN Maritime Forum was held in the Philippines. The group was established pursuant to a decree by the ASEAN and EAS members to promote dialogue amongst these states on commonly shared maritime issues.<sup>346</sup>

Bilateral functional maritime cooperative mechanisms developed alongside these multilateral endeavours. After many failed attempts at negotiation, dating as far back as 1974, in December 2000, China and Vietnam signed the Agreement on the Delimitation of the Territorial Sea, Exclusive Economic Zones and Continental Shelves in the Beibu Gulf (the Gulf of Tonkin). The maritime boundary delimitation allowed for the subsequent Agreement on Fishery Cooperation in the Beibu Gulf; signed the same day. China and Vietnam both ratified the agreements in the following months.<sup>347</sup> This was the first maritime boundary agreement signed by China. A convergence of interest with respect to their food security and economic potential provided the impetus for this long awaited agreement.<sup>348</sup>

#### **2.4: Navigating Obstacles to Maritime Cooperation in Southeast Asia**

Despite the notable successes towards greater maritime cooperation in Southeast Asia, several other proposals for maritime cooperation outside of these initiatives failed to eventuate. Sovereignty sensitivities stood in the way of more formalised cooperative arrangements. According to Bateman, states' focus on territoriality and sovereignty and consecutive attempts to erect 'fences in the sea' is the greatest obstacle in the way of

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<sup>344</sup> ASEAN, About the ASEAN Defence Ministers Meeting-Plus (ADMM-Plus), 28 March 2014, <<https://admm.asean.org/index.php/about-admm/about-admm-plus.html>> accessed 7 May 2014.

<sup>345</sup> ADMM, ASEAN Defence Ministers Meeting Grouping, <<http://www.asean.org/communities/asean-political-security-community/category/asean-defence-ministers-meeting-admm>> accessed 11 August 2014.

<sup>346</sup> Expanded ASEAN Maritime Forum, Chairman's Statement, First ASEAN Maritime Forum Manila, 9 October 2012, <<http://www.asean.org/news/asean-statement-communiques/item/1st-expanded-asean-maritime-forum-manila>> accessed 11 August 2014.

<sup>347</sup> The Gulf of Tonkin is known as the Beibu Gulf in Chinese and the Bac Bo Gulf in Vietnamese. Zou Keyuan, 'The Sino-Vietnamese Agreement on Maritime Boundary Delimitation in the Gulf of Tonkin', *Ocean Development and International Law*, vol. 36, 2005, pp. 13-15.

<sup>348</sup> Xiao Jianguo, 'Drawing the Line', *Beijing Review*, <<http://www.bjreview.cn/EN/200432/World-200432%28A%29.htm>> accessed 14 June 2014.



maritime cooperation.<sup>349</sup> Likewise, Ian Storey identifies sovereignty sensitivities as the most significant barrier to maritime cooperation.<sup>350</sup> With a history of foreign interference and control, Southeast Asian states have been cautious in their approach to maritime cooperation so as not to erode their sovereignty. Burma, Cambodia, Indonesia, Laos, Malaysia, Singapore, Vietnam, The Philippines, were all colonised by western powers.<sup>351</sup> Further, during World War II Japan occupied every resident state of Southeast Asia with the exception of Thailand.<sup>352</sup> After a long period of foreign occupation and control, Southeast Asian states were keen to exercise their right to independence and sovereignty. Consequently, the period of decolonisation beginning with the closure of World War Two spurred states to assert and advance their competing maritime territorial claims.<sup>353</sup> These sovereignty sensitivities are further exacerbated by the limited capacity of regional states to effectively secure their maritime boundaries and territories.<sup>354</sup>

The prevalence of sovereignty sensitivities was reflected in the limitations of the MALSINDO agreement.<sup>355</sup> Initial proposals for joint rather than coordinated patrols failed to gain acceptance. In June 2004 Indonesian navy chief called for the littoral states to establish a joint task force to conduct patrols in the Straits. Singapore was quick to express its support for the proposal. As a hub for global shipping and with a smaller maritime jurisdiction to secure, Singapore was concerned about piracy in the SOM and encouraged cooperation with both regional and extra-regional stakeholders in response. After consultation between the littoral states, however, they only reached agreement on coordinated patrols. While the littoral states

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<sup>349</sup> Bateman, 'Managing the South China Sea: Sovereignty is not the Issue', p. 2.

<sup>350</sup> Storey, 'Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation', p. 37.

<sup>351</sup> Lauriston Sharp, 'Colonial Regimes in Southeast Asia', *Far Eastern Survey*, vol. 15, no. 4, February 1946, pp. 49-51.

<sup>352</sup> Sandra R. Leavitt, 'The Lack of Security Cooperation between Southeast Asia and Japan: Yes Yen, Pax Nippon no', *Asian Survey*, vol. 45, no. 2, March-April 2005, p. 227.

<sup>353</sup> Storey, 'Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation', p. 46.

<sup>354</sup> Sam Bateman, 'Piracy and the Challenge of Cooperative Security and Enforcement Policy', *Maritime Studies*, March-April 2001, p. 14.

<sup>355</sup> Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', p. 155.

early functional maritime cooperation built a level of trust and precipitated the delimitation of borders and a reduction in tensions, unresolved issues of territoriality and jurisdiction continued to hamper their maritime cooperation. Sovereignty over PD and Middle Rocks and their subsequent maritime zones fostered acrimony and tensions in Singapore and Malaysia's bilateral relations.<sup>356</sup> Despite the ICJ's ruling over Indonesia and Malaysia's sovereignty dispute over Sipadan and Ligitan, and Malaysia's and Singapore's dispute over PB and Middle Rocks, the respective overlapping maritime boundaries were not yet resolved. As a result the disputes remained a source of tension in these states relations.<sup>357</sup> Preserving their respective territoriality and jurisdiction, under the coordinated patrolling agreement the littoral states were unable to freely enter into each other's' territorial waters in pursuit of suspected criminals. Alternatively, the MALSINDO patrols allowed the respective states the right to hot pursuit limited to five nautical miles into each other's territorial waters.<sup>358</sup> As such, these patrols were limited in their ability to effectively respond the problem of piracy.<sup>359</sup>

Similarly more formalised top-down cooperative arrangements failed to take root in the SCS. Conditions in the SCS had deteriorated since the 1992 declaration. The disputes continued to be a source of tension amongst the claimants and within the region; creating ambivalence towards such cooperative mechanisms. The accession of the UNCLOS regime in 1994 further prompted coastal states to enforce and extend their maritime territorial and sovereignty

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<sup>356</sup> Shunmuhan Jayakumar and Tommy Koh, *Pedra Branca: The Road to the World Court*, NUS Press, Singapore, 2009, pp. 20-21.

<sup>357</sup> Storey, 'Maritime Security in Southeast Asia: Two Cheers for Regional Cooperation', pp. 53-54; Jayakumar and Koh, *Pedra Branca: The Road to the World Court*, pp. 20-21; Li Jianwei and Ramses Amer, 'Recent Practices in Dispute Management in the South China Sea', in Clive Schofield (ed.), *Maritime Energy Resources in Asia: Legal Regimes and Cooperation*, NBR Special Report no. 37, February 2012, p. 83.

<sup>358</sup> Simon, 'Safety and Security in the Malacca Straits: The Limits of Collaboration', p. 35.

<sup>359</sup> Under the existing agreement for hot pursuit peoples engaged in acts of piracy and other criminal activities may enter the neighbouring state's jurisdiction to evade authorities. What is more, given that the majority of attacks take place within coastal states' territorial waters, efforts to address piracy rely upon Indonesia's and Malaysia's limited capabilities.<sup>359</sup>

claims. The implementation of Article 55 of UNCLOS, giving coastal states the right to a 200nm EEZ introduced further disputed maritime borders in Southeast Asia where newly claimed EEZs overlapped.<sup>360</sup> What is more, the rising price of oil in conjunction with states' increasing requirement for energy resources accorded a new level of importance to prospective energy reserves in the SCS. The goodwill behind the 1992 declaration was undermined by attempted relative gains and therefore, these states had not yet built the trust that was required for a more binding agreement. Claimant states were unable to agree on the scope of the declaration due to the potential implications for sovereignty claims in the area.<sup>361</sup> Consequently, according to Storey, the greater objective to establish an auxiliary legally binding COC in the South China Sea appeared unlikely to transpire.<sup>362</sup>

Pre-existing maritime cooperative frameworks similarly failed to advance to more formalised top-down mechanisms. Despite the recommendations of regional maritime security experts to further develop maritime cooperation through building upon regional bodies, like the AMF and ARF ISM on maritime security,<sup>363</sup> these institutions remained static. The AMF, the EAMF and ARF ISM on maritime security had not advanced past their primary essential purpose to serve as a platform for dialogue regarding cooperation and trust building. Their stagnancy was reflected in the commonalities of the meeting agendas of these forums from year to year. Each of these forums espoused some level of commitment to regional maritime information sharing and search and rescue.<sup>364</sup> Remaining deficiencies in these overlapping

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<sup>360</sup> Rodolfo C. Severino, 'ASEAN and the South China Sea', *Security Challenges*, vol. 6, no. 2, Winter 2010, p. 41.

<sup>361</sup> Nguyen Hong Thao, 'The 2002 Declaration on the Conduct of Parties in the South China Sea: A Note', p. 281.

<sup>362</sup> Ian Storey, 'Little hope of effective South China Sea conduct code', *ISEAS Viewpoints*, July 27, 2012, <<http://web1.iseas.edu.sg/?p=8304>> accessed 09/10/2012.

<sup>363</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', p. 36.

<sup>364</sup> ASEAN Secretariat, 1<sup>st</sup> ASEAN Maritime Forum Convened, 30 July 2010, <<http://www.ssig.gov.my/blog/2010/08/02/1st-asean-maritime-forum-convened/>> accessed 7 July 2015; Co-Chair's Summary of the Third ARF Inter-Sessional Meeting on Maritime Security, 14-15 February 2011, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>> accessed 7 July 2015; Maritime Institute of Malaysia, '2<sup>nd</sup> ASEAN Maritime Forum', 14 August 2011, Thailand, <[http://www.mima.gov.my/v2/?m=posts&c=shw\\_details&id=183](http://www.mima.gov.my/v2/?m=posts&c=shw_details&id=183)> accessed 7 July 2015; Chairman's Statement,<sup>of</sup>

objectives was also revealing as to their limited effect. As regional commentator Carl Thayer pointed out the search for MH370 revealed the lack of progress toward information sharing and maritime search and rescue.<sup>365</sup> Deficiencies in the existing regional ASEAN maritime security architecture were also raised by Ken Sato, president of the Institute for International Policy Studies at a regional symposium where he proposed the establishment of new regional organisation to address maritime security issues.<sup>366</sup> Disagreement over issues of allowances for innocent passage and rights and duties in EEZs restricted the working of these groupings.<sup>367</sup>

As Bateman suggests the ADMM+ perhaps presents a possible exception.<sup>368</sup> While dealing with softer issues, including maritime terrorism and search and rescue, the ADMM+ Expert Working Group on Maritime Security supported operational forms of cooperation including table top exercises and maritime field exercises.<sup>369</sup> These exercises were limited to the development of practical skills of ‘boarding exercises, major ship manoeuvring, flying operations and other seamanship serials’ rather than geared towards strategic purposes.<sup>370</sup> Facilitating its effectiveness, the ADMM+ EWG MS built on an already successful

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the Third ASEAN Maritime Forum, 9 October 2012, Philippines, <<http://www.asean.org/news/asean-statement-communicues/item/chairman-s-statement-3rd-asean-maritime-forum>> accessed 7 July 2015; Co-Chair’s Summary Report of the Fifth ARF Inter-Sessional Meeting on Maritime Security, 18-19 April 2013, Republic of Korea, <http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html> accessed 7 July 2015; Expanded ASEAN Maritime Forum: Strengthening Search and Rescue, 28 August 2014, Vietnam, <<http://vovworld.vn/en-US/Spotlight/Expanded-ASEAN-Maritime-Forum-discusses-maritime-security-and-navigation-freedom/266456.vov>> accessed 7 July 2015;

<sup>365</sup> Carl Thayer, ‘Flight MH370 Shows Limits of ASEAN’s Maritime Cooperation’, *The Diplomat*, <<http://thediplomat.com/2014/03/flight-mh370-shows-limits-of-aseans-maritime-cooperation/>> accessed 8 June 2015.

<sup>366</sup> Prashanth Parameswaran, ‘Does Asia Need a New Maritime Organization Beyond ASEAN?’, *The Diplomat*, 24 February 2015, <<http://thediplomat.com/2015/02/does-asia-need-a-new-maritime-organization/>> accessed 8 June 2015.

<sup>367</sup> Sam Bateman, ‘Solving the ‘Wicked Problems’ of Maritime Security: Are the Regional Forums up to the task?’, *Contemporary Southeast Asia*, vol. 33, no. 1, 2011, pp. 20-21.

<sup>368</sup> Personal Correspondence with Sam Bateman, 12 June 2015.

<sup>369</sup> Stephen Smith, Speech delivered at the ASEAN-Plus Defence Ministers’ Meeting, 29 August 2013, <<http://www.minister.defence.gov.au/2013/08/29/minister-for-defence-intervention-at-the-asean-plus-defence-ministers-meeting-admm-plus/>> accessed 7 July 2015.

<sup>370</sup> Australian Department of Defence, Media Release: Inaugural ASEAN Defence Ministers’ Meeting-Plus Maritime Security Field Training Exercise’, 30 September 2013, <<http://news.defence.gov.au/2013/09/30/inaugural-asean-defence-ministers-meeting-plus-maritime-security-field-training-exercise/>> accessed 7 July 2015.

cooperative framework. Scholar Tomotaka Shoji attributes the success of the ADMM+ to the incremental process through which it came about and its focus on confidence and trust building instead of strategic imperatives. Born out of the ASEAN Defence Ministers' Meeting (ADMM), members of this multilateral framework had a history of repeated consultation on non-traditional security issues. Humanitarian Assistance and Disaster Relief (HA/DR) was but one area in which efforts were directed. Their activities progressed from consultations to more practical measures including the sharing of facilities and coordination of capabilities for these purposes. Cooperation was later institutionalised through the adoption of common guidelines for HA/DR in the region. Membership was extended to extra-regional states in 2007. The ADMM+ also held regular consultations, leading to more operational forms of cooperation including those seen through the EWG MS. However, only those already established as dialogue partners were granted entry into the ADMM+ and the ASEAN states were to remain in the driving seat through an established decision making process that held them in a position of authority.<sup>371</sup> In maintaining ASEANs centrality, regional members were careful not to provide a channel for externally imposed policies that could present an affront to their sovereignty.

These states' resolute approach to sovereignty, however, hindered more formalised top-down maritime cooperative mechanisms advanced extra-regional states. Indonesia and Malaysia demonstrated a great reluctance to accede to maritime cooperative mechanisms put forward by outside user states. In 2004, Regional Maritime Security Initiative (RMSI), purposed to reduce transnational criminal activity perturbed Indonesia and Malaysia. Unconvinced as to the imminent threat posed by maritime terrorism, and more interested in their ability to extract valuable resources from the waters of Southeast Asia and revenue accrued through the

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<sup>371</sup> Tomotaka Shoji, 'ASEAN Defense Ministers' Meeting (ADMM) and the ADMM Plus: A Japanese Perspective', *NIDS Journal of Defense and Security*, 14 December 2013, pp. 6-14.

transport and tourism,<sup>372</sup> Indonesia and Malaysia viewed suggestions of extra-regional patrols as a means to internationalise the Straits.<sup>373</sup> While Singapore was, however, supportive of US naval presence and RMSI due to fear it may too be a terrorist target, it was outnumbered by Indonesia and Malaysia on the matter.<sup>374</sup> Unlike Singapore, Indonesia and Malaysia resisted integration into the US hub and spoke system of alliances. Demonstrating the suspicion for US intentions in 2004, a Vice-Admiral in the Malaysian Navy publicly remarked, ‘Malaysia has been colonized [sic] four times, three times by Europeans, and in all cases they arrived under the pretext of fighting piracy. So you can understand why we are particularly sensitive to these issues.’<sup>375</sup> There were clear benefits to be derived for extra-regional states actively engaged in the SOM. A presence in the SOM could be employed to safeguard extra-regional states’ ability to project power in this region and their commercial interests, notably maritime trade.

The RMSI proposal was but one of several US cooperative endeavours to be poorly received in Southeast Asia. The US sponsored Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) Convention was met with a similar fate in the region. Southeast Asian states’ have been reluctant to ratify the 1988 SUA Convention.<sup>376</sup> In the aftermath of September 11 the SUA Convention was revised and amended leading to the International Maritime Organization’s (IMO) adoption of the 2005 SUA.<sup>377</sup> The SUA was designed to address piracy and maritime terrorism. Under new the SUA protocol, states were allowed

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<sup>372</sup> Joyce de la Pena, ‘Maritime Crime in the Strait of Malacca: Balancing Regional and Extra Regional Concerns’, *Stanford Journal of International Relations*, vol. 10, no. 2, Spring 2009, p. 3, Bradford, ‘The Growing Prospects for Maritime Security Cooperation in Southeast Asia’, p. 64;

<sup>373</sup> Rick Rozoff, ‘Indian Navy To Accompany US Warships In Malacca Straits’, *The Hindu*, 23 April, 2002, <<http://www.mail-archive.com/antinato@topica.com/msg05789.html>> accessed 8 December 2010.

<sup>374</sup> Yun Yun Teo, ‘Target Malacca Straits: Maritime Terrorism in Southeast Asia’, p. 545.

<sup>375</sup> Quoted in Caroline Vavro, ‘Piracy, Terrorism and the Balance of Power in the Malacca Strait’, *Canadian Naval Review*, vol. 4, no. 1, Spring 2008, p. 15.

<sup>376</sup> Simon, ‘Safety and Security in the Malacca Straits: The Limits of Collaboration’, p. 28.

<sup>377</sup> Suk Kyoon Kim and Seokwoo Lee, ‘The Legal Framework of Maritime Security in East Asia’, in Harry N. Scheiber and Jin-Hyun Paik (eds.), *Regions, Institutions and Law of the Sea: Studies in Ocean Governance*, Martinus Nijhoff Publishers, The Netherlands, 2013, p. 288.

entry into others' maritime territorial waters and jurisdiction to apprehend and prosecute those engaged in criminal activity. Ratification of the convention would legally oblige states to allow foreign warships entry into their maritime territories.<sup>378</sup> Southeast Asian states saw this as compromising to its sovereignty. Questions surrounding the efficacy of the SUA in response to low level acts of maritime piracy, constituting the majority of all attacks, may also speak to these states' ambivalence.<sup>379</sup> Consequently, all Southeast Asian states declined to sign the 2005 SUA.<sup>380</sup> The previous 1988 incarnation of the SUA similarly floundered due to a lack of commitment in Southeast Asia. Singapore, Brunei, Myanmar, Vietnam and the Philippines were the only signatories to the 1988 SUA in Southeast Asia.<sup>381</sup>

Anxiety over sovereignty and the varied interests amongst regional coastal states and extra-regional user states was reflected in their application of the UNCLOS regime. Coastal states have sought to utilise UNCLOS to protect their sovereignty and jurisdiction.<sup>382</sup> Based on their common interpretation of the UNCLOS regime in 1970 Indonesia and Malaysia signed a bilateral treaty delimiting their maritime boundaries. In effect the treaty declared the whole of the southern end of the SOM under the territorial jurisdiction of the two respective states. The littoral states consequently announced the right of 'innocent passage' for user states transiting the Straits. Innocent passage required user states to declare their transit through the territorial waters of Indonesia and Malaysia. Britain, the US and the Soviet Union rejected the claims of coastal states and conversely claimed that the SOM still allowed passage under the freedom of the high seas. The SOM was vital to the expeditious movement of the navies of these

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<sup>378</sup> IMO, Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts Against the safety of Fixed platforms Located on the Continental Shelf, <<http://www.imo.org/About/Conventions/ListOfConventions/Pages/SUA-Treaties.aspx>> accessed April 9, 2014.

<sup>379</sup> Adam J. Young and Mark J. Valencia, 'Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility', *Contemporary Southeast Asia*, vol. 25, no. 2, August 2003, p. 277.

<sup>380</sup> IMO, Contracting States to the 2005 SUA Protocol, <[imo.amsa.gov.au](http://imo.amsa.gov.au)> accessed 12 August 2014.

<sup>381</sup> IMO, Status of Conventions, <[www.imo.org/About/Conventions/StatusofConventions/.../status-x.xls](http://www.imo.org/About/Conventions/StatusofConventions/.../status-x.xls)> accessed 7 June 2013; Yun Yun Teo, 'Target Malacca Straits: Maritime Terrorism in Southeast Asia', p. 544.

<sup>382</sup> UN Oceans and the Law of the Sea Division, 'Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements as at 23 January 2013', <[http://www.un.org/depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm](http://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm)> accessed 10 July 2013.

maritime powers operating between the Pacific and Indian Oceans. The precipitous transit of US air-craft carrier battle groups through the SOM was vital to its 'swing strategy' whereby US naval vessels could freely operate between the Pacific and Indian Oceans and the Middle East.<sup>383</sup> Alternately, the US rejection of the UNCLOS serves to protect its customary use of the seas for the projection of its maritime power. A lack of common recognition for UNCLOS impedes the employment of the cooperative principles and norms contained therein.

Southeast Asian states' efforts to preserve the delicate geostrategic environment also contributed to their caution towards other extra-regionally led maritime cooperative initiatives. In addition to the US and India, Japan and China have indicated their desire to be involved in maritime cooperation in Southeast Asia.<sup>384</sup> The Southeast Asian states were, however, conscious of the capacity for cooperative initiatives which preference the interests of one over the other to upset this fragile balance of powers and compromise their own interests.<sup>385</sup> As Evelyn Goh suggests, Southeast Asian states want to avoid having to choose between partnerships with either the US or China at the cost of the other. These states have sought to secure the strategic and economic benefits that both extra-regional players can offer.<sup>386</sup>

These difficulties in achieving greater maritime cooperation in Southeast Asia reinforce the need for further bottom-up maritime cooperation. The rejection of more formalised mechanisms, proposed by both regional and extra-regional states, suggests that trust had not yet sufficient to support these initiatives. Bottom-up measures could help alleviate sovereignty sensitivities and pave the way to more advanced mechanisms by creating more

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<sup>383</sup> Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', pp. 144-145.

<sup>384</sup> Vavro, 'Piracy, Terrorism and the Balance of Power in the Malacca Strait', p. 13.

<sup>385</sup> Mokhzani Zubir and Mohd Nizam Basiron, 'The Straits of Malacca: the Rise of China, America's Intentions and the Dilemma of the littoral States', Maritime Institute of Malaysia, 2005, pp. 5-6.

<sup>386</sup> Evelyn Goh, 'Great Powers and Southeast Asian Regional Security Strategies: Omni-Enmeshment, Balancing and Hierarchical Ordering', *Institute of Defence and Strategic Studies*, Singapore, July 2005, pp. 4-9.



trusting relations through reciprocal cooperative interactions as was the case in the SOM. Expanding on the theoretical views presented in Chapter 1, maritime security experts offer more precise methods for bottom-up cooperation to help navigate these obstacles and develop effective cooperative strategies. Reflecting on the SCSW, Hasjim Djalal states the importance that functional cooperation takes place '[w]ithout the prejudice to territorial and jurisdictional claims.' Participants of the workshops held in the 1990s agreed in principle to relinquish questions of sovereignty and pursue cooperation for mutual benefit in disputed areas.<sup>387</sup> Zou Keyuan's analysis of proposals for joint development in the SCS illustrates the importance of scale and the need to start small. According to Zou, not all functional matters are equal in their ability to build trust. Some functional issues are more commonly vexing as they incite sovereignty concerns.<sup>388</sup> It is the small scale, non-threatening commonly shared issues that are best pursued for functional cooperation. These include issue of environmental protection and cooperation and navigational safety.

Sam Bateman, drawing on many years of experience both as an analyst and an active participant in regional functional maritime cooperation, further contributes to these recommendations. Through his examination of the ongoing stalemate in the SCS Bateman explains the value of separating out civilian and military led cooperative mechanisms, giving preference to the former. Bateman suggests that states should first employ civilian led maritime cooperation as a confidence and trust building mechanism. Civilian led efforts are more amenable in areas in which uncertainty and mistrust prevails as navies' war potential and the asymmetry of naval capabilities can exacerbate these conditions.<sup>389</sup> Over time civilian led functional efforts may come to support more comprehensive and operational forms of

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<sup>387</sup> Hasjim Djalal, Keynote Address at the Conference on Maritime Confidence Building Measures in the South China Sea, Special Report, Australian Strategic Policy Institute, Sydney, September 2013, p. 6.

<sup>388</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 102.

<sup>389</sup> Bateman, 'Maritime confidence building measures-an overview', pp. 8-11; Bateman, 'Capacity Building for Maritime Security Cooperation: What are We Talking About?' p. 16.

maritime cooperation. The merits of this logic are observable in the SOM where Track Two civilian initiatives towards navigational safety and marine environmental protection precipitated the delimitation of disputed maritime boundaries and more comprehensive and operational forms of cooperation in response to maritime piracy and concerns for potential acts of maritime terrorism. The bilateral anti-piracy patrols were leveraged upon for the 2004 creation of the trilateral MALSINDO patrols, including the 2005 Eyes in the Sky initiative, and the 2007 Cooperative Mechanism.

### **Conclusion**

Past examples of maritime cooperation in Southeast Asia demonstrate a clear preference towards bottom-up approaches. Since the late 1960s, states have capitalised on existing opportunities for maritime cooperation in Southeast Asia to improve order at sea and protect their mutual interests. During this period, functional means of maritime cooperation incrementally developed to create conditions conducive to more comprehensive and operational forms of cooperation. More formalised efforts, particularly those proposed by extra-regional states, were treated with caution due to norms of non-interference and fears of resurgent notions of colonialism. The limitations of the MALSINDO patrols and the littoral states' reticence towards US led initiatives reveal effects of sovereignty sensitivities for maritime cooperation. Provocations of sovereignty and territoriality overshadowed efforts towards functional maritime cooperation and undermined the prospects of a binding code of conduct. Isolated Track One cooperative measures in the SCS were insufficient to defuse tensions. Consequently, the SCS has remained a source of regional instability; compromising to conditions of peace and states' wider cooperative agendas for economic development and growth. In a region where political tensions run high, maritime cooperation requires pragmatism. A functional approach to cooperation which focuses on low profile common maritime security issues, such as marine environmental protection and technological and

scientific developments, and is delivered through civilian channels facilitates the incremental development of maritime cooperation. The remaining chapters of this thesis turn to the specific analysis of Japan's and China's role in maritime cooperation in Southeast Asia; applying the conceptual framework for bottom-up maritime cooperation established in Chapters 1 and 2.

## Chapter 3: The Evolution of Japan's Maritime Diplomacy

### Introduction

As a consequence of its expansive maritime interests Japan has a long history as a seagoing nation.<sup>390</sup> While Japan's maritime interests have remained its subsequent strategy has altered over the years. During the Pacific War a limited reading of Mahanian naval doctrine determined the maritime strategy of the Empire.<sup>391</sup> The Imperial Japanese Navy (IJN) invaded maritime Southeast Asia to fulfil the Greater East Asian Co-Prosperity Sphere (GEACS). It has been suggested that by comparison post-WWII Japan has relinquished its maritime thought due to its abandonment of a discernible naval doctrine and offensive capabilities.<sup>392</sup> Japan's maritime strategy, however, was not the preserve of the navy.

The peculiarities of Japan's post-WWII situation delivered a more diplomatic approach to security; starkly contrasted to the policy of the Empire. Japan's contemporary maritime strategy is more like that prescribed by Corbett than Mahan. While Mahan's strategic thinking strictly applied to the use of naval power Corbett and his disciples applied a broader brush to strategic matters of the oceans. As Geoffrey Till, an expert in maritime strategy, suggests, Corbett believed 'strategy needs to be consciously related to foreign policy' with the intention of conferring national objectives. In turn, Corbett and those attendant to his views suggested that inputs other than the navy and Seapower were relevant in maritime strategy. While the role of economics and diplomacy were not explicitly identified until much more recently, Corbett's theorising on the interface of the land forces and naval power alluded to more comprehensive maritime strategies.<sup>393</sup> The scope of maritime strategic thinking has since further evolved as times of relative peace has afforded greater scope in

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<sup>390</sup> Naoko Sajima and Kyochi Tachikawa, *Japanese Sea Power: A Maritime nations' struggle for identity*, Sea Power Centre, Canberra, 2009, p. 1.

<sup>391</sup> Toshi Yoshihara and James Holmes, 'Japanese Maritime Thought: If Not Mahan Who?', *Naval War College review*, vol. 59, no. 3, Summer, 2006, pp. 26-29.

<sup>392</sup> Yoshihara and Holmes, 'Japanese Maritime Thought: If Not Mahan, Who?', pp. 32-40.

<sup>393</sup> Geoffrey Till, *Sea Power: A Guide for the Twenty First Century*, Frank Cass, Southgate, 2004, pp. 47-54.

thinking about means by which states' may best seek to protect their maritime interests. As such, modern conceptions of maritime strategy are not solely predicated on military means. Corresponding to this view, Japan's post-war maritime strategy is more than a naval strategy. Under the guidelines of its diplomatic foreign policies and dual hedging strategy between 1945 and 2014 Japan determinedly pursued a cooperative maritime strategy in Southeast Asia. Maritime security expert Euan Graham suggested that '[t]wo key documents set the foundation for [Japan's] post-war security the November 1946 Constitution and the 1951 Security Treaty between Japan and the United States'.<sup>394</sup> Under the auspices of its dual hedging strategy Japan appealed to both the constitution and the alliance. Consistent with constructivist arguments outlined in Chapter 1, Japan's post-war identity and interests was informed by both material and ideational factors. Constitutional demands and societal norms and values coalesced to support Japan's dual hedging strategy. This was first manifest in Japan's post-war foreign policy doctrine, named after Prime Minister Yoshida, whereby the US alliance was actively pursued by Japan as a measure for its military security but 'soft-pedalled' in order to conjure domestic support and cooperative partnerships in East and Southeast Asia for its political and economic security as a hedge against uncertainty regarding the US commitment to the region.<sup>395</sup> This strategy was applied to the maritime sector whereby Japan made limited concessions to the alliance to hedge against potential aggression while also engaging in maritime cooperative initiatives with regional partners to hedge against ambiguity in the alliance. For its regional maritime cooperation Japan's preference was towards non-threatening commonly shared issues that affected good order at sea, namely measures for sustainable fisheries; reflective of bottom-up approaches.

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<sup>394</sup> Euan Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, Routledge, Japanese Studies Series, Oxon, 2006, p. 91.

<sup>395</sup> Richard J. Samuels, 'New Fighting Power: Japan's Growing Maritime Capabilities and East Asian Security', *International Security*, vol. 32, iss.3, 2007/2008, p. 88.

Japan's maritime diplomacy was bolstered by the adoption of the Fukuda Doctrine and the Comprehensive Security Strategy in the late 1970s which likewise gave precedence to non-military strategies and non-traditional security challenges.<sup>396</sup> The Nixon shock of 1972, whereby the US formally recognised China and demanded more from its allies in Asia, set Japan down the path to the Fukuda Doctrine. With a question mark over the continuing presence of the US in East Asia, Japan hedged. The Fukuda Doctrine gave priority to trust building and the development of 'heart-to-heart relationships' with the ASEAN states for which greater maritime cooperation was pursued.<sup>397</sup> Now a friend of the allied West, Japan pursued further maritime cooperation with China in the ECS. All the while, however, Japan remained committed to the alliance to provide assurance against communist aggression and uncertainty regarding China's intentions as it began its re-emergence. Similarly, Japan's 2007 Basic Act on Ocean Policy prescribed functional maritime cooperation for good order at sea.<sup>398</sup>

Japan's dual hedging was similarly manifest in the development and force structure of its maritime capabilities. Over the period of 1945 to 2014, the JMSDF and Japanese Maritime Safety Agency (MSA)/Japan Coast Guard (JCG) acquired considerable capabilities. Despite Japan's wartime legacy, this development took place without provoking fear in Japan's cooperative partners. The incremental and low-profile development of the JMSDF and the JCG reflected both Japan's commitment to the alliance and engagement in Southeast Asia. Furthermore, the benign image of Japan's maritime capabilities was favourable to positive perceptions; serving as an effective means of delivery for Japan's maritime cooperation.

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<sup>396</sup> Eric Heginbotham and Richard J. Samuels, 'Japan's Dual Hedge', *Foreign Affairs*, vol. 81, no. 5, September/October 2002, p. 111.

<sup>397</sup> Lam Peng Er, 'The Fukuda Doctrine: Origins, ideas and praxis', in Lam Peng Er (ed.), *Japan's Relations with Southeast Asia: The Fukuda Doctrine and Beyond*, Routledge, Oxon, 2013, p. 13.

<sup>398</sup> Government of Japan, 'Basic Act on Ocean Policy', Act no. 33, 27 April 2007, pp. 1-4.

It is the purpose of this chapter to reveal the evolution of Japan's maritime strategic thinking and, in turn, the development of its disposition towards maritime cooperation between 1945 and 2014. First the author outlines and examines Japan's maritime interests and how they informed its dual hedging strategy. Included in this section is an examination of Japan's unique understanding and application of sovereignty as it also guides the development of this diplomatic maritime strategy. A detailed discussion of Japan's dual hedging strategy follows so as to identify its constitutive factors and the manner in which it informed the evolution of Japanese maritime diplomatic strategy. This discussion is broken down into three periods made distinct by changes to Japan's defence doctrine and security policy. Each of these chronological sections outlines the progression of Japan's dual hedging strategy and its subsequent maritime cooperation with both the US and Southeast Asia.

### 3.1: Japan's Dual Hedging Strategy

Japan's expansive maritime interests are informed by its geographical characteristics. For Japan, the oceans are both a source of potential threat and prosperity. As an island state Japan's defence is contingent upon its surrounding maritime domain. Japan's defence of its surrounding maritime spaces is complicated by maritime and territorial disputes in this area. In 1945, following the bombings of Hiroshima and Nagasaki, The Soviet Union attacked Japan's Sakhalin and Kurile Islands.<sup>399</sup> Ownership of the Kurile Islands has remained to be held in dispute by Japan and Russia.<sup>400</sup> Likewise, Japan's claim to the Takeshima islands, located in the Sea of Japan, is disputed by South Korea, who alternatively refers to these islands as Tokdo. The lack of mention of the Takeshima islands in the San Francisco Peace Treaty of 1951 left the ownership of the islands to be disputed by Japan and South Korea.<sup>401</sup>

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<sup>399</sup> Sharon Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice*, Clarendon Press Oxford, New York, 2003, p. 175.

<sup>400</sup> Bruce A. Elleman, Michael R. Nichols and Matthew J. Ouimet, 'A Historical Reevaluation of America's Role in the Kuril Islands Dispute', *Pacific Affairs*, vol. 71, no. 4, Winter 1998-1999, p. 489.

<sup>401</sup> Seokwoo Lee, 'Dokdo: The San Francisco Peace Treaty, International Law on Territorial Disputes, and Historical Criticism', *Asian Perspectives*, vol. 35, 2011, pp. 361-363.

Furthermore, since the 1950s, Japan and China have been embroiled in a maritime territorial dispute over the Senkaku/Diaoyu Islands chains in the ECS.<sup>402</sup> While China does not formally dispute Japan's claim to the Ryukyus islands, there have been concerns that China harbours designs for this island chain that would allow it a foothold in the first island chain. According to Euan Graham, defence of these islands and ECS are important to protect Japan's ownership of the Ryukyus and keep China out of the first island chain.<sup>403</sup> Furthermore, Japan's sustained occupation of the islands helps to secure its unfettered access to marine resources in this area. With sparse agricultural land, the surrounding maritime domain is an important source of Japan's food security. Japan's offshore maritime areas, particularly the ECS, are a rich source of marine food stocks for Japan's domestic population.<sup>404</sup> Japan's offshore fishing industry is also an important employer for Japanese nationals.<sup>405</sup> Disputes over access to fishing grounds in this island chain have been common place between Japan and China.<sup>406</sup> Furthermore, prospective energy reserves in the ECS could help supplement Japan's energy supplies; reducing dependency on Persian Gulf oil and LNG imports.<sup>407</sup> Japan's resource needs, including both fish and hydrocarbons, are also

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<sup>402</sup> The Japanese name for this East China Sea Island chain is Senkaku, while the Chinese refer to these islands as the Diaoyu Islands. The Ministry of Foreign Affairs Japan, 'Japan-China Relations: Current Situation of Senkaku Islands', May 2013, <<http://www.mofa.go.jp/region/asia-paci/senkaku/>> accessed 4 June 2013; Embassy of the People's Republic of China in Ghana, 'The Diaoyu Islands and China-Japan Relations', <<http://gh.china-embassy.org/eng/xwdt/t1000124.htm>> accessed 4 June 2013.

<sup>403</sup> Euan Graham, 'Abe's Defence Policy: Leveraging the 'Senkaku Effect'', *RSIS Commentaries*, 8 February 2013, p. 2.

<sup>404</sup> M. Hotto, 'The Sustainable Contribution of Fisheries to Food Security in Japan', in *Sustainable Contribution of Fisheries to Food Security*, UN FAO, December 2000, p. 36; James Manicom, *Bridging Troubled Waters: China, Japan, and Maritime Order in the East China Sea*, Georgetown University Press, Washington DC, 2014, pp. 68-69.

<sup>405</sup> Manicom, *Bridging Troubled Waters: China, Japan, and Maritime Order in the East China Sea*, p. 69.

<sup>406</sup> Jean-Marc F. Blanchard, 'Economic and Asia-Pacific Region Territorial and Maritime Disputes: Understanding the Political Limits to Economic Solutions', *Asian Politics and Policy*, vol. 1, no. 4, 2009, pp. 686-692; Manicom, *Bridging Troubled Waters: China, Japan, and Maritime Order in the East China Sea*, pp. 70-71; Ralf Emmers, *Geopolitics and Maritime Territorial Disputes in East Asia*, Routledge, Oxon, 2010, p. 57.

<sup>407</sup> US EIA, 'East China Sea', 25 September 2012, <<http://www.eia.gov/countries/regions-topics.cfm?fips=ecs>> accessed 12 May 2014.



thought to explain its interests in the Takeshima islands which, as Ralf Emmers explains, hold no real strategic benefit.<sup>408</sup>

For Japan, these islands and their surrounding maritime zones are also given their value by ideational factors, namely nationalism. As Emmers further explains '[b]eyond its physical nature, territory takes on significance for the nationalist meaning ascribed to it.'<sup>409</sup> Japanese nationalist groups have been active in promoting Japan's claims in the area.<sup>410</sup> The effect of nationalism is also evident in the ECS where China and Japan are encouraged by the poignancy of the history of their bilateral relations.<sup>411</sup>

The more removed waters of Southeast Asia are also of profound importance to Japan's security and prosperity. Japan's economic and energy security is reliant upon sea lane security. Southeast Asia sea lanes are the primary conduit for goods on course to and from Japan.<sup>412</sup> Japan's dependency on regional sea lanes increased considerably after WWII as its post-war economic recovery was reliant upon access to foreign markets.<sup>413</sup> Sea lane security similarly underwrites Japan's energy security. Unable to independently meet its domestic energy needs, Japan has had to rely on foreign sources and seaborne trade. The oil rich countries of the Middle East supply Japan with 90 per cent of its oil needs.<sup>414</sup> These energy supplies pass through sea lanes extending through Southeast Asia. Southeast Asian sea lanes

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<sup>408</sup> Ralf Emmers, 'Japan-Korea and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Natural Resources', *RSIS*, 10 November 2010, pp. 15-19.

<sup>409</sup> Emmers, 'Japan-Korea and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Natural Resources', p. 4.

<sup>410</sup> Emmers, 'Japan-Korea and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Natural Resources', p. 24.

<sup>411</sup> James Manicom, 'Growing Nationalism and Maritime Jurisdiction in the East China Sea', *China Brief*, vol. 10, iss. 21,

<[http://www.jamestown.org/programs/chinabrief/single/?tx\\_ttnews\[tt\\_news\]=37072&cHash=1f043cfa8d#.VYd cB0bD\\_LI](http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews[tt_news]=37072&cHash=1f043cfa8d#.VYd cB0bD_LI)> accessed 22 June 2015.

<sup>412</sup> Bateman, Ho and Chan, 'Good Order at Sea in Southeast Asia', p. 10.

<sup>413</sup> Joshua Ho, 'The Security of Sea lanes in Southeast Asia', *Asian Survey*, vol. 46, no. 4, July/August 2006, p. 561; Saburō Ōkita, 'Economic Growth of Post-War Japan', *The Developing Economies*, vol. 1, Issue Supplement, 1962, pp. 1-13.

<sup>414</sup> The Federation of Electric Power Companies of Japan, 'Japan's Energy Supply Situation and Basic Policy', <[http://www.fepec.or.jp/english/energy\\_electricity/supply\\_situation/](http://www.fepec.or.jp/english/energy_electricity/supply_situation/)> accessed 31 July 2013.

also transport valuable natural resources including oil, and rubber to Japan.<sup>415</sup> Furthermore, Southeast Asian fishing reserves have long been a key source of food protein for Japan. As early as the nineteenth century and before the creation of steam powered vessels, Japanese fishers were operating sail powered beam trawlers in the waters of Manila Bay. At this time Japan's fishing was of subsistence levels.<sup>416</sup> Following the introduction of diesel powered vessels and other technological advancements in the fishing industry in the late 1920s and early 1930s Japan's fishing activities expanded further down into Southeast Asia.<sup>417</sup> Japanese fishing companies operating in Southeast Asia became a key area of employment for Japanese citizens as they began to supply local markets with marine food produce.<sup>418</sup>

Due to its array of interests in the region, throughout its history Japan has sought to maintain a presence in maritime Southeast Asia. Japan's presence in Southeast Asia, as the juncture between the Indian and Pacific Oceans, carries considerable strategic benefits. Though its interests have largely remained consistent from the pre-war to post-war era, Japan's chosen means by which to fulfil these interests varied markedly between these times. Translations of official documents produced by the Navy's research committees, provided by Joyce Lebra, reveal Imperial Japan's interests in extending its influence in Southeast Asia as a means to satisfy its demand for resources.<sup>419</sup> Likewise A. Grajdanev's 1943 article in *Pacific Affairs* outlined the strategic imperative the Japanese Empire attached to Southeast Asia as a means to fulfil the GEACS.<sup>420</sup> Others suggest that Japan's declaration of war on Southeast Asia was

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<sup>415</sup> Bronson Percival, 'Japan-Southeast Asian Relations: Playing Catch-up with China', *Comparative Connections*, vol. 8, no. 3, 2006.

<sup>416</sup> Morgan and Staples, 'The History of Industrial Marine Fisheries in Southeast Asia', p. 7.

<sup>417</sup> Morgan and Derek J. Staples, 'The History of Industrial Marine Fisheries in Southeast Asia', pp. 6-7.

<sup>418</sup> Yoshitada Murayama, 'The Pattern of Japanese Economic Penetration of the Prewar Netherlands East Indies', in Saya S. Shiraishi and Takashi Shiraishi, *The Japanese in Colonial Southeast Asia*, Cornell University Press, New York, 1993, pp. 79-80.

<sup>419</sup> Joyce Lebra (ed.), *Japans Greater East Asia Co-Prosperity Sphere in World War II*, Oxford University Press, 1975, pp. 57-63.

<sup>420</sup> A. J. Grajdanev, 'Japan's Co-Prosperity Sphere', *Pacific Affairs*, vol. 16, no. 3, September 1943, pp. 311-323.

determined by its unique reading of Mahanian naval logic.<sup>421</sup> Maritime Security experts Toshi Yoshihara and James Homes suggest that Japan's approach to resource security during WWII resulted from the Imperial Japanese Navy's (IJN) selective reading of Mahanian naval strategy. Consideration paid to Mahan's naval doctrine was evidenced by Japan's subsequent mercantilist rationalisation of sea power.<sup>422</sup>

Consequently, aggressive maritime strategies were employed under the Japanese Empire under the policies of the GEACS to secure Japan's maritime interests. The IJN was tasked with expanding the Japanese Empire down into Southeast Asia to secure access to valuable resources and sea lanes.<sup>423</sup> As prescribed by the Japan's Co-Prosperity Sphere natural resources indigenous to Southeast Asia were required in order to fulfil Japan's larger strategic objective: defeating China.<sup>424</sup> Indonesia, Malaysia and Singapore were all invaded by the Japanese as they moved the battle lines down into the Pacific during World War II.<sup>425</sup> In December 1941 Japan invaded Malaya. Two months later after bitter fighting down the Malay Peninsula Japan seized Singapore. Approximately one month later Java had been taken by the Japanese who were now in control of the straits in their entirety and the two sides of the Straits were again unified, albeit temporarily.<sup>426</sup> The atrocities committed by the Japanese against the indigenous peoples in Southeast Asia left a legacy of violence and domination and mistrust for Japan's intentions.<sup>427</sup> Japan's conquest of Southeast Asia made it a contender for power against the US and Britain that too had interests in the region. Japan's

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<sup>421</sup> Yoshihara and Holmes, 'Japanese Maritime Thought: If Not Mahan Who?', pp. 26-29.

<sup>422</sup> Yoshihara and Holmes, 'Japanese Maritime Thought: If Not Mahan Who?', p. 26.

<sup>423</sup> Paul S. Dull, *A Battle History of the Imperial Japanese Navy 1941-1945*, Naval Institute Press, Annapolis, 1978, pp. 3-6.

<sup>424</sup> Bhubindar Singh, 'Asean's Perceptions of Japan: Change and Continuity', *Asian Survey*, vol. 42, no. 2, March/April 2002, p. 279.

<sup>425</sup> Yoichiro Sato, 'U.S. and Japan in the Malacca Strait: Lending Hands, Not Stepping In', *PacNet*, Pacific Forum CSIS, no. 29A, 12 July, Honolulu, 2004, p. 1.

<sup>426</sup> Mark Cleary and Goh Kim Chuan, *Environment and development in the Straits of Malacca*, Routledge, London, 2000, p. 121.

<sup>427</sup> Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 279.

aggression in the region helped spell the end for the Japanese Empire as it was brought into retreat following the US bombings of Nagasaki and Hiroshima.<sup>428</sup>

Alternatively, in light of its wartime legacy, post-war Japan pursued its maritime interests in Southeast Asia through its non-threatening dual hedging strategy and its subsequent maritime diplomacy and cooperation. As a result of the peculiarities of its post-WWII reality, between the period of 1945 and 2009 Japan appealed to both the constitution and the alliance for its maritime security. In their depiction of Japan's dual hedging strategy Japan experts Eric Heginbotham and Richard Samuels demonstrate how concessions to the US under the alliance were balanced against the need to assure its people and neighbours that Japan has genuinely denounced offensive strategies. Consequently, while the US alliance would help provide for Japan's maritime security the security provisions of the alliance were augmented by its maritime cooperation in Southeast Asia. Subsequently, remaining in favour with both the US and Southeast Asian strategic partners would allow Japan a contingency plan in light of regional developments, namely the re-emergence of China and its maritime expansion. This multifaceted dual hedging strategy evolved from the immediate post-war period and revealed itself in the culmination of its comprehensive security policy in the late 1970s.<sup>429</sup> Japan's dual hedge is similarly manifest in the development of its maritime force structure whereby the limited development of Japanese Sea Power at the behest of the US were tempered by the domestic and regional opposition to Japanese rearmament. The capabilities of the JMSDF were limited to the degree that it could add value to the alliance while remaining in favour with its constituent and the Southeast Asian region while the civilian JCG played a supplementary role while flying under the radar of rearmament.

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<sup>428</sup> Korman, *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice*, p. 175.

<sup>429</sup> Heginbotham and Samuels, 'Japan's Dual Hedge', p. 111.

This dual hedging strategy is also reflective of Japan's understanding and application of sovereignty. Often said to be characteristic of the post-Westphalian international system, sovereignty undergirds the autonomy of states and their exclusive authority within the confines of their accepted territorial boundaries.<sup>430</sup> For Japan, the constitution and post-war occupation restricted its ability to exercise these rights afforded to sovereign states. Schmitt alternatively defines the sovereign to be 'he who decides upon the exception.' Yet, as Linus Hagström notes, '[i]n Schmittian terms, the inability to 'declare an exception' is exactly what makes Japan 'abnormal',...it would even disqualify Japan the status of a state.'<sup>431</sup> Japan's post-war statehood also defies Stephen Krasner's more flexible understanding of sovereignty, which accounts for 'compromises of Westphalian sovereignty' include instances of intervention and commitment to international institutions, analogous with rational independent decision making. Notwithstanding these variances in abstract definitions of sovereignty post-war Japan represents a unique case. Security policy was the prerogative of the US. For these reasons Japan has been described as an 'abnormal' state.<sup>432</sup> As externally imposed restrictions have relaxed Japan has pursued its sovereignty in manner characteristic of a 'normal' state. Despite their self-defence label, Japan's capabilities match those of other top defence spenders.<sup>433</sup> Military modernisation and expansion has occurred with the intention of protecting its territorial integrity. These objectives are most obviously manifested in the maritime domain where Japan has progressively pursued its sovereignty over disputed islands and maritime zones. Prime Minister Abe's decision to overturn the ban on collective self-

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<sup>430</sup> Anthony McGrew, 'Globalization and global politics', in John Baylis, Steve Smith and Patricia Owens (eds.), *The Globalization of World Politics: An Introduction to International Relations*, Oxford University Press, Oxford, 2014, p. 28.

<sup>431</sup> Linus Hagström, 'The 'abnormal' state: Identity, norm/exception and Japan', *European Journal of International Relations*, vol. 20, no. 2, 2014, p. 6.

<sup>432</sup> Hagström, 'The 'abnormal' state: Identity, norm/exception and Japan', p. 6.

<sup>433</sup> Stockholm International Peace Research Institute, Military Expenditure Database, 2013, <<http://milexdata.org>> accessed 13 June 2015.

defence further marks Japan's pursuit of the rights of an independent sovereign state.<sup>434</sup> However, still there is a prevailing overall impression of Japan as an 'abnormal' state.<sup>435</sup> These impressions are demonstrated in the ongoing discourse on Japan's path to normalisation.<sup>436</sup> Rather than pursue its full war potential as Katzenstein notes, post-war Japan has since preferred a peaceful foreign policy. The easing of external constraints has not prefaced Japan's remilitarisation as its supposed abnormalities are also culturally specific. Japan's antimilitarist and pacifist identity has caused it to adhere to a strategy with a greater cooperative and diplomatic orientation. Cultural sentiments and the composition of domestic politics perhaps remain the greatest challenge to Japan's fully fledged normality. Indeed, constitutional reform would require the approval of two thirds of members of the lower and upper houses (The Diet) as well as a majority vote in a national referendum amongst both of which there has been a general tendency towards maintaining the constitution as is.<sup>437</sup> Factors which influence both Japan's efforts towards greater normalisation and continue to support its disposition for diplomacy are observable in the evolution of Japan's dual hedging.

### 3.2: Overcoming Uncertainty: The Inception of Japan's Post-War Civilian Led Cooperative Strategy

Both material and ideational factors encouraged Japan's dual hedging strategy. In the post-war period Japan largely deferred the military component of its maritime strategy to the US as it was unable to exercise its right to force independently. The US occupation period

<sup>434</sup> Matthew Carney, 'Japan's cabinet approves changes to its pacifist constitution and allowing for 'collective self-defence'', *ABC News*, 1 July 2014, <<http://www.abc.net.au/news/2014-07-01/an-japan-constitution/5564098>> accessed 13 June 2015.

<sup>435</sup> Cheol Hee Park, 'Conservative Conceptions of Japan as a 'Normal Country'' Comparing Ozawa, Nakasone, and Ishihara', in Yoshihide Soeya, Masayuki Tadokoro, and David A. Welch (eds.), *Japan as a 'Normal Country': A Nation in Search Of Its Place in the World*, University of Toronto Press, Toronto, 2011, p. 98.

<sup>436</sup> Christian Le Mi re, 'Japanese defence forces' normalisation', *International Institute for Strategic Studies*, 5 February 2014, <<https://www.iiss.org/en/militarybalanceblog/blogsections/2014-3bea/february-f007/japan-defence-forces-acd3>> accessed 13 June 2015; Paul J. Leaf, 'Promise and Potential Peril: Japan's Military Normalization', *The Diplomat*, 4 September 2014, <<http://thediplomat.com/2014/09/promise-and-potential-peril-japans-military-normalization/>> accessed 13 June 2015; Malcolm Cook, 'Signs of normalisation as Abe stumbles', *The Lowy Interpreter*, 23 October 2014, <<http://www.loyyinterpreter.org/post/2014/10/23/Japanese-politics-Signs-of-normalisation.aspx?COLLCC=3412281570&>> accessed 13 June 2015.

<sup>437</sup> Yoshihide Soeya, Masayuki Tadokoro, and David A. Welch, 'Introduction: What is a 'Normal Country''?', in Yoshihide Soeya, Masayuki Tadokoro, and David A. Welch (eds.), *Japan as a 'Normal Country': A Nation in Search Of Its Place in the World*, University of Toronto Press, Toronto, 2011, p. 6.

signalled the beginning of Japan's pacifist trajectory and the ascendancy of civilian control over the states' defence mechanisms. A post-war examination of the causal factors leading to Japanese aggression during WWII concluded that the IJAs ability to commandeer the government of the time had led to policies of aggression. General MacArthur in a personal account described the Japanese as 'students and idolaters of war and the warrior caste'. Moreover, it was thought that having divested all power to the Emperor, who forged favourable relations with the military, the Japanese system itself stifled 'any possibility of civilian control' and influence upon decision making.<sup>438</sup> Japan's post-war Constitution was designed to prevent a repeat of its past aggression.

The Constitution, announced in 1946, stated that Japan would contribute to peace and development in the international community by actively pursuing pacifism and cooperation.<sup>439</sup> Article 66 of the constitution was designed to guarantee civilian control over all Ministries so as to diminish the influence of those who advocated for Japan's wartime aggression.<sup>440</sup> The Potsdam Declaration, issued in 1945 by Harry Truman, Winston Churchill and Chiang Kai-Shek, stated '[t]here must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest'.<sup>441</sup> Consequently, the Japanese Defense Agency (JDA) was not accorded full ministry status.<sup>442</sup> The JDA would be one more point removed from the centre of political power, with civilian leadership acting as a buffer to its direct access. Moreover, security policy would be formulated by the Ministry of Finance (MOF) Ministry of Foreign Affairs

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<sup>438</sup> Peter J. Woolley, *Japan's Navy: Politics and Paradox, 1970-2000*, Lynne Rienner, Boulder, 2000, p. 43.

<sup>439</sup> Ministry of Foreign Affairs Japan, 'Japan's ODA White Paper 2007', <<http://www.mofa.go.jp/policy/oda/white/2007/index.htm>> accessed 25 January 2012.

<sup>440</sup> Thomas U. Berger, 'From Sword to Chrysanthemum: Japan's Culture of Anti-militarism', *International Security*, vol. 17, no. 4, Spring 1993, p. 120.

<sup>441</sup> The text of the Potsdam Declaration, 26 July 1945, <<http://www.ndl.go.jp/constitution/e/etc/c06.html>> accessed 12 June 2014.

<sup>442</sup> See Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 42-43.

(MOFA), the Ministry of International Trade and Industry and the JDA.<sup>443</sup> Under Article 9 of the constitution Japan was to relinquish its right to war potential and the acquisition of offensive weaponry.<sup>444</sup>

Unable to conduct the military affairs of a normal state the alliance would play a central role in Japan's maritime strategy. Post-war Prime Minister Yoshida sought formal guarantee from the US for Japan's security. US security provisions would allow Japan to focus its financial capacity towards economic re-development and diplomacy.<sup>445</sup> Japan's post-war foreign policy was determined by its foremost interest in economic re-development for the reconstruction of its society. Japan's economic woes were compounded by the loss of traditional trading partners. The following statement recorded in Yoshida's memoirs demonstrates the priority accorded to trade for Japan's economic re-development: 'Japan is an island-nation in which a population in excess of ninety one million must be provided with a civilised standard of life. This can only be accomplished through an expanding volume of overseas trade'.<sup>446</sup> Hence Japan's economic re-development was dependent upon its access to markets in the US.<sup>447</sup>

Access to overseas resources and markets gave importance to sea lane security. It was Yoshida's intention that sea lane security would be provided by US. As argued by Euan Graham 'Yoshida believed 'that Japan should and could live as a maritime nation and that cooperation (with the US) would be the best way to acquire access to the world market and its resources and to safeguard her sea routes'. Yoshida had felt that US presence in Japan largely eliminated the threat of Soviet aggression and secured Japan's immediate maritime

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<sup>443</sup> Peter J. Katzenstein and Nobuo Okawara, 'Japan's National Security Policy: Structures, Norms and Policies', *International Security*, vol. 17, no. 4, Spring 1993, p. 92.

<sup>444</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 42-43.

<sup>445</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, p. 121.

<sup>446</sup> Hiroshi Kimura, *Japanese-Russian Relations under Brezhnev and Andropov: Distant Neighbours Volume I*, M. E. Sharpe Inc., New York, 2000, p. 37.

<sup>447</sup> Ōkita, 'Economic Growth of Post-War Japan', pp. 1-13; Stephens, 'From Phoenix to Firehazard: Perceptions of Japanese Leadership in the Asia Pacific', p. 81.



environment. Rearmament remained contentious and financially burdensome.<sup>448</sup> The alliance with the US removed the need for an independent security strategy of neutrality that would force Japan's comprehensive rearmament.<sup>449</sup> In exchange for security Japan would act as a force multiplier to the US. The US, positioned in Japan as the regional guarantor of maritime security, would help account for Japan's sea lane security and improve its maritime capacity.<sup>450</sup> Okinawa, the largest of the islands in the Ryukyu chain, was a US protectorate until 1972, when it was officially returned to Japan; although 40 percent of troops remained past this date.<sup>451</sup>

In appealing to the US for security, Japan allowed for limited rearmament to support the US in its fight against communism as a means to add value to the alliance. September 8 1951 The San Francisco Peace treaty was signed and Japan officially became an independent state and a formal ally of the US.<sup>452</sup> Defence of Japanese territory and sea lane security were foremost considerations in the signing of the San Francisco Peace Treaty.<sup>453</sup> The alliance would help confirm the US commitment to Japan's security in exchange for its sustained contribution to US grand strategy.<sup>454</sup> It was as the Cold War accelerated that the US increasingly saw merit in a modestly rearmed Japan (also called the 'reverse course'). The process had begun during the US occupation. In 1948, following the disarmament of the Japanese armed forces; the MSA began to develop from remaining elements of the IJN to serve the role of a coast guard.<sup>455</sup> The MSA was purposed to re-develop Japan's maritime capabilities purely for self-

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<sup>448</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, pp. 92-93

<sup>449</sup> Woolley, *Japan's Navy: Politics and Paradox, 1970-2000*, p. 45.

<sup>450</sup> Graham, *Japan's Sea Lane Security 1944-2004: A matter of life and death?*, pp. 90-101.

<sup>451</sup> Emma Chanlett-Avey and Ian E. Rinehart, 'The U.S. Military Presence in Okinawa and the Futenma Base Controversy', *CRS*, 3 August 2012.

<sup>452</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, p. 93.

<sup>453</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, p. 100-102.

<sup>454</sup> Emma Chanlett-Avery, 'The U.S.-Japan Alliance', CRS Report for Congress, *Congressional Research Service*, 18 January, 2011, p. 2.

<sup>455</sup> Samuels, 'New Fighting Power': Japan's Growing Maritime Capabilities and East Asian Security', p. 89; See also Graham, *Japan's Sea Lane Security 1940-2004: A matter of life and death?*, p. 99.

defence.<sup>456</sup> In 1950 General MacArthur authorised the creation of the MSA to facilitate minesweeping off the coast of Japan. Approximately 8000 former IJN personnel were formally transferred to the MSA.<sup>457</sup> As noted, however, in a document produced for the Law Library of Congress, while the letter sent from MacArthur stated that the US would ‘authorize [sic]’ the development of the MSA, there had been no request made by the Japanese.<sup>458</sup> Come the 1950s and the outbreak of the Korean War the US was increasingly concerned for the spread of communism throughout recently independent Southeast Asia; what had become termed ‘the domino theory’. Additionally, the US was now concerned that Japan too was vulnerable to communist ideology and its economic motivations, particularly during the US vacation from Japan after the onset of the Korean War. The US 24<sup>th</sup> Infantry which had occupied Japan following its defeat was sent to the Korean Peninsula, leaving Japan defenceless and at risk of Soviet invasion.<sup>459</sup> As such the US covertly requested that Japan dispatch MSA minesweeper vessels to the Korean Peninsula.<sup>460</sup> The re-development of its maritime capabilities was not without benefits to Japan. The development of the MSA also provided a response to domestic Japanese interest groups concerned about the integrity of Japanese fishing grounds.<sup>461</sup>

For reasons of its own security Japan was willing to comply with US requests for the development of its maritime capabilities. The Security Treaty with the US did not provide Japan with an iron-clad commitment that the US would guarantee Japan’s defence. Unlike the security treaties the US signed with its European partners, the Security Treaty with Japan did not contain the same language of automaticity regarding its defence. While the an attack on US troops stationed in Japan would almost certainly guarantee reprisal, under the Security

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<sup>456</sup> Yoshihara and Holmes, ‘Japanese Maritime Thought: If Not Mahan, Who?’, p. 32.

<sup>457</sup> Sajima and Kyochi Tachikawa, ‘Japanese sea Power: A Maritime Nations Struggle for Identity’, pp. 66-68.

<sup>458</sup> Author not supplied, ‘Japan: Article 9 of the Constitution’, *Law Library of Congress*, 2004, p. 9.

<sup>459</sup> Seokwoo Lee and John M. Van Dyke, ‘The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo’, *Chinese Journal of International Law*, vol. 9, no. 4, 2010, p. 748.

<sup>460</sup> Yoshihara and Holmes, ‘Japanese Maritime Thought: If Not Mahan, Who’, p. 32.

<sup>461</sup> Graham, *Japan’s Sea Lane Security 1940-2004: A matter of life and death?*, p. 99.

Treaty the US was not obliged to help guarantee Japan's defence and security. In January 1952, John Foster Dulles, Special Representative of the President in charge of negotiating the Treaty, published an article in the *Foreign Affairs* magazine in which he stated that 'the United States assumes no treaty obligation to maintain land, air and sea forces in and about Japan'. Under the treaty it was uncertain to what extent the US was willing to provide for Japan's maritime security. According to Dulles the treaty arrangement constituted 'a determination-with the concurrence and help of the peoples concerned-to make safe the offshore island chain which swings south through Japan, the Ryukyus, the Philippines, Australia and New Zealand.'<sup>462</sup> Yet, while the 1953 US Civil Administration of the Ryukus Proclamation 27 stipulated the defence of these islands the incorporation of Japan's maritime territorial claims in the ECS was ambiguous.<sup>463</sup> Japan was keen to secure its offshore territories in the ECS to protect the surrounding marine resources.<sup>464</sup> From the 1950s, Taiwanese fishing trawlers were increasingly present in the waters of the ECS.<sup>465</sup> Japan was similarly aware of the economic potential of islands situated in the Sea of Japan. Contestation of Korea's claims to the Takeshima islands was limited to competing declarations of maritime boundaries. Japan sought a diplomatic solution to the dispute; proposing that the issue be taken before the ICJ. While South Korea refused this suggestion, their alliance with the US appeared to have a mitigating effect on the disputes.<sup>466</sup>

Following the dispatch of US forces to Korea, the MSA was no longer sufficient to independently account for Japan's maritime interests. With the reallocation of US forces to Korea Japan was left defenceless. Japanese fishing vessels were routinely seized by Soviet

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<sup>462</sup> John Foster Dulles, 'Security in the Pacific', *Foreign Affairs*, vol. 30, no. 2, 1952, pp. 179-181.

<sup>463</sup> Mark. E. Manyin, 'Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations', *Congressional Research Service*, January 22, 2013, p. 3.

<sup>464</sup> Zou Keyuan, *Law of the Sea in East Asia: Issues and Prospects*, Routledge, Oxon, 2005, p. 79.

<sup>465</sup> Richard Cronin and Zachary Dubel, 'Maritime Security in East Asia: Boundary Disputes, Resources and the Future of Regional Stability', *The Stimson Center*, February 2013, p. 38.

<sup>466</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Natural Resources', pp. 2-12.

Union and ROC forces operating off Japan's coast.<sup>467</sup> Proposals to re-develop a navy gained further supporters. The transfer of US capabilities for the re-development of a Japanese navy was proposed by a US-Japan joint research committee that Yoshida agreed to establish. Yoshida was initially opposed to Japan's rearmament stating, '[w]e will not rearm'.<sup>468</sup> Suggestions to rebuild Japan's naval capacity and establish high seas convoys were denied by the Ministry of Finance; in control of defence budgets due to the notion of civilian control contained within the constitution.<sup>469</sup> The deterioration of security in Japan's maritime environment however changed this thinking. In a letter to Itoh Chubei, a steel company executive, Yoshida wrote 'in the past Japan did some crazy things. That's true. But even so, it can't be that Japan cannot even have a 'pencil sharpening knife.'<sup>470</sup> Modest Japanese rearmament had support from members of the political right and the business community. Japan's economic recovery beginning in the early 1950s had increased its reliance on natural resources and sea lanes throughout Southeast Asia. In 1952, Japanese policy advisors, echoed by naval personnel and members of the business community, advocated for the redevelopment of the navy for the protection of Japan's economic and maritime interests. Naval strategists independent analysis of Japan's security priorities provided to the inter-ministerial committee tasked with government policy ranked sea lane security high on the agenda. Prime Minister Yoshida faced pressure and criticism from factions of his own conservative party to revise the constitution to allow for a more comprehensive rearmament program.<sup>471</sup> The Korean War and the regional ideological conflict served as the conservatives' justification for rearmament.<sup>472</sup> Consequently, Yoshida agreed to greater burden sharing principles in exchange for the transfer of US capabilities to Japan. Vessels

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<sup>467</sup> James E. Auer, *The Postwar Rearmament of the Japanese Maritime Forces, 1945-1971*, Praeger Publishers, New York, 1973, pp. 70-81.

<sup>468</sup> Auer, *The Postwar Rearmament of the Japanese Maritime Forces, 1945-1971*, p. 98.

<sup>469</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, p. 121.

<sup>470</sup> Quoted in Auer, *The Postwar Rearmament of the Japanese Maritime Forces, 1945-1971*, p. 81.

<sup>471</sup> Dionisopoulos, 'Revisionist tendencies in Post-Occupation Japan', p. 798.

<sup>472</sup> Dionisopoulos, 'Revisionist tendencies in Post-Occupation Japan', p. 795.

transferred from the US to Japan's Maritime Safety Force (MSF), an appendage of the MSA, in 1952 and 1953 would form the 'nucleus' of Japan's future navy.<sup>473</sup> In 1954 the Yoshida government passed legislation to amend the MSF from which the JMSDF was established.<sup>474</sup> The 1954 Bill to establish the SDF 'obliged' Japan to increase its defensive capacity.<sup>475</sup>

While deferring to the US for its military-led maritime security, Japan began to develop a cooperative strategy to supplement the uncertain provisions of the alliance. Promulgated under post-war Japan's first democratically elected leader, Prime Minister Shigeru Yoshida, this foreign policy directive became commonly referred to as the Yoshida Doctrine. Diplomacy and cooperation would alternatively be employed for national defence. The Yoshida Doctrine would be run across all foreign policy areas. Strictly adhering to the military limitations presented in the constitution, Japan would largely abstain from matters of military security and focus its efforts on economic re-development.<sup>476</sup> Japan's economic redevelopment hinged upon access to foreign resources and markets. Japan's wartime strategy and the loss of its territorial outposts were costly.<sup>477</sup> More positive relations with key Southeast Asian states were needed to satisfy Japan's appetite for resources. In a speech delivered before the Japanese Diet in 1951, Yoshida provided his assurance that post-war Japan had forever renounced military aggression.<sup>478</sup>

Japan's disposition for cooperation was not only an imposition but reflected societal norms and values. Japan's cooperative credentials predated the war. Imperial Japan was a keen

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<sup>473</sup> Auer, *The Postwar Rearmament of the Japanese Maritime Forces, 1945-1971*, pp. 86-95.

<sup>474</sup> Auer, *The Postwar Rearmament of the Japanese Maritime Forces, 1945-1971*, p. 99; Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, p. 42.

<sup>475</sup> Author not supplied, 'Japan: Article 9 of the Constitution', p. 14.

<sup>476</sup> Kenneth B. Pyle, *The Japanese question: power and purpose in a new era*, Second Edition, the American Enterprise Institute Press, Washington D. C, 1992, pp. 20-21.

<sup>477</sup> Alex Stephens, 'From Phoenix to Firehazard: Perceptions of Japanese Leadership in the Asia Pacific', PhD Thesis, Flinders University of South Australia, 2006, p. 80.

<sup>478</sup> Shigeru Yoshida, Extract from a Speech to the Japanese Diet by the Prime Minister, Presenting the Peace Treaty for Ratification', October 1951, <<http://www.niraikanai.wvma.net/pages/archive/yoshida51.html>> accessed 15 May 2013.

internationalist at the League of Nations. During the inter-war period Japan committed to international cooperation and collective security. Japanese officials in support of Japan's accession to the League espoused a true belief in principles of non-aggression and liberal internationalism. Woodrow Wilson's popularity amongst officials was representative of these ideals in Japan. Cooperation was also considered economically advantageous. Positive relations were needed to help expand Japanese trade and disarmament would allow economic resources to be re-directed for domestic purposes. While some stood opposed to the League of Nations on the basis that it was a European club designed to protect the interests of these powers, its proponents argued won out. Japan participated in the Paris Peace Conference where the League of Nations was established; becoming a charter member of the League and a permanent member of its Council. During its tenure in the League Japan held a number of important posts, including one as under-secretary. Likewise Japan actively participated in many of the League's affiliated bodies such as the Permanent Court of International Justice (PCIJ) where Japan was elected to the panel of judges. Japan also provided substantial financial assistance to the League; equal with Italy and only outranked by Britain, France and Germany. Come the late 1920s, however, principles of internationalism in Japan began to recede. Facing discrimination from America, Japan believed the League had failed to promote tolerance and cooperation outside of the European theatre and that it was merely a guise for the interests of transatlantic powers. Japan left the League in February 1933 following condemnation of its invasion of Manchuria. From this time and throughout the war principles of cooperation and collective security were widely condemned in Japan; allowing way for offensive power maximisation strategies.<sup>479</sup>

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<sup>479</sup> Thomas W. Burkman, 'Japan and the League of Nations: An Asian Power Encounters the 'European Club'', *World Affairs*, vol. 158, no. 1, 1995, pp. 45-55.

The effects of the war returned Japan's tendency for cooperation. Post-war Japan was staunchly anti-militarist and wholly embraced the democratic norms of the allied forces.<sup>480</sup> The drafting of the constitution was a joint undertaking by the US dominated Supreme Command of the Allied Powers (SCAP) and the Japanese. Japanese scholars and politicians, particularly those from Prime Minister Shidehara's cabinet, had considerable input in the drafting of the final document. In fact, historical accounts suggest that the 'no war' clause was included at the recommendation of Shidehara, rather than MacArthur as is often suggested.<sup>481</sup> The profoundly negative consequences of the war for Japanese society provided fertile grounds for Japanese antimilitarism. Over two and a half million Japanese people lost their lives during the course of WWII. The militaristic rule under the Empire and the devastating international retaliation to Japan's aggression weighed heavily in the minds of Japanese people. The US occupation of Japan after 1945 exacerbated the resentment of the Japanese people towards the IJA.<sup>482</sup> In turn, the Japanese citizenry and many politicians supported the strict pacifist constitution as a restraint of Japan's future aggression.<sup>483</sup> According to International Relations scholars J. Patrick Boyd and Richard Samuels the institutionalisation of a pacifist military culture through Japan's post-war constitution led to the development of 'a set of culturally defined norms and perceptions constituting an aversion to the use of the military in foreign affairs.'<sup>484</sup> Yoshida likewise demonstrated a preference towards a more diplomatic course for Japan. A letter sent by Yoshida to MOFA official Kurusu Saburo reveals his disapproval of the strategy of the Empire. In reference to the downfall of the military Yoshida wrote, 'I can gloat a bit, and tell them, it serves you right'. Speaking of Japan's recovery from the war Yoshida expressed optimism for a new

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<sup>480</sup> Sajima and Kyochi Tachikawa, 'Japanese Sea Power: A Maritime Nation's Struggle for Identity', pp. 63-68.

<sup>481</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 42-43.

<sup>482</sup> Berger, 'From Sword to Chrysanthemum: Japan's Culture of Anti-militarism', p. 120

<sup>483</sup> J. Patrick Boyd and Richard J. Samuels, 'Nine lives?: The Politics of Constitutional Reform in Japan', East-West Center, Washington D.C, 2005, p. 30.

<sup>484</sup> Boyd and Samuels, 'Nine lives?: The Politics of Constitutional Reform in Japan', p. 16.

course for security bereft of aggression.<sup>485</sup> It was not only the Japanese domestic public and leadership that were to approve of the post-war governments' pacifist remodelling. Many states, particularly those that suffered at the hands of the Japanese Empire harboured similar distrust for the Japanese military.<sup>486</sup> This sentiment towards Japan was best embodied in a speech by Lee Kuan Yew whereby he claimed '[w]e can forgive but we are unlikely to forget'.<sup>487</sup> Aggrieved by Japan's wartime aggression, Southeast Asian states sought considerable reparations from Japan.

In 1954 Japan became a member of the League's successor, the United Nations. Prime Minister Yoshida had attended the Peace Conference in 1934 at which the League of Nations was established.<sup>488</sup> As the dust settled on the US occupation and Japan's economy began to recover it commenced its economic engagement and cooperation in maritime Southeast Asia. Japan's economic engagement in Southeast Asia was encouraged by the US as it cautioned against Japan's dependency on US aid.<sup>489</sup> The first of Japan's economic initiatives to Southeast Asia came in the form of war reparations in 1954. Japan was, however, allowed to fulfil its reparations commitments in the form of its goods and services and thus the reparations served to enhance its trading potential.<sup>490</sup> Japan also extended technical and economic assistance to Southeast Asia for these purposes. Proceeding to pay reparations would help improve states' perceptions and assist in fostering greater trade and political

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<sup>485</sup> Letter from Yoshida Shigeru to Kurusu Saburo, 27 August 1945, Modern Japan in Archives, National Diet Library, <<http://www.ndl.go.jp/modern/e/cha5/description01.html>> accessed 16 May 2014.

<sup>486</sup> Nicholas Tarling, *A Sudden rampage: The Japanese occupation of Southeast Asia 1941-1945*, The University of Hawaii Press, Hawaii, 2001, p. 124; Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 279.

<sup>487</sup> Tze M. Loo, 'Historical Reconciliation in Southeast Asia; Notes from Singapore', in Jun-Hyeok Kwak and Melissa Nobles (eds.), *Inherited Responsibility and Historical Reconciliation in East Asia*, Routledge, Oxon, 2013, p. 97.

<sup>488</sup> Burkman, 'Japan and the League of Nations: An Asian Power Encounters the 'European Club'', p. 56.

<sup>489</sup> Howard B. Schonberger, *Aftermath of War: Americans and the Remaking of Japan 1941-1952*, Kent State University Press, Ohio, 1989, p. 282.

<sup>490</sup> Tatsuya Watanabe, 'History of Japan's ODA in brief', in *Fifty Years Of Japan ODA*, Reality of Aid Asia-Pacific 2005 Report, IBON Books, Manila, 2005, pp. 3-4.



relations with the resource rich Southeast Asian states.<sup>491</sup> Japan extended further economic diplomatic efforts towards the maritime Southeast Asian states in a bid to secure its interests in the sub-region. It provided grant aid to Cambodia, Laos, Thailand, Malaysia and Singapore with favourable terms so as to encourage economic cooperation by assisting in the development of industries that were complementary to Japan's economy.<sup>492</sup> Figure 3.1 shows all of Japan's war reparations to the region and the amount given to each state.

**Figure 3.1: Japan's Reparation and Grants to Southeast Asia**

Country	Year of Agreement	Settlement (USD)	Payment Period
Burma	1954	\$340million	1955-1965
Thailand	1655	\$26.7 million	1962-1970
Philippines	1956	\$550 million	1956-1966
Indonesia	1958	\$223 million	1958-1970
Laos	1958	\$2.8 million	1959-1961
Cambodia	1959	\$4.2 million	1959-1961
South Vietnam	1959	\$390 million	1960-1965
Singapore	1967	\$8.2 million	1968-1972
Malaysia	1967	\$8.2 million	1968-1972
Vietnam	1975	\$23.6 million	1975-1978

Source: Ministry of International Trade and Industry, *Kokusai Kyoryukuno Genjo to Mondaiten*, 1986, pp. 320-322 in D. Arase, *Buying Power: The Political Economy of Japan's Foreign Aid*, Lynne Reiner, Boulder, 1995, p. 29.

<sup>491</sup> Benjamin L. Self, 'Confidence-Building Measures and Japanese Security Policy', in *Investigating Confidence-Building Measures and Japanese Security Policy*, The Henry L. Stimson Center, 1999, p. 32.

<sup>492</sup> Riei Nagase, 'Basic Information on Japan's ODA for the last 50 years', in *Fifty Years Of Japan ODA: A critical Review for ODA reform*, Reality of Aid Asia-Pacific 2005 Report, IBON Books, Manila, 2005, pp. 7-8.

Advancing its economic engagement, Japan began its Official Development Assistance (ODA) to the region in 1954.<sup>493</sup> Japan largely utilised its ODA as a means to develop resources and gain access to complementary markets and to further its economic opportunity at the direction of its ‘resource diplomacy’.<sup>494</sup> Indonesia’s possession of valuable natural resources made it a primary destination of Japanese ODA. Indonesia soon became the primary recipient of Japanese ODA in Southeast Asia.<sup>495</sup> ODA was the preferred method of economic assistance of the MOFA for which the key objective was to promote Japan as a good international citizen. Other compartments of the bureaucracy affected Japan’s foreign policy. The Ministry of International Trade and Industry (MITI), larger than MOFA, too influenced policies of economic assistance. The MITI opposed the MOFA policies of untied aid in favour of aid to support domestic industries and export led economic growth.<sup>496</sup> The 1958 White Paper on Economic Cooperation criticised policies of aid stating, ‘benevolent cooperation based on friendship and goodwill generated by a political diplomatic initiative will invite suspicion on the side of less developed countries with regard to the political intention behind it’ instead recommending mutually beneficial economic cooperation.<sup>497</sup> The preferences of MITI were better illustrated in Japan’s energy strategy encouraged greater relations with exporters of oil and natural gas to fulfil its demand for resources. The New National Energy Strategy saw a deepening of its economic relations between Japan and Indonesia as Japan directly assisted in developing the Indonesian LNG industry.<sup>498</sup>

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<sup>493</sup> Watanabe, ‘History of Japan’s ODA in brief’, p. 4.

<sup>494</sup> Isaac Shapiro, ‘The Risen Sun: Japanese Gaullism?’, *Foreign Policy*, no. 41, 1980-1981, p. 74.

<sup>495</sup> Narongchai Akkrasane and Apichart Prasert, ‘The Evolution of ASEAN-Japan Economic Cooperation’, in *ASEAN-Japan Cooperation: A Foundation for East Asian Community*, Japan Centre for International Exchange (ed.), 2003, p. 67.

<sup>496</sup> Suetō Sudo, *The Fukuda Doctrine and ASEAN: New Dimensions in Japanese Foreign Policy*, Institute of Southeast Asian Studies, Singapore, 1992, p. 16.

<sup>497</sup> Quoted in Jin Sato, ‘The Benefits of Unification Failure: Re-examining the Evolution of Economic Cooperation in Japan’, Working Paper no. 87, *JICA Research Institute*, February 2015, p. 9.

<sup>498</sup> David A. Stott, ‘Japan’s Fragile Relations with Indonesia and the Spectre of China’, *Japan Focus*, 4 May 2008, <[http://www.japanfocus.org/-David\\_Adam-Stott/2739](http://www.japanfocus.org/-David_Adam-Stott/2739)> accessed 11 June 2011.

So as to manage these dual objectives Yoshida applied a strict reading of the constitution so as to balance Japan's interests, arguing that Japan did not reserve the right to self-defence.<sup>499</sup> Japan's war potential was a domestically divisive issue and the Japanese public 'had to be brought along slowly'.<sup>500</sup> Japan subsequently, leveraged the constitution to support its dual hedging strategy. A conservative interpretation of the constitution was designed to help alter negative perceptions of the Japanese state and mistrust regarding its strategic motivations.<sup>501</sup> Appealing to pacifism would allow Japan to make limited concessions to the US without compromising its diplomatic and economic objectives in Southeast Asia.<sup>502</sup> In seeking to position its alliance with the US as the cornerstone of national military defence policy without conceding to the demands of the US, the post-war Yoshida government appealed to Article 9 of the pacifist constitution, acting to place more constraints on Japan's right to an armed force; winning the favour of the general population and its neighbours.<sup>503</sup> In relation to negotiations with the US regarding the provision of the security treaty, Miyazawa Kiichi, lieutenant under Yoshida and later Japanese Prime Minister (1991-1993), spoke of the benefits of the constraints contained within the constitution and presented by Japan's pacifist culture in pursuing a measured approach to US requests.<sup>504</sup> Yoshida's strict interpretation of Japan's pacifist constitution was employed in response to US pressures for Japan's greater rearmament. The reading of the constitution by the Liberal Democratic Party (LDP) led by Yoshida would help to appease the US through limited concessions yet 'shield' Japan from repeated US requests for greater military participation.<sup>505</sup>

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<sup>499</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, p. 43.

<sup>500</sup> Samuels, 'New Fighting Power!': Japan's Growing Maritime Capabilities and East Asian Security', p. 86.

<sup>501</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 40-43.

<sup>502</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', p. 18.

<sup>503</sup> Samuels, 'New Fighting Power!': Japan's Growing Maritime Capabilities and East Asian Security', pp. 48, 86-87.

<sup>504</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', p. 26.

<sup>505</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', p. 7.

Under the 1954 interpretation a ban on collective self-defence was introduced in the post-WWII period at the bequest of the conservative LDP politicians. While the original drafters of the constitution allegedly intended for Japan to retain the right to self-defence and collective self-defence, Prime Minister Yoshida deliberately applied a more conservative interpretation of the constitution.<sup>506</sup> 1954 revisions to the Diet, allowing for the development of the SDF, included a total ban on the overseas deployments. For the JMSDF this restricted its movement to within a 1000 nautical mile zone from the Japanese coast.<sup>507</sup> The Yoshida government sought to appease both sides of politics and its constituents in allowing for the gradual creation of an SDF so limited in its ability that it would not offend.<sup>508</sup> A moderate approach to constitutional amendment helped close the gap between the ruling LDP and the Japanese Socialist Party, the largest opposition group at the time.<sup>509</sup> A low-profile defence posture would help Japan gain favour with key Southeast Asian partners. Efforts to resist normalisation would also help Japan remain on the sidelines of the Cold War. While partially complying with the US request Yoshida resisted US appeals for Japan's more comprehensive rearmament.<sup>510</sup> Its reading of the constitution allowed Japan the right to establish a limited defensive capacity that fell short of being able to engage in 'modern warfare'. Based upon this interpretation of 'war potential' and 'modern warfare' self-defence was to be defined as 'the defense [sic] of national territory'. This interpretation of the constitution would enable

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<sup>506</sup> Tsuneo Akaha, 'Beyond self defense: Japan's elusive security role under the new guidelines for US-Japan defense cooperation', *Pacific Review*, vol. 11, no. 4, 1998, p. 471; Chanlett-Avery, 'The U.S-Japan Alliance', p. 1.

<sup>507</sup> Howard Sidman, 'Rearming Japan', Masters Thesis, National Defense University National War College,, 10 April 1989, p. 22.

<sup>508</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, pp. 91-96.

<sup>509</sup> Yasuhiro Izumikawa, 'Explaining Japanese Antimilitarism: Normative and Realist Constraints on Japan's Security Policy', *International Security*, vol. 35, no. 2, 2010, p. 130; Library of Congress, 'Japan: Article 9 of the Constitution', <<http://www.loc.gov/law/help/japan-constitution/article9.php>> accessed 15 June 2015.

<sup>510</sup> Mike M. Mochizuki, 'Japan's Search for Strategy', *International Security*, vol. 8, no. 3, Winter 1983/1984, p. 153.

Japan to develop a limited military capacity to 'hedge against abandonment by the US'.<sup>511</sup>

Yoshida intended the role of the SDF forces to be largely diplomatic.<sup>512</sup>

The end of Yoshida's leadership did not mark the end of Japan's dual hedging. Successive leaders maintained the Yoshida Doctrine and Japan's corresponding cooperative strategy. Japan continued to be a key provider of ODA to Southeast Asia, also providing technical assistance to states and technological transfers that would help support its own economic ventures within these states.<sup>513</sup> In addition to providing direct aid to developing states Japan donated funds to multilateral organisations such as the World Bank the United Nations and the Asian Development Bank.<sup>514</sup> As Japan went through a period of considerable economic growth, its ODA increased in accordance. Between 1960 and 1970, the height of Japan's economic miracle, Japan became the world's second largest provider of ODA.<sup>515</sup> Figure 3.2 illustrates the Southeast Asian states located along Japan's key sea lanes as major recipients of its ODA, revealing economic cooperation as a strategy for maritime security. From the mid-1960s Southeast Asia began to feature in Japan's trade portfolio. Japan's considerable economic growth throughout the late 1960's and 1970s was encouraged by its two-way trade with Southeast Asia. Japan continued to extract resources from Southeast Asia while Japanese goods were exported to markets in Southeast Asia.<sup>516</sup> So as to protect sea lanes carrying this trade Japan provided other forms of assistance to Southeast Asian states for its sea lane security. In the late 1960s the littoral states of the Straits of Malacca, Japan's primary oil supply route, were in receipt of financial and technical assistance from Japan to improve

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<sup>511</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', p. 11.

<sup>512</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, pp. 91-96.

<sup>513</sup> M. Mosadeq Bahri, 'International Aid For Development?: An Overview of Japanese ODA to Indonesia', *Makara, Sosial Humaniora*, vol. 8, no. 1, April 2004, p. 42.

<sup>514</sup> Bahri, 'International Aid For Development?: An Overview of Japanese ODA to Indonesia', p. 41.

<sup>515</sup> Ministry of Foreign Affairs Japan, 'Japan's ODA White Paper 2007', <<http://www.mofa.go.jp/policy/oda/white/2007/index.htm>> accessed 25/01/2012.

<sup>516</sup> Suelo Sudo, *Southeast Asia in Japanese Security Policy*, Pacific Strategic Paper, Institute of Southeast Asian Studies, Singapore, 1991, p. 19.

navigational safety in the Straits.<sup>517</sup> Despite its interests in the region Japan's direct engagement in maritime affairs was, however, limited. The incarceration of the military and the prevalence of pacifist norms made it difficult for Japan to address security issues outside the confines of the alliance. Furthermore, those states that suffered under Japan's expansionism were weary of its involvement within the region. Alternatively Japan focused on non-threatening areas of mutual concern for its maritime cooperation. Japan engaged with Southeast Asian states to advance cooperative efforts to protect regional fishing stocks. In 1967 it became a member of the newly formed SEAFDEC.<sup>518</sup> Japan's maritime cooperation was not limited to Southeast Asia. In light of escalating tensions over competition for marine resources, in 1955 Japan and China implemented a fisheries agreement, jointly establishing conservation zones in the ECS.<sup>519</sup>

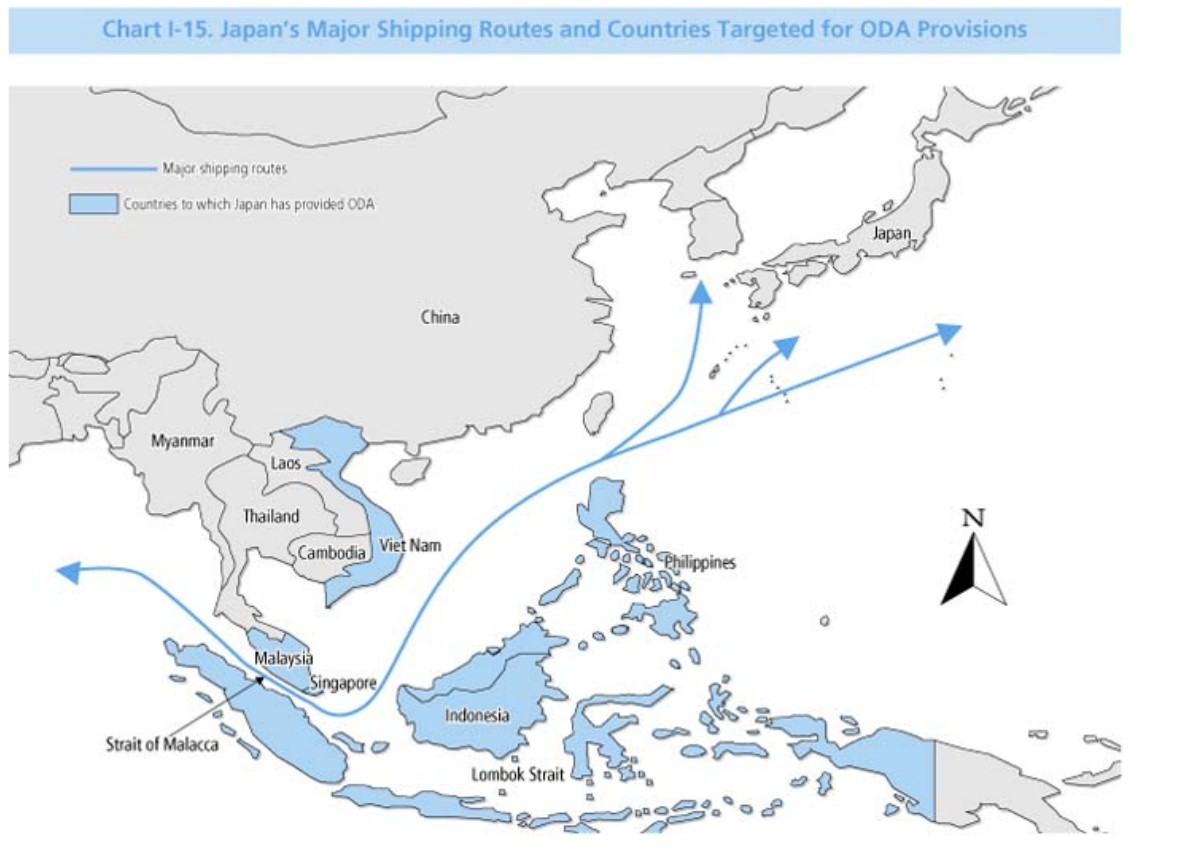
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<sup>517</sup> Michèle Piercey, 'Piracy and the risks of maritime terrorism: How significant are these threats?', Geddes Paper, *Australian Department of Defence*, 2004, p. 66; Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life and death?*, p. 163.

<sup>518</sup> Author not supplied, 'Seafdec research advances 'rabbit fish technology'', *Philippine Daily Inquirer*, 19 December, 2012, <<http://opinion.inquirer.net/43045/seafdec-research-advances-rabbitfish-technology>> accessed 1 August 2013.

<sup>519</sup> Zou Keyuan, *Law of the Sea in East Asia: Issues and Prospects*, pp. 79-80.

**Figure 3.2: Destinations of Japan's ODA in Southeast Asia**



Source: Ministry of Foreign Affairs Japan, ODA White Paper, 2006.

While fostering cooperative partnerships the Japan endeavoured to maximise the alliance for its immediate security. In 1957 The US requested Japan to deploy to Hawaii to partake in training exercises. While some publicly objected the Japanese government was in support of the mission and successfully defended the deployment claiming it to be constitutional. Hence only a few years after its inception the JMSDF was approved to deploy outside of Japanese territory. Over the coming years the JMSDF was deployed on several more training and refuelling missions. Each year the overseas missions evoked less criticism and eventually came to go unnoticed. The interpretation of the constitution to allow for the deployment of JMSDF to Hawaii in aid of the US set the precedent that JMSDF was authorized to travel abroad for training missions. The missions the JMSDF were allowed to undertake gradually

expanded. Japan later sent icebreakers to the Antarctic to aid in scientific research and undertook refuelling missions and was asked to participate in shipping escorts.<sup>520</sup>

The JMSDF assumed additional roles and capabilities under the Revisionists. The most significant attempt to revise the constitution was undertaken during Nobusuke Kishi's administration.<sup>521</sup> His efforts were similarly carried out in a bid to shore up US support for the alliance. In 1960 US commitment to the alliance was confirmed when the two respective parties signed the new historic Treaty of Mutual Cooperation and Security. The revised treaty provided assurance that the US would reciprocate Japan's efforts to aid in US defence by making provisions for Japan's defence.<sup>522</sup> The 1960 treaty provided Japan with reassurance of US reciprocal obligations for Japan's maritime security it had long sought.<sup>523</sup>

Kishi's more ambitious efforts to implement revisions to the constitution and the alliance were, however, rejected by the conservative and pacifist majority in the House of Representatives. The CLBs narrow interpretation of the constitution precluded Japanese security forces from assisting US forces under direct attack.<sup>524</sup> Japanese Socialists vehemently opposed Japanese rearmament and revisions to the constitution.<sup>525</sup> Furthermore, constitutional revisions lacked public support. Rearmament remained to be a highly contentious domestic issue. Pacifism and antimilitarism informed public sentiment.<sup>526</sup> Alternatively, Japanese scholar Yashuhiro Izumikawa believes that fear of entrapment, as promoted by the Japanese Socialists best explains the opposition to the revised security treaty. Concern that the revised treaty opened up the risk of Japan becoming engaged in irrelevant

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<sup>520</sup> Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, pp.26- 49.

<sup>521</sup> Peter J. Katzenstein and Nobuo Okawara, 'Japan's National Security: Structures, Norms and Policies', *International Security*, vol. 17, no. 4, Spring 1993, p. 100.

<sup>522</sup> Ministry of Foreign Affairs Japan, 'Japan-U.S. Treaty: Treaty of Mutual Cooperation and Security between Japan and the United States of America', 19 January 1960, <<http://www.mofa.go.jp/region/n-america/us/q%26a/ref/1.html>> accessed 17 May 2013.

<sup>523</sup> Mark. E. Manyin, 'Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations', *Congressional Research Service*, 22 January 2013, p. 4.

<sup>524</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', pp. 6-11.

<sup>525</sup> Dionisopoulos, 'Revisionist tendencies in Post-Occupation Japan', p. 798.

<sup>526</sup> Yasuhiro Izumikawa, 'Explaining Japanese Antimilitarism: Normative and Realist Constraints on Japan's Security Policy', *International Security*, vol. 35, no. 2, Fall2010, p. 131.



wars intensified public distaste for the proposed changes.<sup>527</sup> Opposition to the security treaty were again deepened when suggestions that Kishi was to employ the SDF in response to protestors. Such authoritarian measures evoked antitraditionalist sentiments supporting the promotion of democracy.<sup>528</sup> Kishi's public declaration of his intent to revise Japan's constitution provoked mass protests; the largest seen in the post-war period. Public discontent would eventually cause Kishi to step down from the leadership role. Hence even during revisionist administrations their desires to reform the constitution and US treaty were kept at bay.<sup>529</sup> Consequently, successive governments maintained the basic tenets of the Yoshida doctrine long after his departure from power.<sup>530</sup> Subsequent leaders placed further restrictions on Japan's normalisation as seen with Prime Minister Takeo Miki's imposition of the 1 per cent limit on defence expenditure.<sup>531</sup> Economic and political security would continue to take precedence over military matters. Henceforth Japan's dual hedging was sustained.

The deterioration in relations with the US provided additional encouragement for its cooperative engagement with other partners as a hedge against Soviet influence. In 1969 the US had requested that its allies assume greater responsibility in ensuring security in East and Southeast Asia, as espoused in President Nixon's Guam Doctrine. As Japan's trade surplus with the US continued to increase there were accusations within Congress that Japan was free-riding on the alliance.<sup>532</sup> Following the declaration of the Nixon Doctrine, the US defeat in Vietnam and the onset of the period of détente questions arose about the US commitment to the region and moreover, Japan's own security.<sup>533</sup> Concerns for US longevity in the region

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<sup>527</sup> Yasuhiro Izumikawa, 'Explaining Japanese Antimilitarism: Normative and Realist Constraints on Japan's Security Policy', p. 135.

<sup>528</sup> Yasuhiro Izumikawa, 'Explaining Japanese Antimilitarism: Normative and Realist Constraints on Japan's Security Policy', p. 137.

<sup>529</sup> Boyd, and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', pp. 19-26.

<sup>530</sup> Bert Edström, 'The Yoshida Doctrine and the unipolar world', *Japan Forum*, vol. 16, no. 1, June 2010, pp. 63-64.

<sup>531</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 49-50.

<sup>532</sup> Suetō Sudo, *Southeast Asia in Japanese Security Policy*, Pacific Strategic Paper, Institute of Southeast Asian Studies, Singapore, 1991, p. 12.

<sup>533</sup> Chanlett-Avery, 'The U.S.-Japan Alliance', CRS Report for Congress', p. 2.

were made more pronounced following its defeat in Vietnam and its recommendations that Japan increase its political engagement in Southeast Asia.<sup>534</sup> Having then identified Japan as the cause of its economic woes, it began to invest in greater partnerships with Southeast Asia and supplement its economic engagement with a political role for itself in the region.<sup>535</sup> The Soviet Union's maritime expansion in Southeast Asia compounded Japan's anxieties, particularly regarding its sea lane security.<sup>536</sup> Implicit in Japan's burgeoning economic growth was an increased reliance on maritime transportation.<sup>537</sup> The oil shocks of the early 1970s heightened Japan's sense of energy insecurity and the vulnerability of its sea lanes.<sup>538</sup>

Correspondingly Japan continued to extend diplomatic overtures to maritime Southeast Asia; establishing cooperative relations with ASEAN in 1973.<sup>539</sup> In addition, from the early 1970s the JCG established a number of exchange and training programs for the ASEAN states relating to matters of maritime security through the Technical Training Program.<sup>540</sup> Japan remained committed to cooperation with Southeast Asian states for its sea lane security. The 1974 Annual Report of the Transport Economy produced by the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) indicated that ODA for sea lane security was maintained stating '[f]or aid related to transport, out of government developmental aid, international aid is underway in the field of technical cooperation such as receiving foreign trainees into Japan, sending experts to developing countries and executing developing

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<sup>534</sup> Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 283.

<sup>535</sup> Berger, 'From Sword to Chrysanthemum', p. 119.

<sup>536</sup> Tsuneo Akaha, 'Japan's Response to Threats of Shipping Disruptions in Southeast and the Middle East', *Pacific Affairs*, vol. 59, no. 2, Summer 1986, p. 255.

<sup>537</sup> Ministry of Transport Japan, 'Annual Report of Transport Economy', Part II, 1973, <<https://treaties.un.org/pages/showDetails.aspx?objid=08000002800b9bd7>> accessed 10 March 2014;

'Takatoshi Ito, 'Japan and the Asian Economies: A 'Miracle' in Transition', *Brookings Papers on Economic Activity*, vol. 27, no. 2, 1996, pp. 205-206.

<sup>538</sup> Chanlett-Avery, 'The U.S.-Japan Alliance', p. 2.

<sup>539</sup> Ministry of Foreign Affairs Japan, '40<sup>th</sup> Year of ASEAN-Japan Friendship and Cooperation', 6 December 2013, <<http://www.mofa.go.jp/region/asia-paci/asean/relation/ja40/index.html>> accessed 10 March 2014.

<sup>540</sup> Andrin Raj, 'Japan's Initiatives in Security Cooperation in the Straits of Malacca on Maritime Security and in Southeast Asia: Piracy and Maritime Terrorism', *The Japan Institute for International Affairs*, Tokyo, 2009, p. 42.

exploration and also in the field of financial assistance by yen loans, gratuitous aid and reparations.<sup>541</sup>

### **3.3: Extending the Purview of Japan's Maritime Cooperative Strategy: The Fukuda Doctrine and the Comprehensive Security Strategy**

Japan's cooperative strategy further developed under the leadership of Prime Minister Takeo Fukuda. The adoption of cooperative policies prefaced Japan's greater maritime cooperation. During this period Yoshida's persisting doctrine of economic engagement in Southeast Asia was to be augmented with Prime Minister Takeo Fukuda's doctrine of political engagement. Japan's preference towards greater diplomatic engagement in Southeast Asia was evidenced in its new foreign policy doctrine. In 1977 newly elected Prime Minister Takeo Fukuda announced a new foreign policy directed at Southeast Asia; to become known as the Fukuda doctrine. Specified within the Fukuda Doctrine was a reassurance to the Southeast Asian states that Japan had forever abrogated its rights to bear force in instances other than self-defence. When announcing the adoption of the additional doctrine in Manila in August 1977, the last stop in his Southeast Asian tour, Fukuda declared Japan's commitment to peace to be its first principle. In his address Fukuda reaffirmed that Japan would not seek normalisation.<sup>542</sup>

While consistent with the Yoshida Doctrine's renunciation of militarism the Fukuda Doctrine was distinctly different in advancing political objectives in Southeast Asia. Under the Fukuda Doctrine Japan would endeavour to facilitate regional peace through its engagement in its political affairs. Japan's political engagement in Southeast Asia specifically was the second principle of the Fukuda Doctrine; vowing efforts towards fostering 'heart-to-heart' and

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<sup>541</sup> Ministry of Land, Infrastructure, Transport and Tourism, 'Annual Report of the Transport Economy', Chapter 6, 1974, <<http://www.mlit.go.jp/english/white-paper/mlit-index.html>> accessed 12 June 2014.

<sup>542</sup> Text of Prime Minister's Takeo Fukuda's Speech in Manila, 18 August 1977, See Suetō Sudo, *The Fukuda Doctrine and ASEAN: New Dimensions in Japanese Foreign Policy*, Appendix 1, Institute of Southeast Asian Studies, Singapore, 1992, pp. 241-247.

trusting relations with these states. The third principle of the Fukuda doctrine advanced Japan's willingness to pursue greater cooperation with the Southeast Asian states for regional peace and security.<sup>543</sup> Japan felt that cooperation with ASEAN could provide a regional framework for peace and stability which in turn would help secure its interests in the region by devising a leadership role. As such, trust building for the development of 'heart-to-heart relationships' was accorded priority by Fukuda.<sup>544</sup> The Tanaka riots had indicated the need for Japan to both widen and deepen its cooperative engagement. In 1974 riots broke out in Jakarta during an official visit by the Japanese Prime Minister Kakuei Tanaka in which many people took to the streets to protest 'Japan's economic over-presence'.<sup>545</sup> Japan's austere self-interested approach to economic engagement apparently vexed regional states. Southeast Asia providers of natural resources, Indonesia and the Philippines, expressed dissatisfaction towards Japan's policy of domestically refining resources as the economic benefit they received was minimal.<sup>546</sup> Bilateral and private economic initiatives were identified as a pretext for economic exploitation.<sup>547</sup> Japan believed greater cultural connections with Southeast Asia would help remedy this sentiment thus it began to establish a series of cultural exchanges and technological transfers.<sup>548</sup> What is more, the further deterioration of relations with the US, as marked by its exclusionary economic alliance with Europe, continued to

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<sup>543</sup> Ministry of Foreign Affairs Japan, 'Fukuda Doctrine', <<http://old.asean.or.jp/eng/asean40/fukuda.html>> accessed 16 May 2013; Lam Peng Er, 'The Fukuda Doctrine: Origins, ideas and praxis', pp. 12-13.

<sup>544</sup> Lam Peng Er, 'The Fukuda Doctrine: Origins, ideas and praxis', p. 13.

<sup>545</sup> Speech by Makoto Yamanaka, Ambassador of Japan to Singapore, Forum on ASEAN-Japan Cultural Relations, 24 July 2009, Singapore, <[http://www.sg.emb-japan.go.jp/bi\\_ISEASpeech\\_09.htm](http://www.sg.emb-japan.go.jp/bi_ISEASpeech_09.htm)> accessed 7 June 2011.

<sup>546</sup> Charles Morrison and Astri Suhrke, *Strategies of Survival*, University of Queensland Press, Queensland, 1978, pp. 217-218 and 257-258.

<sup>547</sup> Sueo Sudo, 'Japan-ASEAN Relations: New Dimensions in Japanese Foreign Policy', *Asian Survey*, vol. 28, no. 5, p. 512.

<sup>548</sup> Self, 'Confidence-Building Measures and Japanese Security Policy', p. 32; Akransee and Prasert, 'The Evolution of ASEAN-Japan Economic Cooperation', p. 66.

reinforce its cooperation in Southeast Asia.<sup>549</sup> Southeast Asia would come to welcome Japan's new political role in light of the US perceived drift from the region.<sup>550</sup>

Japan's cooperative strategy was again reinforced in the late 1970s, early 1980s when adopting a new and independent security policy. In 1979 Japan formally announced the Comprehensive Security Strategy.<sup>551</sup> Building upon the efforts of the previous government, in 1980 Prime Minister Suzuki commissioned the *Report on Comprehensive National Security*. This document effectively laid out a framework for Japan's security policy that was to consider economic, political and conventional military measures for security. Japan's comprehensive security policy provided a non-threatening basis for its increased regional and international engagement and its expanded defence roles and capabilities.<sup>552</sup> Maritime security was a fundamental consideration in the inception and implementation of this strategy.<sup>553</sup> The Comprehensive Security Strategy acknowledged that Japan must make sincere contributions and commitments to the Southeast Asian region that may not be taken as a pretext for Japanese interests.<sup>554</sup>

Japan and Southeast Asia's converging approaches to security expanded the grounds for maritime cooperation. From the late 1980's the Southeast Asian states gradually began to adopt a comprehensive approach to security too as the increase in regional transnational crime demanded.<sup>555</sup> The defining principle of non-interference in ASEAN and the ARF similarly supported a more comprehensive approach to security as cooperative military

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<sup>549</sup> Akransanee and Prasert, 'The Evolution of ASEAN-Japan Economic Cooperation', pp. 67-68

<sup>550</sup> Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 286.

<sup>551</sup> Akaha, 'Japan's Comprehensive Security Policy', p. 324.

<sup>552</sup> David B. Dewitt, 'Common, Comprehensive and Cooperative Security in Asia-Pacific', CANCEPS Papers, no. 3, *Canadian Consortium on Asia Pacific Security*, March 1994, p. 3.

<sup>553</sup> David Rosenberg, 'Dire Straits: Competing Security Priorities in the South China Sea', *Japan Focus*, 13 April 2005, <<http://japanfocus.org/-David-Rosenberg/1773>> accessed 25 November 2011.

<sup>554</sup> Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 284.

<sup>555</sup> Alfred Gerstl, 'The Changing Notion of Security in Southeast Asia: State, Regime and 'ASEANized' Human Security', *Pacific News*, no. 34, July/August 2010, p. 1.

security was eschewed by the underlining principle of non-interference. As such, during this period the JCG increased its capacity building activities in Southeast Asia.<sup>556</sup>

This period also saw increased cooperation with China. The normalisation of diplomatic relations between Japan and China in 1972 created new possibilities for cooperation. Détente between the US and China encouraged Japan to seek more positive relations with China or risk being left out in the cold. The 1972 Shanghai communiqué took heed of Japan's former aggression towards China. Japan's diplomatic overtures to China allowed for greater commercial relations between the economic complementary states. As such, trade relations were established and in 1978 Japan implemented a China aid program.<sup>557</sup> Cooperation in aid and trade prefaced Japan's greater maritime cooperation with China. Maritime cooperation with China helped to diffuse tension in the ECS. Competition between Japan and China in the ECS had escalated following suggestions of prospective energy reserves in the area in 1969.<sup>558</sup> Tensions were exacerbated by the 1971 Okinawa Reversion treaty, treaty which left ownership of the islands uncertain. The 1971 reversion treaty, did not explicitly mention the ECS. While Japan took the position that as the US had managed the Ryukyus (incorporating Okinawa) and the ECS collectively that the treaty similarly related to both island chains China disputed this fact claiming that the matter of ownership was left open. Despite renewed territorial disputes Japan and China agreed to shelve the disputes to pursue maritime cooperation towards joint resource development.<sup>559</sup> While seeking cooperation with China,

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<sup>556</sup> Andrin Raj, 'Japan's Initiatives in Security Cooperation in the Straits of Malacca on Maritime Security and in Southeast Asia: Piracy and Maritime Terrorism', *The Japan Institute for International Affairs*, Tokyo, 2009, p. 42.

<sup>557</sup> Mike Mochizuki, Japan's shifting strategy toward the rise of China', *Journal of Strategic Studies*, vol. 30, no. 4/5, 2007, pp. 746-747.

<sup>558</sup> Manicom, *Bridging Troubled Waters: China, Japan and Maritime Order in the East China Sea*, p. 19.

<sup>559</sup> Jean-Marc Blanchard, 'The U.S. Role in the Sino-Japanese Dispute over the Diaoyu (Senkaku) Islands, 1945-1971', *The China Quarterly*, vol. 161, 2000, pp. 98-99.

Japan skirted around more vexing issues including Taiwan. Japan evaded US requests to assist in the defence of Taiwan under the 1978 bilateral defence cooperation guidelines.<sup>560</sup>

Notwithstanding tensions in the relationship and its overtures to others, Japan continued to appeal to the US alliance to supplement its cooperative strategy and account for more immediate security requirements. Conditions in the ECS worsened as the ROC began to advance its claims in the area.<sup>561</sup> Furthermore, cooperation with China in the ECS failed to materialise. The agreement to shelve the disputes for joint development was overshadowed by both sides' efforts to advance their competing claims.<sup>562</sup> China dispatched a number of fishing vessels to the area to defend its claims. Japan responded in turn with the construction of a heliport in the Senkakus to defend its occupation of the islands. While both sides reiterated the principle of shelving the disputes in favour of cooperation both continued to actively defend their claims; undermining cooperation and escalating tensions.<sup>563</sup>

The alliance also continued to support the development of its maritime capabilities. Support for greater rearmament amongst Japanese politicians and the business community had ratcheted up since the declaration of the Nixon Doctrine. Several commentators and interested business groups expressed their anxiety for regional sea lane security and advocated for patrols in and near to the SOM. Japanese defence commentator Hideo Sekino was a primary advocate for an official sea lane strategy and independent capabilities to suit. Sekino further suggested that the US alliance may be leveraged to provide the strategic rationale for such a strategy. As Woolley explains, 'expanding the maritime forces within the framework of the U.S-Japan alliance, and with definite strategic purpose that was complementary to regional stability, was politically viable'. The public largely supported

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<sup>560</sup> Mochizuki, 'Japan's shifting strategy toward the rise of China', p. 748.

<sup>561</sup> Manicom, *Bridging Troubled Waters: China, Japan and maritime Order in the East China Sea*, pp. 43-44.

<sup>562</sup> Manicom, *Bridging Troubled Waters: China, Japan and Maritime Order in the East China Sea*, pp. 45-48.

<sup>563</sup> Blanchard, 'The U.S. Role in the Sino-Japanese Dispute over the Diaoyu (Senkaku) Islands, 1945-1971', 2000, p. 99.

Japan's alignment with the US.<sup>564</sup> The 1973 oil shock lent further credence to Sekino's proposal. Furthermore, Southeast Asia perceived the alliance to be necessary for regional security.<sup>565</sup> In the early 1970s when Nakasone was the director of the JDA he too advocated for greater independence with respect to Japan's defensive capabilities as a means to add value to the alliance and security partnership with the US.<sup>566</sup>

While the public had come to be accepting of the alliance and military development as a necessity, particularly for matters of economic security, the pacifist culture prevailed.<sup>567</sup> Hence despite the pressure to increase naval development the 1976 National Defense Program Outline proposed a modest expansion of Japan's maritime capabilities, with sea lane defence capabilities featuring prominently in the design. Japan began an expansion and modernisation program that would span two decades.<sup>568</sup> Prime Minister Takeo Fukuda rejected US requests for more considerable increases in its defence spending claiming it would alternatively pursue a more economic and diplomatic approach to its security.<sup>569</sup>

Despite Japan's resistance the US still continued to exert pressure on Japan to pursue the path of a normal state with a corresponding weapons program. Yet, even when revisionist proponent Prime Minister Nakasone came to power the dual hedging strategy was maintained. Nakasone sought closer cooperation with the US to mend and preserve the alliance that reached a low under the leadership of Prime Minister Suzuki. There were fears that Japan's cooperation with the US and efforts to increase Japan's capabilities under the alliance could draw Japan into the military confrontation between the US and the Soviet Union. Responding to these concerns the 1986-1987 Defense of Japan White Paper confirmed Japan's commitment to the alliance, claiming Japan could not independently fulfil

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<sup>564</sup> Katzenstein and Okawara, 'Japan's National Security: Structures, Norms and Policies', p. 101.

<sup>565</sup> Singh, 'Asean's Perceptions of Japan: Change and Continuity', p. 278.

<sup>566</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, pp. 103-104.

<sup>567</sup> Katzenstein and Okawara, 'Japan's National Security: Structures, Norms and Policies', pp. 86-101.

<sup>568</sup> Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, pp. 69-72.

<sup>569</sup> Samuels, 'New Fighting Power': Japan's Growing Maritime Capabilities and East Asian Security', p. 87-91.



the requirements of its complex security environment.<sup>570</sup> According to Graham, Nakasone believed that great cooperation with the US through the alliance could be employed as a means to forge closer relations with the West and elevate its standing on the global stage. In turn, Nakasone sought to overturn the 1 per cent limit on defence expenditure. Despite Nakasone's revisionist tendencies he too exercised a restrained approach to defence matters. The size and role of the SDF was still a tenuous political issue. Opinion polls revealed that 70 per cent of the public stood opposed to revising the constitution.<sup>571</sup> Further, constitutional amendment remained a divisive political issue within the LDP. Nakasone's rightist tendencies isolated him from the dominant centrists and also leftist LDP members.<sup>572</sup>

Hence, though applying a more liberal interpretation to the notion of 'self-defence' so as to allow for greater maritime cooperation with the US, Nakasone was quick to qualify its parameters. The JMSDF would be allowed to operate alongside US forces only if Japan faced an immediate security threat. Justifications of sea lane security, both in Japan's immediate maritime environment and more far reaching, helped to galvanise domestic and political support for greater defence measures.<sup>573</sup> Despite, pressure from the US to revise the defence expenditure ceiling Japan chose to uphold the ban on collective self-defence and the 1 per cent limit of defence spending.<sup>574</sup> In 1986 the Security Council was established within the Cabinet; tasked with overseeing Japan's Comprehensive Security strategy. The National Defense Council was simultaneously repealed.<sup>575</sup> All matters relating to defence would first have to be passed by the Security Council in order to be submitted by Cabinet. The Council

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<sup>570</sup> Ministry of Defense Japan, *Defense of Japan (Annual White Paper)*, 1986-1987, Translated into English by the Japan Institute of International Affairs, 1987, p. 43.

<sup>571</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?*, pp. 144-153.

<sup>572</sup> Berger, 'From Sword to Chrysanthemum: Japan's Culture of Anti-militarism', p. 141.

<sup>573</sup> Samuels, 'New Fighting Power: Japan's Growing Maritime Capabilities and East Asian Security', p. 87-91.

<sup>574</sup> Ministry of Defense Japan, *Defense of Japan (Annual White Paper)*, 1986-1987, p. 50.

<sup>575</sup> Ministry of Defense Japan, *Defense of Japan (Annual White Paper)*, 1986-1987, p. 39.

was comprised of civilian JDA officials with no military backgrounds and would further subjugate military views.<sup>576</sup>

Continuing to observe Japan's dual hedging strategy Nakasone also advanced cooperation in Southeast Asia. In turn Nakasone pledged to 'strengthen Japan's cooperative ties with the free world including the United States, neighboring [sic] countries in Asia beginning with members of ASEAN' and to promote 'arms reduction and comprehensive security frameworks.'<sup>577</sup> During a visit to Southeast Asia in 1983, Nakasone announced the Friendship Program for the 21<sup>st</sup> Century under which future Southeast Asian leaders undertake a cultural exchange to Japan to promote positive relations between these states in the future.<sup>578</sup> At the ASEAN Post-Ministerial Conference in Manila in June 1986, Japanese Foreign Minister Shintaro Abe reiterated Japan's commitment to the peaceful and cooperative principles of the Fukuda Doctrine 'for the establishment of mutual trust' with the ASEAN states.<sup>579</sup> While promoting greater cooperation in the region Japan assured its Southeast Asian counterparts that the JMSDF would remain restricted to operating within 1000nm from Japanese shores for military defensive purposes.<sup>580</sup> As Yoshida had originally intended the JMSDF would be employed for diplomatic purposes.<sup>581</sup>

### **3.4: The Rise of the Revisionists: Continuity amongst Change**

With the outbreak of the Gulf War in 1991 the US intensified its requests for Japanese assistance. Japan's security policy, however remained hamstrung by domestic antimilitarism. In an effort to limit the influence of the JDA, the LDP government, led by Prime Minister

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<sup>576</sup> Katzenstein and Okawara, 'Japan's National Security: Structures, Norms and Policies', p. 93.

<sup>577</sup> Liberal Democratic Party of Japan, 'A History of the Liberal Democratic Party: Chapter Eleven, Period of President Nakasone's Leadership', <[https://www.jimin.jp/english/about\\_ldp/history/104291.html](https://www.jimin.jp/english/about_ldp/history/104291.html)> accessed 7 December 2012.

<sup>578</sup> Ministry of Foreign Affairs Japan, Japan's Diplomatic Activities, 1986-1987, <<http://www.mofa.go.jp/policy/other/bluebook/1987/1987-contents.htm#CONTENTS>> accessed 18 August 2014.

<sup>579</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper, 1986-1987, Translated into English by the Japan Institute of International Affairs, 1987, p. 26.

<sup>580</sup> Graham, *Japan's Sea Lane Security, 1940-2000: A matter of life and death?* p. 153.

<sup>581</sup> Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, p. 112.

Kaifu Toshiki, denied their reporting to the Cabinet.<sup>582</sup> The US was critical of Japan's lack of contribution to the alliance and international security.<sup>583</sup> Japan's acceptance of US criticism were outlined in the 1992 Foreign Policy White Paper in which its financial and logistical support for the Gulf War was referred to as having been 'too little, too late'. Subsequently, the White paper cited the need to restore the alliance by taking on a greater role in regional security.<sup>584</sup> Changes in Japan's maritime security landscape supported this cause. While following its collapse the threat posed by Soviet maritime capabilities waned Russia continued exercises and training in the area surrounding the disputed islands.<sup>585</sup> Concerns for North Korea's development of nuclear weapons also plagued the minds of security analysts.<sup>586</sup> The alliance was also thought to lend credibility to Japan's defensive posture; assuring that it would not seek military normalisation.<sup>587</sup> Consequently, in 1991 the Law Concerning Cooperation for United Nations Peace-keeping operations and Other Operations was passed in the Japanese Diet. This bill would allow Japan to dispatch JMSDF to aid in logistical supply for peace-keeping operations.<sup>588</sup> In 1992 the JMSDF was dispatched to Southeast Asia to provide support for SDF engineers involved in the peacekeeping operation.<sup>589</sup> Even after the LDP lost out to the New Party led by Hosokawa Morihiro in 1993, Japan's diplomatic and cooperative agenda remained.<sup>590</sup> The JMSDF's peacekeeping role provided a non-offensive rationale for the acquisition and procurement of more advanced capabilities; long advocated for by revisionists. Indigenous procurement of an amphibious

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<sup>582</sup> Berger, 'From Sword to Chrysanthemum: Japan's Culture of Anti-militarism', p. 146.

<sup>583</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', pp. 32-33.

<sup>584</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper 1992-1993, Translated into English by the Japan Institute of International Affairs, 1993, p. 33.

<sup>585</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper 1992-1993, 1993, p. 76.

<sup>586</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper 1992-1993, 1993, pp. 20-22.

<sup>587</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper 1992-1993, 1993, p. 33.

<sup>588</sup> Ministry of Foreign Affairs Japan, 'Current issues Surrounding UN Peace-keeping Operations and Japanese Perspective', January 1997, <<http://www.mofa.go.jp/policy/un/pko/issues.html>> accessed 14/04/2012.

<sup>589</sup> Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, p. 33.

<sup>590</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 146.

landing ship began in the mid-1990s.<sup>591</sup> Peacekeeping would become a mainstay of the JMSDF as a manifestation of Japan's good international citizenship and willingness to pursue cooperation for security.

Although as the decade proceeded the threat of the Soviet Union faded further into the past, the US alliance remained a central pillar of Japan's maritime defence strategy. Further changes in Japan's maritime landscape supported the continued relevance of the alliance. Tensions between China and Japan in the ECS escalated in the early 1990s after China passed the Law on the Territorial Sea and Contiguous Zone; reinforcing China's claims in both the ECS and SCS. Japan objected to China's new legislation claiming it to be in breach of the agreement to shelve disputes in favour of cooperation.<sup>592</sup> The 1995 National Defense Program Outline (NDPO) tacitly alluded to the threat posed by both China and North Korea in discussions of regional nuclear arsenals.<sup>593</sup>

Japan's sustained commitment to the alliance continued to support the gradual build-up of the JMSDF. In 1999 a bill was passed to allow the SDF to provide 'rear area support to the US while the greater objective of the revisionists' at this time was to enable collective self-defence. Revisionist leader Prime Minister Koizumi, during his leadership from 2002-2006, evoked several constitutional and institutional changes to accord greater power to the Prime Minister.<sup>594</sup> The Koizumi government applied a more liberal reading of the Japanese constitution and passed new legislation to allow for expanded roles and missions for the JMSDF. In 2000 the anti-terrorism legislation was passed in Japan enabling the dispatch of JMSDF vessels to the Indian Ocean. Although there was a notable rise in Japanese nationalism in this period, Japan's pacifist culture and conservative political elite remained

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<sup>591</sup> Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, p. 33.

<sup>592</sup> Manicom, *Bridging Troubled Waters: China, Japan and Maritime Order in the east China Sea*, pp. 48-49.

<sup>593</sup> Ministry of Foreign Affairs Japan, National Defense Program Outline, 1995.

<sup>594</sup> Boyd and Samuels, 'Nine Lives?: The Politics of Constitutional Reform in Japan', pp. 28-41.

predominant.<sup>595</sup> The revisionists still faced considerable opposition from the conservatives within the Diet and the public to the normalisation and remilitarisation of Japan.<sup>596</sup> Under the limited legislative revisions the JMSDF could still only be deployed to the SOM for joint training.

Meanwhile the newly elevated JCG would help augment the roles and capabilities of the JMSDF. Strictly a civilian agency, the development of the JCG evaded several of the restraints which beset the JMSDF. In 1951 Admiral Arleigh Burke had first recommended that Japan re-develop a navy that more closely resembled a Coast Guard with a lower-profile defence status so as to evade the ostensible restraints of the constitution and popular resistance to Japanese rearmament.<sup>597</sup> In 2000, following upgrades to the MSA, the agency was rebadged as a Coast guard yet only in the English language.<sup>598</sup> Its original name *Kaijō Hoan-chō* remained within the Japanese language. As Richard Samuels suggests the ‘expansion of the JCG (could) enhance not only Japan’s power projection capabilities but also Japan’s ability to project influence’.<sup>599</sup> Like the US Coast Guard (USCG), the strictly civilian nature of the JCG distinguished it from Japan’s military apparatus. The JCG underwent a considerable expansion without eliciting criticism from the standard opponents of Japanese rearmament.

The JCG would be responsible for law enforcement and assume many of the security roles and capabilities denied to the JMSDF. Protection of sovereignty and offshore territory were to be accorded to the JCG. The JCG would be the agency first to respond to incursions into Japan’s claimed maritime territory. As such the JCG would possess the right to employ force in instances in which the JMSDF does not. Unlike the JMSDF, banned from traditional

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<sup>595</sup> Berger, ‘From Sword to Chrysanthemum’, p. 129.

<sup>596</sup> Samuels, *Securing Japan: Tokyo’s Grand Strategy and the Future of East Asia*, pp. 74-79.

<sup>597</sup> Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life or death?*, p. 99.

<sup>598</sup> Sam Bateman, ‘Coast Guards: New Forces For Regional Security’, Asia Pacific Issues, no. 65, *East-West Center*, January 2003, p. 3.

<sup>599</sup> Samuels, ‘New Fighting Power!’: Japan’s Growing Maritime Capabilities and East Asian Security’, p. 85.

weapons sales and transfers, the JCG would enable the export of arms.<sup>600</sup> The JCG became a considerable maritime force, often likened to other state's navies.<sup>601</sup> Surprisingly, the expansion of the JCG faced little opposition. Overall the Japanese public was accepting of the development of the JCG. A newly revamped coast guard proved to be more politically palatable for those that continued to oppose JMSDF expansion, namely members of the ruling coalition, the Japan Communist party and the public. The passing of new legislation in 2001 allowed the JCG to use force in protecting offshore maritime territories without evoking consternation from its public and neighbours.<sup>602</sup>

While working to restore the alliance and undertaking further efforts towards the re-development of its maritime capabilities Japan continued to pursue maritime cooperation under the guidance of its dual hedging strategy. Japan's 1992 Foreign Policy White Paper stated the objective of further deepening relations with states in the Asia-Pacific through coordinating policy responses to political and security issues.<sup>603</sup> As such Southeast Asia was a key focus area for Japan's maritime cooperation. In 1993 Japan helped ASEAN establish the Oil Spill Preparedness and Response Plan (OSPAR).<sup>604</sup> Building upon previous efforts, in 2003 Japan and ASEAN agreed to cooperate on issues affecting maritime transportation. Responding to rising incidents of piracy was the centrepiece of this initiative.<sup>605</sup> Japan's 1996 accession to the ARF provided another framework for its cooperation in Southeast Asia. Common concern for the safety of navigation and the maritime transportation was also an impetus for greater maritime cooperation. Rising incidents of maritime piracy in key

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<sup>600</sup> Samuels, 'New Fighting Power!': Japan's Growing Maritime Capabilities and East Asian Security', pp. 84-93.

<sup>601</sup> Bateman, 'Coast Guards: New Forces For Regional Security', p. 3.

<sup>602</sup> Samuels, 'New Fighting Power!': Japan's Growing Maritime Capabilities and East Asian Security', *International Security*, vol. 32, no.3, Winter 2007/2008, pp. 92-95.

<sup>603</sup> Ministry of Foreign Affairs Japan, Foreign Policy White Paper 1992-1993, 1993, p. 27.

<sup>604</sup> Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', Singapore, 26 April, 2006.

<sup>605</sup> ASEAN Secretariat, 'ASEAN and ARF Maritime Security Dialogue and Cooperation', Information paper, 4 October 2007.

Southeast Asian sea lanes was the focus of several of these efforts.<sup>606</sup> From this point forward Japan became a regular participant in ARF multilateral forums and workshops on regional maritime security, included amongst which were the 1998 ARF Intersessional Support Group on Confidence Building Measures,<sup>607</sup> the 2000 Mumbai Anti-Piracy Workshops,<sup>608</sup> and the 2005 Workshop on Capacity Building of Maritime Security, hosted by Japan in Tokyo.<sup>609</sup> Japan's support for regional multilateral maritime cooperative frameworks extended through to the next decade. In 2011, two agreements were finalised between Japan and ASEAN that would further their maritime cooperation, the Joint Declaration for Enhancing ASEAN-Japan Strategic Partnership for Prospering Together and the ASEAN-Japan Plan of Action. The first of these initiatives, also known as the Bali Declaration, aimed to strengthen the Strategic Partnership first agreed to in 2003 while the Plan of Action pledged to implement the measures agreed to therein including support for the outcome of the AMF.<sup>610</sup>

A number of factors coalesced to support and encourage Japan's greater functional maritime cooperation in Southeast Asia. More positive perceptions of Japan in Southeast Asia saw a greater responsiveness to Japan's cooperative efforts in the region. A 1995 regional opinion poll conducted by Gallup, the Yomiuri media outlet and the South Korean Chosun Daily

<sup>606</sup> Raj, 'Japan's Initiatives in Security Cooperation in the Straits of Malacca on Maritime Security and in Southeast Asia: Piracy and Maritime Terrorism', p. 35.

<sup>607</sup> Co-Chairmen's Summary Report of the Meetings of the ARF Intersessional Support Group On Confidence Building Measures Held in Honolulu, 4-6 November 1998 and in Bangkok, 3-5 March 1999.

<sup>608</sup> ARF, 'List of Track 1 Activities', <<http://aseanregionalforum.asean.org/library/arf-activities/list-of-arf-track-i-activities-by-subject.html>> accessed 23 August 2014.

<sup>609</sup> Kohno Masaharu, Deputy Vice Minister for Foreign Policy MOFA, Opening remarks at the ARF Workshop on capacity building of Maritime Security, Tokyo, 19-20 December 2005.

<sup>610</sup> ASEAN-Japan Plan of Action 2011-2015, <[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCMQFjAB&url=http%3A%2F%2Fwww.asean.org%2Farchive%2Fdocuments%2F19th%2520summit%2FJFPoA.pdf&ei=36mIVeeDFIWA8gW-k6yIAQ&usq=AFQjCNHvkWN1K2s\\_VQsl-2uZLiikn12IhQ&sig2=-7ISJAnGZDPqs4r9nSXOpA](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCMQFjAB&url=http%3A%2F%2Fwww.asean.org%2Farchive%2Fdocuments%2F19th%2520summit%2FJFPoA.pdf&ei=36mIVeeDFIWA8gW-k6yIAQ&usq=AFQjCNHvkWN1K2s_VQsl-2uZLiikn12IhQ&sig2=-7ISJAnGZDPqs4r9nSXOpA)> accessed 23 June 2015; Joint Declaration for Enhancing ASEAN-Japan Strategic Partnership for Prospering Together (Bali Declaration), <[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.asean.org%2Farchive%2Fdocuments%2F19th%2520summit%2FJFPJD.pdf&ei=3KmIVeS7GI-E8gWitJSgAQ&usq=AFQjCNGSuPQWFJaSeNhvefUTTsVr6DmwGQ&sig2=zr\\_MF3o2JbKN8O\\_PcMvQtQ](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.asean.org%2Farchive%2Fdocuments%2F19th%2520summit%2FJFPJD.pdf&ei=3KmIVeS7GI-E8gWitJSgAQ&usq=AFQjCNGSuPQWFJaSeNhvefUTTsVr6DmwGQ&sig2=zr_MF3o2JbKN8O_PcMvQtQ)> accessed 23 June 2015.

indicated that Southeast Asia public opinion towards Japan was favourable.<sup>611</sup> Japan's participation in cooperative frameworks helped bolster its maritime cooperation. In 1996 Japan ratified UNCLOS. Japan was previously reluctant to adhere to UNCLOS due to its stipulations regarding the delimitation of EEZs and possible restrictions of fishing rights.<sup>612</sup> Japan, however, came to accept the EEZ principle and the associated obligations to cooperate. Less formalised methods continued to take precedence in Japan's approach to cooperation. The Ocean Policy Research Foundation sponsored a series of meetings attended by legal and maritime security experts to help clarify the rights of coastal states and user states within EEZs. First convened in 2002 the purpose of the meetings was to come up with non-binding principles to help govern the EEZ.<sup>613</sup>

The benign posture of the JCG, proved to be compatible with Japan's maritime cooperative strategy. Despite their caution regarding Japan's rearmament, the conception and development of the JCG similarly did not evoke opposition from the region.<sup>614</sup> Ostensibly the revisions to the coast guard had gone under the military radar. China did not wake up to the headway made by the JCG until several years after it had occupied a role in regional maritime cooperation. The JCG was employed to undertake confidence building measures in Southeast Asia with other analogous law enforcement agencies for functional matters of shared concern. In response to the rising incidents of piracy in the Philippines archipelago, in 2001 the JCG and the Philippines coast guard agency conducted anti-piracy joint training exercises.<sup>615</sup> The

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<sup>611</sup> Sam Jameson, 'Japan: Echoes of World War II: World View: Japan's New Sphere of Power: It's World War Two Failure to 'unite 'all corners of the Earth' has been supplanted by Industrial Clout', *Los Angeles Times*, 1 August 1995, <[http://articles.latimes.com/1995-08-01/news/wr-30038\\_1\\_war-ii](http://articles.latimes.com/1995-08-01/news/wr-30038_1_war-ii)> accessed 24 February 2014.

<sup>612</sup> Yutaka Kawasaki-Urabe and Vivian L. Forbes, 'Japan's Ratification of UN Law of the Sea Convention and its New Legislation on the Law of the Sea', *IBRU Boundary and Security Bulletin*, Winter 1996/1997, pp. 92-93.

<sup>613</sup> Sam Bateman, 'The regime of the exclusive economic zone: military activities and the need for compromise?', in Tafsir Malick Ndiaye, Rüdiger Wolfrum and Chie Kojima (eds.), *Law of the Sea, Environmental Law and Settlement of Disputes*, Leiden: Martinus Nijhoff Publishers, The Netherlands, 2007, p. 579.

<sup>614</sup> Samuels, 'New Fighting Power!': Japan's Growing Maritime Capabilities and East Asian Security', *International Security*, vol. 32, no.3, Winter 2007/2008, pp. 92-95.

<sup>615</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 192.



statement made by President Hu Jintao in 2003 declaring China's Malacca Dilemma, whereby he referred to the worrying influence of extra-regional powers in the straits, was testimony to the strategic value of Japan's maritime diplomacy as delivered through the JCG.<sup>616</sup>

The late 1990s also witnessed an increase in Japan's cooperation with China in the ECS. In 1997 the two parties signed the China-Japan Fisheries Agreement; in effect relaxing their maritime jurisdictional dispute.<sup>617</sup> This agreement was followed with cooperation on marine research activities in 2001 as marked by their exchange of the *note verbale*.<sup>618</sup> Under the outlined arrangement both sides were to give two months prior notification before conducting research activities in disputed waters.<sup>619</sup> The steadfastness of Japan's maritime cooperation was again seen in 2004 during which it agreed to hold talks on the possibility for resource exploitation in the disputed area of the ECS. Japan's and China's commitment to discuss joint resource development signalled an end to the diplomatic impasse caused by unilateral exploration activities pursued by both sides.<sup>620</sup> Japan's diplomatic and cooperative outlook was also extended to its relations with South Korea with which in 1999 it was able to reach a new fisheries agreement to apply to their disputed waters. Continuing to prioritise a favourable bilateral relationship, in 2006 Japan ceased its maritime surveys in waters around the Takeshima islands following protest from South Korea.<sup>621</sup> While Japan actively advanced their claims by including them in official curriculum it stopped well short of any forcible efforts to contest South Korean occupation of the islands. Efforts to improve relations with

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<sup>616</sup> Ian Storey, 'China's 'Malacca Dilemma'', *China Brief*, vol. 6, no. 8, *The Jamestown Foundation*, <[http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=3943](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=3943)> accessed 29 March 2010.

<sup>617</sup> James Manicom, *Bridging Troubled Waters, China, Japan, and Maritime Order in the East China Sea*, Georgetown University Press, Washington DC, 2014, p. 66.

<sup>618</sup> Manicom, *Bridging Troubled Waters, China, Japan, and Maritime Order in the East China Sea*, p. 92.

<sup>619</sup> James Manicom, 'Settling the Gas Dispute in the East China Sea: Conditions of Political Will', in Simon Shen and Jean-Marc F. Blanchard (ed.), *Multidimensional Diplomacy of Contemporary China*, Lexington Books, Maryland, 2010, p. 139.

<sup>620</sup> Manicom, *Bridging Troubled Waters, China, Japan, and Maritime Order in the East China Sea*, p. 122-123.

<sup>621</sup> Ministry of Foreign Affairs Republic of Korea, 'UN Convention on the Law of the Sea', <[http://www.mofat.go.kr/ENG/policy/treaties/lawsea/index.jsp?menu=m\\_20\\_30\\_20](http://www.mofat.go.kr/ENG/policy/treaties/lawsea/index.jsp?menu=m_20_30_20)> accessed 22 June 2015.

both China and South Korea were observable in the Trilateral Summit meeting first convened amongst these states in 2008.<sup>622</sup>

The 2007 inception of Japan's Basic Act on Ocean Policy extended the scope of such functional cooperation. The integration and coordination of various maritime cooperative initiatives across different areas and agencies was intended to enhance Japan's comprehensive approach to security. Japan's Basic Act on Ocean Policy evoked the cooperative principles contained within UNCLOS, promoting cooperation for improved provisions for good order at sea.<sup>623</sup> Marine environmental protection was but one of the issue areas prescribed under Japan's Ocean Policy.<sup>624</sup> In September 2007, Japan and ASEAN held a Workshop in the Establishment of an ASEAN Maritime Forum in Indonesia. Here it was recommended that the respective states should jointly invest in a maritime forum for open dialogue amongst these stakeholders as a means to promote greater maritime cooperation.<sup>625</sup> Reinforcing its diplomatic credentials in March 2009 Japan dispatched JMSDF capabilities to the Gulf of Aden to provide escorts for commercial vessels alongside many other states from around the globe as part of the unprecedented combined naval task-force operating there.<sup>626</sup>

These policies were re-emphasised as the situation in the SCS further deteriorated. China's greater presence in the Southeast Asian maritime domain further incentivised Japan's own. Speaking at the first Expanded AMF, held in Manila in 2012 the Japanese deputy foreign minister declared

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<sup>622</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Natural Resources', pp. 16-20.

<sup>623</sup> Hiroshi Terashima, 'Japan's Ocean Policymaking', *Coastal Management*, vol. 40, 2010, p. 172.

<sup>624</sup> Hiroshi Terashima, 'Ocean Governance and the Japanese Basic Act on Ocean Policy', PowerPoint Presentation, The United Nations/Nippon Foundation Inaugural Asia-Pacific Alumni Meeting, 14 April 2009.

<sup>625</sup> ASEAN Secretariat, 'ASEAN and ARF Maritime Security Dialogue and Cooperation', 4 October 2007, Information Paper, accessed 14 June 2013.

<sup>626</sup> Kazumine Akimoto, 'Japan's Ocean Strategy in Progress', *Asia-Pacific Journal of Marine Science and Education*, vol. 1, no. 1, 2011, p. 24; Ministry of Defense Japan, 'JMSDF: Anti-Piracy Operations', JMSDF Homepage, <<http://www.mod.go.jp/msdf/formal/english/operation/pirates.html>> accessed 10 December 2013.

[m]ore efforts should be made to establish maritime order and rules depending on characteristics of each region in accordance with relevant international laws including UNCLOS. Of course these efforts must be made through peaceful talks. We should firmly reject any idea justifying that 'might is right'. This is an unyielding and invincible principle for the sea that can connect the people and lead them to prosperity.<sup>627</sup>

On other occasions Japanese officials were more comfortable publicly identifying China as the cause of the tensions in the SCS.<sup>628</sup> As the issue hotted up, Japan extended offers of assistances to the ASEAN states. In 2013 Prime Minister Abe announced that Japan would provide ten patrol craft to assist the Philippines in the build-up of its coast guard.<sup>629</sup> Having previously demonstrated his personal persuasions when first coming to office in 2006, it was no surprise that when returning into power again Abe would pursue a more assertive and nationalistic foreign policy. Revealing of his conservative roots, Abe sought a more active defence policy; upgrading the JDA to full ministry status in 2007. Also indicative of his nationalistic bent and desire to divorce Japan from its shaming following WWII was his refusal to acknowledge the issue of South Korean 'comfort women' during WWII.<sup>630</sup> Gaining a convincing majority in the 2013 upper house elections,<sup>631</sup> his return to power seven years later saw the reintroduction of more conservative and hawkish policies as evidenced with those directed at China's re-emergence. Abe made clear Japan's commitment to the ASEAN

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<sup>627</sup> Quoted in Nguyen Hung Son, 'ASEAN-Japan Strategic Partnership in Southeast Asia: Maritime Security and Cooperation', in Rizal Sukma and Yoshihide Soeya (eds.), *Beyond 2015: ASEAN-Japan Strategic Partnership for Democracy, Peace, and Prosperity in Southeast Asia*, Japan Centre for International Exchange, Tokyo, 2013, p. 220.

<sup>628</sup> Peng Er Lam, *Japan's Relations with Southeast Asia: The Fukuda Doctrine and Beyond*, p. 70.

<sup>629</sup> Bandar Seri Begawan, 'Abe confirms aid for Philippine coast guard', *The Japan Times*, 10 October 2013, <<http://www.japantimes.co.jp/news/2013/10/10/national/abe-confirms-aid-for-philippine-coast-guard/#.VX4-WXdFt8F>> accessed 15 June 2015.

<sup>630</sup> Author not supplied, 'Shinzo Abe's Year in Power', *The Wall Street Journal*, 12 September 2007, <<http://www.wsj.com/articles/SB118957986236124924>> accessed 26 June 2015.

<sup>631</sup> Author not supplied, 'Back on top', *The Economist*, 22 June 2013, <<http://www.economist.com/blogs/banyan/2013/07/japans-upper-house-election>> accessed 26 June 2015.

states at the 2014 Shangri-La Dialogue where in his keynote address he stated that ‘Japan will offer its utmost support for the efforts of the countries of ASEAN as they work to ensure the security of the skies, and thoroughly maintain freedom of navigation and freedom of overflight.’<sup>632</sup> The 2014 Japanese Defence White Paper outlined both bilateral and multilateral cooperation as a remaining feature of Japan’s security policy. It listed exchanges between defence Ministers, consultation, research exchanges, security dialogue and capacity building as key examples of such cooperation. The Asia Pacific region and Southeast Asia more specifically, were identified as focus areas for its cooperation.<sup>633</sup> Japan also pursued its maritime defence diplomacy with the Southeast Asian states through the newly established ADMM+ EWG MS from its inception in 2011. In 2013 it participated in the field training exercises held in Australia.<sup>634</sup>

South Korea was also important in Japan’s strategy of hedging against China’s re-emergence. Tension surrounding the disputed maritime claims had risen contributing to the derailment of the annual summit meetings. In May 2012, the first formal meeting of the two parties since 2010 took place.<sup>635</sup> The following month both agreed to conduct trilateral naval exercises with the US. Cooperation further intensified in 2013 as Japan and South Korea participated in a large scale aircraft exercise.<sup>636</sup> Advancements of claims to the Takeshima islands were kept to a more diplomatic approach. Japan continued to pursue its claims to the Takeshima islands

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<sup>632</sup> Shinzo Abe, Keynote Address at the Shangri-La Dialogues, 30 May 2014, Singapore.

<sup>633</sup> Ministry of Defense, *Defense of Japan 2014*, Annual White Paper, pp. 266-274.

<sup>634</sup> Koh Eng Beng, ‘ADMM-Plus navies enhance cooperation in maritime security exercise’, *MINDEF*, 2 October 2013, <[http://www.mindef.gov.sg/imindef/resourcelibrary/cyberpioneer/topics/articles/news/2013/oct/02oct13\\_news.htm](http://www.mindef.gov.sg/imindef/resourcelibrary/cyberpioneer/topics/articles/news/2013/oct/02oct13_news.htm)> accessed 15 June 2015.

<sup>635</sup> Author not supplied, ‘Japan, Korea Participate in First Summit Since 2012’, *Nippon.com*, 27 March 2014, <<http://www.nippon.com/en/features/h00050/>> accessed 22 June 2015.

<sup>636</sup> Ashley A. C. Hess and John K. Warden, ‘Japan and Korea: Opportunities for Cooperation’, *The National Interest*, 19 March 2014, <<http://nationalinterest.org/commentary/japan-korea-opportunities-cooperation-10076>> accessed 23 June 2015.

through its education system and Takeshima Day celebrations rather than official proclamations.<sup>637</sup>

Japan, however, would not rely solely on functional cooperation for its maritime security and to respond to China's greater assertiveness. The US alliance continued to play an important role in supplementing cooperation with regional states. The integral role of the US in Japan's security apparatus was observable in the ECS where the alliance played Tensions between Japan and China over disputed islands and maritime rights in the ECS increased in late 2012 when Japan nationalised the islands,<sup>638</sup> and in 2013 after China declared the implementation of its Air Defence Identification Zone (ADIZ).<sup>639</sup> Contending nationalism fuelled the disputes on both sides.<sup>640</sup> Confirming their support for Japan's ownership of the islands held in the ECS US officials, including Defence Secretary Chuck Hagel and President Barak Obama clarified that the alliance would apply in the area if Japan was to come under attack from Chinese forces.<sup>641</sup> North Korea's periodic missile launches similarly heightened the need to better secure the immediate maritime spaces.<sup>642</sup> Japan's intentions to upgrade the alliance were made clear in the 2014 Defence White paper in which it was stated

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<sup>637</sup> Isabel Reynolds, 'How Two Small Rocks Stop Japan and South Korea Getting Along', *Bloomberg*, 12 February 2015, <<http://www.bloomberg.com/news/articles/2015-02-11/how-two-small-rocks-stop-japan-and-south-korea-getting-along>> accessed 23 June 2015.

<sup>638</sup> Wu Xinbo, 'America Should Step Back from the East China Sea Dispute', *The New York Times*, 23 April 2014, <[http://www.nytimes.com/2014/04/24/opinion/america-should-step-back-from-the-east-china-sea-dispute.html?\\_r=0](http://www.nytimes.com/2014/04/24/opinion/america-should-step-back-from-the-east-china-sea-dispute.html?_r=0)> accessed 15 June 2015.

<sup>639</sup> Philip Wen and Nick O'Malley, 'Provocation over disputed islands in the East China Sea led to swift responses', *The Sydney Morning Herald*, 30 November 2013, <<http://www.smh.com.au/world/east-china-sea-tension-over-disputed-islands-increases-20131129-2yh12.html>> accessed 16 June 2015.

<sup>640</sup> Manicom, 'Growing Nationalism and Maritime Jurisdiction in the East China Sea', 2010.

<sup>641</sup> Harry Kazianis, 'U.S. and China Trade Barbs On East China Sea', *The Diplomat*, 2 May 2013, <<http://thediplomat.com/2013/05/u-s-and-china-trade-barbs-on-east-china-sea/>> accessed 17 June 2015; Justin McCurry and Tania Branigan, 'Obama says US will defend Japan is island dispute with Japan', *The Guardian*, 24 April 2014, <<http://www.theguardian.com/world/2014/apr/24/obama-in-japan-backs-status-quo-in-island-dispute-with-china>> accessed 17 June 2015.

<sup>642</sup> Judy Kwon and Halimah Abdullah, 'North Korea launches missiles into sea', *CNN*, 6 March 2014, <<http://edition.cnn.com/2014/02/27/world/asia/north-korea-missiles/>> accessed 19 June 2015; Laura Smith-Spark, 'Report: North Korea launches fourth short-range missile', *CNN*, 19 May 2013, <<http://edition.cnn.com/2013/05/19/world/asia/north-korea-missiles/>> accessed 19 June 2015; Author not supplied, 'North Korea test-fires 30 missiles into Sea of Japan', *ABC News*, <<http://www.abc.net.au/news/2014-03-22/an-north-korea-test-fires-30-missiles-into-sea/5338664>> accessed 19 June 2015; Author not supplied.

[a]s the security environment surrounding Japan becomes increasingly severe, and the United States, at the same time, maintains and strengthens its engagement and presence in the Asia-Pacific region, it has become more important than ever to strengthen the Japan-U.S. Alliance for the security of Japan.<sup>643</sup>

In anticipation of a revised defence treaty with the US that would allow Japan a greater role in regional security affairs on July 1 2014 Japan overturned the ban on collective self-defence stipulated under Article 9 of the post-war constitution.<sup>644</sup> There was some suggestion amongst commentators at the time that this historic move was in fact taken in response to pressure from the US to ease the ‘anachronistic constraints’ of the constitution; as recommended by Deputy Secretary of State Richard Armitage and Joseph Nye in their 2012 Center for Strategic and International Studies (CSIS) report.<sup>645</sup> Exercising caution, Abe described the changes as ‘limited’ to quell the disquiet on the matter amongst the public.<sup>646</sup> In early 2015 upgrades to the alliance were finalised. The revised US-Japan security treaty sought to enhance their cooperation in a number of areas including policy and operational coordination, information sharing, interoperability and reciprocal defence procurement. Matters of maritime security were given special attention in the report *Guidelines for Japan-U.S. Defense Cooperation* stating that US armed forces would conduct ‘operations to defend

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‘North Korea fires two ballistic missiles into eastern waters: Japan’, *Reuters*, 12 July 2014, <<http://www.reuters.com/article/2014/07/13/us-northkorea-missiles-idUSKBN0FI02M20140713>> accessed 19 June, 2015.

<sup>643</sup> Ministry of Defense, *Defense of Japan 2014*, Annual White Paper, p. 223.

<sup>644</sup> Kawasaki Akira and Céline Nahory, ‘Japan’s Decision on Collective Self-Defense in Context’, *The Diplomat*, 3 October 2014, <<http://thediplomat.com/2014/10/japans-decision-on-collective-self-defense-in-context/>> accessed 19 June 2015.

<sup>645</sup> Quoted in Kawasaki Akira and Nahory, ‘Japan’s Decision on Collective Self-Defense in Context’, June 2015.

<sup>646</sup> Kawasaki Akira and Nahory, ‘Japan’s Decision on Collective Self-Defense in Context’, June 2015.

maritime areas' around Japan.<sup>647</sup> More than seven decades after its controversial introduction the US-Japan alliance had proven a bulwark of Japan's maritime security policy.

## Conclusion

From 1945 to 2014 Japan has proactively sought to protect its maritime interests through its dual hedging. First implemented under Yoshida, Japan's dual hedging and subsequent cooperative maritime strategy stood the test of time. Denied the right to pursue the path of normal state, cooperation with the US helped account for Japan's immediate maritime security requirements while economic diplomacy in Southeast Asia was employed as a means to insure long term interests in the maritime region. Even during periods in which material structures encouraged efforts towards rearmament and normalisation, prevailing ideational factors maintained Japan's cooperative maritime strategy. Consequently, Japan decisively pursued diplomacy over and above opportunities to normalise. At the height of the Cold War with greater security threats and pressure from US to revise constitutional limitations, cooperation was codified in the Fukuda Doctrine and the Comprehensive Security Policy. With the adoption of a comprehensive approach to security Japan further committed to civilian led functional cooperation. What is more, Japan's comprehensive approach to security gave rise to further possibilities for cooperation on functional non-traditional security issues with Southeast Asian states. Consistent with its incrementalist approach, Japan gave preference towards less formalised mechanisms for the development of non-binding principles for cooperation.

In keeping with its dual hedging, from 1945 to 2014 Japan's maritime capabilities developed out of consideration for both cooperation with the US and Southeast Asia. Subsequently, the development of the JMSDF was incremental and low-profile. Concessions to the alliance in the form of rearmament and adherence to US grand strategy were tempered by internal and

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<sup>647</sup> Ministry of Defense Japan, 'The Guidelines for Japan-U.S. Defense Cooperation', 27 April 2015, <<http://www.mofa.go.jp/files/000078188.pdf>> accessed 19 June 2015.

regional opposition to Japan's remilitarisation. Japan made gradual and modest commitments to security through the alliance owing to its accepted military security role amongst a resolutely pacifist public and wary region. Over decades Japan has decisively and gradually developed a modern navy with a low-profile military status in its efforts to balance the demands of the US with internal and regional perceptions. At the turn of the century Japan had one of the most capable naval forces in the Asia Pacific. The latter development of the JCG was consistent with this pragmatic approach. The civilian nature of the JCG allowed its greater development, circumventing constitutional and ideational constraints. The considerable maritime capabilities developed under the JCG would add value to both the alliance while providing an acceptable vehicle for the delivery of its maritime cooperation in Southeast Asia. As the prerogative of this thesis, the efficacy of Japan's functional and civilian led maritime cooperative strategy in Southeast Asia is best gauged through an examination of its application. Hence, the following chapter consists of an empirical examination and analysis of the development of Japan's maritime cooperation in the Straits of Malacca.



## Chapter 4: The Application of Japan's Maritime Diplomacy in the Straits of Malacca

### Introduction

Since its wartime defeat Japan has come to be the preferred extra-regional facilitator of safety and security in the Straits. This marks a major departure from the days of WW2 when Japan advanced on the littoral states of the SOM in order to secure its access to natural resources indigenous to the littoral states.<sup>648</sup> Japan's defeat in WWII and the peculiarities of its post-war situation evoked a very different maritime strategy for securing its interests. Situated astraddle the lifeline of the Japanese economy,<sup>649</sup> the littoral states of the SOM have been the target of Japan's maritime diplomacy in Southeast Asia. Japan's reliance upon the SOM for its economic and energy security caused Japan to actualise and commit to numerous cooperative security initiatives directed at improving safety and security in these waters. As outlined in Chapter 3, Japan's maritime diplomacy over the period of 1945 to 2014 beared many of the characteristics of a bottom-up approach to cooperation. It was the application of this approach in the Straits that enabled Japan to overcome its wartime legacy and assume a leadership role in the Straits.

By necessity of its post-war circumstances, as outlined in Chapter 3, Japan pursued cooperation in the SOM on issues of shared concern to the littoral states. Economic assistance to the Indonesia and Malaysia predated its functional maritime cooperation. Civilian channels took the lead in implementing Japan's functional cooperation in the Straits. The Japanese Government, MoT and MOFA in conjunction with private interest groups rolled out initial efforts towards safety of navigation in the Straits in the form of technical and financial assistance to the littorals. Japan, however, remained mindful of its past and cautious not to overstep its ground as an extra-regional state. As such, after initial setbacks in its cooperative

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<sup>648</sup> Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, p. 121.

<sup>649</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 26.

endeavours due to provocations of sovereignty, Japan revised its approach and pursued a more concessionary approach to its maritime cooperation which explicitly recognised the littoral states jurisdiction over the Straits. Its responsiveness to the littoral states concerns demonstrated Japan's acquisition of the security dilemma sensibility; discussed in detail in Chapter 1. In applying hindsight to its past actions Japan came to understand how its actions provoke fear in the minds of others as sought to counter such fear by signalling its sincere willingness to cooperate. Japan's actions in the SOM provide testimony to Booth's and Wheeler's contention that this cognitive awareness is the necessary precursor to bottom-up cooperation. Its maritime cooperation in the SOM increased from the early 1970s as it maintained this more concessionary approach going forward.

At the direction of the Fukuda Doctrine and the Comprehensive Security Strategy Japan further advanced functional and civilian led maritime cooperation with the littoral states of the Straits from the late 1970s onwards. The benign status of the JMSDF and moreover, the JCG, provided Japan with an effective vehicle for the delivery of many of these efforts. Over time more advance forms of cooperation emerged as underwritten by the construction of trust. Post-2000 the JCG carried out joint training exercises with each of the littoral states. Japan's maritime cooperation in the SOM culminated with two exemplary cooperative initiatives the 2006 Regional Cooperation Agreement on Combatting Piracy and Armed Robbery Against Ships (ReCAAP) and the 2007 Cooperative Mechanism. These cooperative arrangements embodied Japan's leadership role in maritime cooperation both in the SOM and the wider region.

This chapter investigates how Japan's maritime diplomacy enabled it to garner the highly sought after role as the extra-regional facilitator of safety and security in the SOM. In doing so, the author examines the nuances of Japan's maritime diplomacy and mechanisms towards these ends as applied to the SOM so as to demonstrate how Japan navigated the obstacles and

operationalised its maritime cooperation in this area from the bottom up. This chapter begins with an overview of Japan's maritime interests and cooperative strategy in the SOM, making the case for Japan's extensive cooperative engagement in this area. The following three sections comprise a chronological assessment of Japan's maritime cooperation in the Straits. The first of these examines Japan's early economic engagement and the inception of Japan's functional maritime diplomacy in the Straits from the immediate post-war period to the 1970s. This discussion includes details of how Japan overcame initial obstacles to maritime cooperation through its acquisition of the security dilemma sensibility. The following section assesses the application and development of Japan's maritime diplomacy in the Straits from the 1970s up until the early 2000s during which its maritime cooperation with the littoral states continued to incrementally develop. In turn, Japan's reciprocal cooperation for burden sharing in the SOM under the auspices of the Fukuda Doctrine and its comprehensive security strategy is examined. The final section undertakes an assessment of the period dating from the early 2000s to 2014 during which Japan's maritime cooperation in the Straits reached new heights. Consequently, the author demonstrates the manner in which Japan's confidence building measures over time have incrementally fostered a sense of sincerity and trust amongst the littoral states regarding its intentions and ultimately allowed it to advance its maritime cooperation.

#### **4.1: Japan's Maritime Interests: A Straits of Malacca focus**

As a resource poor state access, to resources and sea lane security has always weighed heavily in the minds of Japanese policymakers. As the major thoroughfare between the Pacific and Indian Oceans and the lifeline to the Japanese economy, the SOM have long been accorded high importance in Japan's maritime strategic thinking.<sup>650</sup> Shipping through the Straits was vital to the expanding Japanese economy and the Empire. Access to the valuable

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<sup>650</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 26.

resources found on the adjacent lands, including timber, tin and palm oil was of parallel importance.<sup>651</sup> In the post-WWII era Japan's interests in territorial defence and resource and energy security remain; as does its interest in freedom of navigation and safety and security. The SOM presents the southernmost and busiest chokepoint on this Indian Ocean sea route hence good order at sea and maritime safety is imperative to Japan's economic security. Goods on course to and from Japan transit sea routes that extend through both the SOM and the South China Sea. Japan's post-war economic recovery was heavily reliant upon seaborne trade. Imported energy resources are imperative for the manufacturing of Japanese exports. Japan's considerable economic growth during the 1950s and 1960s was made possible through this economic model of 'value-added production' along with heavy industries. Minerals and energy sources from within Australasia shipped via the Indonesian archipelago were vital to the continued recovery of the Japanese economy. Japan's dependence on Middle Eastern oil and other valuable resources transiting the Indian Ocean and through SOM increased in tandem with trade and remarkable economic growth. It was estimated in 1970 that approximately 90 per cent of Japan's oil supplies were shipped via the SOM.<sup>652</sup>

From the 1970s as the cost of domestic production increased local manufacturing decreased accordingly. This trend saw the dislocation of 'sunset industries' to Southeast Asia.<sup>653</sup> As such Japan's reliance upon sea lanes through Southeast Asia increased. The 1973 and 1975 oil shocks served as an indicator as to the potential costs of major shipping disruptions and raised concerns for sea lane security more broadly. While Japan has repeatedly investigated the viability of other sea routes it has been unable to significantly reduce its reliance on energy supplies received via the SOM. Of the most feasible, the nearby alternate Lombok-Makassar route would increase costs to the Japanese maritime trade industry to the sum of

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<sup>651</sup> Cleary and Goh Kim Chuan, *Environment and development in the Straits of Malacca*, p. 120.

<sup>652</sup> Mak, 'Unilateralism and regionalism: Working Together and Alone in the Malacca Straits', p. 146.

<sup>653</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, pp. 10-11.

USD 1 billion a year.<sup>654</sup> In 1993, two decades after the first oil shock and Japan's initial investigation into means to bypass the troublesome Straits, a total of 37 per cent of all tanker traffic through the SOM was carrying Japanese cargo.<sup>655</sup> Japan's reliance on maritime transportation through the Straits has since remained. Today Japan imports 98 per cent of its oil needs; a total 80 per cent of which are shipped via the SOM.<sup>656</sup>

During the days of the Empire control over the SOM was seen to be the most effective means by which to protect Japanese interests in the region and thus the expansion of its Empire into Southeast Asia.<sup>657</sup> The territories surrounding the SOM were quickly seized by the Japanese in 1942 to fulfil its Co-Prosperity Sphere.<sup>658</sup> The pre-eminence of naval doctrine and ideology in determining the IJNs maritime strategy in the SOM, however, ran afoul. With the end of the war and the beginning of the US occupation Japan's strategic posture changed from one which was offensively based to defensive as modern Japan has been careful not to repeat the mistakes of the Empire and has alternatively given preference to a proactive and diplomatic approach to its security. Alternatively, post-war Japan endeavoured to improve safety and security through more nuanced diplomatic methods and its detailed engagement in the SOM. As illustrated in the previous chapter, Japan's maritime diplomacy was informed by its dual hedging strategy. Post-war Japan viewed its security in broader, more comprehensive terms.<sup>659</sup> Japan's comprehensive approach to security determined its approach to maritime cooperation in the SOM as illustrated by its concentration of efforts towards non-traditional

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<sup>654</sup> B. A. Hamzah, 'Managing Marine Pollution in the Straits of Malacca and Singapore: Personal Observations', *Singapore Journal of Comparative Law*, 1998, pp. 464- 466.

<sup>655</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, pp. 9-29.

<sup>656</sup> US Energy Information Administration, 'Japan Energy Data, Statistics and Analysis: Oil, Gas, Electricity', September 2008, <<http://ei-01.eia.doe.gov/emeu/cabs/Japan/Oil.html>> accessed 8 June 2011.

<sup>657</sup> Cleary and Goh Kim Chuan, *Environment and development in the Straits of Malacca*, Routledge, London, 2000, p. 121.

<sup>658</sup> Paul S. Dull, *A Battle History of the Imperial Japanese Navy: 1941-1945*, Naval Institute Press, Annapolis, 1978, p. 64.

<sup>659</sup> Katzenstein and Okawara, 'Japan's National Security: Structures Norms and Policies', p. 84.

commonly shared functional issues.<sup>660</sup> Citing the restrictions on the application of the JMSDF, the 1979 official *Report on Comprehensive National Security* stated the need to let maritime diplomacy prevail protecting its interests in areas of key maritime interests, notably the SOM.<sup>661</sup>

Over time Japan's efforts and initiatives in the SOM have proliferated as the changing geostrategic environment has demanded. Amongst the extra-regional states, Japan has experienced the greatest degree of cooperative engagement with the littoral states of the Straits.<sup>662</sup> Given both Japan's wartime legacy in this region, the legacies of other extra-regional powers and the littoral states preoccupation with sovereignty, its accepted role in Southeast Asian cooperative maritime security, particularly the SOM, has been a significant development. In the past, extra-regional anti-piracy initiatives in the SOM have often been perceived by the littoral states as a guised attempt to intervene, making it all the more remarkable that Japan was accepted in this role largely on the pretence of counter piracy. Moreover, according to maritime security expert Sam Bateman, Japan 'is situated at the forefront of moves to counter piracy' in Southeast Asia.<sup>663</sup> The low-profile JMSDF and the JCG served this strategy well as their benign posture was amenable to the interests of its cooperative partners. Japan's, defensive maritime posture determines and facilitates a diplomatic approach to maritime security. In the absence of offensive naval capabilities and a militarily led maritime strategy Japan has pursued an alternate path for its maritime security, one characterised by its diplomatic and civilian focus.

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<sup>660</sup> John F. Bradford, 'Japanese Anti-Piracy initiatives in Southeast Asia: Policy Formulation and the Coastal States Responses', *Contemporary Southeast Asia*, vol. 26, no. 3, 2004, pp. 484-485.

<sup>661</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life and death?*, p. 150.

<sup>662</sup> Sato, 'Southeast Asian Receptiveness to Japanese Maritime Security Cooperation', p. 1.

<sup>663</sup> Sam Bateman, 'Piracy and Maritime Terrorism in East Asia', *East Asia Forum*, 10 February, 2011, <<http://www.eastasiaforum.org/2011/02/10/piracy-and-maritime-security-in-east-asia-2/>> accessed 14 February 2011.

Through the development of cooperative frameworks and partnerships Japan assumed for itself a prized role in facilitating the littoral states in providing security and safeguarding the Straits. It is the careful application of its maritime diplomacy which has paved the way for its maritime cooperation in helping to overcome uncertainty and mistrust as the most pervasive obstacles. The following sections systematically detail how it is that Japan has come to operationalise its maritime cooperation in the SOM.

#### **4.2: The Ebb and Flow of Japan's early Maritime Cooperation in the SOM**

During the first phase of the implementation of its maritime diplomacy in the SOM, Japan's cooperation with the littoral states ebbed and flowed. Representative of the Yoshida Doctrine, Japan's maritime cooperation in the Straits was directed at securing its economic interests. In the late 1960s Japan commenced its maritime cooperation in the area as a means for sea lane safety and security. As its trade continued to expand, Japan grew increasingly concerned for the US commitment to the defence of its merchant fleet in Southeast Asia.<sup>664</sup> Furthermore, deficiencies in good order at sea in the Straits placed Japanese vessels at risk. Aids to navigation were inadequate and bottom conditions in the Straits were under researched due to which charts were insufficient to account for large numbers of VLCCs passing through the Straits.<sup>665</sup> In 1967 Japanese vessel the *Tokyo Maru* in the SOM ran aground in the SOM, releasing large quantities of oil. The following year Japan established the Malacca Straits Council (MSC); a private-public partnership. Public-private partnerships (PPPs) could help secure commercial interests while allowing Japan to lower its profile and political risk in the region.<sup>666</sup> Funding for the council would be composed of contributions from several different Japanese public and private interest groups; 74 per cent of all funding would be provided by the Nippon Foundation, 9 per cent to be received from the Japan Maritime Foundation and 5

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<sup>664</sup> Graham, *Japan's Sea Lane Security 1940-2004: A matter of life and death?*, p. 104.

<sup>665</sup> Daniel P. Finn, 'The Marine Environment and Maritime Security in Southeast Asia: Controlling Oil Tanker Traffic in the Strait of Malacca', *International Law Studies*, vol. 69

<sup>666</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, pp. 157-158.

per cent from the Japanese Government. The remaining 12 per cent was to come from 4 related Japanese industries: The Japanese Shipowners' Association, Petroleum Association of Japan, The General Insurance Association of Japan and the Shipbuilders' Association of Japan.<sup>667</sup> Soon after the commencement of the MSC the Japanese Ministry of Transport (MOT) made arrangements to fund surveying activities in the Straits.<sup>668</sup> In 1968 Japan also made a proposal to the Inter-Governmental Maritime Consultative Organisation (IMCO), the precursor to the IMO, to establish sea lanes in the SOM for navigational safety.<sup>669</sup>

While Indonesia and Malaysia granted approval for the surveys they were displeased by Japan's apparent efforts to command a role for itself in the SOM. According to Michael Leifer Indonesian and Malaysia were displeased by Japan's decision to name its exclusively Japanese council after an area covered under their collective jurisdiction.<sup>670</sup> Indonesia's and Malaysia's refusal of the MSC revealed the pervasiveness of sovereignty sensitivities and residual feelings of mistrust towards Japan. Responsive to the criticism and concerns of the littoral states, the MSC was revised to be inclusive of the littoral states. The Council would take direction from the littoral states as to the best methods to implement for these purposes.<sup>671</sup> Having appeased the littoral states on this matter the MSC would come to provide the littoral states with considerable financial and technical assistance for good order at sea in the SOM.

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<sup>667</sup> Maritime Port Authority of Singapore, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', <<http://www.nmc.com.sg/MSC.pdf>> accessed 25 November 2011.

<sup>668</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 157.

<sup>669</sup> Graham, *Japan's Sea Lane Security 1940-2004: a matter of life and death?*, p. 156.

<sup>670</sup> Leifer, *Malacca, Singapore and Indonesia*, p. 192.

<sup>671</sup> Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', Singapore, 26 April, 2006, <[http://www.mpa.gov.sg/sites/global\\_navigation/news\\_center/speeches/speeches\\_detail.page?filename=sp260406a.xml](http://www.mpa.gov.sg/sites/global_navigation/news_center/speeches/speeches_detail.page?filename=sp260406a.xml)> accessed 25 November 2011.



Despite their acceptance of the MSC, further attempts to command a leadership role in managing the Straits through more formalised binding agreements vexed the littoral states. In May 1969 the MoT and MOFA began to develop a plan to establish a cooperative arrangement amongst extra-regional user states to administer the safe management of the Straits. Talks were held with the US International Development Agency towards these ends.<sup>672</sup> In 1969 Indonesia and Malaysia reached a territorial waters boundary delimitation agreement in July 1969 the SOM as a resounding expression of their sovereignty in the Straits. This agreement was formalised in a treaty signed the following year.<sup>673</sup>

Japan, however, failed to take heed of the littoral states efforts to push back against external involvement and impositions in the Straits. In September 1969 a JMSDF flotilla was directed through the SOM on its inaugural training mission. While the deployment of the JMSDF through the Straits was a legitimate exercise of innocent passage, Graham suggests that this exercise was partly intended to keep the Straits internationalised following the departure of the Royal Navy. Shortly thereafter, in 1970 Japan returned to the IMCO to again promote the direct involvement of extra-regional states in the management of the SOM.<sup>674</sup> It was at the tenth session of IMCO's Sub-Committee on Safety of Navigation (London 1970) that Japan formally proposed the creation of the Traffic Separation Scheme (TSS) for the SOM. The proposed TSS would give extra-regional user states an avenue for input in the management of the Straits. Under the proposed TSS the littoral states would be obliged to report to a board of user states on navigational issues in the Straits.<sup>675</sup> The TSS proposal was followed by another formal proposal from the Japanese MoT in July 1971 which prescribed a greater role for user

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<sup>672</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 158.

<sup>673</sup> Michael Leifer and Dolliver Nelson, 'Conflict of Interest in the Straits of Malacca', *International Affairs*, vol. 49, no. 2, April 1973, p. 193.

<sup>674</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 158.

<sup>675</sup> Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', p. 147.

states in safeguarding the Straits under the creation of a Malacca-Singapore Straits Board.<sup>676</sup> This suggestion for a legally binding, top-down agreement was not well received by the littoral states. According to Leifer the littoral states were further perturbed by the ‘manner of Japan’s diplomacy’ on this issue; said to have spurred these states into the coming joint declaration.<sup>677</sup>

November, 1971, the governments of Indonesia and Malaysia formally declared that the SOM was not an international strait. Singapore, while opposed to signing the declaration informally supported this position.<sup>678</sup> The declaration determined that security in the Straits was considered the sole right of the coastal states. Vessels were to transit the Straits under the principle of innocent passage.<sup>679</sup> It was suggested in the declaration that any attempt to manage the Straits through an official committee, as proposed in the TSS, would rightfully be accorded to the littoral states.<sup>680</sup> The approval of further hydrographic surveys by the MSC would be contingent upon Japan’s recognition of the declaration.<sup>681</sup>

While Japan made continued attempts to impose cooperative measures the littoral states undertook further measures to assert their sovereignty in the Straits. Following the agreement in 1972 Indonesia suggested limiting the use of the Straits to tankers with a dead weight tonnage of 200,000 to 220,000, sending all other tankers via the longer route through the Lombok-Makassar Straits and the Celebes Sea.<sup>682</sup> The use of VLCCs in the Straits had

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<sup>676</sup> Leifer and Nelson, ‘Conflict of Interest in the Straits of Malacca’, p. 193; Leifer, *Malacca, Singapore and Indonesia: Volume Two*, p. 44; Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life of death?*, p. 158.

<sup>677</sup> Leifer and Nelson, ‘Conflict of Interest in the Straits of Malacca’, pp. 192-193.

<sup>678</sup> Leifer and Nelson, ‘Conflict of Interest in the Straits of Malacca’, pp. 190-191.

<sup>679</sup> According to the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, foreign vessels transiting territorial waters must uphold the principle of innocent passage. Innocent passage may be suspended by coastal states for security reasons and when the transit of foreign vessels is considered ‘prejudicial to the peace, good order or security of the coastal state. UN, 1958 Geneva Convention on the Territorial Sea and Contiguous Zone’, 29 April 1958, <<http://cil.nus.edu.sg/1958/1958-convention-on-the-territorial-sea-and-the-contiguous-zone/>> accessed 10 May 2014.

<sup>680</sup> Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life and death?*, p. 159.

<sup>681</sup> Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life and death?*, p. 159.

<sup>682</sup> Chia Lin Sien, ‘The Importance of The Straits of Malacca and Singapore’, pp. 304-306.

increasingly concerned Indonesia and Malaysia due to a number of oil spills involving these vessels in the Straits.<sup>683</sup> However, Japanese tankers in use at the time were specifically built to traverse the SOM and alternative routes would incur considerable costs.<sup>684</sup> With questions about Japan's unfettered passage through the SOM, as a contingency plan to safeguard against obstructions to navigation in the SOM, in the early months of 1971, the MSC conducted a joint survey with Thailand to assess the feasibility of the previously proposed Isthmus of Kra pipeline in hope of reducing its reliance upon the Straits.<sup>685</sup> Thus, Japan's reliance upon the SOM remained.

The Tanaka riots in Indonesia in 1974 proved Japan's efforts to assert itself in matters of safety and security in the Straits as untenable as it further confirmed the fear and apprehension of the littoral states which had not yet overcome Japan's aggressive past. Less than three decades after its takeover of the Straits, Japan was unable to influence the littoral states in its favour by coercive measures and doing so had again proven to be costly.<sup>686</sup> The littoral states' non-responsiveness to Japan's actions and proposals indicated that fear still played a significant role in minds of the littoral states that less than three decades prior had been subjugated to Japan's aggression.<sup>687</sup> Japan's attempts to commandeer safety and security in the Straits from the domain of the coastal states through formal agreements at its own initiative indicated that it had not yet acquired the security dilemma sensibility. While the diplomatic strategy employed during this period marks a significant divergence from the days of the Empire, many of Japan's efforts, including the proposed Malacca-Singapore Straits Board and the TSS, continued to preference its own interests at the expense of the littoral

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<sup>683</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life and death?*, p. 159.

<sup>684</sup> Donald F. Freeman, *Straits of Malacca: gateway or gauntlet?*, McGill-Queen University Press, Canada, 2003, p. 119; Chia Lin Sien, 'The Importance of the Straits of Malacca and Singapore', p. 307.

<sup>685</sup> Chia Lin Sien, 'The Importance of The Straits of Malacca and Singapore', *Singapore Journal of International and Comparative Law*, iss. 2, 1998, pp. 307-316.

<sup>686</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 159.

<sup>687</sup> Booth and Wheeler, *The Security Dilemma: fear, cooperation and trust in world politics*, p. 4.

states. Consequently, these initiatives failed to eventuate as the littoral states sought to preserve their sovereignty.

In contrast the MSC, representative of bottom-up approaches, carried on a number of activities in cooperation with the littoral states over this period. Recognition of the littoral sovereignty in the Straits and the extension of more concessionary cooperative initiatives demonstrated its nascent acquisition of the security dilemma sensibility. The PPP carried out a number of activities in concert with these states as the MSC came to provide Japan with a platform for further cooperation.<sup>688</sup> Aids to navigation were funded by the MSC and donated to the Indonesia and Malaysia to be installed by Council at the request of the littoral states.<sup>689</sup> In 1972 the MSC began to dredge shipwrecks from the Straits to improve navigational safety.<sup>690</sup> The MSC again proved to be of value to the littoral states when in the wake of the 1975 *Showa Maru* oil spill, Indonesia, Malaysia and Singapore all promptly received financial compensation via the Council. In addition to the assistance provided through the MSC Singapore was gifted an oil skimming vessel from the Japanese government to aid in the clean-up while Malaysia received a buoy tender to improve navigational safety along its stretch of the waterway.<sup>691</sup> Capacity building and assistance through the MSC was welcomed by the littoral states, particularly, Indonesia and Malaysia for which there was much to gain. The MSC was to provide the littoral states with considerable assistance over the coming years as seen in Figure 4.1. While throughout this period Japan's applied maritime diplomacy was still in its infancy it had positioned itself as a key financier and accepted stakeholder in maritime affairs in the Straits; laying the groundwork for further cooperation.

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<sup>688</sup> Graham, *Japan's Sea Lane Security 1940-2004: a matter of life and death?*, p. 157.

<sup>689</sup> Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', Singapore, 26 April, 2006.

<sup>690</sup> Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, p. 148.

<sup>691</sup> Kiyoshi Siashoji, 'Japan's Contribution to Safe Navigation in the Straits of Malacca and Singapore', Special Issue, no. 2, 1998, pp. 512-513.

**Figure 4.1: Projects funded by the Malacca Straits Council**

COLLECTIVE OPPORTUNITIES

*Table 9.1 Projects funded by the Malacca Straits Council 1968–1994*

<i>Project</i>	<i>Period</i>	<i>Cost (million yen)</i>
Survey and chart work	1968–1982	1,783
Tidal studies	1976–1979	646
Removal of shipwrecks	1972–1978	1,435
Dredging work	1979	1,001
Navigational aids	1970–1994	4,026

*Source: Adapted from Ono (1997, 246).*

Source: Mark Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, Routledge, New York 2005, p. 148.

#### 4.3: Reciprocity and Burden Sharing

From the mid-1970s Japan maintained its more concessionary approach to its maritime cooperation in the SOM. Economic antagonism with the US and China's re-emergence (discussed in greater detail in Chapter 3) encouraged Japan to pursue closer relations with Southeast Asia. As such, Japan revoked its attempts to impose its will in the SOM. Correspondingly, Japan would no longer press the littorals on matters affecting its interests in freedom of navigation through the Straits but rather allow these matters to be taken up by other user states, namely the US.<sup>692</sup> The 1969 dispatch of the JMSDF to the Straits would, therefore, mark the last time Japan's naval assets would be deployed to the area without the explicit consent of the littoral states. Providing greater reassurance to the littoral states of Japan's non-threatening intentions the JMSDF was restricted from many conventional naval roles. The Cabinet Legislation Bureau's (CLB) conservative reading of the constitutional ban on collective-self-defence and bilateral military exercises restricted the deployment of the JMSDF.<sup>693</sup> The limitations on the JMSDF were noted to the Southeast Asian states to

<sup>692</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 169.345

<sup>693</sup> Richard J. Samuels, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia*, Cornell University Press, New York, 2007, p. 48.

alleviate fears of its intentions.<sup>694</sup> While restricted from collective-defence, the JMSDF could deploy outside of 1000nm for joint training as this precedent had been previously set in the mid-1950s when the US requested Japanese vessels deploy to Hawaii under the auspices of joint training. Japan began its participation in RIMPAC in 1980 through which it undertook joint training with the navies of the US, Korea, Australia, Canada, Chile and Peru while Malaysia and Singapore were amongst observers of the event.<sup>695</sup> The JMSDF could therefore only be deployed to the Straits under the auspices of joint training at the approval of the littoral states. Repeated US accusations of Japan's free-riding would ironically contribute to the benign image of Japan's maritime agencies as it further contributed to the perception that Japan's self-defence forces were perceived to be no 'more than a national guard'.<sup>696</sup>

What is more, Japan, enhancing its low-level functional cooperation, was responsive to the littoral states' indigenous initiatives to improve safety and security in the SOM as it came to fully acquire and operationalise the security dilemma sensibility. In 1975 the MSC conducted a conference with the aim of improving safety in the Straits.<sup>697</sup> Following this meeting the three littoral states issued a joint statement regarding their intention to implement a TSS in the Straits.<sup>698</sup> This initiative was directed by the littoral states as opposed to Japan's previous suggestion of a user-state led board under the TSS. Japan's acceptance of the TSS served as recognition of the littoral states prerogative over security matters in the Straits.<sup>699</sup> Japan similarly accepted measures implemented by the littorals to govern the flow of traffic through the Straits. Following a series of inclusive discussions, Japan agreed to the under-keel limits set by the littorals in the SOM; prohibiting VLCCs of 230,000 tons and over from traversing

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<sup>694</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 153.

<sup>695</sup> Kerry Lynn Nankivell, 'The View from the West: RIMPAC, An Exercise in Politics', *Canadian Naval Review*, vol. 4, no. 1, Spring 2008, p. 37.

<sup>696</sup> Samuels, 'New Fighting Power!': Japan's growing Maritime Capabilities and East Asian Maritime Security', pp. 85-86.

<sup>697</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, pp. 160-161.

<sup>698</sup> Robert C. Beckman, Carl Grundy-Warr and Vivian Louis Forbes, 'Acts of Piracy in the Malacca and Singapore Straits', *Maritime Briefing*, vol. 1, no. 4, 1994, p. 15.

<sup>699</sup> Sudo, *Southeast Asia in Japanese Security Policy*, p. 36.

the SOM. Vessels over 230, 000 tons would be re-routed through the Lombok Straits at a considerable cost to Japanese commercial interests. At the time that the new restriction was brought into play Japan was operating more than 90 VLCCs over the specified limit. Though this would incur additional costs for Japan it left its objections to be voiced by the US as the most vocal proponent of coastal states interests. As a sign of solidarity on the issue of vessel safety in the Straits the Japan Safety Agency (JSA) further suggested a reduction of speed for vessels in transit through the SOM as an additional safety measure.<sup>700</sup>

Changes to its foreign and security policies further enhanced Japan's functional maritime cooperation. In 1977 Prime Minister Takeo Fukuda affirmed the need for Japan to further improve its political relations with Southeast Asia through positive forms of engagement. Consequently Fukuda revised the Yoshida Doctrine's limits on political engagement and began to construct a more positive political role for itself in the region by extending Japan's cooperation to sectors other than the economy.<sup>701</sup> The subsequent comprehensive security strategy again reinforced Japan's cooperative strategy in Southeast Asia.<sup>702</sup> By expanding the purview of its security strategy Japan created new opportunities for functional cooperation in the Straits.

The development of complementary security strategies in the littoral states helped capitalise on newly existing opportunities for cooperation. At the same time Japan was developing the notion of comprehensive security the SOM littoral states were similarly developing broader and more comprehensive understandings of security; compatible with Japan's. Indonesia's, Malaysia's and Singapore's new understanding of comprehensive security was consistent with Japan's. Each stressed that's security was not the sole prerogative of the military and

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<sup>700</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, pp. 161-169.

<sup>701</sup> Lam Peng Er, *Japan's Peace-Building Diplomacy in Asia: seeking a more active political role*, Routledge, Oxon, 2009, p. 6.

<sup>702</sup> Dewitt, 'Common, Comprehensive and Cooperative Security in Asia-Pacific', p. 3.

emphasised the importance of cooperation.<sup>703</sup> For these Southeast Asian states comprehensive security would allow them greater autonomy and insulation from the manifestations of the great power rivalry and alliance structures in the region. The ASEAN states in similarity with Japan sought ‘reassurance over deterrence’, reflective of their shared concern for the fragile regional balance of powers.<sup>704</sup> Fear for the apparent draw down in US forces and Soviet naval expansion also presented a convergence of interests between Japan and the littoral states; tempering their consternation towards Japan.<sup>705</sup> Furthermore, as the geostrategic environment improved the littoral states, particularly Indonesia and Malaysia, would take a more judicious position on the management of the Straits as their limited capacities would demand.<sup>706</sup>

Facilitating its image as an honest and interested extra-regional stakeholder Japan was also responsive to calls for greater burden sharing. In 1981, Japan helped establish the Revolving Fund under the MSC as originally anticipated at the 1975 MSC meeting.<sup>707</sup> Through the Fund user states would provide ongoing financial assistance to the littoral states from the users of the Straits to improve navigational and environmental safety in the Straits.<sup>708</sup> Management of the fund would rotate amongst the user states on five year periods.<sup>709</sup> Money would be made immediately available to the littoral states through the Revolving Fund to allow for quick response to oil spills and environmental disasters, a long-held concern of these states.<sup>710</sup> Japan was the first to make a contribution to the Fund in 1981, donating 400 million yen.<sup>711</sup>

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<sup>703</sup> Dewitt, ‘Common, Comprehensive and Cooperative Security in Asia-Pacific’, pp. 3-5.

<sup>704</sup> Dewitt, ‘Common, Comprehensive and Cooperative Security in Asia-Pacific’, p. 13.

<sup>705</sup> Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life of death?*, p. 157.

<sup>706</sup> Graham, *Japan’s Sea Lane Security, 1940-2004: A matter of life of death?*, p. 160.

<sup>707</sup> Siashoji, ‘Japan’s Contribution to Safe Navigation in the Straits of Malacca and Singapore’, p. 513.

<sup>708</sup> Nazery Khalid, ‘Burden Sharing, Security and Equity in the Straits of Malacca’, *Japan Focus*, 17 November 2006, <<http://www.japanfocus.org/-Nazery-Khalid/2277>> accessed 12 March 2012.

<sup>709</sup> Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, p. 148.

<sup>710</sup> Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, p. 148.

<sup>711</sup> Siashoji, ‘Japan’s Contribution to Safe Navigation in the Straits of Malacca and Singapore’, p. 513.



Over the coming years Japan would remain the greatest extra-regional contributor to the Revolving Fund; confirming its status as the chief financier of security in the Straits.<sup>712</sup>

The increase in piracy in the Straits early 1990s was the impetus for Japan's further cooperation. During this period Japan increased its ODA commitments, particularly to Indonesia, under the upheld belief that it helped construct 'an international environment favourable to Japan'.<sup>713</sup> Japan first became concerned for the incidence of piracy in the SOM in 1992 after the first Japanese vessel was hijacked by pirates in the SOM. Piracy was identified to present a direct threat to Japan's comprehensive security. Defence officials publicly referred to the threat which piracy posed to the safe passage of increasing numbers of Japanese vessels in the SOM and the South China Sea.<sup>714</sup> Media coverage of further attacks against Japanese vessels and the securitisation of the issue fostered public backing for anti-piracy initiatives.<sup>715</sup> Japanese ODA to Indonesia and Malaysia was intended as means to help alleviate poverty as a primary cause of piracy.<sup>716</sup> The AFC saw Japan's ODA to Indonesia and Malaysia further increase following the economic malaise that reverberated through their economies.<sup>717</sup> Supplementing Japan's ODA, financial and technical assistance through the MSC and the Revolving Fund was also ongoing throughout this period.<sup>718</sup> Japan's sustained financial contribution to safety and security in the Straits helped the littoral

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<sup>712</sup> Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', Singapore, 26 April, 2006; Khalid, 'Burden Sharing, Security and Equity in the Straits of Malacca'.

<sup>713</sup> Quoted in Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 153.

<sup>714</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life or death?*, p. 189.

<sup>715</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', p. 485.

<sup>716</sup> Ministry of Foreign Affairs Japan, 'Present State of Piracy Problem and Japan's Efforts', December 2001, <<http://www.mofa.go.jp/policy/piracy/problem0112.html>> accessed 4 June 2013.

<sup>717</sup> Ministry of Foreign Affairs Japan, 'ODA Loan to Malaysia-Assistance to rehabilitate Malaysia's economy', 5 March 1999, <<http://www.mofa.go.jp/announce/announce/1999/3/305.html>> accessed 4 June 2013; Ministry of Foreign Affairs Japan, 'ODA and the Asian Currency Crisis', 1998, <<http://www.mofa.go.jp/policy/oda/summary/1998/3.html>> accessed 4 June 2013.

<sup>718</sup> Siashoji, 'Japan's Contribution to Safe Navigation in the Straits of Malacca and Singapore', *Singapore Journal of International and Comparative Law*, Special Issue, no. 2, 1998, pp. 511-516; Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', 2006.

states meet the requirements of coastal states and fulfil the general obligation to cooperate as required under the 1994 UNCLOS.<sup>719</sup> Despite its initial reservations towards the Convention due to concerns about its potential to limit access to traditional fishing grounds and compromise freedom of navigation Japan had become a proponent of the UNCLOS regime as a way of promoting cooperation for good order at sea. At the final session of the Law of the Sea Convention Japan voted in favour of its adoption; later ratifying the Convention in 1996.<sup>720</sup> In addition, Japan became an active participant in many regional conferences convened to discuss cooperative counter-piracy measures.<sup>721</sup>

As it proceeded through the years Japan's maritime cooperation progressed to more comprehensive forms. Sustained over time, Japan's reciprocated capacity building initiatives and dialogue incrementally fostered goodwill and trust; paving the way for more advanced cooperative mechanisms. From the mid-1990s Japan began to augment its financial and technical assistance with naval cooperation. During this period the Singapore Navy agreed to establish joint search and rescue exercises with the JMSDF.<sup>722</sup> The JMSDF also began to provide training to naval personnel from Indonesia, Malaysia and Singapore. Personnel from these states were taken aboard JMSDF vessels while in transit for training purposes.<sup>723</sup> Japan's ongoing express recognition of the littoral states sovereign status in the Straits helped maintain confidence and trust. In 1998 Japan agreed to cooperate in the mandatory ship reporting system to be introduced by the littoral states via IMO Resolution MSC.73(69).<sup>724</sup> Under STRAITREP ships over 300 GWT (gross weight tonnage) were required to report to

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<sup>719</sup> Bate man, Coast Guards: New Forces For Regional Order and Security', p. 2.

<sup>720</sup> Kawasaki-Urabe and Forbes, 'Japan's Ratification of UN Law of the Sea Convention and its New Legislation on the Law of the Sea', p. 92.

<sup>721</sup> Ocean Policy Research Foundation, 'OPRF Blueprint for a New Cooperative Framework on the Straits of Malacca and Singapore', Tokyo, 2006, p.

<sup>722</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 197.

<sup>723</sup> MIDN Dianne McArthur, 'Diane took the con-in Japanese', Navy: The Sailors Paper, The Australian Defence Force, <<http://www.defence.gov.au/news/navynews/editions/4618/topstories/story23.htm>> accessed 4 June 13.

<sup>724</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 163.

the littoral states to be provided with information on navigational hazards in the SOM.<sup>725</sup> Japan's and the littoral states reciprocal commitments in the SOM provided a stable foundation for the development of further functional cooperative efforts.

#### 4.4: Constructing Trust and Advancing Cooperation

From 2000 onwards maritime cooperation and therefore trust, between Japan and the littoral states continued to develop. The MSC remained an integral framework for Japan's maritime cooperation. By 2001, Japan had donated more than 10 billion yen through the MSC to improving safety and security in the SOM.<sup>726</sup> Changes to the JCG bolstered Japan's bilateral maritime cooperation in the Straits during this period. The JCG, offering a lower defence profile and a non-military status, became a key vehicle for Japan's maritime cooperative initiatives in the SOM. While the MSA had previously been active in maritime cooperation in the Straits, sending experts to Indonesia for capacity building since the mid-1980s,<sup>727</sup> the 2000 revisions saw its greater involvement in the SOM. In 2000 the JCG conducted its first bilateral anti-piracy training with Malaysia. By 2003 the JCG had conducted bilateral anti-piracy training exercises with all of the littoral states.<sup>728</sup> The bilateral exercises marked the beginning of what were to become routine exercises between the maritime law enforcement agencies of the littoral states and the JCG. Unlike the JMSDF exercises with Singapore, the law enforcement exercises saw armed JCG vessels enter into Southeast Asian territorial waters; welcomed by the respective states and their coast guard analogues. The JCGs activities were, however, restricted to training exercises as it was prohibited from apprehending vessels flagged by other states except for on the high seas. Furthermore the

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<sup>725</sup> Captain Mark Heah Eng Siang, 'Implementation of Mandatory Ship Reporting in the Malacca and Singapore Straits', *Singapore Journal of International and Comparative Law*, vol. 3, 1999, p. 346.

<sup>726</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 163.

<sup>727</sup> Teiji Iwasaki, 'The Antipiracy Achievements of the Japan Coast Guard', *highlighting JAPAN through articles*, May 2009, pp. 18.

<sup>728</sup> Vavro, 'Piracy, Terrorism and the balance of Power in the Malacca Strait', p. 16.

JCG could only legally engage with other civilian agencies.<sup>729</sup> Following its maritime training exercises with Indonesia in 2003 Japan dispatched an expert to Indonesia's the Ministry of Communication for sustained capacity building.<sup>730</sup> The Japan International Cooperation Agency (JICA) would help implement and administer the JCGs training exercises and programs.<sup>731</sup> In 2005 Japan sent experts from the JCG to Malaysia to provide technical assistance to the Malaysian Maritime Enforcement Agency (MMEA) to develop operation systems and to assist in the development of their human resources.<sup>732</sup> The operationalisation of Japan's maritime cooperation in the Straits through the JCG was a remarkable development. It indicated that Japan had effectively distanced itself from its wartime past; overcoming mistrust which obfuscated its earlier cooperative activities.

As a sign of further progress in 2004 Japan was instrumental in the establishment of ReCAAP. Bringing together sixteen regional and extra-regional states in the fight against piracy in Southeast Asia ReCAAP was the most comprehensive regional multilateral anti-piracy initiative. As such ReCAAP marked a considerable step forward for Japan in its maritime cooperation. The road to ReCAAP, however, was not without its difficulties. Japan's efforts to establish a more comprehensive mechanism for anti-piracy cooperation began with more ambitious recommendations for multilateral regime. The ReCAAP initiative was born out of an earlier proposal made by Prime Minister Keizo Obuchi at the 1999 ASEAN+3 meeting in Manila to establish a regional coast guard to conduct anti-piracy patrols. Obuchi's suggestion, however, failed to get up. Nevertheless Japan persevered in its

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<sup>729</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', pp. 491-492.

<sup>730</sup> Andrin Raj, 'Maritime Training Program: Japan Coast Guard's 'New Maritime Training Program' for Malaysia, Thailand and Indonesia', MaritimeTerrorism.com, <<http://www.maritimeterrorism.com/2009/06/24/maritime-security-japan-coast-guards-new-maritime-training-program-for-malaysia-thailand-and-indonesia/>> accessed 29 March 2012.

<sup>731</sup> Japan International Cooperation Agency, 'Focus on Training', <[http://www.jica.go.jp/english/news/focus\\_on/training2010/](http://www.jica.go.jp/english/news/focus_on/training2010/)> accessed 5 June 2013.

<sup>732</sup> Ministry of Foreign Affairs Japan, 'Malaysian 'Umizaru' Divers Protect International Shipping Routes- Capacity Building in Maritime Safety and Security', Stories from the field 2, 2012, <<http://www.mofa.go.jp/policy/oda/white/2012/html/column/column02.html>> accessed 24 October 2013.

efforts to establish a formal multilateral regime for regional anti-piracy operations. At follow up meeting hosted in Tokyo in April 2000 by the Nippon Foundation and the Japan Ministry of Transport further explored the prospects for cooperation amongst regional coast guards in fighting piracy.<sup>733</sup> Likewise, in 2001 retired Vice Admiral Hideaki Kaneda suggested the creation of a regional 'Maritime Coalition', incorporating the regional navies including JMSDF, for collective maritime security. Capping off these efforts, in 2003 the JCG suggested the creation of trilateral maritime law enforcement exercises with Indonesia and Singapore.<sup>734</sup>

These determined efforts to establish a formalised multilateral regime, however, never materialised. The divergence of interests and sovereignty sensitivities amongst the littoral states hindered the development of such multilateral measures. Singapore was again the odd one out amongst the littoral as an advocate for extra-regional involvement in counter-piracy.<sup>735</sup> Indonesia and Malaysia were unconvinced of the imminent threat posed by piracy and hence by the need for foreign participation in patrolling the territorial waters of the Straits. Moreover, Indonesia and Malaysia were vexed by Japan's suggestion of a regional coast guard as it was said to offend their sovereignty.<sup>736</sup> Similar objections were heard from Japan's extra-regional competitors. Conscious of its 'Malacca Dilemma' China refused that cooperation was needed to address piracy at all.<sup>737</sup> Chinese analysts were critical of extra-regional powers Japan and the US for what it perceived to be an attempt on behalf of these

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<sup>733</sup> 'Present State of the Piracy Problem and Japan's Efforts', *The Ministry of Foreign Affairs Japan*, December 2001.

<sup>734</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', pp. 492-493.

<sup>735</sup> Author not supplied, 'Singapore Seeks Joint Patrols in the Malacca Straits, Involving Japan', *Asian Political News*, May 2004,

<<http://www.thefreelibrary.com/Singapore+seeks+joint+patrols+of+Malacca+Straits,+involving+Japan.-a0117051877>>Singapore seeks joint patrols of Malacca Straits, involving Japan> accessed 17 October 2013.

<sup>736</sup> Raj, 'Japanese Initiatives in Security Cooperation in the Straits of Malacca on Maritime Security and in Southeast Asia: Piracy and Terrorism', p. 35.

<sup>737</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', pp. 480

states to exert strategic influence in the Straits under the pretence of anti-piracy and counter-terrorism. China, however, reluctant to facilitate its strategic rivals in getting ahead in the SOM, offered its assistance to the littoral states.<sup>738</sup>

Nevertheless, while Japan's recommendations for a comprehensive regional framework for maritime cooperation were rejected the discussions which surrounded these proposals proved fruitful. In 2004 the ReCAAP agreement was signed three years after Obuchi's original recommendation. The agreement that was signed upon in 2004 varied substantially from that first seen in 2002. Having omitted suggestions for a regional coast guard, ReCAAP would promote less formalised and benevolent cooperative mechanisms such as dialogue and information sharing. The approach taken to ReCAAP was more in keeping with concessionary approach that had led Japan here. These amendments were necessary to circumvent issues of sovereignty that obfuscated previous attempts towards an operational multilateral arrangement. Likewise Japan shelved other recommendations for operational multilateral cooperation including, Hideaki's idea of a Maritime Coalition and the trilateral patrols with Indonesia and Singapore.<sup>739</sup>

Despite these changes made to ReCAAP, Indonesia and Malaysia neglected to sign the 2004 agreement. The littoral states refusal did not stem from opposition to Japan's leadership of ReCAAP but due to rivalry amongst the littorals themselves. Malaysia's refusal to sign ReCAAP was due to disagreement over the location of the Information Sharing Centre (ISC); established in Singapore, while Indonesia remained sensitive to breaches of sovereignty and failure to recognise the archipelagic principle.<sup>740</sup> While there was considerable opposition to

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<sup>738</sup> Ian Storey, 'China's 'Malacca Dilemma'', *China Brief*, vol. 6, no. 8, *The Jamestown Foundation*, <[http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=3943](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=3943)> accessed 29 March 2010.

<sup>739</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', p. 493.

<sup>740</sup> Sam Bateman, 'Piracy and Armed Robbery Against Ships in Indonesian Waters', in Robert Cribb and Michele Ford (eds.), *Indonesia Beyond the Water's Edge: Managing an Archipelagic State*, Institute of Southeast Asian Studies, Singapore, 2009, pp. 118-119.

joint patrols many of the other proposals set out in ReCAAP were received in a more positive light. Despite their refusal to formally sign on to the agreement Indonesia and Malaysia would engage in cooperative dialogue through ReCAAP to coordinate their efforts in the fight against piracy.<sup>741</sup> Though ReCAAP was constrained by sovereignty sensitivities it was a ‘noteworthy’ cooperative initiative as the first Asia wide inclusive anti-piracy initiative.<sup>742</sup>

Although the success of ReCAAP was perhaps limited based on original conceptions it far outweighed the absolute failure of the US RMSI proposal in 2004. Indonesia’s and Malaysia’s outright rejection of the RMSI framework even prior to its official confirmation was illustrative of their caution towards more formalised, strategic level cooperative mechanisms that could accord priority to the interests of extra-regional states. Prior to the events of September 11 2001, the US was on a hiatus from Southeast Asia as it concentrated its efforts on more immediate security threats.<sup>743</sup> Following the September 11 terror attacks the US interests in security in the SOM surged in response to the potential risk of maritime terrorism and the alleged nexus between piracy and terrorism in the Straits. Citing the potential risk posed by political separatist and Muslim extremist groups to shipping through the SOM, in April 2002 the US and India conducted joint naval escorts of high value military shipping through the Straits. While Singapore largely supported the US counter-terrorism objectives due to its status as an entrepôt and global shipping hub, Indonesia and Malaysia remained suspicious as to the real threat of piracy let alone its connection with terrorism in the Straits. Indonesia and Malaysia both contended that evidence to support the alleged imminent risk of maritime terrorism was nominal at best.<sup>744</sup> Both states feared that the threat posed by piracy and terrorism and their potential nexus had been overstated in an attempt to

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<sup>741</sup> Personal correspondence with Dr Sam Bateman, 19/10/2012.

<sup>742</sup> Bradford, ‘The Growing Prospects For Maritime Security Cooperation in Southeast Asia’, p. 30.

<sup>743</sup> Bradford, ‘Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses’, p. 484.

<sup>744</sup> Bateman, ‘Regime building in the Malacca and Singapore straits: two steps forward, one step back’, p. 45

internationalise security in the SOM.<sup>745</sup> The US apparent disregard for state sovereignty in response to terrorism, as seen in the invasion of Iraq, likely contributed to Indonesia's and Malaysia's concerns for US involvement and what this could mean for their sovereignty.<sup>746</sup> Moreover, US attempts to engage in the SOM in the name of counter-terrorism were perceived to be poorly disguised attempts to exert their strategic motivations.<sup>747</sup> China's re-emergence coincided with US renewed interests in the region. China's increased maritime presence and influence throughout East Asia gave heightened strategic importance to the SOM for the US. The littoral state, aware of the increasingly fragile regional balance of powers between the US and China, were cautious not to upset this by favouring their engagement with one over the other in the SOM.<sup>748</sup> Increasing strategic competition between the US and China was evident when in May 2002, following the US-Indian joint escorts through the SOM, a People's Liberation Army Navy (PLAN) vessel conducted anti-piracy exercises as it sailed through the Straits.<sup>749</sup>

Concerns for the internationalisation of security in the Straits spurred the littoral states to take further action to improve good order at sea in the SOM. In response to the fear of foreign interference Indonesia and Malaysia both made moves to increase their capacity to defend the Straits and increasing their cooperative patrols.<sup>750</sup> Keen to take control of security in the straits out of fear of foreign interference, in 2004 the littoral states collectively established the

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<sup>745</sup> Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', pp. 151-154.

<sup>746</sup> Vavro, 'Piracy, Terrorism and the Balance of Power in the Malacca Strait', p. 15.

<sup>747</sup> Catherine Zara Raymond, 'The Threat of Maritime Terrorism in the Malacca Strait', *Terrorism Monitor*, vol. 4, no. 3, 9 February 2006, <[http://www.jamestown.org/programs/gta/single/?tx\\_ttnews\[tt\\_news\]=670&tx\\_ttnews\[backPid\]=181&no\\_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=670&tx_ttnews[backPid]=181&no_cache=1)> accessed 2 April 2012.

<sup>748</sup> Vavro, 'Piracy, Terrorism and the Balance of Power in the Malacca Strait', p. 15.

<sup>749</sup> Author not supplied, 'PLA Fleet Conducts Anti-Piracy Exercises at Malacca Straits', *English People Daily*, 29 May, 2002, <[http://english.peopledaily.com.cn/200205/29/eng20020529\\_96696.shtml](http://english.peopledaily.com.cn/200205/29/eng20020529_96696.shtml)> accessed 2 April 2012.

<sup>750</sup> Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', p. 155.



MALSINDO patrols in the Straits.<sup>751</sup> The limited capacity of Indonesia and Malaysia, however, meant that some form of outside assistance was needed. Suspicion towards other key extra-regional user states motivations regarding security in the Straits post-2001, ostensibly cast Japan's bottom-up cooperative activities in a more favourable light. Its erstwhile actions had set it apart from other extra-regional states seeking engagement in the SOM. While the events of September 11 drew other user states' focus to the more controversial counter-terrorism and security objectives in the Straits Japan was careful not to overstate the threat posed by maritime terrorism in the SOM and sought to remain focused on anti-piracy measures in the SOM.<sup>752</sup> Given Japan's long-term cooperative engagement in the SOM, its efforts to improve safety and security in the SOM did not carry the same mistrust and suspicion as US led initiatives. The disparate outcomes of Japan's efforts including ReCAAP and the US RMSI provided testimony to the benefits of its bottom-up approach. By explicitly recognising the littorals' sovereignty and responding to burden sharing measures implemented at their initiative Japan had demonstrated a genuine intention to engage in safety and security in the SOM. The maintenance of its concessionary approach over time demonstrated its reliability as a cooperative partner.

Hence, for as long as Japan maintained this approach its maritime cooperation continued to develop. On June 21 2005 a Japanese patrol vessel arrived at port in Indonesia to commence joint maritime exercises with its Indonesian counterpart in Indonesia's territorial waters. Interestingly, as the vessel left its port for Indonesia, Indonesian Defence Minister Juwono Sudarsono once again stated Indonesia's desire to see more capacity building initiatives as it does not welcome the presence of foreign naval assets and military force in its sovereign

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<sup>751</sup> Caroline Liss, 'The Challenges of Piracy in Southeast Asia and the Role of Australia', APSNet, Policy Forum, October 25, 2007, <<http://nautilus.org/apsnet/the-challenges-of-piracy-in-southeast-asia-and-the-role-of-australia/#axzz2UpVGk9jE>> accessed 31 May 2013.

<sup>752</sup> Bradford, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses', p. 484.

waters. Admiral Slamet Soebijanto, Indonesian Navy Chief of Staff publicly supported this position in a statement made later that day.<sup>753</sup> This was revealing of the benign perception of the JCG and its activities in and around the Straits. In 2006, Japan began to facilitate the development of Indonesia's and Malaysia's coast guards. Joint training and capacity building in the Straits was listed as a priority mission in the 2006 JCG White Paper.<sup>754</sup> Malaysia was in receipt of a training vessel from the JCG while Indonesia was gifted three patrol boats.<sup>755</sup> The patrol vessels were funded by the Nippon Foundation.<sup>756</sup> The private donation of these vessels helped circumvent political obstacles while the transfer of these vessels through the JCG did not breach the constitutional ban on weapons exports. Japan made the littoral states sign declarations that the capabilities would not be deployed for offensive or potentially hostile purposes.<sup>757</sup>

In addition to its capacity building through technological transfer Japan also continued to promote principles of burden sharing. As a sign of the positive reception of Japan's efforts, at a ceremony marking the 25<sup>th</sup> anniversary of the Revolving Fund, Singaporean Permanent Secretary Choi Shing Kwok delivered a speech in which he thanked the Japanese government and Japanese private organisations, namely, the Nippon Foundation and the Japan Association for Marine Safety (JAMS), for their unremitting cooperative assistance.<sup>758</sup> Based on the tenet of burden sharing Japan attended a number of consultative meetings and conferences hosted by the littoral states at which the rights and responsibilities of coastal and

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<sup>753</sup> David A. Stott, 'Japan and Indonesia boost military ties as ship arrives in Jakarta', *Shingetsu Institute*, Newsletter no. 19, 20 June 2005, <<http://www.shingetsuinstitute.com/newsletter/june2005n19.htm>> accessed 9 August 2011.

<sup>754</sup> Samuels, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia*, p. 80.

<sup>755</sup> Bateman, 'Regime building in the Malacca and Singapore straits: two steps forward, one step back', p. 45.

<sup>756</sup> Simon, 'Safety and Security in the Malacca Straits: The Limits of Collaboration', p. 26.

<sup>757</sup> Samuels, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia*, p. 80.

<sup>758</sup> Choi Shing Kwok, Opening Address Revolving Fund Handover Ceremony, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', 2006.

user states were discussed.<sup>759</sup> In September the IMO to establish a hosted a meeting of the littoral states at which the TTEG was given approval to establish a cooperative mechanism for burden sharing between coastal states and user states.<sup>760</sup> Responding to the requests of the littoral states at a 2006 IMO meeting held between the littoral states and user states Japan voluntary proposed burden sharing for the costs associated with securing the Straits as outlined under Article 43 of the UNCLOS regime.<sup>761</sup> At the time of the 2006 meeting, Japan was the only user state to voluntarily make direct financial contributions to the management of the Straits.<sup>762</sup> Following the IMO meeting which again raised the issue of burden sharing, Japan made an unknown financial contribution to the IMOs Marine Electronic Highway initiative (MEH).<sup>763</sup> The government's efforts were augmented by JICA and JAMS which both contributed to their expertise and technical assistance to the MEH project.<sup>764</sup> Prior cooperative efforts amongst the littoral states and the same Japanese partners involved in the MEH produced Electronic Navigational Charts which would enable the implementation of the MEH.<sup>765</sup>

The incremental development of Japan's post-war maritime cooperation culminated with the Cooperative Mechanism for safety of navigation and environmental protection in the Straits of Malacca. Japan, long a contributor to navigational safety and environmental protection in

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<sup>759</sup> Between October 2004 and December 2005 Japan attended the following meeting and conferences hosted by the littoral states: Conference on the Straits of Malacca: Building a Comprehensive Security Environment, organised by the Maritime Institute of Malaysia (MIMA), the Seminar on Maritime Terrorism and the Straits of Malacca, hosted by the Malaysian Ministry of Defence, Enhancing Security in the Straits of Malacca: Amalgamation of Solutions to Keep the Straits Open to All, hosted by MIMA. Ocean Policy Research Foundation, 'OPRF Blueprint for a New Cooperative Framework on the Straits of Malacca and Singapore', Tokyo, 2006, p. 5.

<sup>760</sup> Simon, 'Safety and Security in the Malacca Strait: The Limits of Collaboration', p. 4.

<sup>761</sup> Raj, 'Japan's Initiatives in Security Cooperation in the Straits of Malacca on Maritime Security and in Southeast Asia: piracy and Maritime Terrorism', p. 38.

<sup>762</sup> Sam Bateman, 'Safety and Security in the Malacca and Singapore Straits', *MarStudies*, vol. 14, 2006, <<http://www.austlii.edu.au/au/journals/MarStudies/2006/14.html>> accessed 12 April 2012.

<sup>763</sup> Khalid, 'Burden Sharing, Security and Equity in the Straits of Malacca', 17 November 2006.

<sup>764</sup> K. Sekimizu, 'The Marine Electronic Highway (MEH) Project', International Maritime Organization, 2005, p. 6.

<sup>765</sup> Captain Wilson Chua, 'Exchange Program on Quality Assurance and Editing of the Electronic Navigational Charts (ENCs) Covering the Straits of Malacca and Singapore, 22-29 March 1999, Singapore', *EAHC Newsletter*, no. 30, July 1999, p. 4.

the Straits, was a major supporter of the burden sharing initiative between user and littoral states. In 2005 the littoral states renewed efforts to establish a framework for cooperation between user states and the littoral states; stipulated under Article 43 of UNCLOS. Previous such efforts were underway in the mid-1990s during which the littoral states held a number of conferences to discuss ways in which Article 43 could be formally applied in the Straits. Trilateral dialogue stalled in the late 1990s as priority shifted to immediate issues affecting the region notably the AFC, political turmoil in Indonesia and the outbreak of severe acute respiratory syndrome (SARS). Suggestions that Japan could not sustain its role as the sole voluntary contributor to navigational safety and environmental protection provided the impetus for the littoral states to reconvene efforts to advance a cooperative framework. The IMO likewise encouraged greater burden sharing in the Straits, sponsoring consultations in 2005 between user states and littoral states to this affect.<sup>766</sup> In support of a framework, in 2006 Japan presented the Oceans Policy Research Foundation Blueprint For a New Cooperative Framework on the Straits of Malacca and Singapore. The OPRF framework was developed based on research undertaken by its International Straits Research Team investigating the prospects for burden sharing and general cooperation in the Straits as proposed under Article 43 of UNCLOS. When announcing the framework it was stated that the initiative was to be driven by a new consultative committee ‘that does not undermine the sovereignty of coastal states and is built on a fair, equitable basis’. Though the intended composition of the committee was not mentioned in the blueprint it was clearly stipulated that all activities would be carried out at the directive of the littoral states.<sup>767</sup>

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<sup>766</sup> Robert Beckman, ‘The Establishment of a Cooperative Mechanism for the Straits of Malacca and Singapore under Article 43 of the United Nations Convention on the Law of the Sea’, in Aldo E. Chircop, Ted L. McDorman and Susan J. Rolston (eds.), *The Future of Ocean Regime-Building*, Martinus Nijhoff Publishers, Leiden, 2009, pp. 240-248; Personal correspondence with Dr Sam Bateman, 19 October 2012; Bradford, ‘Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and Coastal State Responses’, p. 492.

<sup>767</sup> Ocean Policy Research Foundation, ‘OPRF Blueprint for a New Cooperative Framework on the Straits of Malacca and Singapore’, Tokyo, 2006, pp. 4-17.

While the OPRF Blueprint was not formally adopted it inspired the 2007 Cooperative Mechanism; purposed to bring together coastal states, user states and private stakeholders, notably shipping companies, to coordinate and improve safety and security provisions in the SOM as prescribed under Article 43 of UNCLOS. The Aids to Navigation Fund was established under the Cooperative Mechanism. Through this fund user states and private stakeholders were encouraged to engage in dialogue and contribute to implementing measures to improve safety of navigation. In 2009, the Nippon Foundation and the MSC made two of the three greatest donations to the fund, contributing USD 2.5 million and USD 500,000 respectively.<sup>768</sup> In their joint submission made to the IMO to promote the work of the Cooperative Mechanism Indonesia, Malaysia and Singapore heralded it a ‘landmark achievement’ for cooperation in the Straits. What is more, in their submission the littoral states were keen to identify Japan as the only contributing user state to date, inferring that more of this assistance was welcomed from other user states but was not yet forthcoming.<sup>769</sup>

The Cooperative Mechanism was sustained over the coming years and would remain a benchmark of future cooperation. In 2010 the Demonstration trial of Automatic Identification System Class-B Transponders and Small Ships to Enhance Navigational Safety was carried out in the Straits under the Cooperative Mechanism.<sup>770</sup> Funding through the Aids to Navigation Fund was ongoing with the Nippon Foundation making contribution of USD 1.39 million, USD1.0 million USD 0.66 million and USD 0.4 million in 2010, 2011, 2012 and

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<sup>768</sup> Cooperative Mechanism, ‘Contributions’, *Cooperative Mechanism*, <[http://www.cooperativemechanism.org.my/index.php?option=com\\_content&view=article&id=42&Itemid=39](http://www.cooperativemechanism.org.my/index.php?option=com_content&view=article&id=42&Itemid=39)> accessed 4 June 2013.

<sup>769</sup> Governments of Indonesia, Malaysia and Singapore, ‘The Co-operative Mechanism Between the Littoral States and the User States on Safety of Navigation and Environmental Protection in the Straits of Malacca and Singapore’, Submitted to the International Maritime Organization, 16 August, 2007.

<sup>770</sup> Maritime Port Authority Singapore, Annex A-Factsheet on Co-operative Mechanism’, <[http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CEcQFjAH&url=http%3A%2F%2Fwww.mpa.gov.sg%2Fsites%2Fpdf%2Fannex\\_a\\_factsheet\\_on\\_co-operative\\_mechanism.pdf&ei=uZiIVYHiAceC8gWw6IPQAQ&usg=AFQjCNE5U0sKMHbfSRN9cFf4iF6H-x0zg&sig2=rz3Hheh3FQAZPDuQnyYCTA&bvm=bv.96339352,d.dGc](http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CEcQFjAH&url=http%3A%2F%2Fwww.mpa.gov.sg%2Fsites%2Fpdf%2Fannex_a_factsheet_on_co-operative_mechanism.pdf&ei=uZiIVYHiAceC8gWw6IPQAQ&usg=AFQjCNE5U0sKMHbfSRN9cFf4iF6H-x0zg&sig2=rz3Hheh3FQAZPDuQnyYCTA&bvm=bv.96339352,d.dGc)> accessed 23 June 2015.

2013 respectively.<sup>771</sup> This was money received in addition to funding from the Japanese government which between the period of 2008 to 2012 amounted to USD 0.92 million. In addition, the MSC remained active in cooperative efforts in the Straits, conducting annual hydrographic surveys<sup>772</sup> and ReCAAP extended membership with the US becoming the twentieth contracting state in September 2014.<sup>773</sup> Japanese maritime cooperative initiatives proved to be lasting features of the Straits and the regions maritime cooperative architecture.

## Conclusion

Japan's maritime cooperation in the SOM has incrementally developed throughout the period dating from the late 1960s to 2014. In pursuing its maritime cooperation from the bottom-up Japan came to occupy a leadership role in safety and security in the Straits. Initial efforts to impose a binding Cooperative Mechanism in the Straits through the IMO were rejected by the littoral states after which Japan relinquished the issue of sovereignty and territoriality in favour of civilian led cooperation for mutual gain outcomes as it came to acquire and operationalise the security dilemma sensibility. As such financial and technical assistance through private and civilian channels became the centrepiece of Japan's maritime cooperation. Now careful not to offend their sovereignty Japan would take direction from the littoral on cooperation. According special status to the littoral states, the MSC therefore provided a framework for Japan's continued assistance. Japan's commitment to burden sharing mechanisms implemented at the direction of the littoral states enabled it to advance its cooperation in the area from the mid-1990s.

In consistently maintaining this bottom-up approach Japan cast itself in a new light as confidence and generalised trust developed with the littoral states. While material factors

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<sup>771</sup> Noraini Zulkifli, Sharifah Munirah Alatas, and Zarina Othman, 'The Importance of the Malacca Straits to Japan: Cooperation and Contributions Towards Littoral States', *Malaysian Journal of History, Politics and Strategy*, vol. 41, no. 2, p. 90.

<sup>772</sup> Zulkifli, Alatas, and Othman, 'The Importance of the Malacca Straits to Japan: Cooperation and Contributions Towards Littoral States', pp. 88-89.

<sup>773</sup> ReCAAP ISC, 'United States of America joins the ReCAAP', 22 September 2014, <[http://www.recaap.org/LinkClick.aspx?fileticket=H5LKT\\_q-QLE%3D&tabid](http://www.recaap.org/LinkClick.aspx?fileticket=H5LKT_q-QLE%3D&tabid)> accessed 23 June 2015.

namely, trade interdependence, converging security interests and the littoral states' aim to maintain a stable balance of powers encouraged maritime cooperation between Japan and the littoral trusting relations helped sustain cooperation and underwrote its more advanced and comprehensive cooperative endeavours. The commencement of JMSDF joint training exercises with the littoral states following the spike in regional piracy in the mid-1990s was a sign that Japan was no longer perceived as the main source of threat. The introduction of ReCAAP further demonstrated how trust distinguished Japan's role in the SOM from that of other extra-regional states. Likewise joint exercises with the JCG counterparts served as an indication of the trust that had come to pass between Japan and the littoral states.

While the incremental development of Japan's maritime cooperation was not an entirely smooth process pragmatism helped it to navigate the obstacles along the way. Remaining difficulties in developing a multilateral regime for cooperation in the Straits caused it to revert to less formalised bilateral cooperative initiatives. Resultantly, Japan's maritime cooperation proceeded to develop as so too did the littoral states confidence and trust in its efforts. Its central role in the development of the 2007 Cooperative Mechanism was a great departure from its post-war pariah status; one that speaks to the efficacy of bottom-up approaches to maritime cooperation in Southeast Asia where sovereignty sensitivities persist.

## Chapter 5: The Evolution of China's Maritime Diplomacy

### Introduction

With coastline of 14, 500 miles extending from the Bohai Sea to the Gulf of Tonkin, China's maritime security requirements are extensive.<sup>774</sup> From the creation of the People's Republic of China (PRC) in 1949 China's offshore maritime territorial disputes developed to be an important political issue. Consequently, the defence of China's offshore territories and claims pervaded the maritime strategic thinking of successive leaders. According to Chinese International Relations scholar, Ji Guoxing, 'China sees it as a sacred duty to defend its islands and its ocean territory.'<sup>775</sup> China however has stopped short of the requisition of territories. The defence of its borders demonstrates both an approach to sovereignty 'more Westphalian than The West' and a disposition towards cooperation.<sup>776</sup> This flexible approach to sovereignty is manifested in China's dual maritime strategy. Developed during the period of 1949 to 2014 this incipient dual strategy was comprised of a 'boundary reinforcing' approach to its territorial claims juxtaposed with a greater disposition to pursue mechanisms for maritime cooperation.<sup>777</sup>

As was the case for Japan, China's maritime strategy was determined by both material and ideational factors. Mao Zedong first advanced China's maritime territorial claims through political declarations of its 'indisputable' maritime territorial claims and 'active defence' of its disputed territories.<sup>778</sup> China's historical relationship to these territories and its legacy of foreign subjugation informed its identity as the rightful owner of surrounding maritime territories determined these efforts. While throughout this period China sustained an

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<sup>774</sup> Central Intelligence Agency, 'The World Factbook', [www.cia.gov](http://www.cia.gov), accessed 14 December 2013.

<sup>775</sup> Ji Guoxing, 'China versus South China Sea Security', *Security Dialogues*, vol. 29, no. 1, 1998, p. 102.

<sup>776</sup> Amitai Etzioni, 'Is China More Westphalian Than the West?', Point of order, *Foreign Affairs*, vol. 90, no. 6, November/December 2011, pp. 172-174.; Allen Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, Stanford University Press, California, 2008, pp. 37-49.

<sup>777</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 37-49.

<sup>778</sup> Michael Richardson, 'Beijing Tells Meeting of Southeast Asian It Will Respect Sea Law: China Takes Softer Stand in Dispute on Spratly Isles', *The New York Times*, 31 July, 1995, <[http://www.nytimes.com/1995/07/31/news/31iht-sprat\\_0.html](http://www.nytimes.com/1995/07/31/news/31iht-sprat_0.html)> accessed 23 May 2013.



unrelenting approach to its maritime territorial claims, it applied patience and prudence towards these objectives. China's preoccupation with domestic interests and an ideology that gave preference to traditional land forces limited its maritime capabilities and its ability to advance its claims.

As China's interests in cooperation increased, its behaviour towards the protection of its maritime claims tempered. A more cooperative strategy was employed to support China's re-emergence. Despite the remaining relevance of historical narratives and renewed interest in the material value of China's offshore territorial claims Deng exercised pragmatism in pursuit of these objectives. A 'boundary reinforcing' approach to its maritime territorial claims was maintained concurrent to a more cooperative approach to China's expanding interests. While the PLAN embarked on a formidable expansion and development China refrained from forceful attempts to reacquire territories that could come to undermine its diplomatic objectives and redevelopment. Hence it was Deng's advice not to treat the expansion of China's military capabilities with haste. Deng's adage 'bide time, build capabilities' illustrated his appreciation for strategic patience.<sup>779</sup> From Deng's period China's cooperative disposition increased. This trend was particularly notable in Southeast Asia where China committed to existing bottom-up regional multilateral frameworks that it had once stood opposed to. Subsequently despite China's increased diplomatic interests and maritime cooperation its uncompromising position on the defence of its maritime territories was upheld by successive leaders.

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<sup>779</sup> Drew Thompson, 'China's Global Strategy for Energy, Security and Diplomacy', *China Brief*, vol. 5, no.7, 2005, The Jamestown Foundation, [http://www.jamestown.org/programs/chinabrief/single/?tx\\_ttnews\[tt\\_news\]=3839&tx\\_ttnews\[backPid\]=195&no\\_cache=1](http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews[tt_news]=3839&tx_ttnews[backPid]=195&no_cache=1) accessed 1 May 2013.

Under the leadership of Jiang Zemin China's diplomatic agenda was further encouraged by the adoption of its 'New Security Concept'.<sup>780</sup> Notwithstanding the value attached to diplomacy, China continued to advance its disputed maritime claims. As China's dual strategy evolved an inherent paradox came to light. Cooperation for the purpose of supporting China's continuing re-emergence stood in contrast to its remaining maritime territorial objectives. China's more assertive behaviour and the scale and scope of the PLANs development raised concerns from China's neighbours. The subsequent uncertainty and mistrust for China's intentions was paradoxical to its cooperative agenda.

This chapter examines the evolution of China's maritime strategic thinking and capabilities from the creation of the PRC in 1949 to 2014. First, the author canvasses China's foremost maritime interests in its surrounding maritime domain and outlines its incipient dual maritime strategy. A corresponding discussion of China's understanding of sovereignty demonstrates a consistency between its dual strategy and its flexible approach to sovereignty. The following three sections examine the evolution of China's dual strategy and the amalgam of reasons for which China has adopted a more flexible notion of sovereignty. Observations of Mao's time in power demonstrate the priority accorded to its offshore territories and its determinedly uncompromising position. The subsequent examination of the Deng era reveals the elevation of this objective as China begins to re-construct its identity from that of a continental power to a maritime power and the simultaneous advent of China's cooperative agenda. Finally an analysis of the Jiang Zemin and Hu Jintao leadership periods illustrates the continuity of this policy from the Deng era and the elevation of both facets of China's dual strategy.

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<sup>780</sup> Ministry of Foreign Affairs of the People's Republic of China, 'China's Position Paper on the New Security Concept', 6 August 2012, <<http://www.mfa.gov.cn/eng/wjlb/zzjg/gjs/gjzzyhy/2612/2614/t15319.htm>> 03/05/2013.

### 5.1: China's 'Janus-like' Strategy

Abutting its continental landmass, China's surrounding maritime domain holds inescapable consequences for its security and prosperity. Consequently, China has an old seafaring tradition. Historian Kangying Li states that China's maritime trade with Southeast Asia can be traced back as far as the Northern Song Dynasty (907-1127). During the Southern Song Dynasty (1128-1279) its maritime trade with Southeast Asia continued to increase, becoming a key source of revenue for the Empire.<sup>781</sup> Popularised by recent literature, the unprecedented official voyages of Admiral Zheng He during the early Ming Dynasty (1368-1644) supported the expansion of China's maritime trade. Furthermore, in addition to their role in expanding China's overseas trade Zheng's voyages was an important vehicle for the diplomacy of the Empire; facilitating the preservation of the tributary system.<sup>782</sup> While Zheng's voyages helped further China's economic and political interests, Chinese fleets stationed in the SCS helped provide protection from outside aggression.<sup>783</sup> Ming Dynasty Chinese fishers were alleged to have been operating around the Crescent Group in the Spratly Archipelago and in the waters of the ECS as far back as the Ming Dynasty.<sup>784</sup> Despite the many benefits China derived from its maritime ambitions, in the late Ming Dynasty Zheng's fleets were dismantled and maritime prohibition (*haijin*) was implemented. Disciples of Confucianism who had risen to power in the Ming Dynasty deplored the commercial aspect of Zheng's voyages for which they were proscribed.<sup>785</sup> Trade was only to take place in tribute to China's suzerainty. Those found in violation of the prohibition of maritime trade

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<sup>781</sup> Li Kangying, *The Ming Maritime Trade Policy in Transition: 1368-1567*, pp. 4-6.

<sup>782</sup> Xu Qi, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', p. 53.

<sup>783</sup> Xu Qi, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', p. 54.

<sup>784</sup> Taylor Fravel, 'China's Strategy in the South China Sea', *Contemporary Southeast Asia*, vol. 33, no. 3, December 2011, p. 297; Chu Hao, 'China's Sovereignty over South China Sea Indisputable', *China.Org.cn*, <[http://www.china.org.cn/opinion/2012-05/23/content\\_25454569.htm](http://www.china.org.cn/opinion/2012-05/23/content_25454569.htm)> accessed 16/01/2013; Eric Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', DIIS Report, *DIIS*, January 2007, p. 7.

<sup>785</sup> James R. Holmes, 'Soft power at Sea: Zheng He and China's Maritime Diplomacy', *Southeast Review of Asian Studies*, vol. 28, 2006, <<http://www.uky.edu/Centers/Asia/SECAAS/Seras/2006/2006TOC.html>> accessed 16 August 2013.

and navigation were to be beheaded.<sup>786</sup> From this period China began its protracted retreat from the maritime domain.

With the arrival of European powers and the aggravation of old hostilities, the exposure of China's southern coastline left it vulnerable to attack. China's neglect for its maritime domain enabled its surrounding maritime environment to effectively become 'a springboard for invaders.'<sup>787</sup> During the First Opium War beginning in 1839, the British seized Hong Kong.

<sup>788</sup>At the onset of the Second Opium War in 1859, British naval forces defeated China's naval vessels stationed in the nearby waters of the South China Sea. Japan's advanced navy defeated the Chinese navy to launch its attack on China from the southern seas.<sup>789</sup> As a consequence of Japan's assault on China it occupied several of the islands in the Spratly and Paracel island groups.<sup>790</sup> While occupying the islands Japan exploited their commercial benefits that they had to offer, including surrounding fish stocks and guano.<sup>791</sup>

Despite China's lengthy isolation, due to the inexorable implications of its geography its maritime interests in the region remained. The consequences of its hiatus from its neighbouring maritime environment testified to its importance for China's security and prosperity. Since the creation of the PRC there has been a gradual re-awakening to the importance of the maritime domain. Unlike its historical experience during which China experienced unfettered reign over its maritime domain in the contemporary period China has been forced to contend with an increasingly complex set of interrelated interests and maritime environment. China's desire to reclaim lost territories and capitalise on the economic and

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<sup>786</sup> Li Kangying, *The Ming Maritime Trade Policy in Transition: 1368-1567*, pp. 3-4 and p. 25.

<sup>787</sup> Xu Qi, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', p. 47.

<sup>788</sup> Liu Shuyong, 'Hong Kong: A Survey of its Political and Economic Development over the Past 150 Years', *The China Quarterly*, vol. 151, 1997, p. 584.

<sup>789</sup> Rodger Baker and Zhixing Zhang, 'The Paradox of China's Naval Strategy', *Geopolitical Weekly*, Stratfor online, <<http://www.stratfor.com/weekly/paradox-chinas-naval-strategy>>, accessed, 16 November 12.

<sup>790</sup> Dzurek, *The Spratly Islands Dispute, Who's on First?*, p. 15.

<sup>791</sup> Valencia, Jon M. Van Dyke, and Noel A. Ludwig, *Sharing the Resources of the South China Sea*, p. 23.

strategic benefits that offshore maritime territories have to offer are obfuscated by other states' competing claims. Furthermore, China's objective to reclaim offshore territories is made all the more difficult by the need to maintain a positive image to support its peaceful re-emergence. Consequently, throughout this period China has developed a dual strategy whereby efforts to advance its maritime claims are pursued concurrent to a cooperative agenda manifested in its greater willingness to engage in functional maritime cooperation.

Maritime security expert Eric Beukel, observes this dual strategy in the ECS. According to Beukel China's 'Janus-like' policy is seen in the assertive actions taken towards its claims and a willingness to pursue functional cooperation with Japan.<sup>792</sup> China's dual faceted approach is not confined to its objectives in the ECS but is more broadly observable vis-à-vis its maritime sovereignty and territorial claims. Under its one China policy China has stood by its commitment to reunification but refrained from offensive tactics and alternatively pursued a strategy of engagement with Taiwan. Similarly, as the SCS was exalted to become political objective China's behaviour in the area became more hard-line. Yet despite these imperatives, Southeast Asia was also the focus of China's cooperative efforts due to its economic and strategic importance and shared interests in the maritime domain. Hence, like Japan, China's maritime strategy is not confined to the purview of the navy.<sup>793</sup> China acceded to regional multilateral frameworks for the advancement of functional maritime cooperation in the region. Notwithstanding its greater willingness to pursue diplomacy, the return of lost territories remained a political issue from which the Chinese Communist Party (CCP) could not shy away from. As such, China maintained its competing claims in response to advancements made by others all the while engaging with these states in cooperative forums.

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<sup>792</sup> Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', pp. 5-6.

<sup>793</sup> Holmes, 'China's Maritime Strategy is More Than a Naval Strategy', 8 April 2011.

China's pragmatic pursuit of its maritime interests is reflective of its approach to sovereignty. Chinese conceptions of sovereignty have been the subject of much debate.<sup>794</sup> This debate in literature reflects two countervailing views on how China's views its sovereignty. Chinese philosophers and scholars of China and International Relations posit different Chinese interpretations of sovereignty. In recognition of China's unique culture and historical experiences some scholars have drawn readers' attention to distinctly Chinese conceptions of sovereignty. Renowned China expert William Callahan surveyed a number of prominent Chinese texts; comprehensively exploring reference to the Confucian concept of 'Great Harmony' (*Datong*). In doing so Callahan elucidates how Chinese ideals of world order may inform an approach to sovereignty which is markedly different to that conceived through Westphalian principles. According to Callahan, Chinese intellectuals refer to Great Harmony as presenting an ideal world order based on equality, in which the 'world was held in common'.<sup>795</sup> This interpretation of Great Harmony and the transcendental nature and its dismissiveness towards territorial boundaries is closely associated with the work of Chinese philosopher Kang Youwei.<sup>796</sup> Further, Callahan claims that Great Harmony has been employed within recent literature as a means to promote 'peaceful coexistence between states'.<sup>797</sup>

Suzanne Ogden offers a different interpretation of China's conception of sovereignty. According to Ogden since the creation of the PRC China has adhered to strict notion of sovereignty which defines the state as the highest organising principle in the international system to which there is no other hierarchical unit that can intervene in the affairs of independent sovereign state. It is the influence of Marxist and Communist ideologies that

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<sup>794</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 30-32.

<sup>795</sup> William Callahan, 'Remembering the Future-Utopia, Empire, and Harmony in 21<sup>st</sup>-Century International Theory', *European Journal of International Relations*, vol. 10, no. 4, 2004, pp. 572-573.

<sup>796</sup> Callahan, 'Remembering the Future-Utopia, Empire, and Harmony in 21<sup>st</sup>-Century International Theory', p. 573.

<sup>797</sup> Callahan, 'Remembering the Future-Utopia, Empire, and Harmony in 21<sup>st</sup>-Century International Theory', p. 580.

Ogden suggests is the key constitutive factor in China's absolute approach to sovereignty. In turn, China has rejected more fluid notions of sovereignty that support the perceived imperialist tendencies of the western great powers which constitute the global capitalist class.<sup>798</sup> Ogden suggests that China's strict interpretation of sovereignty reflects the suspicions of Chinese communist analysts towards international legal mechanisms and organisations developed in the Westphalian system. Loosely defined conceptions of sovereignty may be employed as a means to advance the interests of those who have played a key role in their development and support breaches to states' sovereignty.<sup>799</sup> The subversive application of international law is said to be illustrated by the 'unequal treaties' designed to benefit the dominant power in the equation, which characterised the century of humiliation.<sup>800</sup> Subsequently, Ogden claims that '[i]n the Chinese Communist view, the rights of individuals only begin where states' sovereign rights end, and international law is a law among states not above them.'<sup>801</sup> According to this view China's approach to sovereignty is indicated by its reluctance to accede any of its power and control to international organisations.

While Ogden describes China's absolute approach to sovereignty and subsequently international law as distinctly Chinese other scholars' interpretations of China's behaviour suggests that it bares greater resemblance to Westphalian approaches to sovereignty. In response to G. John Ikenberry's analysis of China's observance of 'the prevailing liberal, rule-based international order' Amitai Etzioni proposes that China's unyielding approach to sovereignty in fact reflects that it is '[m]ore Westphalian than the West' as it is illustrative of

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<sup>798</sup> Suzanne Ogden, 'The Approach of the Chinese Communists to the Study of International Law, State Sovereignty and the International System', *The China Quarterly*, no. 70, June 1977, pp. 315-316.

<sup>799</sup> Ogden, 'The Approach of the Chinese Communists to the Study of International Law, State Sovereignty and the International System', pp. 315-322

<sup>800</sup> Ogden, 'The Approach of the Chinese Communists to the Study of International Law, State Sovereignty and the International System', p. 332.

<sup>801</sup> Ogden, 'The Approach of the Chinese Communists to the Study of International Law, State Sovereignty and the International System', p. 315.

the notion of sovereignty conceived of in this system.<sup>802</sup> In her article *China's International Socialization* China expert Ann Kent similarly portrayed China to have applied an absolute approach to its sovereignty.<sup>803</sup> Kent suggests, however, that from 1979 China demonstrated a greater willingness to concede to international institutions and cooperative mechanisms, while at times employing them to uphold the sanctity of sovereignty as its interests demanded.<sup>804</sup> Kent's findings are broadly consistent with the work of International Relations expert Alastair Iain Johnston who argued that while 'realpolitik axioms' have determined China's approach to its sovereignty, over the past three decades its acceptance of cooperative mechanisms have increased as a consequence of its increased participation in international institutions and its subsequent socialisation in the modern international system.<sup>805</sup> The arguments of both Kent and Johnston are corroborated by Allen Carlson's depiction of China's flexible approach to sovereignty.

In his book *Unifying China, Integrating with the World* International Relations scholar Allen Carlson canvasses the emergence of a body of literature, termed the 'new sovereignty' debate, which maps the evolution of states' conceptions of sovereignty. Consequently, Carlson determines that while these scholars offer various explanations as to why, their writings concur on the point that the Westphalian concept of sovereignty is more flexible than proposed in much of the conventional literature. According to their analysis states have demonstrated both an acceptance of the use of force to secure their territorial claims and increasingly over time a greater disposition to accede to mechanism of international law and cooperation to secure their sovereignty and maintain the status quo.<sup>806</sup> Drawing upon his

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<sup>802</sup> Amitai Etzioni, 'Is China More Westphalian Than the West?', Point of order, *Foreign Affairs*, vol. 90, no. 6, November/December 2011, pp. 172-174.

<sup>803</sup> Ann Kent, 'China's International Socialization: The Role of international Organizations', *Global Governance*, vol. 8, no. 3, July/September 2002, p. 346.

<sup>804</sup> Kent, 'China's International Socialization: The Role of International Organization', pp. 352-354.

<sup>805</sup> Alastair Iain Johnston, *Social States: China in International Institutions 1980-2000*, Princeton University Press, New Jersey, 2008, pp. xiv-xx.

<sup>806</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 26-29.



comprehensive analysis of the transfer of territories dating from WWII, Carlson notes a widespread reduction in the use of violence and conflict in sovereign states' efforts to secure their territory. Subsequently, Carlson demonstrates how such a decrease in the utility of force to cement territorial claims has been coupled with an increased willingness on behalf of states to cooperate in the management and resolution of territorial disputes.<sup>807</sup>

Carlson's empirical analysis of China's behaviour towards its sovereignty similarly illustrates a flexible approach. While China has employed a 'boundary reinforcing' approach to sovereignty and an ambivalence towards international legal mechanisms and institutions Since Deng's time in power, so as to support its reformist agenda, China also displayed greater restraint from the use of force and an increasing willingness to engage in diplomatic and cooperative measures to manage its conflicting territorial claims and to maintain the status quo.<sup>808</sup> According to Carlson, dating from the creation of the PRC, China indicated in its behaviour and rhetoric that it sought to reclaim lost territories as a means to resurrect the unequal treaties of the past.<sup>809</sup> This 'boundary reinforcing' approach to sovereignty has been maintained since Mao's time in power. In the post-reform era China's unrelenting and absolute approach to sovereignty was increasingly augmented with a more and cooperative approach to sovereignty as its newfound interests demanded.<sup>810</sup> Callahan similarly observes China's willingness to follow the 'normalisation trend' whereby factors of interdependence encouraged states submission to multilateral institutions.<sup>811</sup> Rational calculations of interests help to explain the observable pragmatic flexibility China has applied in its approach to sovereignty. A pragmatic and flexible approach to sovereignty is observable in the Chinese ancient game of stratagem *weiqi*. As International Relations scholar and China specialist

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<sup>807</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 12-13.

<sup>808</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, p. 49.

<sup>809</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 37-44.

<sup>810</sup> Carlson, *Unifying China, Integrating the World: Securing Chinese Sovereignty in the Reform Era*, pp. 47-48.

<sup>811</sup> William A. Callahan, *Contingent States: Greater China and Transnational Relations*, University of Minnesota Press, Minneapolis, 2004, p. 70.

David Gosset explained, the strategic flexibility practiced in the game of *weiqi* ‘commands adjusting to a situation and beware of blind adherence to a preconceived system, doctrine or ideology’ which may cause one to neglect its foremost interests.<sup>812</sup> According to scholars David Lai, Henry Kissinger and Sam Bateman, the game of *weiqi* and its basic tenets resonates in China’s strategic thinking.<sup>813</sup>

China’s flexible notion of sovereignty and corresponding maritime strategy has come to be through a consistency and variation in material and ideational inputs throughout the period of 1949 to 2009. The remainder of this chapter examines the evolution of the dual aspects of China’s maritime strategic thinking during the period under study.

## 5.2: Mao’s Doctrine: Cultivating China’s Sense of Victimhood

The correction of unequal treaties and the return of lost territories was an inaugural objective of the PRC. In 1949 Mao declared ‘[i]t is the immediate task of China to regain all our lost territories, not merely to defend our sovereignty below the Great Wall.’<sup>814</sup> Ongoing offenses in China’s maritime domain served as a reminder of its past subjugation. Following Japan’s defeat and the subsequent peace negotiations, the South Vietnamese government occupied several of the islands in the SCS relinquished by the Japanese that the Republic of China (ROC) also claimed.<sup>815</sup> In their retreat to Taiwan the Nationalists had also gained control over PRC claimed islands in the Taiwan Strait. The Nationalist forces’ maritime logistical support allowed for troop reinforcements that eventually caused the communists to retreat from

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<sup>812</sup> David Gosset, ‘The Tao of *Weiqi*’, *Beijing Review*, February 21, 2010, <[http://www.bjreview.com.cn/quotes/txt/2010-02/21/content\\_247379\\_2.htm](http://www.bjreview.com.cn/quotes/txt/2010-02/21/content_247379_2.htm)> accessed 29/03/2013.

<sup>813</sup> David Lai, ‘Learning for the Stones: A Go Approach to Mastering China’s Strategic Concept’, *Shi, The Strategic Studies Institute*, Monograph Series, May 2004, pp. 6-7; Henry Kissinger, *On China*, The Penguin Press, New York, 2012, pp. 22-26; Sam Bateman, ‘Increasing Competition in the South China Sea: Need for A New Game Plan’, *RSIS Commentaries*, no. 157, 21 August, 2012, p. 2.

<sup>814</sup> Quoted in Stuart R. Schram and Nancy J. Hodes, (eds.), *Volume V Toward the Second United Front January 1935-July 1937: Mao’s Road to power Revolutionary Writings 1912-1949*, East Gate Book, New York, 1984, p. 262.

<sup>815</sup> Samuels, *Contest for the South China Sea*, Methuen, pp. 78-89.

Dengbu and Quemoy.<sup>816</sup> The US Seventh Fleet, stationed at Subic Bay, provided support for the ROC troops; facilitating their ability to remain in control of the islands.<sup>817</sup> The one China policy was laid out at the time of the creation of the PRC. Non-recognition of the Kuomintang government was included in the terms for China's relations with non-socialist states to support the reunification of Taiwan.<sup>818</sup> The first assertion of China's claims in the SCS also occurred in 1949 when the nine-dash line was reproduced. The map, as shown in Figure 5.1, was adopted from the 11-dash line map first issued by the Kuomintang on 1948.<sup>819</sup> Efforts to assert these claims were again made during the signing of the San Francisco Peace Treaty. It was made clear in the Soviet Union's proposed amendments to the Treaty put forward at the San Francisco Peace Conference that China intended to acquire the offshore maritime territories of Taiwan, Pratas Island, the Paracel Islands and the Spratly Islands. China's intended possession of these territories was again reiterated during the Sino-Japanese Treaty in 1952.<sup>820</sup>

Over the coming decade, unable to obtain territorial concessions through diplomatic pressure and negotiations, China ramped up its efforts to take back these territories. On August 11 1953 Zhou Enlai formally called for the liberation of Taiwan. Ignoring US threats of retaliation China began its aerial bombardment of Quemoy.<sup>821</sup> On January 18 1955 China succeeded in taking the Ichiang island group. Later that month the Tachen island group fell to

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<sup>816</sup> Jae-Hyung Lee, *China and the Asia Pacific-Region: Geostrategic Relations and a Naval Dimension*, iUniverse, Lincoln, 2003, p. 69.

<sup>817</sup> US Department of State Office of the Historian, 'The Taiwan Strait Crises: 1954-55 and 1958', <<http://history.state.gov/milestones/1953-1960/TaiwanSTraitCrises>> accessed 7 August 2013.

<sup>818</sup> Gong Li, 'Tension across the Taiwan Strait in the 1950s: Chinese Strategy and Tactics', in Robert S. Ross and Jiang Changbin (eds.), *Re-examining the Cold War, U.S.-China Diplomacy 1954-1973*, Harvard University Press, Cambridge, (Massachusetts), 2001, p. 142.

<sup>819</sup> James Kraska and Raul Pedrozo, *International Maritime Security Law*, Koninklijke Brill NV, Leiden, 2013, p. 316.

<sup>820</sup> Samuels, *Contest for the South China Sea*, pp. 78-79.

<sup>821</sup> Author not supplied, 'The First Taiwan Strait Crisis', *GlobalSecurity.org*, <[http://www.globalsecurity.org/military/ops/quemoy\\_matsu.htm](http://www.globalsecurity.org/military/ops/quemoy_matsu.htm)> accessed 23 September 2014.

China following the US evacuation of Nationalists troops.<sup>822</sup> Failing in the first instance to seize Quemoy Island from the Nationalists, five years later on August 23 1958 China again launched an artillery attack on Quemoy Island. Soon thereafter its forces established a naval blockade in the Taiwan Strait. On September 4 China declared a twelve mile territorial zone in the Taiwan Strait; placing all of the offshore islands in the Strait under its territory. As the blockade proceeded the PRC conducted a series of meetings to discuss the liberation of Taiwan. At the same time Zhou Enlai extended an offer to the US to reopen diplomatic talks. Rejecting this offer the US provided assistance to Taiwan to which China responded with elevated air attacks against both Taiwanese forces and US supply convoys.<sup>823</sup> Mao's efforts to seize Quemoy from the Nationalists were encouraged by perceptions of US indifference towards the defence of these islands. Based upon his analysis of the classified Chinese military texts *Kung-tso t'ung-hsiin*, Allen Whiting explains 'Mao deliberately sought to avoid American involvement by putting pressure solely on the Offshore [sic] islands'.<sup>824</sup>

A similar 'boundary reinforcing' approach was applied to maritime disputes with North Vietnam in the Beibu Gulf.<sup>825</sup> These waters, with a rich marine eco-system, represented key fishing grounds for both China and Vietnam.<sup>826</sup> Furthermore the Gulf was of strategic importance to both China and North Vietnam as a means to repel the US advancements in Vietnam. Shared strategic motivations encouraged intelligence sharing on US activities in the Gulf and the construction of joint facilities on islands located within.<sup>827</sup> The exploitation of marine resources, however, did not elicit cooperation. Exploration activities conducted by

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<sup>822</sup> Bennett C. Rushkoff, 'Eisenhower, Dulles, and the Quemoy-Matsu Crisis, 1954-1955', *Political Science Quarterly*, vol. 96, no. 3, 1981, pp. 469-472.

<sup>823</sup> M. H. Halperin, 'The 1958 Taiwan Strait Crisis: A Document History', *RAND Corporation*, 1958, pp. 8-13.

<sup>824</sup> Allen S. Whiting, 'New Light on Mao: 3 Quemoy 1958: Mao's Miscalculations', *The China Quarterly*, vol. 62, June 1975, p. 266.

<sup>825</sup> Beibu Bay is the Chinese name for the Gulf of Tonkin.

<sup>826</sup> Zou Keyuan, 'Maritime Boundary Delimitation in the Gulf of Tonkin', *Ocean Development and International Law*, vol. 30, no. 3, 1999, p. 236.

<sup>827</sup> Chen Jian, *Mao's China and the Cold War*, The University of North Carolina Press, North Carolina, 2001, pp. 212-213.

Hanoi in 1971 reinvigorated maritime boundary disputes.<sup>828</sup> Demarcation of the maritime boundaries in the Gulf, as stipulated under the Sino-French Treaty of 1887, was disputed between China and Vietnam.<sup>829</sup> Negotiations held in 1974 to delimit the median line in the Gulf broke down over opposing readings of the 1887 treaty. Representative of Vietnam argued that the red line drawn on the map contained in the treaty depicted Vietnam's ownership of two thirds of the Gulf. China objected to Vietnam's suggestions claiming that the red line was only intended to identify ownership of the land features not the demarcation of maritime boundaries and fishing grounds. Unwilling to compromise on their respective positions both sides walked away from the negotiations and continued to press their claims. In June 1977 Vietnam declared a 200nm EEZ in the Gulf; incorporating the majority of the Gulf and areas of the Spratly and Paracel Island chains. In response to the extension of Vietnam's EZZ China reiterated that the maritime boundaries remained unresolved. A second attempt at negotiations in 1977 failed to produce agreement on the location of the median line.<sup>830</sup> In the late 1970s China employed force in response to Vietnam's efforts to consolidate its competing claims in the Beibu Gulf and the SCS.<sup>831</sup>

From the mid-1970s disputes between China and a united North Vietnam also escalated in the SCS. Starting from the mid-1960s China seized islands previously occupied by South Vietnamese forces in the SCS. China's efforts to advance into the Paracel Island group increased following the discovery of oil near the coast of Vietnam. In need of its assistance in the Vietnam War, Hanoi did not physically contest China's actions at this time. While North Vietnam had first verbally protested China's occupation of these features by declaring its ownership of these islands in 1971 it was yet to make any advancement of its claims. Its first

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<sup>828</sup> Dzurek, 'The Spratly Island Dispute: Who's On First', p. 19.

<sup>829</sup> Zou Keyuan, 'Maritime Boundary Delimitation in the Gulf of Tonkin', pp. 239-240.

<sup>830</sup> King C. Chen, *China's War with Vietnam, 1979: Issues, Decisions, and Implications*, Hoover Press, Stanford, 1987, pp. 48-49.

<sup>831</sup> Carlson, *Unifying China Integrating with the World*, pp. 37-59.

efforts to physically contest possession of these islands came in 1975 when forces were deployed to seize territories held by South Vietnamese forces.<sup>832</sup> Vietnam's contestation of China's territorial claims and increasing presence in the SCS and their harassment of Chinese fishers posed a threat to China's food security.<sup>833</sup> As one of few available economic sources fish stocks were important for China's post-war economic recovery and industrial development.<sup>834</sup>

Prospective offshore gas and oil reserves in the East China Sea in the early 1970s garnered China's greater interest in these offshore territories. Its interests in prospective offshore reserves intensified as its domestic energy production began to slow.<sup>835</sup> While China had not previously disputed Japan's occupation of the Diaoyu/Senkaku island chain following negotiations for joint development between Taiwan and Japan, in May 1970 the PRC formally laid claim to the island chain occupied by Japan in the ECS.<sup>836</sup> While responsive to moves towards joint development China did not denounce Taiwan's independent advancement of its claims. China made no protest of the placement of a Taiwanese flag on one of the Senkaku/Diaoyu Islands in September 1970.<sup>837</sup> Denouncing Taiwan's claims would constitute tacit acceptance of its independent status.

Material incentives behind the requisition and defence of territorial claims were amplified by the coalescence of ideational factors which increased the value of China's offshore territories

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<sup>832</sup> Chen, *China's War with Vietnam, 1979: Issues, Decisions, and Implications*, Hoover Press, Stanford, 1987, pp. 46-48.

<sup>833</sup> Fravel, 'China's Strategy in the South China Sea', p. 297; Chu Hao, 'China's Sovereignty over South China Sea Indisputable', *China.Org.cn*, <[http://www.china.org.cn/opinion/2012-05/23/content\\_25454569.htm](http://www.china.org.cn/opinion/2012-05/23/content_25454569.htm)> accessed 16 January 2013; Dzurek, 'The Spratly Islands Dispute: Who's On First?', p. 19.

<sup>834</sup> Guifang Xue, *China and International Fisheries Law and Policy*, Martinus Nijhoff, Leiden, 2005, p. 84.

<sup>835</sup> Kim Woodard and Alice A. Davenport, 'The Security Dimension of China's Offshore Oil Development', *Journal of Northeast Asian Studies*, vol. 1, no. 3, September 1982, p. 4.

<sup>836</sup> The disputed island chain in the East China Sea is given the name Senkaku in Japanese and Diaoyu in Chinese. US Energy Information Administration, 'East China Sea', Background Paper, 25 September 2012, [http://www.eia.gov/countries/analysisbriefs/east\\_china\\_sea/east\\_china\\_sea.pdf](http://www.eia.gov/countries/analysisbriefs/east_china_sea/east_china_sea.pdf) accessed 15 December 2012.

<sup>837</sup> Seokwoo Lee, 'Territory Disputes Among Japan, China and Taiwan concerning the Senkaku Islands', *Boundary and Territory Briefing*, vol. 3, no. 7, International Boundaries Research Unit, University of Durham, 2002, pp. 6-7.

and provided the impetus to take a more assertive approach to the reunification of offshore islands. Historical narratives and China's corresponding identity as a strong and unified state gave credence to the objective of reunification. The ongoing discourse on the century of humiliation supported the anticipated reclamation of China's lost maritime territories and gave rise to China's self-image as the victim and its rightful ownership of the disputed maritime territories.<sup>838</sup> The discourse on the century of humiliation portrayed that China would not suffer at the hands of its Southeast Asian neighbours as it had done so with Western powers and Japan. Throughout Mao's time in power many articles were published in the *Beijing Review*, a publication closely associated with government opinion, which referred to the injustice of the century of humiliation and China's rightful ownership of maritime and continental territories and these continuing violations of China's maritime sovereignty.<sup>839</sup> This historical narrative served Mao's preference towards realpolitik approaches. Examining his notes taken while a student in Changsha, Johnston comments, that according to Mao violent conflict 'was not only inevitable but desirable' as a way of resolving contradictions between states and classes. The strength of the state was derived through the struggle that occurred in the revolutionary process was where the; missing during periods of peace and ultimately had led to China's subjugation by external powers.<sup>840</sup> Hence, Johnston explains, 'Maoist thought defined most class based disputes and also threats to Chinese territorial and political integrity as inherently zero-sum conflicts.'<sup>841</sup> Mao's individual dispositions were consistent ancient Chinese strategic culture that prescribed an offensive realist approach to

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<sup>838</sup> Thomas J. Christensen, 'Chinese Realpolitik', *Foreign Affairs*, vol. 75, no. 5, 1996, p. 44.

<sup>839</sup> Carlson, *Unifying China Integrating with the World*, pp. 37-59.

<sup>840</sup> Alastair Iain Johnston, 'Cultural Realism and Strategy in Maoist China', in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics*, Columbia University Press, New York, 1996, p. 230.

<sup>841</sup> Johnston, 'Cultural Realism and Strategy in Maoist China', p. 234.

China's foreign policies and the corresponding strategy of active defence whereby defensive means were pursued in the context of a long-term game of offense.<sup>842</sup>

Centralising control of the Party and PLA to overcome his suspicions, Mao's role as the paramount leader allowed his views to be directly transmitted into policy.<sup>843</sup> Endeavouring to curb the autonomous power of the PLA Mao strengthened the hierarchy of the Party. This objective was expressed in his remarks that 'the Party must command the gun, the gun must never be allowed to command the Party.'<sup>844</sup> Assuming the post of Chairman of the CCP Central Committee's (CC) Politburo Standing Committee (PSC), the Party's ultimate decision making body,<sup>845</sup> and the Central Military Commission (CMC) Mao positioned himself as the commander-in-chief of the PLA.<sup>846</sup> Mao's authority, however, was not exercised directly through the Party. In actual fact, rather than a clear hierarchical distinction a high level of integration existed amongst the top echelon of Party and military leaders. According to China specialist Ellis Joffe this integration resulted from the authority of personages and their cross-institutional affiliations.<sup>847</sup> It was through this integration of Party-military hierarchy that Mao exercised influence over the PLA. IN turn this arrangement allowed for the PLA to influence politics. A rising culture of Realpolitik within the PLA would support strategies of offense and the policy of taking back maritime territories. The influence bestowed upon the armed forces under Mao allowed these views to be represented in policy. However, Mao's directive over the PLA limited the scope for divergent views. China's view of itself as the oppressed, derived from its century of humiliation, widely

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<sup>842</sup> Johnston, 'Cultural Realism and Strategy in Maoist China', pp. 237-239.

<sup>843</sup> Stuart R. Schram, 'The Party in Chinese Communist Ideology', *The China Quarterly*, vol. 38, June 1969, pp. 2-3.

<sup>844</sup> Stuart Schram (ed.), *Mao's Road to Power – Revolutionary Writings, 1912-1949 Volume VI, The New Stage August 1937-1938*, M. E. Sharpe, New York, 2004, p. 552.

<sup>845</sup> Mark Kesselman, Joel Krieger, and William Joseph, *Introduction to Comparative Politics, Brief Edition*, Wadsworth Cengage Learning, Boston, 2013, p. 399.

<sup>846</sup> Shiping Zheng, *Party Vs. State in Post-1949 China: The Institutional Dilemma*, Cambridge University Press, Cambridge, 1997, p. 112.

<sup>847</sup> Ellis Joffe, 'Party-Army Relations in China: Retrospect and Prospect', *The China Quarterly*, no. 146, 1996, pp. 300-301.



justified the use of force as a defensive. Any war fought by the oppressed may be considered an act of self-defence. According to this rationalisation of active defence, pre-emptive strikes were to be carried out in self-defence.<sup>848</sup> Therefore offensive strategies were reconciled within this framework of self-defence and readily employed as a reaction to the perceived intentions of others.<sup>849</sup> In the aftermath of the Cultural Revolution the PLA's showmanship in the SCS may have been intended to foster greater support for China's armed forces and boost morale within.<sup>850</sup>

In his role as of the Central Committee of the CCP, Mao also ensured his unquestioned influence over domestic and foreign policy. The nationalist rhetoric presented in the discourse on the century of humiliation was leveraged in support of both the CCP's foreign and domestic revolutionary policies.<sup>851</sup> China's suppression at the hands of foreign imperialists helped garner domestic support for the Cultural Revolution.<sup>852</sup> Struggles against western imperialism helped legitimise Mao's revolutionary policies and justify the widespread suffering caused by such policies.<sup>853</sup> The CCP would derive support from its image as the political body able to prevent a recurrence of past humiliation.<sup>854</sup> Evoking the policies of Qin Shihuang, Mao believed complete disintegration of Chinese society was the necessary precursor to its effective re-unification. Mao understood history as a cyclical progress in which chaos and the erosion of society always precipitated the change necessary for a newly reinstated strong leadership.<sup>855</sup>

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<sup>848</sup> Andrew Scobell, 'China and Strategic Culture', *Strategic Studies Institute*, 2002, pp. 4-13.

<sup>849</sup> Keng Chong Chen, 'China's War Against Vietnam 1979: A Military Analysis', pp. 3-4.

<sup>850</sup> Samuels, *Contest for the South China Sea*, p. 108.

<sup>851</sup> Tom French, 'Narratives of Humiliation: Chinese and Japanese Strategic Culture', *ISN ETH Zurich*, 19 April 2012, <<http://www.isn.ethz.ch/isn/Digital-Library/Articles/Special-Feature/Detail/?lng=en&id=141044&contextid774=141044&contextid775=141042&tabid=1452359040>> accessed 7 August 2012.

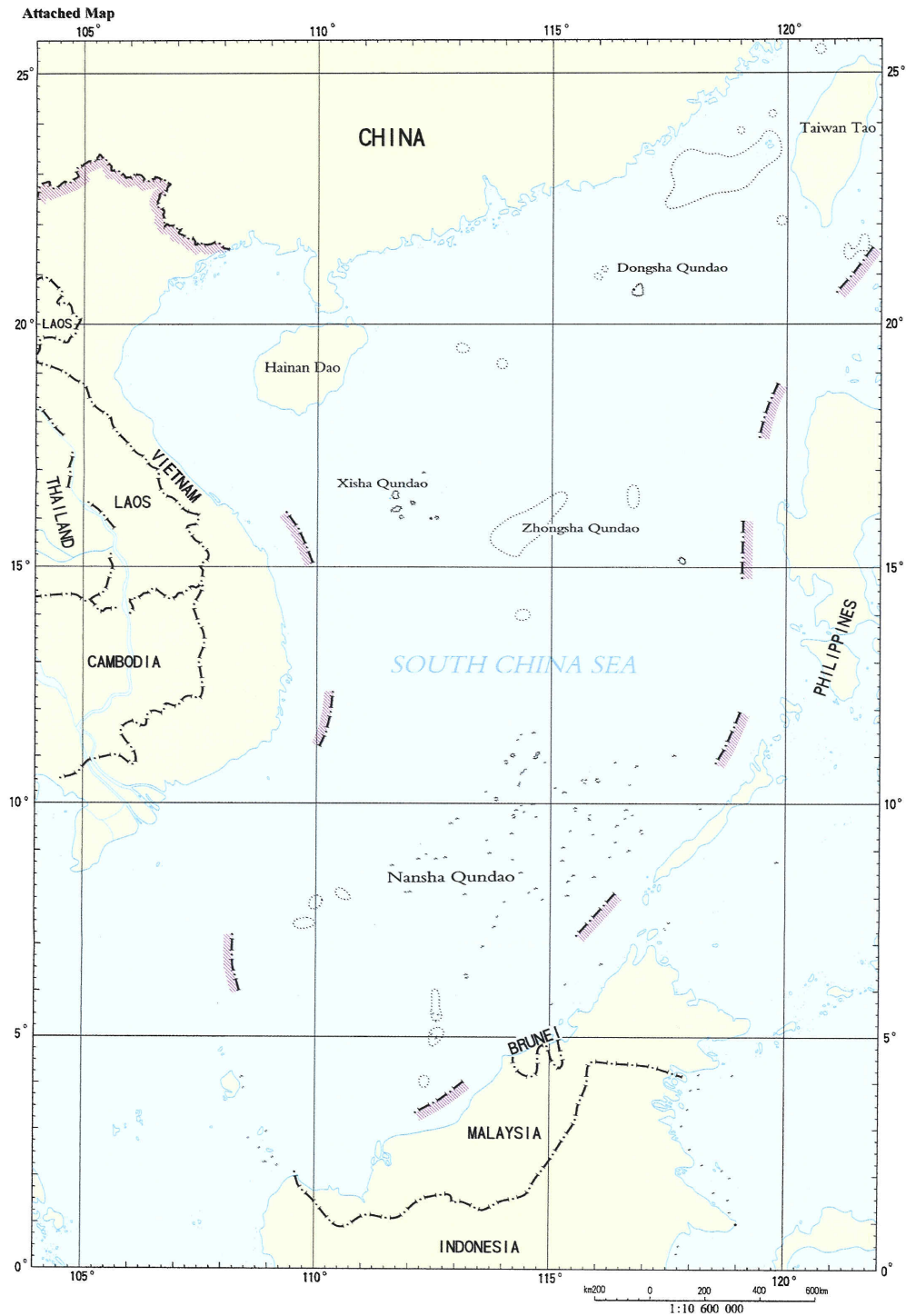
<sup>852</sup> David Scott, *China Stands Up: The PRC and the International System*, Routledge, Oxon, 2007, p. 12.

<sup>853</sup> Chen Jian, *Mao's China and the Cold War*, The University of North Carolina Press, Chapel Hill, 2001, pp. 6-12; Scott, *China Stands Up: The PRC and the International System*, p. 13.

<sup>854</sup> Callahan, 'National Insecurities: Humiliation, Salivation and Chinese Nationalism', p. 212.

<sup>855</sup> Kissinger, *On China*, pp. 92-95.

**Figure 5.1: China's Nine Dash Line Map**



People's Republic of China, submission to the Commission on the Limits of the Continental Shelf, 2009.

During Mao's era, however, a number of interrelated factors constrained China's ability to advance its maritime claims. Ongoing internal instability following the failure of domestic revolutionary policies took priority over China's offshore maritime claims. Mao's chosen policy objectives paradoxically contributed to the decay of China's internal stability.<sup>856</sup> In the aftermath of Mao's Great Leap Forward and the Cultural Revolution China's continued economic woes and the further disintegration of society and increased political instability determined a concentration of efforts internally.<sup>857</sup> After the creation of the People's Republic of China, the many varied ethnicities, particularly in peripheral areas in which the land borders and territoriality were disputed, posed a challenge to territorial integrity and unity of the PRC. Struggles for independence in Tibet and Xianjing led to violent uprising in 1959 and 1962 respectively.<sup>858</sup>

In addition the Soviet Union's expanding influence loomed large in China's strategic considerations.<sup>859</sup> In 1968 as their relations were on the downturn and the ideological divide deepened, China and the Soviet Union engaged in a border war.<sup>860</sup> External provocations and resultant consternation from others by the realisation of its maritime territorial interests would cause China to refocus its attention from the persistent factors of internal instability at the cost of the survival of the regime.<sup>861</sup> Subsequently, China continued to largely adhere to a continental and insular focus.<sup>862</sup> For as long as internal issues took precedence China's naval

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<sup>856</sup> Kissinger, *On China*, pp. 92-95.

<sup>857</sup> Huang An-Hao, *The Maritime Strategy of China in the Asia-Pacific: Origins, Development and Impact*, PhD Thesis, Melbourne University, 2009, pp. 99-100.

<sup>858</sup> Taylor Fravel, 'Regime Insecurity and Cooperation: Explaining China's Compromises in Territorial Disputes', *International Security*, vol. 30, no. 2, Autumn 2005, pp. 55-62.

<sup>859</sup> Harold P. Ford, 'Calling the Sino-Soviet Split', *Studies in Intelligence*, Winter 1998/1999, <[https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/winter98\\_99/art05.html](https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/winter98_99/art05.html)> accessed 5 April 2013.

<sup>860</sup> Thomas W. Robinson, 'The Sino-Soviet Border Dispute: Background, Development, and the March 1969 Clashes', *The American Political Science Review*, vol. 66, no. 4, 1972, p. 1175.

<sup>861</sup> Fravel, 'Regime Insecurity and Cooperation: Explaining China's Compromises in Territorial Disputes', pp. 52-53.

<sup>862</sup> Greg Austin, *China's Ocean Frontiers: International Law, Military Force and National Development*, Allen and Unwin, New South Wales, 1998, p. 12.

capabilities remained limited.<sup>863</sup> Mao's strategy of People's War was informed by the persistence of internal challenges and the need to secure China's continental territorial borders and unify the land and peoples within.<sup>864</sup> With an internal and continental focus China's military strategy was correspondingly focused on amassing land power. As a consequence its maritime capacity was limited. Mao's conception of People's War and China's limited coastal defence capacity reflected the adopted philosophy of Marxism-Leninism and the influence of Soviet military strategy which was to advance the superiority of manpower.<sup>865</sup> Under Mao's doctrine of People's War China's maritime strategy was limited to coastal defence as a means to supplement the ground forces.<sup>866</sup> In 1950 Chinese navy-commander-in-chief Admiral Xiao Jinguang stated that '[t]he PLA Navy should be a light type navy, capable of coastal defence. Its key mission is to accompany the ground forces in war actions. The basic characteristic of this navy is its fast deployment, based on its lightness.'<sup>867</sup> China's economic reality was an additional constraint on the development of the PLAN during this period. As China's productive capacity and its economic growth began to decline due to the reallocation of human resources from socialist modes of production to undertake the Cultural Revolution plans to expand and modernise the PLAN were sacrificed. Consequently, throughout most of the Cold War the PLAN resembled 'an elaborate coast guard'.<sup>868</sup> With limited capabilities, the US regional maritime prowess ostensibly deterred China from making efforts to advance its maritime territorial claims. In 1959 China pulled

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<sup>863</sup> Nan Li, 'The Evolution of China's Naval Strategy and Capabilities: From 'Near Coast' and Near Seas' to 'Far Sea'', in Phillip C. Saunders, Christopher Yung, Michael Swaine and Andrew Nien-Dzu Yang (eds.), *The Chinese Navy: Expanding Capabilities, Evolving Roles*, Center for the Study of Chinese Military Affairs, Institute for National Strategic Studies, Washington DC, 2011, p. 115.

<sup>864</sup> Ellis Joffe, 'People's War under Modern Conditions': A Doctrine for Modern War', *The China Quarterly*, no. 112, 1987, p. 567.

<sup>865</sup> King Chong Chen, 'China's War Against Vietnam 1979: A Military Analysis', *Occasional Paper in Contemporary Asian Studies/Reprint Series*, vol. 58, no. 5, 1983, p. 4.

<sup>866</sup> Joffe, 'People's War under Modern Conditions': A Doctrine for Modern War', p. 568.

<sup>867</sup> Quoted in You Ji, 'The Evolution of China's Maritime Combat Doctrines and Models: 1949-2001', IDSS Working Paper, no. 22, *Institute of Defence and Strategic Studies*, Singapore, May 2002, p. 5.

<sup>868</sup> Lyle J. Goldstein, 'Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities', no. 5, China Maritime Studies Institute, *Naval War College*, Rhode Island, 2011, p. 23.

back from its attack on Quemoy as the deployment of a US naval contingent to the Strait provoked fear of an attack on the mainland and capabilities supplied to the Nationalists dealt a heavy blow to its forces.<sup>869</sup> In supporting the South Vietnamese forces, in the early 1960s the US commanded control of airspace and territorial waters in the Spratly Island group.<sup>870</sup>

Aware of the asymmetry of China's capabilities Mao began to develop the PLAN, stating that 'to oppose imperialist aggression, we must build a powerful navy.'<sup>871</sup> The Soviet's protracted naval presence provided greater impetus for this objective. The expansion and modernisation of Soviet Naval fleet enabled the Soviets to expand their presence down into Southeast Asia.<sup>872</sup> The Soviet Navy had been granted permission from Singapore to use its naval facilities to support its long-term deployment.<sup>873</sup> Momentary improvements in the Chinese economy made suggestions for PLAN modernisation and expansion more plausible. With the implementation of the First Five-Year Plan, the Chinese economy delivered significant growth.<sup>874</sup> What is more, the PLAN had gained the support of key political figures including Premier Zhou Enlai and Deng Xiaoping who, in spite of the strict adherence to Maoist doctrine, successfully put the agenda before Mao and the Politburos' Standing Committee where matters of grand strategy were debated. Following the meeting of the Standing Committee in 1958 the Resolution on the Construction of a Navy was passed by the Central Military Commission.<sup>875</sup> Of the three fleets which constitute the PLAN the North Sea Fleet was accorded the greatest priority in the PLAN's early development. Allocated to the

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<sup>869</sup> H. W. Brands Jr., 'Testing Massive Retaliation: Credibility and Crisis Management in the Taiwan Strait', *International Security*, vol. 12, no. 4, Spring 1988, p. 147;

<sup>870</sup> Dzurek, *The Spratly Islands Dispute, Who's on First?*, p. 19.

<sup>871</sup> Quoted in Author not supplied, 'People's liberation Army Navy-History', *GlobalSecurity.org*, <<http://www.globalsecurity.org/military/world/china/plan-history.htm>> accessed 09/01/2013.

<sup>872</sup> Tai Ming Cheung, 'Growth of Chinese Naval Power: priorities, goals, missions and regional implications', *Institute of Southeast Asian Studies*, Singapore, 1990, pp. 4-9.

<sup>873</sup> Lee Lai To, 'Deng Xiaoping's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', *Contemporary Southeast Asia*, vol. 3, no. 1, June 1981, p. 70.

<sup>874</sup> Robert F. Dernberger, 'Radical Ideology and Economic Development in China: The Cultural Revolution and Its Impact', *Asian Survey*, vol. 12, no. 12, December 1972, p. 1052.

<sup>875</sup> John W. Lewis and Xue Litai, *China's Strategic Seapower: The Politics of Force Modernization in the Nuclear Age*, Stanford University Press, California, 1994, pp. 3-4.

northern maritime approaches (as shown in Figure 5.2) the North Sea Fleet was primarily tasked with countering the growing Soviet naval threat.<sup>876</sup> In the mid-1970s China began construction on the *Xia* class submarines which would later be commissioned into the North Sea Fleet. During this period China also began development of a SLBM.<sup>877</sup> So as not to undermine Mao's prevailing People's War doctrine, however, the PLAN kept a low-profile as a result of which it lacked the necessary resources.<sup>878</sup> Moreover, China's continuing economic malaise slowed the further development of the PLAN.<sup>879</sup>

As such China's maritime capabilities remained limited to the purposes of 'near seas defense' within 12 nm of China's coastline.<sup>880</sup> Cognisant of the considerable restrictions on China's ability to advance its maritime territorial ambitions, Mao exercised patience and flexibility, placing these objectives on a long term trajectory. In his conversation with US Secretary of Defence Henry Kissinger during his official visit in 1973 Mao conveyed that China was willing to wait for Taiwan's unification stating 'we can do without Taiwan for the time being, and let it come after 100 years. Why is there a need to be in such great haste?'<sup>881</sup> Strategic patience and flexibility was congruent with the strategy of active defence determining that China would pursue a defensive maritime strategy, waiting until the relative balance of power was in its favour to shift to the strategic offensive.<sup>882</sup>

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<sup>876</sup> Elizabeth Speed, 'Chinese Naval Power and East Asian Security', Institute of International Relations, *The University of British Columbia*, Working Paper no. 11, August 1995, pp. 4-8.

<sup>877</sup> Tai Ming Cheung, 'Growth of Chinese Naval Power: priorities, goals, missions and regional implications', p. 23.

<sup>878</sup> Lewis and Xue Litai, *China's Strategic Seapower: The Politics of Force Modernization in the Nuclear Age*, pp. 3-4.

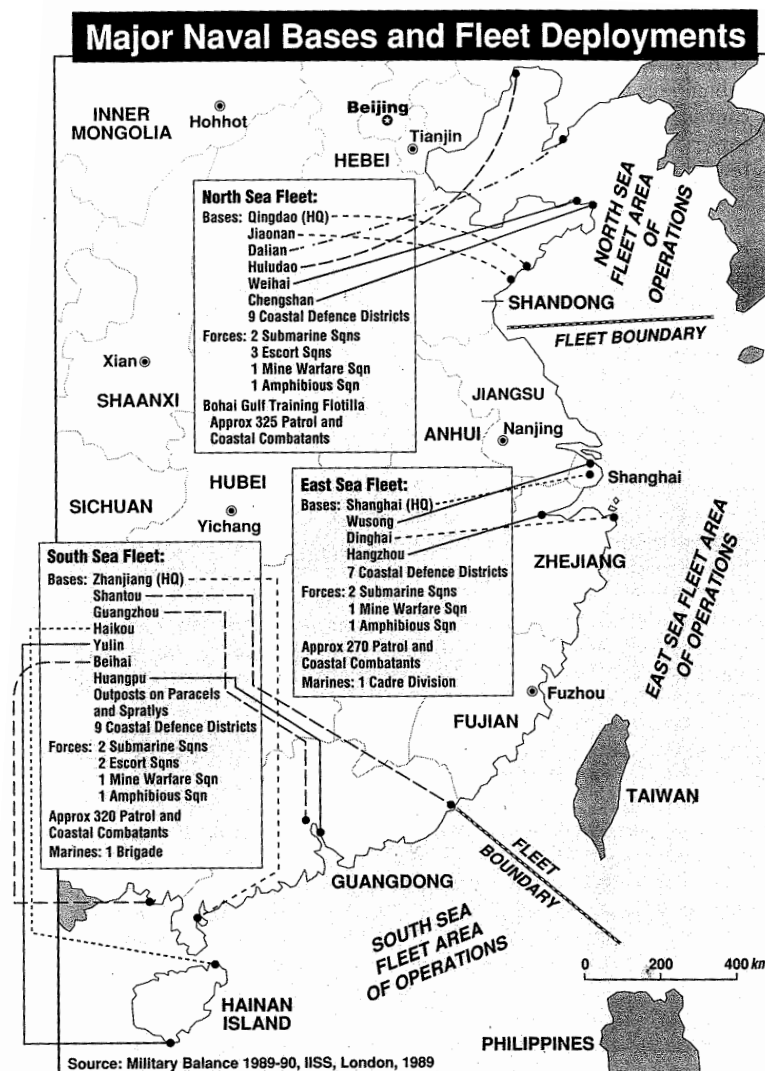
<sup>879</sup> Dernberger, 'Radical Ideology and Economic Development in China: The Cultural Revolution and Its Impact', p. 1058.

<sup>880</sup> Nan Li, 'The Evolution of China's Naval Strategy and Capabilities: From 'Near Coast' and Near Seas' to 'Far Sea'', in Phillip C. Saunders, Christopher Yung, Michael Swaine and Andrew Nien-Dzu Yang (eds.), *The Chinese Navy: Expanding Capabilities, Evolving Roles*, National Defense University, Washington D.C., 2011, p. 111.

<sup>881</sup> Author not supplied, 'Taiwan Strait Timeline', CSIS, <<http://csis.org/files/media/csis/programs/taiwan/timeline/pt5.htm>> accessed 13 January 2013.

<sup>882</sup> Johnston, 'Cultural Realism and Strategy in Maoist China', pp. 238-239.

**Figure 5.2: Major Naval Bases and Fleet Deployments**



Source: Tai Ming Cheung, 'Growth of Chinese Naval Power: priorities, goals, missions and regional implications', p. 33.

### 5.3: Deng's Doctrine: Exercising Flexibility for Cooperation

Following the transition of leadership to Deng Xiaoping, China sustained its 'boundary reinforcing' approach to its offshore maritime territories.<sup>883</sup> Having elevated issues of

<sup>883</sup> Carlson, *Unifying China and Integrating with the World*, p. 61.



territorial sovereignty, shying away from them could incur domestic political costs.<sup>884</sup> The 1978 joint communiqué reiterated China's One China policy as a condition of US-Sino diplomatic relations.<sup>885</sup> Likewise China remained committed to the reclamation of historical possessions in the SCS. In 1977 Foreign Minister Huang Hua reiterated that China's claims in the SCS, stretching 'as far south as James Shoals, near Malaysia's Borneo territory, were 'non-negotiable'.<sup>886</sup> In 1979 an editorial published in *Xinhua*, similarly made reference to China's 'indisputable sovereignty over Xisha and Nansha Islands' in the SCS.<sup>887</sup> China's repeated assertions of its claims in the SCS were vitalised in response to the others' advancement of competing claims. During the 1970s, Taiwan, Vietnam and the Philippines began to advance their competing claims in the SCS.<sup>888</sup> In 1980, the Chinese Ministry of Foreign Affairs released a document titled China's Indisputable Sovereignty Over the Xisha and Nansha Islands, in which it was stated '[t]he Vietnamese authorities' illegal occupation of part of China's Nansha Islands and their territorial claim to China's Xisha and Nansha Islands can only serve to reveal their regional hegemonist and aggressor expansionist ambitions. China's sovereignty over the Xisha and Nansha Islands is indisputable.'<sup>889</sup> The expansion of Soviet naval power continued to provide reason for the defence of China's offshore territorial claims. As did Mao, Deng expressed concern for the Soviet Union's looming naval influence and perceived US complacency towards it. China had grown increasingly concerned for the Soviet Union's naval presence in the Malacca Straits due to its stationing agreement with Singapore.<sup>890</sup>

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<sup>884</sup> Carlson, *Unifying China Integrating with the World*, p. 50.

<sup>885</sup> Government of the PRC, 'The One China Principle and the Taiwan Issue', 2000, <[http://english.gov.cn/official/2005-07/27/content\\_17613.htm](http://english.gov.cn/official/2005-07/27/content_17613.htm)> accessed 25 September 2014.

<sup>886</sup> Quoted in Author not supplied, 'South China Sea', *GlobalSecurity.org*, <<http://www.globalsecurity.org/military/world/war/south-china-sea.htm>> accessed 24 September 2014.

<sup>887</sup> Carlson, *Unifying China and Integrating with the World*, p. 60.

<sup>888</sup> Fravel, China's Strategy in the South China Sea', p. 298

<sup>889</sup> Ministry of Foreign Affairs People's Republic of China, 'China's Indisputable Sovereignty over Xisha and Nansha Islands', 30 January 1980.

<sup>890</sup> Lee Lai To, 'Deng Xiaoping's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', p. 70.



Doctrinal change and corresponding military development reassured China's commitment to the defence of its maritime claims. China's limited military capacity and the restraints posed by its economic difficulties and technological lag and doctrinal limitations were revealed upon reflection of the Sino-Vietnam war in 1979. Vietnam's logistical supply strategy was vastly superior to China's; utilising air and naval capabilities with greater efficacy as the war was largely fought in the south in proximity to the South China Sea.<sup>891</sup> According to Deng, China's military modernisation was required to effectively respond to China's external security environment.<sup>892</sup> Deng's reformist agenda was formally proposed in 1978 at the Third Plenum of the Eleventh Central Committee of the CCP. At this meeting Deng announced the Four Modernisations in defence, agriculture, industry, and science and technology.<sup>893</sup>

While still under the watch of Mao and his loyalists, Deng, however, had to appease factions of the military which remained devout loyalists to Mao and his communist ideology in his reforms. His leniency towards capitalist economic theory had seen him marginalised by Mao previously.<sup>894</sup> While like Mao, Deng, as paramount leader, maintained a high degree of control over national security objectives. PLA senior leaders', however, continued to exert a high level of influence over the setting of such objectives and corresponding policy making. Their influence over policy was particularly prominent on defence matters, As Michael Swaine explains, holding the remaining uppermost senior positions of the CMC, military officers with high Party rank played a direct role in the formulation and implementation of defence policy.<sup>895</sup> While those holding these positions, namely Ye Jianying and Xiao Jinguang who had come to hold these ranks following the ousting of the Gang of Four,

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<sup>891</sup> King Chong Chen, 'China's War Against Vietnam 1979: A Military Analysis', pp. 10-29.

<sup>892</sup> Ezra Vogel, *Deng Xiaoping and the Transformation of China*, The Belknap Press Harvard University Press, Massachusetts, 2011, pp. 100-109.

<sup>893</sup> Richard D. Nethercut, 'Deng and the Gun: Party-Military Relations in the People's Republic of China', *Asian Survey*, vol. 22, no. 8, 1982, p. 692.

<sup>894</sup> Vogel, *Deng Xiaoping and the Transformation of China*, pp. 49-69.

<sup>895</sup> Michael D. Swaine, 'The PLA and Chinese National Security Policy: Leaderships, Structures, Processes', *The China Quarterly*, vol. 146, June 1996, pp. 364-377.

remained loyal to Deng and committed to his reforms,<sup>896</sup> opposition to the proposed modernisation program and in turn revision of Mao's doctrine was presented by the land-based military which had risen to predominance under the People's War strategy.<sup>897</sup> In the aftermath of the failure of the Great Leap Forward and the ensuing Cultural Revolution, the PLA rose to political prominence under Mao as he sought to cultivate greater support for his socialist agenda and quash public and bureaucratic opposition to this objective.<sup>898</sup> Aware of their mounting opposition to his reformist agenda Deng carried on the efforts of Mao in maintaining his direct control over the military.<sup>899</sup> However, despite increased civilian control of the army by both the party and the state apparatus the PRC still commanded influence within key decision making organs. Several key political positions within the CMC were still held by military officials.<sup>900</sup> Retaining the support of the military was important as Deng had risen to power on PLA support.<sup>901</sup> According to International Relations scholar and China specialist David Goodman, Deng understood the political value in not undermining Mao's doctrine and ideology, however, it needed to be reinterpreted in such a way that would allow for greater tactical flexibility.<sup>902</sup> In order to retain military support and not provoke Mao's loyalists Deng reframed Mao's basic socialist tenets rather than eliminating them altogether in an attempt to seek a compromise.

The result of this compromise was Deng's new doctrine of 'people's war under modern conditions.'<sup>903</sup> Deng's doctrine of 'people's war under modern conditions' espoused the continued relevance of manpower but also the need to adapt to modern conditions through the

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<sup>896</sup> Eric Heginbotham, 'The Fall and Rise of Navies in East Asia', *International Security*, vol. 27, no. 2, 2002, pp. 112-113.

<sup>897</sup> Stuart R. Schram, "'Economics in Command?' Ideology and Policy since the Third Plenum', 1978-1984', *The China Quarterly*, no. 99, September 1984, p. 421.

<sup>898</sup> Ellis Joffe, 'The Chinese Army in Domestic Politics: Factors and Phases', in Nan Li (ed.), *Chinese Civil-Military Relations*, Routledge, London, 2006, pp. 11-12.

<sup>899</sup> You Ji, 'Jiang's Zemin's Command of the Military', *The China Journal*, no. 45, 2001, pp. 132-133.

<sup>900</sup> Scobell, 'China's Evolving Civil-Military Relations: Creeping *guojiahua*', pp. 27-33.

<sup>901</sup> Joffe, 'The Chinese Army in Domestic Politics: Factors and Phases', , p. 12.

<sup>902</sup> David Goodman, *Deng Xiaoping and the Chinese Revolution; A Political Biography*, Routledge, London, 1994, p. 88.

<sup>903</sup> Quoted in Joffe, 'People's War under Modern Conditions': A Doctrine for Modern War', p. 556.

modernisation of the PLA. While it was indicated that Deng's doctrine would differ from that of his predecessor, the strategy of people's war under modern conditions remained ambiguous. The strategic ambiguity of Deng's 'people's war under modern conditions' would also help shelter the CCP from criticisms as the efficacy of their strategy could not be gauged if there was uncertainty as to what it constituted. The only clearly stated differentiating factor was that modern conditions dictated a greater role for both air and naval power, requiring their further development and modernisation.<sup>904</sup> Deng was a long-time advocate of greater maritime capabilities. Following his succession to power in 1979 Deng declared China's interests in 'building up a powerful navy with modern combat capabilities.'<sup>905</sup> It was under Deng's stewardship of the PRC that China began to construct an identity as a maritime nation.<sup>906</sup>

While other conservative elements of the armed forces remained in opposition to Deng's reforms his ambitions were supported by the PLAN. With the military modernisation agenda on the table, the Chinese navy had an 'interest in asserting and justifying a mission in the post-Cold War world'.<sup>907</sup> The PLA was in favour of the advancement of China's maritime claims in the SCS and the exploitation of resources.<sup>908</sup> As Callahan suggests, '[m]any of the main sources about the disputes are part of [China's] naval history and maritime strategy.'<sup>909</sup> The defence of China's offshore territories was cited as a priority mission for the PLAN. The development of the PLAN was guided by PLAN Admiral Liu Huaqing, Commander of the PLAN from 1982-1988. While perhaps a marginal voice in the PLA, Liu's influence on policy extended through his close personal allegiance to Deng. Facing criticism and

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<sup>904</sup> Joffe, 'People's War under Modern Conditions': A Doctrine for Modern War', pp. 559-561.

<sup>905</sup> Tai Ming Cheung, 'Growth of Chinese Naval Power', p. 5.

<sup>906</sup> Callahan, *Contingent States: Greater China and Transnational Relations*, p. 66.

<sup>907</sup> Michael Leifer, 'Chinese Economic Reform and Security Policy: The South China Sea Connection', *Survival*, vol. 37, no. 2, Summer 1995 p. 54.

<sup>908</sup> Lee Lai To, *China and the South China Sea Dialogues*, Praeger Publishers, Westport, 1999, p. 12.

<sup>909</sup> Callahan, *Contingent States: Greater China and Transnational Relations*, p. 66.

resentment from the PLA, in 1979 Deng installed Liu as a personal adviser within the CMC as a basis of support for his reforms.<sup>910</sup>

Liu's primary objective was to develop the capabilities for sea control for sustained operations in China's maritime domain. Liu had studied in the Soviet Naval Academy during the years when the Soviet Union began to move away from its maritime strategy of coastal defence to acquire greater offshore power projection capabilities in the face of the US naval superiority. Influenced by Soviet maritime thinking, Liu transferred the Soviet logic of developing offshore forward defence capabilities and strategy for the PLAN.<sup>911</sup> Hence, the procurement of power projection and sea control capabilities would allow for tactical flexibility in their deployment. Liu's strategic recommendations would first seek to extend China's offshore areas out to the first island chain. His vision was facilitated by the late policies of Mao. Shortly before his death, Mao approved the deployment of PLAN submarines past the first island chain in 1977.<sup>912</sup> Capabilities extending to the first island chain were referred to as 'active green-water defence' capabilities expressed in Chinese as '*jijide jinhai fangyu zhanlie*'. Green-water defence was the precursor to the greater ambition of developing of blue-water capabilities extending out to the second island chain. Figure 5.3 shows the geographical scope of the first and second island chains. According to Liu, due to the geographical concentration of centres of economic and political power along the south eastern coastline forward defence in the SCS should be acquired to defend China's territories and deny others efforts to advance competing claims.<sup>913</sup> The primary motivation behind Liu's green water active-defence strategy was the reunification of China's lost and disputed

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<sup>910</sup> Heginbotham, 'The Fall and Rise of Navies in East Asia', p. 113.

<sup>911</sup> You Ji, 'The Evolution of China's Maritime Combat Doctrines and Models: 1949-2001', pp. 4-6.

<sup>912</sup> You Ji, 'The Evolution of China's Maritime Combat Doctrines and Models: 1949-2001', p. 5.

<sup>913</sup> You Ji, 'The Evolution of China's Maritime Combat Doctrines and Models: 1949-2001', pp. 7-19.

maritime territories, SLOC security and defence of the mainland.<sup>914</sup> In mid-1980s Liu stated that ‘whoever controls the Spratlys will reap huge economic and military benefits.’<sup>915</sup>

**Figure 5.3: The First and Second Island Chain**



Source: Phillip C. Saunders and Christopher Yung, ‘China and Adjacent Seas’, *The Chinese Navy: Expanding Capabilities, Evolving Roles*, p. xxii.

Non-material factors further stimulated China’s a more assertive strategy in the SCS. The rise of popular nationalism saw a push to advance China’s maritime territorial claims. Following

<sup>914</sup> Nan Li, ‘The Evolution of China’s Naval Strategy and Capabilities: From ‘Near Coast’ and ‘Near Seas’ to ‘Far Sea’’, p. 118.

<sup>915</sup> Fravel, ‘China’s Strategy in the South China Sea’, p. 296.

the change in leadership the CCP could derive support from its image as the political body able to prevent a recurrence of such past humiliation.<sup>916</sup> With the implementation of Deng's reforms and the recession of Marxist-Leninist ideology and philosophy, the CCP sought to cultivate nationalism as the unifying factor in Chinese society.<sup>917</sup> The sense of victimhood derived from 'the century of humiliation' presented fertile grounds for the cultivation of nationalism.<sup>918</sup> The inclusion of the 'century of humiliation' in China's official curriculum from 1985 embedded Chinese patriotism and nationalism in its identity.<sup>919</sup> Nationalist sentiments and the construction of China's strong state identity encouraged more assertive actions towards offshore maritime territorial claims. The PLA leveraged the nationalism towards China's territorial integrity as a means to rectify its image as public support for the military had slipped following the Cultural Revolution.<sup>920</sup> Nationalist forces were made all the more salient by competing nationalist agendas. Vietnam, resentful of China's past aggression-as recently as the 1979 war,<sup>921</sup> made competing advances in the SCS. In 1988 China and Vietnam were involved in a naval conflict in the Spratly Islands as they contended for occupation of land features therein.<sup>922</sup>

Competing nationalism also provoked a more assertive strategy in the ECS. Deng actively stirred anti-Japanese sentiments when publicly disapproving of historical and geographical depictions of Japan in official textbooks. In 1978 the Japanese press anticipated that the lighthouse erected by the Japanese nationalist Youth Federation was to be cited by the government as testimony to its ownership of the Senkaku/Diaoyu island group.<sup>923</sup> Concerns

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<sup>916</sup> French, 'Narratives of Humiliation: Chinese and Japanese Strategic Culture', 19 April 2012.

<sup>917</sup> Christopher R. Hughes, *Chinese Nationalism in a Global Era*, Routledge, Oxon, 2006, pp. 47-48.

<sup>918</sup> William Callahan, 'National Insecurities: Humiliation, Salvation, and Chinese Nationalism', *Alternatives*, vol. 29, 2004, p. 201.

<sup>919</sup> Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', p. 10.

<sup>920</sup> Andrew Scobell, 'China's Evolving Civil-Military Relations: Creeping *guojiahua*', in Nan Li (ed.), *Chinese Civil-Military Relations: The transformation of the People's Liberation Army*, Routledge, Oxon, 2006, p. 29.

<sup>921</sup> Todd West, 'Failed Deterrence, The 1979 Sino-Vietnamese Conflict', *The Stanford Journal of east Asian Affairs*, vol. 6, no. 1, Winter 2006, p. 77.

<sup>922</sup> Dzurek, *The Spratly Islands Dispute, Who's on First?*, p. 21.

<sup>923</sup> Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', p. 12.

for Japan's normalisation evoked memories of China's century of national humiliation and amplified nationalist sentiments.<sup>924</sup> Japan's increased defence budgets and maritime power began to pervade China's strategic thinking. In the late 1980s Japan was to extend the JMSDF's operational theatre out to 1000nm. Chinese analysts, particularly those within the PLA, also read Japan's increased defence spending and maritime capabilities as a sign of its ensuing remilitarisation. As an example, many articles published in PLA journal and MFA outlets emphasised the threat posed by Japan's potential normalisation.<sup>925</sup> In 1980 China commenced oil exploration activities in the ECS.<sup>926</sup>

While Deng decisively maintained the 'boundary reinforcing' approach to its maritime sovereignty conceived under Mao's leadership he also observed the need for patience and greater tactical flexibility in response to China's newly emerging circumstances. In the early 1980s China's poor economic growth led to cuts in defence expenditure which paralysed efforts to modernise the PLA. Government implemented reductions in PLA economic activities further constrained defence spending throughout the 1980s.<sup>927</sup> Moreover, while Deng was cognisant of the need to improve China's maritime capabilities he was also a proponent of the view that this objective should be treated with patience in order to keep a low profile and not provoke aggression from others. This sentiment is reflected in the two available English translations of Deng's statement '*taoguang yanghui*', 'bide time, build capabilities'<sup>928</sup> but also translated as 'bide time, hide capabilities'.<sup>929</sup>

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<sup>924</sup> Tomonori Sasaki, 'China Eyes the Japanese Military: China's Threat Perception of Japan since the 1980s', *The China Quarterly*, vol. 203, September 2010, pp. 561-572.

<sup>925</sup> Sasaki, 'China Eyes the Japanese Military: China's Threat Perception of Japan since the 1980s', p. 566.

<sup>926</sup> Reinhard Drifte, *Japan's Security Relations with China since 1989, From Balancing to Bandwagoning?*, RoutledgeCurzon, London, 2003, p. 59.

<sup>927</sup> Lowell Dittmer, 'China in 1980: Modernization and its Discontents', *Asian Survey*, vol. 21, no. 1, January 1981, p. 32.

<sup>928</sup> Thompson, 'China's Global Strategy for Energy, Security and Diplomacy', *China Brief*, 2005.

<sup>929</sup> US House of Representatives, 'Chinese Influence on U.S. Foreign Policy through U.S. Educational Institutions, Multilateral Organizations and Corporate America', Hearing before the Subcommittee on Oversight and Investigations of the Committee on International Relations, 109<sup>th</sup> Congress 2<sup>nd</sup> session, 14 February, 2006, <[http://commdocs.house.gov/committees/intlrel/hfa26076.000/hfa26076\\_0f.htm](http://commdocs.house.gov/committees/intlrel/hfa26076.000/hfa26076_0f.htm)> accessed 2 May 2013.

While China was committed to protecting its maritime sovereignty, this objective now had to be considered alongside its strategy for re-development. The economic objectives of Deng's reforms encouraged a more diplomatic posture. During his tenure as leader of the PRC, China's economic growth and development was a key objective for Deng. The Chinese economy had fallen into chaos following the devastating policies of the Cultural Revolution. As Mao's ill health caused him to establish a leadership succession, due to his economic credentials Deng was entrusted as the guardian of China's economy.<sup>930</sup> The Four Modernizations, first proposed by Zhou Enlai in 1963, were also fashioned to catalyse China's economic growth and development. For Deng, China's growth and development was the key to China's stability and security. Following the internal upheavals which characterised Mao's time in power, Deng's key objective was to ensure the stability of the PRC and the CCPs leadership.<sup>931</sup> Contrasted to the Mao era, in which military security was accorded highest priority, Deng believed China's security was best derived from Comprehensive National Power (CNP) (*zhonghe guoli*) which considered China's economic status as part of its security apparatus.<sup>932</sup> Critical of the policies implemented towards the Great Leap Forward and the Cultural Revolution which he believed had crippled the Chinese economy and society, Deng presented an alternative means for China to re-emerge as the prosperous nation it once was. Prior to his rise to the upper ranks of PRC leadership Deng had long been a student of western science and technology. His observations of western science and technology influenced his economic reformist policies and China's opening up.<sup>933</sup>

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<sup>930</sup> Vogel, *Deng Xiaoping and the Transformation of China*, The Belknap Press of Harvard University, Massachusetts, 2011, p. 93.

<sup>931</sup> Huang, 'The Maritime Strategy of China in the Asia-Pacific: Origins, Development and Impact', pp. 10-60.

<sup>932</sup> Huang, 'The Maritime Strategy of China in the Asia-Pacific: Origins, Development and Impact', pp. 52.

<sup>933</sup> In 1920, having passed the necessary examination and been selected for an elite foreign education program, Deng travelled to France. During his time spent there Deng worked in factories to help fill the shortage of workers due to war service and attended University to study modern science and technology. This experience stayed with Deng throughout his lifetime and helped to inform his reformist policies after coming into power several decades later. Vogel, *Deng Xiaoping and the Transformation of China*, pp. 8-19.



The success of China's economic reforms was reliant upon economic exchange with its neighbours. Despite the age old hostilities Japan was an important trading partner for China.<sup>934</sup> Southeast Asian states also provided China with markets for its commodities trade.<sup>935</sup> In addition, access to raw material and markets in Southeast Asia was vital to China's economic development.<sup>936</sup> Hence, China's economic growth model precipitated the need for greater diplomacy to support its relations with these states. In providing reassurance to these states of its peaceful intentions by injecting greater diplomacy, China developed a means to hedge against the strength of the Soviet Union and communist Vietnam.<sup>937</sup> Despite political opposition to improving relations with foreigners Deng declared it to be necessary in response to China's newly emerging circumstances.<sup>938</sup> So as to circumvent the political opposition to China's greater diplomacy, Deng declared that it was Mao's intent to remain flexible to emerging conditions as reflected in his decree that 'Mao's true spirit ... is to seek the true path from facts'. In qualifying this statement Deng equated Mao's successes to his capacity to adapt Marxism-Leninism to whatever circumstances China encountered.<sup>939</sup>

Correspondingly Deng launched China's 'diplomatic offensive' into Southeast Asia starting with his ASEAN tour. In 1978 Deng visited Thailand, Malaysia and Singapore. Just prior to his regional tour, an official Chinese delegation led by Vice Premier Li Xiannian visited the Philippines. When visiting each of these states Deng declared China's support for ASEAN's principles of non-alignment and non-interference as enshrined in the Five Principles of Peaceful Coexistence introduced by Zhou Enlai in 1963.<sup>940</sup> During his visits Deng encouraged two-way economic exchange with China and cooperation in science and

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<sup>934</sup> Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', p. 5.

<sup>935</sup> Leifer, 'Chinese Economic Reform and Security Policy: The South China Sea Connection', p. 45.

<sup>936</sup> Lee Lai To, 'Deng Xiaoping's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', p. 73.

<sup>937</sup> Dittmer, 'China in 1980: Modernization and its Discontents', p. 44.

<sup>938</sup> Vogel, *Deng Xiaoping and the Transformation of China*, p. 228.

<sup>939</sup> Vogel, *Deng Xiaoping and the Transformation of China*, p. 228.

<sup>940</sup> Carlson, *Unifying China Integrating with the World*, p. 42; Ministry of Foreign Affairs of the People's Republic of China, 'China's Initiation of the Five principles of Peaceful Coexistence', 17 November, 2000, <<http://www.fmprc.gov.cn/eng/ziliao/3602/3604/t18053.htm> accessed> 8 August 2013.

technology.<sup>941</sup> While not losing sight of the long-term goal to regain lost maritime territories, in order to preserve China's economic objectives, greater tactical and diplomatic manoeuvrability was required. In order to reconcile China's maritime security interests with its burgeoning economic interests Deng also advocated for a more diplomatic and cooperative approach to China's sovereignty claims as a means to foster favourable relations with these states.<sup>942</sup> Consequently, Deng commenced functional maritime cooperation, introducing the concept of joint development. This proposal was first extended to Japan in regards to the disputed territories in the ECS.<sup>943</sup> The proposal of joint development was later extended to the SCS claimants. Yet China's diplomatic offerings had to be measured against its 'indisputable' maritime claims as reflected in Deng's statement 'sovereignty is ours, set aside disputes, pursue joint development'.<sup>944</sup> To reinforce the sanctity of China's sovereignty Deng reiterated the importance of the 'Five Principles of Peaceful Coexistence', first introduced by Zhou Enlai in 1953.<sup>945</sup> The five principles contained both the need to uphold 'mutual respect for each other's territorial integrity and sovereignty'.<sup>946</sup> Consequently, Deng attached the clause of 'sovereignty is ours' to proposals for joint development in the SCS.<sup>947</sup> Deng's proposal for joint development reflected the development of China's dual approach to its maritime territorial objectives.

China's dual strategy could also be observed in its 'one country, two systems' approach to the reunification of offshore territories of Taiwan, Hong Kong and Macao. Deng's policy of 'one

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<sup>941</sup> Lee Lai To, 'Deng Xiaoping's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', pp. 58-70.

<sup>942</sup> Li Minjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', Working Paper no. 149, *S. Rajaratnam School of International Studies*, Singapore, February 2008, p. 3.

<sup>943</sup> Ministry of Foreign Affairs of the People's Republic of China, 'Set aside dispute and pursue joint development', 17 November 2000, <<http://www.fmprc.gov.cn/eng/ziliao/3602/3604/t18023.htm>> accessed 1 May 2013.

<sup>944</sup> Taylor Fravel, 'Maritime Security in the South China Sea and Competition over Maritime Rights', in Patrick Cronin and William Rogers (eds.), *Cooperation from Strength, The United States, China and the South China Sea*, Center for New American Security, Washington DC, 2010, p. 45.

<sup>945</sup> Sonya Sceats and Shaun Breslin, 'China and the International Human Rights System', *Chatham House*, London, 2012, p. 6.

<sup>946</sup> Ministry of Foreign Affairs of the People's Republic of China, 'China's Initiation of the Five Principles of Peaceful Co-Existence', 17 November 2000.

<sup>947</sup> Fravel, 'Maritime Security in the South China Sea and Competition over Maritime Rights', p. 45.

country, two systems' was implemented in 1984 with the signing of the Sino-British declaration on Hong Kong. Under the 'one country, two systems' policy China's sovereignty over Hong Kong would not be absolute. Hong Kong was to be considered special administrative region which would maintain its own economic system and international relations. Furthermore, it was Deng's intention that the agreement over Hong Kong would set the precedence for the reunification of Taiwan under the 'one country, two systems' policy. When this policy was officially proposed to the nationalist government in Taipei Deng stated 'in Taiwan's case, we would adopt an even more flexible policy. By more flexible we meant that in addition to the policies used to solve the Hong Kong question we would allow Taiwan to maintain its own armed forces.'<sup>948</sup> While Deng was willing to exercise greater flexibility towards the nature of Taiwan's reunification the policy objective itself was uncompromising. In an editorial published in the *Renmin Ribao* China's intention to implement the 'one country, two systems' policy for Taiwan was declared an 'unalterable' policy objective.<sup>949</sup> Though Deng had been eager to see the reunification of these territories during his political leadership, he remained patient in this pursuit.

#### 5.4: Maintaining Deng's Balance to Support China's 'Peaceful Rise'

Formally assuming power as President of the PRC in 1993 Jiang Zemin continued to cultivate China's dual maritime strategy. The ongoing modernisation and expansion of the PLAN allowed China to actively defend its claims. China's economic successes began to facilitate the rapid expansion and modernisation of its navy.<sup>950</sup> The transfer of foreign technologies to assist in PLAN modernisation was facilitated by China's greater opening up.<sup>951</sup> Purchasing of Sovremenny-class destroyers from Russia began in the early 1990s. From this time China

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<sup>948</sup> Chiou, 'Dilemmas in China's Reunification Policy toward Taiwan', p. 469.

<sup>949</sup> Chiou, 'Dilemmas in China's Reunification Policy toward Taiwan', pp. 467-472.

<sup>950</sup> Tai Ming Cheung, 'Growth of Chinese Naval Power: priorities, goals, missions and regional implications', p. 6.

<sup>951</sup> Nan Li, 'The Evolution of China's Naval Strategy and Capabilities: From 'Near Coast' and Near Seas' to 'Far Sea'', p. 126.

also commissioned several new frigates and destroyers.<sup>952</sup> Over a period of eight years, dating between 1997 and 2005 China's defence spending increased by an average of approximately 13.7 per cent each year. The PLAN was a major recipient of these funds.<sup>953</sup> During Jiang's leadership The East Sea Fleet, tasked with the defence of Taiwan, was given priority in the procurement and deployment of China's naval assets. The supply of western technologically advanced capabilities to Taiwan's navy caused China to seek to correct the balance of power in its favour.<sup>954</sup> Second rank amongst China's maritime objectives, the PLAN's power projection in the SCS increased throughout the 1990s. China's concern for the protection of sea lanes through Southeast Asia and the potential of oil and gas reserves in the SCS was elevated from 1993 onwards as it became a net oil importer. The inception of UNCLOS in 1994, determining rights to maritime zones, encouraged the occupation of remaining features. As such, the South Sea Fleet was the first and primary recipient of modernised naval capabilities. From 2000 the South Sea Fleet received several new combatants including two Luyang II-class submarines, a minimum of seven diesel electric submarines, five surface destroyers, six frigates and an upgrade of its amphibious lift capacity; considerably improving China's power projection in the first island chain. During this period the Chinese air force also acquired the capabilities to support the PLAN's forward power projection.<sup>955</sup>

The expansion of China's capabilities coalesced with a new potency of nationalism in the mid-1990s to increase China's efforts to advance its offshore maritime claims. Tensions flared in the mid-1990s in the ECS where the reconstruction of the typhoon damaged

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<sup>952</sup> Ronald O'Rourke, 'PLAN Force Structure: Submarines, Ships, and Aircraft', in Phillip C. Saunders, Christopher Yung, Michael Swaine and Andrew Nien-Dzu Yang *The Chinese Navy: Expanding Capabilities and Evolving Roles*, National Defense University, Washington D. C. 2011, p. 153.

<sup>953</sup> Richard Bitzinger, 'Recent Developments in Naval and Maritime Modernization in the Asia-Pacific: Implications for Regional Security', in Phillip C. Saunders, Christopher Yung, Michael Swaine and Andrew Nien-Dzu Yang *The Chinese Navy: Expanding Capabilities and Evolving Roles*, National Defense University, Washington D. C. 2011, pp. 23-26.

<sup>954</sup> You Ji, *The Armed Forces of China*, I.B. Taurus, New York, 1999, pp.212- 216.

<sup>955</sup> Chang, 'China's Naval Rise and the South China Sea: An Operational Assessment', p. 23.

lighthouse built by the Japanese Youth Federation inflamed Chinese nationalism. Prime Minister Hashimoto's visit to the Yasukuni Shrine in July 1996 initially stirred Chinese nationalism. These sentiments were exacerbated by the Japanese government's ostensible endorsement of the Japanese Youth Federation's reassertion of Japan's ownership of the Senkaku/Diaoyu islands.<sup>956</sup> While the reconstruction of the lighthouse was underway Japanese nationalist groups lobbied the government to declare the feature as a landmark of its claims.<sup>957</sup> These actions were tacitly sanctioned by the government in an interview with the Japanese Foreign Minister Yukihiko Ikeda published in a Hong Kong news source. Following China's official renunciation of Japan's actions and PLAN war games protests broke out in Hong Kong.<sup>958</sup> The drowning of a Hong Kong nationalist, obstructed by the MSA when trying to swim to the islands, raised tensions between China and Japan.<sup>959</sup>

As Manicom notes nationalist assertions in the ECS were more easily provoked in light of activities in Taiwan Strait.<sup>960</sup> Reconfirmation of Taiwan's independence and US support sparked Chinese nationalist sentiments and a more forceful assertion of China's reunification policy towards Taiwan. In a speech delivered during a visit to the US in May 1995 Taiwanese President Lee Teng-hui declared his support for democratic reform. China responded by conducting military exercises in the Taiwan Strait and the ECS. It later stepped up its efforts to reassert dominance over Taiwan as the Taiwanese elections neared, launching short range ballistic missiles in close proximity to Taiwan's coast.<sup>961</sup> China's nationalist agenda

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<sup>956</sup> James Manicom, *Bridging Trouble Waters: China, Japan, and Maritime Order in the East China Sea*, Georgetown University Press, 2014, p. 51.

<sup>957</sup> Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', p. 12.

<sup>958</sup> Jean-Marc F. Blanchard, 'The U.S. Role in the Sino-Japanese Dispute over the Diaoyu (Senkaku) Islands, 1945-1971', *The China Quarterly*, vol. 116, no. 1, March 2000, p. 100.

<sup>959</sup> Manicom, *Bridging Trouble Waters: China, Japan, and Maritime Order in the East China Sea*, p. 51.

<sup>960</sup> Manicom, *Bridging Trouble Waters: China, Japan, and Maritime Order in the East China Sea*, p. 51.

<sup>961</sup> Wu Xinbo, 'Managing Crisis and Sustaining Peace between China and the United States', *United States Institute of Peace*, Washington DC, 1996, p. 7.

remained to be supported by the PLA which continued to advocate for a more hard line approach.<sup>962</sup>

Despite the prevalence of China's offshore maritime claims and its expanding capabilities, its territorial interests were balanced against China's expanding diplomatic interests. As China's trade with Southeast Asia continued to support its exponential growth, diplomacy with the region remained paramount. Economic growth figures demonstrated the considerable achievement in the period since Deng's economic reforms and China's opening up were first implemented. In 1980, shortly after the launch of the reforms, China's Gross Domestic Product (GDP) sat at 7.8 per cent of USD 2000 billion. In 1993 this figure had risen to 14 per cent.<sup>963</sup> Figure 5.4 shows the continuation of this year-on-year growth. The ASEAN economies were vital to sustaining these high growth figures. Since its economic engagement in the late 1970s and early 1980s, ASEAN had become China's fifth largest trading partner.<sup>964</sup> By 1991 China had established diplomatic relations with all ASEAN members.<sup>965</sup> As a sign of China's increased engagement in Southeast Asia, 1993 was deemed the 'year of ASEAN'.<sup>966</sup> Greater defence diplomacy was also pursued to support China's positive image in the region in light of China's rising power status.<sup>967</sup> Furthermore, following the economic upheaval of the AFC China was to provide Southeast Asia with considerable financial assistance.<sup>968</sup> According to China specialist Li Mingjiang, '[b]y the mid-1990s Beijing was convinced that its good relations with ASEAN were far more important than the benefits that

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<sup>962</sup> Allen S. Whiting, 'Chinese Nationalism and Foreign Policy After Deng', *The China Quarterly*, no. 142, 1995, p. 310.

<sup>963</sup> World Bank, GDP Data, <<http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?page=3>> accessed 23 April 2013.

<sup>964</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 7.

<sup>965</sup> Severino, 'ASEAN and the South China Sea', p. 41.

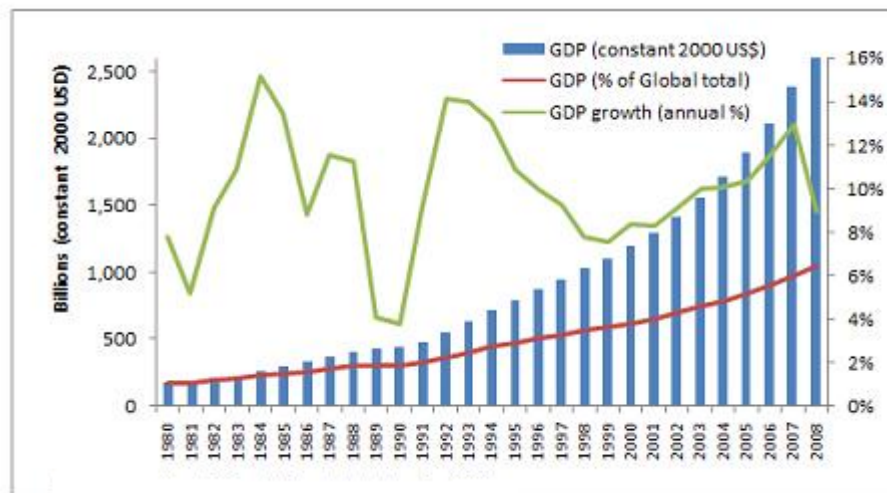
<sup>966</sup> Lee Lai To, *China and the South China Sea Dialogues*, p. 27.

<sup>967</sup> Ian Storey, 'China's Bilateral Defense Diplomacy in Southeast Asia', *Asian Security*, vol. 8, no. 3, 2012, p. 292.

<sup>968</sup> Author not supplied, 'China-ASEAN cooperation: 1991-2011', Chinese Government's Official Web Portal, <[http://english.gov.cn/2011-11/15/content\\_1994087\\_2.htm](http://english.gov.cn/2011-11/15/content_1994087_2.htm)> accessed 1 May 2013.

an aggressive Chinese policy might get in the SCS.<sup>969</sup> As a reflection of its economic and strategic offerings, Southeast Asia was set to become the focus area for China's maritime diplomacy.

**Figure 5.4: China's Economic Growth Figures 1980-2008**



Source: World Bank GDF and WDI central database, September 2009.

Continuity of policy from the Deng period may be explained by the consistency in key policy makers and institutionalised policy making mechanisms and processes. Entrusted to maintain China's transition to development, Jiang Zemin had been personally selected by Deng Xiaoping to succeed him. His leadership was supported through increased mechanisms of civilian control over the military. As You Ji explains, realising successive leaders were unlikely to experience the same level of authority over competing influences, notably the military; during the latter years of his leadership Deng had worked to elevate the influence of the CC and the Chairman of the CMC, in which Jiang would take the top leadership roles, while removing those likely to challenge his leadership from key roles.<sup>970</sup> Michael Swaine argues that Jiang's leadership was also supported by Deng's elevation of senior PLA officials

<sup>969</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 8.

<sup>970</sup> You Ji, 'Jiang Zemin's Command of the Military', pp. 131-133.

who could effectively maintain Party-military relations. In 1992 Liu, a long-time supporter of Deng, along with Zhang Zhen were installed into top positions within the CC to provide a stable foundation of military support to Jiang's leadership.<sup>971</sup>

China's diplomatic and cooperative preferences were again reinforced by its emerging security concerns. In lieu of the power politics and ideological confrontations which characterised the Cold War period, following the collapse of the Soviet Union China paid greater attention to the non-traditional security threats on the rise in maritime Southeast Asia. Burgeoning regional seaborne trade provided greater opportunities for maritime piracy.<sup>972</sup> The transnational nature of these threats determined the need for cooperative efforts towards to ensure the safety of sea lanes. What is more, China's increased maritime cooperation could help offset US influence in the region. In 1995, US Secretary of State, Warren Christopher, highlighted the SCS disputes as a reason for which the US would seek to maintain a regional presence. The revision of the US-Japan cooperation guidelines in 1997 revealed that both Taiwan and the SCS were covered under the auspices of this agreement.<sup>973</sup> Both Chinese civilian and military personnel demonstrated their concern for US overwhelming naval power. While Deng's reforms had begun to catalyse China's rapid naval modernisation and expansion, US and Japanese maritime capabilities remained far superior.<sup>974</sup> Maritime cooperation could be pursued as an alternative means to protect China's interests in the area while ameliorating US involvement in the SCS. Correspondingly, Deng's policy of shelving the disputes for joint development was maintained.<sup>975</sup>

In turn, China tempered its actions in the Southeast Asian maritime domain and progressively augmented its unrelenting stance on its maritime territories with its more conciliatory and

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<sup>971</sup> Swaine, 'The PLA and Chinese National Security Policy: Leaderships, Structures, Processes', pp. 367-369.

<sup>972</sup> Young, *Contemporary Maritime Piracy in Southeast Asia: History, Causes, and Remedies*, pp. 58-59.

<sup>973</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 12.

<sup>974</sup> Hu, 'China in Search of Comprehensive Security', p. 311.



cooperative behaviour. Despite initial apprehensions, in 1994 China became a dialogue partner of the ARF.<sup>976</sup> The ARF was to provide China with a vehicle for its cooperative agenda. Furthermore, the ARF founding principles were favourable to China's approach to sovereignty and security. The ASEAN TAC was officially adopted as the normative principle of the ARF. Borrowing from the ethos of ASEAN, sovereignty was sacrosanct and non-interference was to be observed by all members. Accordingly, the ARF favoured a trust building and cooperative approach to regional security issues rather than binding agreements.<sup>977</sup> Moreover, China had come to view the regional framework as a means to balance US influence in the region. Responsive to increased US involvement in the region post-September 11 China increased its participation within the ARF.<sup>978</sup>

Cooperation was similarly upheld towards Taiwan and in the ECS. Seeking to avoid confrontation with the US China returned to the policy of peaceful engagement with Taiwan.<sup>979</sup> Impressions of US military retaliation in the Taiwan Straits caused China to rein in its behaviour. The deployment of US aircraft carrier battle groups to the Strait after China's missile tests indicated that the US would honour the Taiwan Relations Act and intervene militarily to protect Taiwan's independence.<sup>980</sup> The return of Hong Kong in 1997 affirmed the value of diplomacy in managing China's maritime territorial claims.<sup>981</sup> The escalation of tension in the ECS and the Taiwan Strait were ameliorated as parties pulled back from their forceful assertions and a more diplomatic and cooperative approach was again reinstated. A more restrained approach was also observable in the ECS as China gave

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<sup>976</sup> Rosemary Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', *Asian Survey*, vol. 38, no. 5, May 1998, p. 42.

<sup>977</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 428.

<sup>978</sup> Storey, 'China's Bilateral Defense Diplomacy in Southeast Asia', p. 291.

<sup>979</sup> Andrew Scobell, 'Show of Force: Chinese Soldiers, Statesmen, and the 1995-1996 Taiwan Crisis', *Political Science Quarterly*, vol. 115, no. 2, Summer 2000, p. 230.

<sup>980</sup> Wu Xinbo, 'Managing Crisis and Sustaining Peace between China and the United States', p. 7.

<sup>981</sup> United Nations Oceans and the Law of the Sea Division, 'Chronological lists of ratifications of accessions and successions to the Convention and the related Agreements as at 23 January 2013', <[http://www.un.org/depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm](http://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm)> accessed 10 July 2013.

priority to the maintenance of its bilateral relations with Japan- an important economic partner.<sup>982</sup> Avoiding further deterioration in their relations China and Japan chose not to respond to nationalist groups' actions in the disputed area and alternatively pursued cooperation for the management of fisheries.<sup>983</sup> As another harbinger of China's readiness to commit to cooperative mechanisms, in 1996 China formally ratified UNCLOS.<sup>984</sup>

China's maritime cooperation was furthered through Jiang's adoption of a new security policy. China announced its 'New Security Concept' at the 1997 ARF meeting.<sup>985</sup> The defining feature of China's new security policy was its comprehensive approach to security and the heightened priority accorded to cooperation.<sup>986</sup> A survey of several scholarly articles published at this time found that many made recommendations for a more comprehensive approach to security. A number of the Chinese security experts who authored these works specifically recommended that China adopt a comprehensive security strategy similar to that seen in Japan in the 1970s.<sup>987</sup> The efforts of these academics were encouraged by the Asia Department of the Chinese Ministry of Foreign Affairs which put out a call for Chinese scholars to provide reasoning to support its multilateral diplomacy and quell critics within the government, PLA and academia who continued to advocate for a more hard-line approach.<sup>988</sup> This body of scholarly work suggested that China's new security requirements determined

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<sup>982</sup> Erica Strecker Downs and Phillip C. Saunders, 'Legitimacy and the Limits of Nationalism: China and the Diaoyu Islands', *International Security*, vol. 23, no. 3, 1998/1999, p. 117.

<sup>983</sup> Manicom, *Bridging Trouble Waters: China, Japan, and Maritime Order in the East China Sea*, p. 52 and p. 66.

<sup>984</sup> 'United Nations Convention on the Law of the Sea: Declarations made upon signature, ratification, accession or succession or anytime thereafter', [http://www.un.org/depts/los/convention\\_agreements/convention\\_declarations.htm#China%20Upon%20ratification](http://www.un.org/depts/los/convention_agreements/convention_declarations.htm#China%20Upon%20ratification) accessed 11 August 2013.

<sup>985</sup> Gaye Christoffersen, 'China's Maritime Cooperation: Piracy in the Gulf of Aden', *ISPSW Institute for Strategic, Political, Security and Economic Consultancy*, Berlin, 2010, p. 3.

<sup>986</sup> Anil Kumar, 'New Security Concept of China: An Analysis', *Institute of Peace and Conflict Studies*, China Research Program, 2012, p. 1.

<sup>987</sup> Richard Weixing Hu, 'China in Search of Comprehensive Security', in J. C. Hsiung (ed.), *Twenty-First Century World Order and the Asia Pacific*, Palgrave, New York, 2001, p. 311.

<sup>988</sup> Christoffersen, 'China and Maritime Cooperation: Piracy in the Gulf of Aden', pp. 3-4.

the need for a comprehensive and cooperative strategy.<sup>989</sup> The benefits of presenting China as a ‘responsible stake holder’ through its willingness to cooperate were also identified at the time.<sup>990</sup>

In 1998 China released its first National Defence White Paper. The White Paper referred to China’s ‘New Security Concept’ and its resulting cooperative efforts towards security.<sup>991</sup> China’s Position Paper on the New Security Concept produced by the Ministry of Foreign Affairs stated ‘[i]n China’s view, the core of such new security concept should include mutual trust, mutual benefit, equality and coordination.’<sup>992</sup> In addition to its White Paper outlining national defence priorities at the same time China also released an official document titled the *Development of China’s National Marine Programs*. This document made official recommendations for China’s maritime security strategy. Section 6 of this document outlined China’s maritime diplomatic and cooperative objectives. In a section titled *International Cooperation in Maritime Affairs* China again conveyed its maritime cooperative agenda and achievements.<sup>993</sup> Additionally, the following year at the UN conference on disarmament held in Geneva, Jiang Zemin called upon other states to recognise the merits of an international order predicated on trust and cooperation rather than uncertainty and competition.<sup>994</sup> Capitalising on its efforts to convey its willingness to cooperate, in 2000 China and Vietnam came to an initial agreement to demarcate maritime boundaries in the

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<sup>989</sup> Hu, ‘China in Search of Comprehensive Security’, pp. 309-315.

<sup>990</sup> Christoffersen, ‘China and Maritime Cooperation: Piracy in the Gulf of Aden’, p. 1.

<sup>991</sup> Government of the People’s Republic of China, ‘China’s National Defense’, July 1998, <<http://www.china.org.cn/e-white/5/index.htm>> accessed 1 February 2013.

<sup>992</sup> Ministry of Foreign Affairs the People’s Republic of China, ‘China’s Position Paper on the New Security Concept’, 6 August 2002, <<http://www.mfa.gov.cn/eng/wjzjg/gjs/gjzzyhy/2612/2614/t15319.htm>> accessed 23 May 2013.

<sup>993</sup> Information Office of the State Council of the People’s Republic of China, ‘The Development of China’s National Marine Programs’, July 1998, <<http://www.china.org.cn/e-white/6/index.htm>> accessed 1 February 2013.

<sup>994</sup> Hu, ‘China in Search of Comprehensive Security’, p. 317.

Beibu Gulf.<sup>995</sup> In a bid to further increase its cooperative credentials in 2001 China signed a *vote verbale* with Japan; agreeing to inform Japan of maritime surveys conducted in disputes waters.<sup>996</sup>

The transition of leadership to Hu Jintao did not motivate any momentous changes to China's maritime strategy. Cooperation was consistent with pronouncements of China's 'peaceful rise'<sup>997</sup> and 'peaceful development'<sup>998</sup> in response to the countervailing China threat theory. During his keynote speech delivered at the Boao Forum in 2003 Premier Wen Jiabao spoke of the need to promote 'mutual trust, mutual benefit, equality, cooperation, ...mutual respect, amicable coexistence and seeking common ground while setting aside differences' as a 'new security concept' for Asia.<sup>999</sup>

Consistent with this maxim, Hu continued to apply the policy of shelving the disputes for cooperative joint development while maintaining its 'inviolable' maritime rights in the SCS.<sup>1000</sup> In November 2002 China and the ASEAN states reached agreement on the Declaration of Conduct of Parties in the South China Sea. The underlying intention of the agreement was to build confidence and trust amongst the claimants towards the peaceful resolution of the disputes.<sup>1001</sup> In the ECS China and Japan continued to resist nationalist

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<sup>995</sup> Ministry of Foreign Affairs of the People's Republic of China, 'China and Vietnam Initial Agreements on Delimitation of Beibu Bay/Fishery Cooperation', 25 December 2000, <<http://www.fmprc.gov.cn/eng/wjdt/2649/t15782.htm>> accessed 28 May 2013.

<sup>996</sup> Manicom, *Bridging Troubled Waters, China, Japan, and the Maritime Order in East Asia*, p. 92.

<sup>997</sup> Wen Jiabao, Speech delivered at Harvard University, 'Turning Your Eyes to China', 10 December 2013, <<http://www.fmprc.gov.cn/ce/ceun/eng/xw/t56090.htm>> accessed 10 October 2014.

<sup>998</sup> Hu Jintao, Speech delivered at the Boao Forum for Asia Annual Conference, 'China's Development is an Opportunity for Asia', 24 April 2004, <<http://www.china.org.cn/english/features/93897.htm>> accessed 7 October 2014.

<sup>999</sup> Quoted in Robert L. Suettinger, 'The Rise and Descent of 'Peaceful Rise'', *China :Leadership Monitor*, no. 12, 30 October 2004, p. 3.

<sup>1000</sup> Lee Lai To, 'Joint Development in the Spratly- a possible opportunity for China to take the lead', <[southchinastudies.org](http://southchinastudies.org), <[nghiencuubiendong.vn/.../113-dr-lee-lai-tojoint-development-in-the-spratly...](http://nghiencuubiendong.vn/.../113-dr-lee-lai-tojoint-development-in-the-spratly...)>, accessed 26 April 2013; Government of the People's Republic of China, 'China's National Defense in 2002', December 2002, <[http://english.gov.cn/official/2005-07/28/content\\_17780.htm](http://english.gov.cn/official/2005-07/28/content_17780.htm)> accessed 1 February 2013.

<sup>1001</sup> '2002 Declaration on the Conduct of Parties in the South China Sea', Adopted by the Foreign Ministers of ASEAN and the People's Republic of China at the 8<sup>th</sup> ASEAN Summit, Cambodia, November 2002.

groups' efforts to dictate government policy; choosing not to support their assertions of competing claims.<sup>1002</sup>

Greater maritime diplomatic and cooperative offerings were made to Southeast Asian states amidst China's accelerating rise and military modernisation and expansion campaign. Efforts to improve China's power projection in the first and second island chains continued under Hu Jintao. Correspondingly, during Hu's leadership China procured a number of large-type vessels able to operate in distant waters for more sustained periods.<sup>1003</sup> While the modernisation and expansion of the PLAN continued, there was growing concern amongst Chinese maritime security experts that China's maritime civilian law enforcement agencies were underdeveloped and under resourced.<sup>1004</sup> A detailed study conducted at the Chinese Border Guards Maritime Police Academy in Ningbo concluded that China's maritime law enforcement capacity was insufficient in light of the array of maritime security challenges China's faced.<sup>1005</sup> In the 2000s China began to embark on a build-up of the coast guard capabilities of its maritime law enforcement agencies.<sup>1006</sup> From 2004 to 2008 the MSA commissioned eight vessels and upgraded features in pre-existing vessels.<sup>1007</sup> The SOA was also in receipt of several new vessels during this period. PLAN vessels were transferred to the BCD and State Oceanic Administration (SOA).<sup>1008</sup> To assuage fears for Chinese naval

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<sup>1002</sup> Manicom, *Bridging Troubled Waters: China, Japan, and Maritime Order in the East China Sea*, pp. 52-53.

<sup>1003</sup> Nan Li, 'The Evolution of China's Naval Strategy and Capabilities: From 'Near Coast' and Near Seas' to 'Far Sea'', pp. 129-130.

<sup>1004</sup> Five Chinese maritime law enforcement agencies bare likeness to a coast guard in their capabilities and purpose. These include the Maritime Police of the Border Control Department (BCD), the Maritime Safety Administration (MSA), the Fisheries Law Enforcement Command (FLEC), the Marine Surveillance (MS) under the State Oceanographic Administration (SOA) and the General Administration of Customs (GAC). Goldstein, 'Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities', pp. 5-18.

<sup>1005</sup> Lyle J. Goldstein, 'China Coast Guard Development: Challenge and Opportunity', *China Brief*, vol. 9, no. 23, 2009, <[http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=35747](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=35747)> accessed 23 January 2013.

<sup>1006</sup> Goldstein, 'Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities', p. 4.

<sup>1007</sup> Goldstein, 'Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities', p. 9.

<sup>1008</sup> Goldstein, 'Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities', p. 19.

expansion the release of China's 2002 National Defence White paper reaffirmed China's commitment to regional cooperation stating, 'China persists in building a good-neighbourly relationship and partnership with its neighbours and strengthens regional cooperation constantly.'<sup>1009</sup> The objectives stipulated in the White Paper were further illustrated in 2003 with China's succession to the ASEAN Treaty of Amity and Cooperation.<sup>1010</sup>

Chinese assessments of Japan's maritime cooperative strategy, spurred by concerns for sea lane security, further encouraged China's own. In 2003 Hu Jintao declared China's 'Malacca Dilemma' revealing China's anxiety for its sea lane security. The increasing influence of China's strategic competitors in the Straits, the major conduit for China's oil imports, raised anxiety amongst PRC decision makers. Their concern was reflected in the public statement made by Hu Jintao that 'certain major powers' were bent on controlling the Straits. Hu correspondingly 'called for the adoption of new strategies to mitigate the perceived vulnerability.'<sup>1011</sup> A Chinese study concluded in 2006 revealed the strategic benefits which Japan had derived from its comprehensive strategy and maritime cooperation. Through its maritime cooperative initiatives Japan had assumed for itself a key role in safety and security provisions for the Straits. Throughout 2006 China similarly extended its commitment to measures to navigational safety measures. In August 2006 China hosted a joint seminar with ASEAN on Maritime Law Enforcement Cooperation in Dalian, China.<sup>1012</sup> This seminar was the first of its kind and addressed prospects for cooperative efforts between the respective maritime law enforcement agencies of the parties involved to address transnational maritime security challenges.<sup>1013</sup> Shortly thereafter China signed the ReCAAP agreement and in a CSCAP meeting held later that year a member of the Chinese delegation informed others that

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<sup>1009</sup> Government of the People's Republic of China, 'China's National Defense in 2002', December 2002.

<sup>1010</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 6.

<sup>1011</sup> Storey, 'China's 'Malacca Dilemma'', 2006.

<sup>1012</sup> ASEAN Secretariat, 'ASEAN and ARF Maritime Security Dialogue and Cooperation', 2007.

<sup>1013</sup> Bao Hongjun and Zhu Huayou, 'Commentary: Enhancing Sino-U.S. Maritime Cooperation for Regional Security', in Wu Shicun and Zou Keyuan (eds.), *Maritime Security in the South China Sea: Regional Implications and International Cooperation*, Ashgate, Surrey, 2009, p. 197.

the PLAN would now be tasked with responding to maritime piracy wherever it posed a threat to Chinese sea lanes.<sup>1014</sup> As a demonstration of both its increased commitment to navigational safety and the development of its maritime capabilities in January 2009 the first Chinese fleet was dispatched to the Gulf of Aden where the international naval combined task force (CTF)-151 against piracy was operating.<sup>1015</sup> This was the first time in modern history that Chinese naval vessels had participated in an operational mission outside of China's immediate region.<sup>1016</sup>

Though China had ratcheted up its diplomacy and maritime cooperation its commitment to its offshore territories was unwavering. Continued reference to historical vestiges was employed to legitimise a more active maritime strategy. Hu Jintao publicly referred to China's ambition to expand its operations in areas further from the coast to fulfil China's maritime destiny. Admiral Wu Shengli, Commander of the PLAN, cited the century of humiliation in support of the further development of naval capabilities.<sup>1017</sup> Moreover, the CCP's perceived ability to ensure against a repeat of China's past suffering was important for party support.<sup>1018</sup> Though always present in the minds of previous leaders regime security was pertinent in the context of increased internal pressures on the CCP. Notwithstanding the prosperity delivered by China's rapid economic growth, income inequality and government corruption threatened the legitimacy of the CCP. A survey conducted by Pew Global Research in 2008 in China revealed that 41% were concerned with the income inequality gap and that 39% believed

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<sup>1014</sup> Christoffersen, 'China's Maritime Cooperation: Piracy in the Gulf of Aden', pp. 6-7.

<sup>1015</sup> Author not supplied, 'Chinese naval fleet carries out first escort mission off Somalia', *People's Daily online*, 6 January 2009, <<http://english.people.com.cn/90001/90776/90883/6568232.html>> accessed 4 February 2013.

<sup>1016</sup> Alison A. Kaufman, 'China's Participation in Anti-Piracy Operation of the Horn of Africa: Drivers and Implications', Conference Report, CNA China Studies, 2009, p. 1; Christoffersen, 'China's Maritime Cooperation: Piracy in the Gulf of Aden', p. 9.

<sup>1017</sup> Toshi Yoshihara and James R. Holmes, *Read Star Over the Pacific: China's Rise and the Challenge to U.S. Maritime Strategy*, Naval Institute Press, Maryland, 2010, p. 64.

<sup>1018</sup> Alison A. Kaufman, 'Testimony before the U.S.-China Economic Security Review Commission Hearing on 'China's Narratives Regarding National Security Policy': The 'Century of Humiliation' and China's National Narratives', 10 March 2011, p. 3.

corrupt official were a major challenge for China.<sup>1019</sup> Leveraging historical grievances to support a forward presence in its maritime domain and for regime maintenance encouraged China's uncompromising approach to its maritime claims. The canonisation of China's 'core interests' through its common use in official rhetoric additionally confirmed its commitment to its maritime territorial claims as a political objective. In 2009 State Councilor Dai Bingguo declared state sovereignty and territorial integrity to be one of China's 'core interests'. Though it remained unclear whether the ECS and the SCS were considered amongst China's 'core interests', the term was repeatedly used in reference to the Taiwan issue and the one China policy.<sup>1020</sup> Together these political imperatives ensured that cooperation would be pursued only in tandem with assertions of its claims. Hence while cooperation continued China could not resist the pull to respond to perceived encroachments on its sovereignty. The remaining, if not growing, influence of the PLA and its more assertive views may also have served as a bulwark of China's maritime territorial objectives. Suggestions that the PLA had gained influence under Hu as he struggled to maintain ultimate control over a process of centralised decision making became common place during his leadership.<sup>1021</sup> The PLA's perceived escalatory behaviour provoked questions as to whether the PLA's actions were officially or autonomously sanctioned. The first of such incidents occurred in 2001 with the EP-3 accident involving the collision of a US reconnaissance plane and a PLA aircraft over the SCS.<sup>1022</sup> Such questions again arose following the March 2009 *USNS Impeccable* incident

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<sup>1019</sup> Pew Research, 'Growing Concerns in China about Inequality, Corruption', 16 October 2012, <<http://www.pewglobal.org/2012/10/16/growing-concerns-in-china-about-inequality-corruption/>> accessed 12 October 2014.

<sup>1020</sup> Michael D. Swaine, 'China's Assertive Behaviour Part One: On 'Core Interests'', *The China Leadership Monitor*, no. 34, 22 February 2011, pp. 2-4.

<sup>1021</sup> Shannon Tiezzi, 'China's 'Peaceful Rise' and the South China Sea', *The Diplomat*, 17 May 2014, <<http://thediplomat.com/2014/05/chinas-peaceful-rise-and-the-south-china-sea/>> accessed 12 July 2015.

<sup>1022</sup> Linda Jakobson and Dean Knox, 'New Foreign Policy Actors in China', Policy Paper no. 26, *SIPRI*, September 2010, pp. 15-16; Shirley A. Kan, et al., 'China-U.S. Aircraft Collision Incident of April 2001: Assessments and Policy Implications', *CRS Report for Congress*, 10 October 2001, pp. 1-7.



of which the US reported that five Chinese vessels harassed the surveillance vessel the while underway in the SCS, manoeuvring dangerously close to the ship.<sup>1023</sup>

Both facets of China's maritime strategy were similarly observable under Xi Jinping. The promotion of China's 'indisputable' maritime claims went on uninterrupted while China continued to promote its peaceful evolution and maritime cooperation. Perceptions of US interference in China's maritime territorial disputes elevated the political objective for defence of China's maritime claims. Both CCP and PLA media sources surveyed between 2011 and 2012 portrayed the US rebalancing strategy as an attempt to contain China's growing economic and military capability; empowering the other claimant states to pursue more assertive strategies.<sup>1024</sup> In November 2013, feeling the greater presence of the US in the region, China expanded its claims in the ECS through establishing its ADIZ in the ECS.<sup>1025</sup> Responsive to US and regional criticisms, China responded by claiming it was setting up the identification zone to protect against air threats. Further adding to these states' concerns at this time, the People's Liberation Daily, known as an outlet of the PLA, declared its 'capacity and resolve to safeguard China's territorial sovereignty and national interests.'<sup>1026</sup> In an more pointed response to US interference, in November 2014 China defended its land reclamation in the SCS as 'legitimate and justifiable'; objecting to what it deemed as US 'biased' interference in the disputes in favour of its regional allies and partners.<sup>1027</sup> Such views towards the US rebalancing strategy were, however, moderated for the wholesale promotion

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<sup>1023</sup> Jakobson and Knox, 'New Foreign Policy Actors in China', p. 16; Author not supplied, 'China hits out a US on navy row', *BBC*, 10 March 2009, <<http://news.bbc.co.uk/2/hi/asia-pacific/7934138.stm>> accessed 12 October 2014.

<sup>1024</sup> Sarah Norgrove and Mary Willet, 'China's response to the US in contemporary Asia', *ASPI*, Policy Paper no. 109, pp. 6-7.

<sup>1025</sup> Author not supplied, 'China establishes 'air-defence zone' over East China Sea', *BBC News*, 23 November 2013, <<http://www.bbc.com/news/world-asia-25062525>> accessed 3 August 2015.

<sup>1026</sup> Author not supplied, 'US slams China's Diaoyu air defense identification zone as 'destabilising'', *The South China Morning Post*, 24 November 2013, <<http://www.scmp.com/news/china/article/1364457/us-criticises-chinas-new-air-zone-vows-defend-japan?page=all>> accessed 3 July 2015.

<sup>1027</sup> Mugdha Variyar, 'Artificial Island in the South China Sea Sparks Tension: China asks the US to 'Stay Out of It'', *International Business Times*, 25 November 2014, <<http://www.ibtimes.co.in/artificial-island-south-china-sea-sparks-tension-china-asks-us-stay-out-it-615072>> accessed 13 July 2015.

of China's cooperative disposition. This restrained and moderate approach was observable in official statements, including those from the Party leadership, the Foreign Ministry and the Ministry of Defence, regarding the US rebalancing strategy which sought to emphasise China's desire for 'win-win' scenarios and the possibilities for 'co-existence and cooperation'.<sup>1028</sup> China's charm offensive also continued in Southeast Asia where in 2011 it first proposed the China-ASEAN Maritime Cooperation Fund at the ASEAN-China Summit in 2011, Premier Le Keqiang, in his keynote speech at the tenth China-ASEAN expo in 2013, announced that China had committed USD490million to the fund. Through the fund money would be made available to finance functional maritime cooperation in the areas of fisheries, marine science, navigational safety, seafood production, trade, and maritime transportation. The fund was intended to function with the consultation of the ASEAN states with Premier Li calling on the ASEAN states to submit proposals for how this money should be spent. Recommendations for joint hydrocarbon resource development were noticeably absent in the suggestions for functional cooperation put forward. The escalation of unilateral exploration activities may have ruled out such possibilities for the meantime. Included amongst the recommendations were maritime scientific research, environmental protection, seafood production, SAR and maritime transportation.<sup>1029</sup> In an effort to denote a change from its past actions, Li declared that 'China's new government will more unswervingly uphold the foreign policy of friendship and partnership with neighbouring countries'. Expounding China's commitment to positive relations with ASEAN he further suggested that all parties 'work together to upgrade the level of China-ASEAN cooperation on the basis of enhancing

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<sup>1028</sup> For a detailed the examination of official sources and publications responding to the US rebalancing strategy see Norgrove and Willet, 'China's response to the US in contemporary Asia', pp. 5-6.

<sup>1029</sup> Li Keqiang, 'ASEAN, China embrace for a diamond decade', *The Jakarta Post*, 6 September 2013, <<http://www.thejakartapost.com/news/2013/09/06/asean-china-brace-a-diamond-decade.html>> accessed 4 November 2014.

political mutual trust'.<sup>1030</sup> Consistent with this sentiment China was a participant of the EAMF in 2012 and the 2013 ADMM+ maritime field exercises.<sup>1031</sup> In 2014 it promoted new concepts for regional integration and maritime cooperation including proposals to deepen cooperation with ASEAN and the Maritime Silk Road initiative.<sup>1032</sup> Chinese officials forecasted further maritime cooperation in repeated declarations that the coming 2015 was to mark the year of China-ASEAN maritime cooperation.<sup>1033</sup>

## Conclusion

Despite changes in China's material interests its dual maritime strategy has been consistently pursued from the inaugural leadership of Mao through to the contemporary period of Hu Jintao's and Xi Jinping's leaderships. China's policies of 'one country, two systems' towards Taiwan and shelving disputes for joint development in the ECS and SCS were representative of both a boundary reinforcing approach to its maritime claims and a willingness to pursue cooperation with opposing claimants. The long-term objective to reclaim China's lost territories was set by Mao immediately after coming into power. Here began the development of China's maritime capabilities for the reclamation of these territories and to recorrect the century of humiliation. The reforms of Deng Xiaoping encouraged a more flexible approach to sovereignty and cooperation. Economic reconstruction required cooperative partners and a peaceful environment in which China could build its prosperity. This flexibility was evidenced by a more conciliatory policy towards the reunification of Taiwan and China's

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<sup>1030</sup> Li Keqiang, Keynote Address at the 10<sup>th</sup> China-ASEAN Expo, 9 April 2013,

<[http://news.xinhuanet.com/english/china/2013-09/04/c\\_132688764\\_2.htm](http://news.xinhuanet.com/english/china/2013-09/04/c_132688764_2.htm)> accessed 4 November 2014.

<sup>1031</sup> Chairman's Statement of the 1<sup>st</sup> Expanded ASEAN Maritime Forum, Manila, 9 October 2012; Koh Eng Beng, 'ADMM-Plus navies enhance cooperation in maritime security exercise', 2 October 2013.

<sup>1032</sup> Phillip Saunders, 'A Guide to Understanding China's Regional Diplomacy', *The National Interest*, 30 April 2014, <<http://nationalinterest.org/blog/the-buzz/guide-understanding-chinas-regional-diplomacy-10346>> accessed 13 July 2015.

<sup>1033</sup> Chairman's Statement of the 17<sup>th</sup> ASEAN-China Summit, Myanmar, 13 November 2014, <[http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1215668.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1215668.shtml)> accessed 13 July 2015; Ministry of Foreign Affairs People's Republic of China, Remarks by Premier H.E. Li Keqiang Premier of the State Council of the People's Republic of China at the 17<sup>th</sup> ASEAN-China Summit, Myanmar, 13 November 2014, <[http://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/zyjh\\_665391/t1212266.shtml](http://www.fmprc.gov.cn/mfa_eng/wjdt_665385/zyjh_665391/t1212266.shtml)> accessed 13 July 2015; Ministry of Foreign Affairs People's Republic of China, Zhang Gaoli Attends Opening Ceremony of the 11<sup>th</sup> China-ASEAN Expo and Delivers a Speech, 16 September 2014, <[http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1192337.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1192337.shtml)> accessed 13 July 2015.

willingness for the exploitation of shared resources. Successive leaders Jiang Zemin, Hu Jintao and Xi Jinping further elevated China's cooperation as a means to sustain economic growth and promote a positive image in the context of its re-emergence and expanding capabilities. Furthermore, cooperation was pursued in the context of increased US regional engagement. It was from the Deng period onwards as China's vested interests in regional diplomacy increased that it acceded to a number of multilateral forums and cooperative mechanisms, including the ARF, UNCLOS and the maritime law enforcement.

While China's re-emergence redefined its interests and increased the incentives for cooperation, factors encouraging its boundary reinforcing approach to its offshore maritime claims proved potent. Its sense that it was the rightful owner of its lost maritime territories, transmitted to Chinese society through official rhetoric, promoted the continual advancement of its claims as a way of galvanising domestic political support. As the PLAN gradually developed the capabilities required to actively defend China's maritime claims China was more confident in asserting this objective in response to others' advancement of their claims. Moreover, political security rested on the balance between cooperation for economic gain and peaceful development and a firm stance towards its maritime claims in response to nationalist appeals. The political currency of standing up to historical rivals and competitors made it hard for China to resist nationalist appeals. Consequently, rather than supersede territorial objectives cooperation was pursued alongside an unwavering commitment to the defence of its maritime claims. Following periods of increased cooperation, as seen from the late 1990s to mid-2000s, China reverted back to a boundary reinforcing approach.

## Chapter 6: The Application of China's Maritime Diplomacy in the South China Sea

### Introduction

Maritime Southeast Asia has long been of great strategic and economic importance to the Chinese state. Within this maritime domain the SCS has been an area of burgeoning concern for the PRC. For China the SCS offers potential benefits for its food security, energy security and ability to expand its regional influence. Under the auspices of China's dual maritime strategy, however, maritime territorial objectives were pursued alongside maritime cooperation with the littoral states in the SCS. China's dual strategy is manifest in the inconsistent application of its SCS delaying strategy from the creation of the PRC to 2009. According to maritime security expert Taylor Fravel under the guidance of its delaying strategy China has endeavoured to peacefully advance and consolidate its claims while building its capabilities to ensure a favourable outcome in the future either through the use of force or by negotiating from a position of strength.<sup>1034</sup> Mao's decision to place the objective to reclaim lost territories in the SCS along a long-term spectrum created greater leeway to prioritise immediate domestic issues. Deng maintained this approach from the late-1970s as reforms were underway. The patience applied towards the reclamation of territories was reflected in the maxim 'bide time, and build capabilities'. From the mid-1980s this strategy was augmented with functional maritime cooperation.

This mid-1980s, however, saw a divergence to a more escalatory strategy to fulfil its maritime destiny. The development of China's capabilities would come to facilitate the requisition of territories in the SCS. The ensuing tit-for-tat and two-way trust deficit between China and the littoral states deterred China's acquisition and operationalisation of the security dilemma sensibility. As both China and the littoral states were unwilling to shelve their

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<sup>1034</sup> Taylor Fravel, 'China's Strategy in the South China Sea', *Contemporary Southeast Asia*, vol. 33, no. 3, 2011, p. 292.

sovereignty disputes, functional cooperation failed to progress. While China again chose to delay the disputes<sup>1035</sup> more positive trends only lasted momentarily. The re-emergence of the tit-for-tat dynamic in the mid-2000s eroded the goodwill and confidence that had encouraged the development of functional cooperation in the preceding years. As a result proposals for a binding code of conduct for the SCS remained out of reach and tensions in the SCS remained; with broader implications for regional peace and stability.

This chapter examines the evolution of China's maritime diplomacy and cooperation in the SCS as determined by the application of the delaying strategy. In doing so the author assesses the factors that determined China's divergence to a more escalatory strategy, the apparent intractability of the tit-for-tat dynamic and the futility of functional cooperation. First, the author outlines China's key interests in the SCS and the characteristics of the delaying strategy. The following three chronological sections empirically examine the application of the delaying strategy in the SCS and what this meant for the development of maritime cooperation between China and the littoral states. The first of these sections details why China initially chose to delay the requisition of territories and alternatively pursue non-aggressive tactics in promoting its maritime claims in the SCS. The next of these sections examines the inception of China's maritime cooperation. Here the author assesses its divergence from the delaying strategy at this time and how this contributed to the two-way trust deficit and China's inability to acquire the security dilemma sensibility as a prerequisite for functional cooperation. In the final section, an examination of the period dating from the late 1990s to 2014 reveals how the persistence of nationalism as a cause of China's assertiveness deterred its willingness to capitalise on existing opportunities for functional maritime cooperation.

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<sup>1035</sup> Fravel, *China's Strategy in the South China Sea*, p. 298.

### 6.1: China's Maritime Interests: a SCS focus

A survey of primary and secondary sources reveals the importance of China's maritime territorial interests in the SCS. In a prominent article published in an elite Chinese military journal, author Xu Qi, a Senior Captain in the PLAN, contended that the 'long period of prosperity [as well as] the Chinese nation's existence, development and greater resurgence [all] rely on the sea.'<sup>1036</sup> As matter of geography China's interests in the SCS are inescapable. Stretching along China's southern coastline the SCS embodies both potential challenges and benefits for the Chinese state. Throughout its ancient history Chinese naval fleets have periodically been stationed in the SCS for the defence of the southern coast. What is more, the SCS provided China's access to the world outside the Middle Kingdom from which it prospered greatly. Vessels belonging to the first century BCE Han Dynasty traversed the waters of the SCS *en route* to their key trading partners. In turn Persian, Arab, Jewish, Indian and Malay traders navigated the SCS for their trade with China.<sup>1037</sup> Furthermore, the SCS has long been an important food source for China. Chinese fishers are said to have operated off the Spratly islands during this period.<sup>1038</sup> During the Ming Dynasty as its maritime power increased, China established a sustained naval presence in the SCS for the conduct of its trade with the southern peripheries.<sup>1039</sup> With the advent of western colonialism, however, China again retreated from the SCS and remained insular and continentally focused until modern times.<sup>1040</sup>

Since the creation of the PRC, however, China has gradually advanced from its insularity and developed a heightened awareness to its maritime domain. In turn, China has endeavoured to

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<sup>1036</sup> Quoted in Xu Qi, Translated by A. S. Erickson and L. J. Goldstein, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', *Naval War College Review*, vol. 59, no. 4, 2006, p. 47.

<sup>1037</sup> Marwyn S. Samuels, *Contest for the South China Sea*, Methuen, New York, 1982, pp. 9-13.

<sup>1038</sup> Michael Leifer, Chinese Economic Reform and Security Policy: The South China Sea Connection', *Survival*, vol. 37, no. 2, Summer 1995, p. 48.

<sup>1039</sup> Chi-Kin Lo, *China's Policy Towards Territorial Disputes: The case of the South China Sea islands*, Routledge, Oxon, 1989, p. 169.

<sup>1040</sup> Samuels, *Contest for the South China Sea*, pp. 31-33.

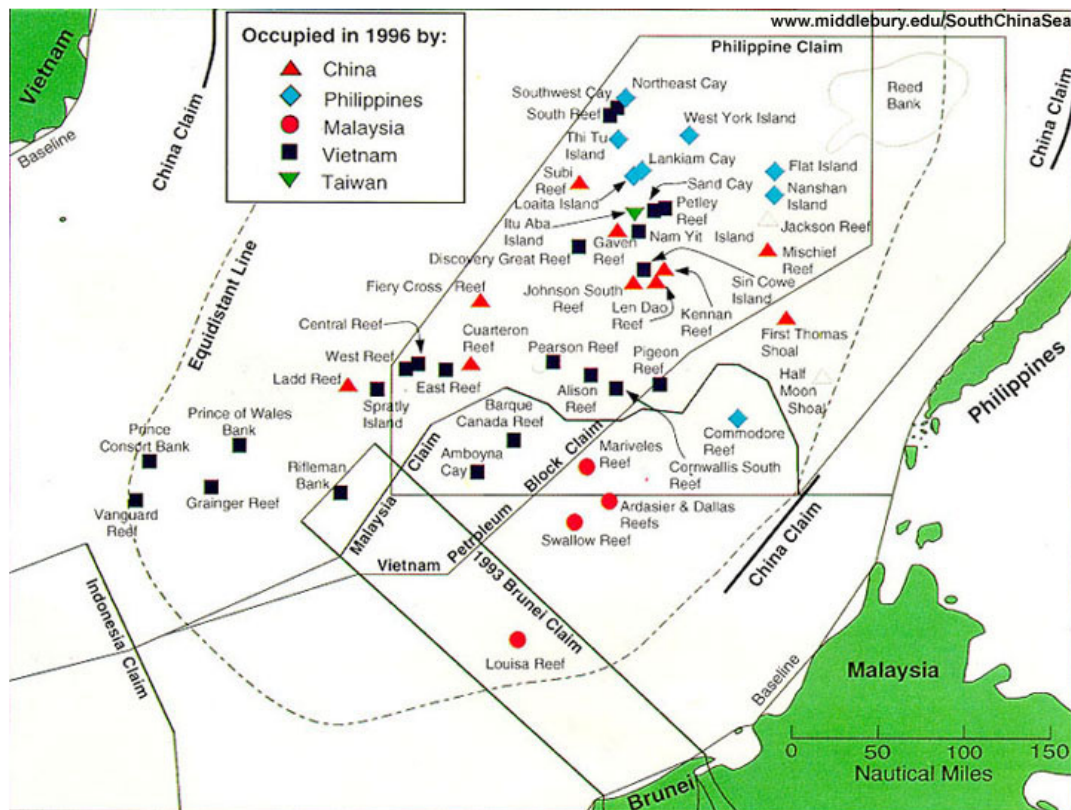
protect and foster its strategic and economic interests in the SCS; upholding its resolute approach to sovereignty. Its uncompromising position in the SCS is reflected in numerous statements by government and military officials declaring China's 'indisputable sovereignty of the SCS'.<sup>1041</sup> Its territorial claims within the SCS are in part based upon historical claims to the discovery of land features. China's territorial claims in the SCS (see Figure 6.1) if actualised, would extend China's power projection out to 1000 kilometres and enhance its strategic position.

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<sup>1041</sup> Mark J. Valencia, 'The South China Sea: Back to the Future?', *South China Seas Studies*, July 15, 2011, <<http://southchinaseastudies.org/en/conferences-and-seminars-/second-international-workshop/582-the-south-china-sea-back-to-future-by-mark-j-valencia>> accessed 16 February 2013; John Pomfret, 'Beijing claims 'indisputable sovereignty' over South China Sea', *The Washington Post*, July 31, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/30/AR2010073005664.html> accessed 26 February 2013.



**Figure 6.1: Conflicting Claims to the South China Sea**



Source: Mark. J. Valencia, Jon M. Van Dyke, and Noel Ludwig, *Sharing the Resources of the South China Sea*, University of Hawai'i Press, 1999, p. 126.

Following China's opening up to the global economy, foreign trade has been a major source of its rising GDP. The majority of Chinese exports are seaborne, traversing sea lanes through the South China Sea en route to their destinations.<sup>1042</sup> China's increasing demand for energy imports accord greater importance to SCS sea lanes. Approximately 80 per cent of China's oil imports traverse the SCS.<sup>1043</sup> In addition, the semi-enclosed seas of the SCS are the location of a number of different maritime resources, including hydrocarbons and fish reserves, important for China's economic security and prosperity. Chinese estimates place SCS hydrocarbon reserves at over 105 billion barrels. These, estimates, however, vary across

<sup>1042</sup> Xu Qi, Translated by A. S. Erickson and L. J. Goldstein, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', *Naval War College Review*, vol. 59, no. 4, 2006, p. 59.

<sup>1043</sup> Fravel, 'China's Strategy in the South China Sea', p. 296.

different sources with other estimates well below this figure.<sup>1044</sup> These unexplored energy reserves could help alleviate China's dependence on energy imports while maritime food sources may assist in meeting its rising demands.<sup>1045</sup>

As maritime security expert Taylor Fravel argues since 1949 successive PRC leaders have pursued a delaying strategy towards China's offshore territorial claims in the SCS. Fravel defines the delaying strategy as 'maintaining a state's claim to a piece of land but neither offering concessions nor using force'.<sup>1046</sup> First observable in the early period of Mao's leadership, this strategy was designed to protect China's maritime rights and interests by prolonging any resolution of the disputes while consolidating its power in order to determine a favourable outcome in the long-term without employing force.<sup>1047</sup> By employing the delaying strategy China's intention was to uphold and strengthen its maritime claims in the SCS without escalating the disputes. A prolonged trajectory of relative gain would allow China to remain focused on immediate political interests and constructing an environment favourable to its peaceful existence.<sup>1048</sup> Dating from Deng Xiaoping's time in power China non-forceful efforts to promote its exercise claims in the SCS were supplemented with greater diplomacy and cooperation as a means to account for its expanding interests.<sup>1049</sup> China's interests in economic growth and development and its subsequent exposure to non-traditional security matters determined the need for a more comprehensive and cooperative approach to security.<sup>1050</sup> However, the increasing complexity of factors that came to inform China's interests as it re-emerged from its long period of isolation made it hard for it to

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<sup>1044</sup> Fravel, 'China's Strategy in the South China Sea', *Contemporary Southeast Asia*, vol. 33, no. 3, 2011, p. 296.

<sup>1045</sup> Xu Qi, Translated by A. S. Erickson and L. J. Goldstein, 'Maritime Geostrategy and the Development of the Chinese Navy in the Early Twenty-First Century', *Naval War College Review*, vol. 59, no. 4, 2006, p. 59.

<sup>1046</sup> Fravel, 'China's Strategy in the South China Sea', p. 297.

<sup>1047</sup> Fravel, 'China's Strategy in the South China Sea', p. 292.

<sup>1048</sup> Henry Kissinger, *On China*, The Penguin Press, New York, 2012, p. 23.

<sup>1049</sup> Fravel, 'China's Strategy in the South China Sea', p. 298.

<sup>1050</sup> Li Mingjiang, Security in the South China Sea: China's Balancing Act and New Regional Dynamics', Working paper no. 149, *S. Rajaratnam School of international Studies*, Singapore, February 2008, p. 3.

consistently stay on this course. China's continued growth and the expansion of its capabilities altered both its threat perceptions and the threat perceptions of others toward it. Negative threat perceptions heightened the propensity for reactive behaviours; intensifying the concerns which give rise to them in the first instance. Conditions of uncertainty and distrust have made it difficult for the SCS littoral states, including China, to see the benefits of cooperation as greater than the possible risks of exploitation and relative gains. Given that this is a two-way dynamic blame cannot solely be attributed to China. Nonetheless, as this case study focuses on the application of China's maritime cooperative strategy greater attention is accorded to how China has contributed to this dynamic. Furthermore, China's actions, while not the sole contributing factors, are of significance to how this dynamic has played out. As the strongest player in the disputes its behaviour is likely to be of consequence to the overall dynamic and the possibilities for cooperation. In identifying why and how China pursues maritime cooperation we can begin to understand the apparent intractability of the disputes and how the path towards greater cooperation is paved.

The following case study analysis of China's actions in the SCS illustrates the inherent tension between the varied methods employed within China's delaying strategy. In doing so the author demonstrates how China's dichotomous interests and paradoxical tactics have created obstacles in the way of China's effective maritime cooperation in the SCS.

## **6.2: China's Non-Forceful Efforts to Maintain Its Claims**

The delaying strategy was first implemented under Mao in 1949.<sup>1051</sup> Mao adopted and carried over China's claims in the SCS first laid down by Chiang Kai-shek in 1947 when the nine-dash line map was produced.<sup>1052</sup> After coming into power in 1949 as the first leader of the PRC, Mao was aware of the interests China held in the SCS. China had long been dependent

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<sup>1051</sup> Fravel, 'China's Strategy in the South China Sea', p. 293.

<sup>1052</sup> Ralf Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', Working paper no. 87, *Institute of Defence and Strategic Studies*, Singapore, September 2005, p. 4.

upon fishing reserves in the SCS for its food security.<sup>1053</sup> Moreover, reminded of China's history of foreign aggression and its vulnerability to outside interference, the SCS was integral to China's territorial defence. China's century of humiliation at the hands of foreign invaders, demarcated by the Opium Wars and the invasion of the Japanese, elucidated the strategic importance of the SCS.<sup>1054</sup> In 1939, British naval forces defeated China's naval vessels stationed in the nearby waters of the South China Sea. Following its defeat in 1945 Japan surrendered its territories in the SCS. The ROC assumed jurisdiction over the Spratly and Paracel islands, ordering the Japanese to report to the Chinese on Hainan Island in their surrender. During this period the ROC exercised control over Itu Aba in the Spratly group and Woody Island in the Paracels.<sup>1055</sup> It was Mao's nationalist decree to take back all Chinese territories lost to adversaries.<sup>1056</sup> Galvanising support for the PRC and the CCP in 1949 Mao began to develop the discourse on China's 'century of humiliation'; declaring China 'will no longer be a nation subject to insult and humiliation. We have stood up.'<sup>1057</sup>

In 1949, the PRC first produced the nine-dash dotted line map demonstrating its claims in the SCS. The Chinese government provided no explanation as to the nature of the claims delimited by the nine-dash line. The release of the historical map in support of the PRC's claims ambiguously presented China's claims in the SCS.<sup>1058</sup> Despite China's need to defend its territorial claims for food security and integrity of the newly founded state and its leadership, with limited maritime capacity the PRC was unable to sustain physical control

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<sup>1053</sup> Fravel, 'China's Strategy in the South China Sea', p. 297

<sup>1054</sup> Roger Baker and Zhixing Zhang, 'The Paradox of China's Naval Strategy', *Geopolitical Weekly*, Stratfor online, <<http://www.stratfor.com/weekly/paradox-chinas-naval-strategy>>, accessed, 16 November 2012.

<sup>1055</sup> Samuels, *Contest for the South China Sea*, p. 75.

<sup>1056</sup> Stuart R. Schram and Nancy J. Hodes (eds.), 'Interview with Edgar Snow on Japanese Imperialism', in *Volume V Toward the Second United Front January 1935-July 1937: Mao's Road to power Revolutionary Writings 1912-1949*, East Gate Book, New York, 1984, p. 262.

<sup>1057</sup> William A. Callahan, 'National Insecurities: Humiliation, Salvation, and Chinese Nationalism', *Alternatives: Global, Local, Political*, vol. 29, no. 2, March 2004, p. 203.

<sup>1058</sup> Fravel, 'China's Strategy in the South China Sea', pp. 294-295.

over its claims.<sup>1059</sup> The coastal defence capacity of the Chinese navy was no match for the US and Soviet's stationed in the waters of Southeast Asia. China, however, was not alone in this respect. The limited capacities of and internal preoccupations other competing claimants enabled China to respond to more immediate internal priorities and defer the need for an active defence strategy in the SCS. At the time, China's claims did not incite public consternation from the other claimant states. The Taiwan Nationalists were more concerned with security in the Taiwan Strait, the government in Vietnam was contending with a mounting struggle against the communist south, while the Philippines, Malaysia and Brunei were yet to have made their official claims in the SCS still undergoing processes of decolonisation.<sup>1060</sup> According to analysts Roger Baker and Zhixing Zhang, China interpreted the lack of attention to the nine-dash line as tacit acceptance of its claims.<sup>1061</sup> Under such circumstances China largely adhered to a delaying strategy whereby it employed rhetoric and limited non-forceful territorial acquisitions as a means to advance and consolidate its claims.

In 1950, following the Taiwan Nationalists' withdrawal of its troops to protect the islands proximal to the Taiwan Strait, China peacefully occupied Woody Island in the Amphitrite group in the Paracel Islands.<sup>1062</sup> China's claims were formalised in 1951 when Zhou Enlai in response to the draft of the Japanese peace Treaty stipulated that the PRC laid claim to Xisha, island chains.<sup>1063</sup> Article 2 of the San Francisco Treaty clearly stated that 'Japan renounces all rights, title and claim to Spratly Islands and the Paracel Islands.' The renunciation of Japan's

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<sup>1059</sup> Keng Chong Chen, 'China's War Against Vietnam 1979: A Military Analysis', *Occasional Paper in Contemporary Asian Studies*, vol. 58, no. 5, 1983, p. 4.

<sup>1060</sup> Dzurek, 'The Spratly Islands Dispute, Who's on First?', pp. 21-23; Paul H. Kratoska, 'Dimensions of Decolonization', in Mark Frey, Ronald W. Pruessen and Tan Tai Yong (eds.), *The Transformation of Southeast Asia: International Perspectives of Decolonization*, M. E. Sharpe, New York, 2003, p. 3.

<sup>1061</sup> Baker and Zhixing Zhang, 'The Paradox of China's Naval Strategy', *Geopolitical Weekly*, Stratfor online, <<http://www.stratfor.com/weekly/paradox-chinas-naval-strategy>>, accessed, 16 November 2012.

<sup>1062</sup> Jae-Hyung Lee, *China and the Asia Pacific-Region: Geostrategic Relations and a Naval Dimension*, iUniverse, Lincoln, 2003, p. 70; Fravel, 'China's Strategy in the South China Sea', p. 293; Samuels, *Contest for the South China Sea*, p. 81.

<sup>1063</sup> Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', p. 4; Michael Yahuda, *The International Politics of the Asia Pacific*, RoutledgeCurzon, Oxon, 1996, p. 130.

offshore territories in the peace process created a power vacuum in the SCS as the prospective ownership of the islands was not stipulated.<sup>1064</sup> Consistent with the delaying strategy, China conveyed its uncompromising position on its SCS territories through official rhetoric rather than military force. In 1951 in protest to the disregard for China's claims Premier Zhou Enlai officially declared the PRCs claims in the SCS stating that the 'Xisha, Nansha islands and Dongsha, Zhongsha islands have always been Chinese territory'.<sup>1065</sup> It was made clear in the Soviet Unions' proposed amendments to the Treaty put forward at the San Francisco Peace Conference that China intended this to include the offshore maritime territories of Taiwan, Pratas Island, the Paracel Islands and the Spratly Islands. China's intended possession of these territories was again reiterated during the promulgation of the Sino-Japanese Treaty in 1952.<sup>1066</sup> In 1958 China introduced its Declaration on the Territorial Sea, staking jurisdiction over the Spratlys, the Paracels and the Macclesfield bank and their surrounding twelve nautical miles.<sup>1067</sup> The declaration provided a domestic legal basis for the PRCs claims. The scope of China's claims, however, remained ambiguous. The foremost option would allow for a maximal position; effectively extending China's claims to encompass the vast majority of the SCS.<sup>1068</sup> The ambiguity of China's claims under the guidance of the delaying strategy allowed China greater flexibility in its approach to sovereignty. The extent of China's claims could be defined within the context of the present circumstances diminishing the associated political risk.

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<sup>1064</sup> Reinhard Drifte, *Japan's Security Relations with China Since 1989*, Routledge, London, 2003, p. 61.

<sup>1065</sup> Xisha, Nansha, Dongsha and Zhongsha are the respective Chinese names for the Paracel, Spratly, and Pratas Islands and Macclesfield Bank in the South China Sea. Chu Hao, 'China's sovereignty over South China Sea indisputable', *China.org.cn*, <[http://www.china.org.cn/opinion/2012-05/23/content\\_25454569.htm](http://www.china.org.cn/opinion/2012-05/23/content_25454569.htm)> accessed 26 February 2013.

<sup>1066</sup> Samuels, *Contest for the South China Sea*, pp. 78-79.

<sup>1067</sup> Rodolfo C. Severino, 'ASEAN and the South China Sea', *Security Challenges*, vol. 6, no. 2, Winter 2012, p. 38.

<sup>1068</sup> Fravel, 'China's Strategy in the South China Sea', p. 294; Samuels, *Contest for the South China Sea*, p. 87.

In 1959 the Vietnamese navy apprehended and seized a number of Chinese fishing trawlers operating in the waters near Woody Island in the Amphitrite group of the Paracels.<sup>1069</sup> China responded by consolidating its control over the features it had come to occupy in the Parcel Island group. PRC nationals were sent to Woody Island to begin construction of a naval base, while fishers were to be relocated to the Island.<sup>1070</sup> In 1973 South Vietnam began exploratory drilling within disputed zones.<sup>1071</sup> As Taiwan's abandoned of its territories in the Paracels South Vietnam moved to claim the features in the Paracels left vacant.<sup>1072</sup>

However, China continued to delay the use of forceful military action; refraining from such action towards South Vietnam. China was apparently willing to wait until Hanoi's takeover of the South saw these territories ceded to China.<sup>1073</sup> The North Vietnamese communist opposition had previously recognised the 1958 declaration and in turn China's claims in the SCS.<sup>1074</sup> The North Vietnamese' compliance with China's claims reduced the threat perception of the South's conflicting claims as a communist victory would eliminate the dispute.<sup>1075</sup> Diplomatic protests were made in response to the actions of the South Vietnamese government. China issued a verbal protest, reiterating its 'indisputable sovereignty over the islands and islets'.<sup>1076</sup> A brief clash with Vietnamese forces in the Parcel island group marked a momentary divergence from the delaying strategy. On 19 January, 1974 an ensuing clash between the Chinese and Vietnamese forces took place.

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<sup>1069</sup> Daniel Patrick O'Connell, *The Influence of Law on Sea Power*, Manchester University Press, Manchester, 1975, p. 11.

<sup>1070</sup> Samuels, *Contest for the South China Sea*, p. 88.

<sup>1071</sup> Samuels, *Contest for the South China Sea*, p. 92.

<sup>1072</sup> Severino, 'ASEAN and the South China Sea', p. 38.

<sup>1073</sup> Fravel, 'China's Strategy in the South China Sea', p. 298.

<sup>1074</sup> Surya P. Sharma, *Territorial Acquisition, Disputes and International Law*, Martinus Nijhoff Publishers, The Hague, 1997, p. 309.

<sup>1075</sup> Stein Tønnesson, 'The History of the Dispute', in Timo Kivimäki (ed.), *War or Peace in the South China Sea*, p. 16.

<sup>1076</sup> J. H. Long, 'The Paracels Incident: Implications for Chinese Policy', *Asian Affairs*, vol. 1, no. 4, 1974, p. 229.

During the clash Chinese forces are said to have sunk a Vietnamese corvette.<sup>1077</sup> Overpowering Vietnamese forces China dislocated the Vietnamese from the Paracels.<sup>1078</sup> By the time Vietnamese forces retreated from the area China had occupied a number of the remaining islands belonging to the Crescent group in the Paracel Archipelago. China continued to fortify its possessions in the Paracels and began to consolidate military control over the islands it held.<sup>1079</sup> In 1974 a naval base was built on Woody Island from which regular patrols were conducted.<sup>1080</sup> Following the incident, China returned to its delaying strategy in the Paracels. Its increased presence in the island chain was largely made up of Chinese fishermen and exploration activities in the area.<sup>1081</sup>

China exercised similar restraint from forceful military efforts towards its claims as the race to occupy the Spratly Islands began. During the 1970s many of the island features in the Spratly group were claimed. Revelations regarding the potential prospects for energy reserves in the region's maritime spaces in the late 1960s sparked states' interest in the Spratly Island group. Following a protracted struggle for independence with its colonial rulers the onset of the epoch of decolonisation enabled states to pursue their claims as a demonstration of their sovereign status.<sup>1082</sup> Having first been granted nominal independence for the US in 1946,<sup>1083</sup> in 1971 after a period of domestic political struggle,<sup>1084</sup> the Philippines informally laid claim to a number of islands in the Spratly Archipelago based on the 1898 Spanish-American Treaty and the claims of Thomas Cloma. In 1974 the Philippines officially assumed the

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<sup>1077</sup> Michael C. Gallagher, 'China's Illusory Threat to the South China Sea', *International Security*, vol. 19, no. 1, Summer 1994, p. 172.

<sup>1078</sup> Chi-Kin-Lo, *China's Policy Towards Territorial Disputes: The case of the South China Sea islands*, Routledge, Oxon, 1989, p. 13.

<sup>1079</sup> Chi-Kin-Lo, *China's Policy Towards Territorial Disputes: The case of the South China Sea islands*, Routledge, Oxon, 1989, p. 87.

<sup>1080</sup> Dzurek, 'The Spratly Islands Dispute, Who's on First?', p. 19

<sup>1081</sup> Dzurek, 'The Spratly Islands Dispute, Who's on First?', p. 19.

<sup>1082</sup> Michael leifer, *Dictionary of the Modern Politics of South-East Asia*, Routledge, New York, 1995, p. 176.

<sup>1083</sup> Stefan Eklöf, 'The Return of Piracy: Decolonization and International Relations in a Maritime Border region (the Sulu Sea) 1959-63', Working Paper no. 15, Centre for East and South East Asian Studies Lund University, Sweden, 2005, p. 3.

<sup>1084</sup> William J. Pomeroy, *The Philippines: Colonialism, Collaboration and Resistance*, International Publishers Co., The United States of America, 1992, pp. 174-182.



claims of Cloma. Thereafter, the Philippines took measures to enforce its claims, establishing an administrative centre in the Spratly islands.<sup>1085</sup> The relative expansion of regional maritime capabilities enabled the claimant states' race to occupy the many of the features belonging to the Spratly Island chain.<sup>1086</sup> In 1976 the Philippines garrisoned troops on the Palawan Islands; immediately adjacent the Spratlys. At the same time, the Philippines began exploratory activities in this area between the Spratlys and Palawan after the discovery of oil at Reed Bank.<sup>1087</sup> In 1975 Vietnam declared its ownership over both the Spratly and Paracel Islands.<sup>1088</sup> Precipitated by the promulgation of its continental shelf act in the late 1970s, Malaysia laid its claim in the Spratly Islands, sending vessels to the area and later establishing a base.<sup>1089</sup> In 1977 Vietnam declared a 200nm EEZ in the SCS.<sup>1090</sup> In 1978 the Philippines placed the Spratly Islands under the administration of the Palawan province.<sup>1091</sup> Shortly thereafter it declared the extension of an EEZ in the Spratlys.<sup>1092</sup>

Yet to establish a presence in the Spratlys, from 1978 China began to increase its naval presence in the area.<sup>1093</sup> China, however, continued to refrain from efforts to displace any of the forces from already occupied features. Rather domestic legislation enforced China's ownership of its possessions. In 1978 the Spratly Islands were incorporated under the newly established Hainan province.<sup>1094</sup> As China had not engaged any of the claimant states forces in the Spratlys its actions in the SCS did not incite any consternation from the other littoral states. China's bilateral dispute over the Paracel and its forceful occupation of these islands in

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<sup>1085</sup> Rodolfo C. Severino, *Where in the World is the Philippines: Debating its National Territory*, Institute of Southeast Asian Studies, Singapore, 2011, p. 71; Samuels, *Contest for the South China Sea*, pp. 90-91.

<sup>1086</sup> Dzurek, 'The Spratly Island Disputes: Who's On First?', p. 21.

<sup>1087</sup> Cohen, *Geopolitics: The Geography of International Relations*, p. 320.

<sup>1088</sup> Ralf Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', Working Paper no. 87, *Institute of Defence and Strategic Studies*, Singapore, September 2005, p. 4.

<sup>1089</sup> Dzurek, 'The Spratly Island Disputes: Who's On First?', pp. 20-21.

<sup>1090</sup> Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', p. 4.

<sup>1091</sup> Joyner, 'The Spratly Island Dispute in the South China Sea: Problems, Policies, and Prospects for Diplomatic Accommodation', p. 62.

<sup>1092</sup> Emmers, 'Maritime Disputes in the South China Sea: Strategic and Diplomatic Status Quo', p. 4.

<sup>1093</sup> Fravel, 'China's Strategy in the South China Sea', p. 298.

<sup>1094</sup> Dzurek, 'The Spratly Island Disputes: Who's On First?', pp. 20-23.

1974 was perceived as part of the ongoing antagonism with Vietnam rather than an attempt to dominate the SCS.<sup>1095</sup> The littoral states were more concerned for Vietnamese expansionism in Southeast Asia than China.<sup>1096</sup> Leaders of these non-communist states sought closer relations with China to balance against the threat of Vietnam's expansion.<sup>1097</sup> At the time of the 1974 incident between China and Vietnam incident Malaysia and the Philippines were both preparing to establish diplomatic relations with the PRC and thus refrained from criticisms of Beijing.<sup>1098</sup>

### 6.3: Neglecting the Security Dilemma Sensibility

After coming into power in the late-1970s Deng maintained the delaying strategy. The continued deferral of the reclamation of territories in the SCS would allow Deng to focus the efforts of the PRC on the ambitious reform agenda that had been put forward. Deng's foremost concern was devising the modernisation program for the PRC. So as not to incite backlash from those who remained devout supporters of Mao's doctrine and his communist ideology, Deng had to work to overcome obstacles in the way of the proposed modernisations before they could be implemented. Once having prevailed against the opposition, Deng initially pursued a cautious approach in implementing the reforms in order to appease its remaining opponents. Deng's newly adopted doctrine of 'people's war under modern conditions' was ambiguous. While the details of the new doctrine were not clear, the 'people's wars under modern conditions' determined that a greater emphasis on security in China's maritime domain would comprise an elevated role for the PLAN in China's military strategy and security apparatus.<sup>1099</sup> The effects of these reforms on the PLAN, however, were

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<sup>1095</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 425.

<sup>1096</sup> K. P. Ching, 'SEA Countries' Perceptions of China's Military Modernization', *Sigur Center, Asia Papers*, no. 5, 1999, p. 4; Severino, p. 38.

<sup>1097</sup> Robert Sutter, 'China's Encumbered Rise', in Li Mingjiang and Dongmin Lee (eds.), *China and East Asian Strategic Dynamics: The Shaping of a New Regional Order*, Lexington Books, Maryland, 2001, p. 50.

<sup>1098</sup> Severino, 'ASEAN and the South China Sea', p. 39.

<sup>1099</sup> Joffe, 'People's War under Modern Conditions': A Doctrine for Modern War', pp. 559-561.

not immediate. The integrity of China's territorial land borders still weighed heavily in its strategic thinking as China's continental focus remained.

The prioritisation of continental defence was reflected in the development of the PLAN. While Deng's doctrinal changes gave new credence to the maritime domain, in order to appease the remaining Mao loyalists within key decision making bodies China retained the basic tenets of Mao's doctrine and its focus on continental defence. Hence, initial efforts to modernise the PLA concentrated on improving the capacity of the land forces for the protection of the landmass and security within.<sup>1100</sup> The South Fleet would be the last of the PLAN's three fleets to modernise.<sup>1101</sup> Thus, notwithstanding China's foray in the Paracel Islands its capacity to exercise control in the SCS was limited. China's capacity to enforce its claims was particularly weak in the Spratlys due to the islands considerable distance from the mainland. Looming US naval power also supported its relative insularity and restraint in the SCS. Chinese aggression in the SCS could attract unwanted attention from the US and its interference in the disputes.<sup>1102</sup> While the joint communiqué stated that the US denounced official relations with Taiwan<sup>1103</sup> the 1979 Taiwan Relations Act passed by Congress sought to preserve unofficial relations with the ROC. The Act stipulated that diplomatic relations with Taiwan would be maintained.<sup>1104</sup> Hence China would continue to apply the delaying

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<sup>1100</sup> Michael G. Gallagher, 'China's Illusory Threat to the South China Sea', *International Security*, vol. 19, no. 1, Summer 1994, p. 187.

<sup>1101</sup> F. K. Chang, 'China's Naval Rise and the South China Sea: An Operational Assessment', *Orbis*, The Foreign Policy Research Institute, Winter 2012, p. 23.

<sup>1102</sup> Jae-Hyung Lee, *China and the Asia Pacific-Region: Geostrategic Relations and a Naval Dimension*, p. 70.

<sup>1103</sup> 'Joint Communiqué of the USA and the People's Republic of China on the Establishment of Diplomatic Relations, 1979', Primary Sources, *Council on Foreign Relations*, <<http://www.cfr.org/china/joint-communicue-usa-peoples-republic-china-establishment-diplomatic-relations-1979/p8452>> accessed 17 July 2013.

<sup>1104</sup> 'Taiwan Relations Act, Public Law 96-8 96<sup>th</sup> Congress', *USC US-China Institute*, <<http://china.usc.edu/ShowArticle.aspx?articleID=393&AspxAutoDetectCookieSupport=>1>> accessed 17 July 2013.

strategy in the SCS as it endeavoured to fortify the PRC and increase its military potential to exercise its claims.<sup>1105</sup>

While after assuming leadership Deng sustained China's maritime territorial claims and the gradual development of the navy, the delaying strategy was now augmented with more diplomatic and cooperative characteristics to support its economic ambitions. The success of Deng's 'open door policy' rested on regional stability and trade for which positive relations with Southeast Asian states were needed. Consequently, from the mid-1970s China worked to reconstruct its image in the region. In 1978 Deng opened up China's diplomacy within the region in declaring his support for principles of non-interference during his tour of the ASEAN states.<sup>1106</sup> During his visit to Thailand, Malaysia and Singapore Deng proclaimed his support for ASEAN as a regional grouping and extended favourable agreements on economic exchange to these states as a means to construct a new image for China. In addition, Deng assured those concerned for the influence of Chinese diaspora in domestic affairs that China had redacted its provisions for dual citizenship.<sup>1107</sup> A law passed by the Chinese National People's Congress in 1980 prohibited dual citizenship in China.<sup>1108</sup> As a means to provide greater assurance to Southeast Asia Deng pursued functional maritime cooperation for mutual gains. Towards these ends in 1984 Deng introduced the concept of 'setting aside disputes and pursuing joint development.'<sup>1109</sup> During an official visit to Beijing by Philippine Vice President Salvador Laurel in 1986, Deng stated that 'the South China Sea issue can be

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<sup>1105</sup> Fravel, 'China's Strategy in the South China Sea', p. 298.

<sup>1106</sup> Lee Lai To, 'Deng Xiaoping's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', pp. 58-70.

<sup>1107</sup> Lee Lai To, 'Deng's ASEAN Tour: A Perspective on Sino-Southeast Asian Relations', *Contemporary Southeast Asia*, vol. 3, no. 1, June 1981, pp. 62-64.

<sup>1108</sup> 'Nationality law of the People's Republic of China', *GovHK*, <<http://www.gov.hk/en/residents/immigration/chinese/law.htm>> accessed 04 March 2013.

<sup>1109</sup> Author not supplied, 'Set aside dispute and pursue joint development', *Ministry of Foreign Affairs of the People's Republic of China*, <<http://www.fmprc.gov.cn/eng/ziliao/3602/3604/t18023.htm>>, accessed 21 January 2013.

put aside at the moment. We will not allow this issue to hamper [our] friendly relations with the Philippines and other countries.’<sup>1110</sup>

Proposals for functional maritime cooperation were, however, obfuscated by an expanding two-way trust deficit between China and the littoral states. China’s persisting anxieties regarding the loss of territories were amplified as the littoral states closed in on the Spratly island group. In 1984, following its independence from the British, Brunei adopted the position of its colonisers claiming a continental shelf extending into the disputed areas surrounding the Spratlys. As the race to occupy the remaining features in the Spratly Islands intensified, China deviated from the delaying strategy. From the mid-1980s China established naval patrols to and around the Spratlys as a demonstration of its sovereignty, during which naval skirmishes between China and Vietnamese forces were reported. Having displaced Vietnamese forces from the area Chinese constructions began on a number of island features in the Spratly group, including Cuarteron Reef (Huayang Jiao), Gaven Reef (Nanxun Jiao), Johnson Reef (Chigua Jiao), Subi Reef (Zhubi Jiao) Kennan Reef (Dongmen Jiao), Loaita Cay, and North Dangers Reef (Gonshi Jiao).<sup>1111</sup> The battle for Fiery Cross Reef in March 1988 led to a clash between Chinese and Vietnamese naval forces; resulting in the death of 73 Vietnamese.<sup>1112</sup> In the aftermath of this incident Vietnam made a proposal to Beijing to open up negotiations over the Spratly dispute. Their repeated offers were, however, knocked back.<sup>1113</sup>

The shifting balance of powers in the SCS from early the 1990s further stoked China’s anxiety regarding the increased influence of extra-regional states in the SCS; stirring memories of the century of humiliation and nationalist sentiments. At the end of the Cold

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<sup>1110</sup> Li Mingjiang, ‘Security in the South China Sea: China’s Balancing Act and New Regional Dynamics’, p. 7.

<sup>1111</sup> Valencia, Jon M. Van Dyke, and Noel A. Ludwig, *Sharing the Resources of the South China Sea*, pp. 21-22.

<sup>1112</sup> Mark J. Valencia, Jon M. Van Dyke, and Noel A. Ludwig, *Sharing the Resources of the South China Sea*, University of Hawaii Press, Honolulu, 1999, pp. 21-22.

<sup>1113</sup> Dzurek, ‘The Spratly Island Disputes: Who’s On First?’, p. 22

War a power vacuum emerged in the SCS as Soviet and US naval presence declined.<sup>1114</sup> As the US began to draw down its presence in East Asia regional actors forecasted that Japan would seek to fill the power vacuum in the SCS.<sup>1115</sup> Concerns for Japan's alleged remilitarisation due to a perceived weakening in the US-Japan alliance structure further contributed to this prospective reasoning.<sup>1116</sup> Moreover, the means to employ sovereignty as a source of nationalism and domestic political security increased the expectation that China would actively defend its claims. Chinese nationalism provided incentives for the PLAN to pursue a more assertive strategy regarding China's offshore territorial disputes.<sup>1117</sup> With the military modernisation agenda on the table, the Chinese navy had an 'interest in asserting and justifying a mission in the post-Cold War world'.<sup>1118</sup> The other claimants' endeavours to exercise control in the Spratlys emboldened those within the armed forces who advocated for a hard-line approach in the SCS. A weakening of civilian control during the transition of leadership to Jiang may have added to the currency of these views in decisions-making.<sup>1119</sup> What is more, as maritime security expert Michael Leifer suggests China's economic reforms and its expanding interests in maritime Southeast Asia may also have encouraged and 'facilitated a more active security policy in the South China Sea.'<sup>1120</sup> China was set to become a net importer of oil. Chinese reports on potential oil and gas depositories in the SCS made reference to this area as the 'second Persian Gulf'.<sup>1121</sup> Economic development also

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<sup>1114</sup> Christopher C. Joyner, 'The Spratly Island Dispute in the South China Sea: Problems, Policies, and Prospects for Diplomatic Accommodation', in Ranjeet Singh (ed.) *Investigating Confidence Building Measures in the Asia Pacific Region*, Report no. 28, The Stimson Center, 1998, p. 54.

<sup>1115</sup> Mak, 'The Chinese Navy and the South China Sea: A Malaysian Assessment', p. 154.

<sup>1116</sup> Thomas J. Christensen, 'Chinese Realpolitik', *Foreign Affairs*, vol. 75, no. 5, September/October 1996, p. 40.

<sup>1117</sup> Robert S. Ross, 'China's Naval Nationalism: Sources, Prospects, and the US Response', *International Security*, vol. 34, no. 2, fall 2009, pp. 46-48.

<sup>1118</sup> Leifer, 'Chinese Economic Reform and Security Policy: The South China Sea Connection', p. 54.

<sup>1119</sup> William H. Overholt, 'China after Deng', *Foreign Affairs*, vol. 75, no. 3, May/June 1996, p. 63; Joffe, 'The Chinese Army in Domestic Politics: Factors and Phases', p. 15; Scobell, 'China's Evolving Civil-Military Relations: Creeping *guojiahua*', pp. 26-28.

<sup>1120</sup> Leifer, 'Chinese Economic Reform and Security Policy: The South China Sea Connection', p. 46.

<sup>1121</sup> Li Minjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 3.

heightened China's interest in living resources in the SCS.<sup>1122</sup> In 1992 China passed the Law on the Territorial Sea and the Contiguous Zone,<sup>1123</sup> effectively extending its claims in the SCS.<sup>1124</sup> Article 2 made specific to China's ownership of the Spratly (Nansha) Islands.<sup>1125</sup> Through to the mid-1990s the PRC proceeded to occupy and bolster its control over features in the island group.<sup>1126</sup> In July 1992 China occupied Whitson Reef (Niue Jiao). By this time China was reported to have approximately 260 troops stationed across its possession in the Spratlys.<sup>1127</sup>

Concerned for the escalation of tension in the SCS on 22 July 1992 the ASEAN states adopted the Declaration on the South China Sea.<sup>1128</sup> Vietnam supported this initiative though it was yet to become a member of the Association.<sup>1129</sup> The collective declaration stated 'the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force'.<sup>1130</sup> The Southeast Asian states gave preference to multilateral frameworks as a way to balance and influence China's re-emergence. As Rosemary Foot explained, the 'goal [of the ARF] is to socialize China, as those involved with the organization often state, to the point where there exists a stable expectation that the country will act as a 'responsible regional power.''<sup>1131</sup> As evidence to support her point, Foot referred to Singaporean Prime Minister Goh Chok Tong's statement in 1993 that 'Beijing's

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<sup>1122</sup> Hasjim Djalal, 'The South China Sea: The long road towards peace and cooperation', in Sam Bateman and Ralf Emmers (eds.), *Security and International Politics in the South China Sea: towards a cooperative management regime*, Routledge, Oxon, 2009, p. 175.

<sup>1123</sup> 'Law on the Territorial Sea and Contiguous Zone of 25 February 1992', *The United Nations*, <<http://www.un.org/depts/los/LEGISLATIONANDTREATIES/STATEFILES/CHN.htm>> accessed 17 July 2013.

<sup>1124</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 8.

<sup>1125</sup> Valencia, Van Dyke, and Ludwig, *Sharing the Resources of the South China Sea*, p. 22.

<sup>1126</sup> Dzurek, 'The Spratly Island Disputes: Who's On First?', p. 25.

<sup>1127</sup> Valencia, Van Dyke, and Ludwig, *Sharing the Resources of the South China Sea*, p. 22.

<sup>1128</sup> '1992 ASEAN Declaration on the South China Sea', *National University of Singapore centre for International Law*, <<http://cil.nus.edu.sg/1992/1992-asean-declaration-on-the-south-china-sea-signed-on-22-july-1992-in-manila-philippines-by-the-foreign-ministers/>> accessed 6 May 2013.

<sup>1129</sup> Severino, 'ASEAN and the South China Sea', p. 41.

<sup>1130</sup> Author not supplied, '1992 Declaration on the South China Sea', Adopted by the Foreign ministers at the 25<sup>th</sup> ASEAN Ministerial Meeting, Manila, July 1992.

<sup>1131</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 426.

involvement in regional dialogue on peace and security was important to ensure that economic competition would not result in conflict.’<sup>1132</sup> International Relations expert Evelyn Goh also illustrated Southeast Asian states’ efforts to influence and balance China through strategies of ‘omni-enmeshment’ and engagement with other extra-regional great powers. By creating dynamics of interdependence and common ground through strategies of enmeshment China would share a vested interest in regional stability and security. By engaging China through a regionally led multilateral framework such as the ARF which incorporated other big powers these states’ intended to influence and balance China’s behaviour and further, to preserve a delicate balance of powers in which no one outside power commands preference.<sup>1133</sup> The concurrent employment of these interrelated strategies would help the Southeast Asian states to ensure regional stability and to reap the benefits that each extra-regional state may have to offer without forgoing independence.

Harbouring concerns for the collective power of ASEAN China declined to sign on to the declaration. ASEAN’s preference for multilateral management of the disputes stood in opposition to China’s interests to avoid resolution of the disputes and to only negotiate from a position of strength. Xue Hanqin, China’s Ambassador to ASEAN publicly objected to ASEAN’s apparent desire to act as a bloc.<sup>1134</sup> China was bewildered by the regional response to its actions to exercise and consolidate its claims and its apparent singling out. As Chinese International Relations scholar Lui Ning observed at the time, ‘isn’t a free-for-all-grab-what-

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<sup>1132</sup> First quoted in Michael Leifer, ‘The ASEAN Regional Forum’, Adelphi Paper, no. 302, *The International Institute for Strategic Studies*, 1996, pp. 28-29; Foot, ‘China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought’, p. 426.

<sup>1133</sup> Evelyn Goh, ‘Great powers and Southeast Asian Regional Security Strategies: Omni-Enmeshment and Hierarchical Order’, *Institute of defence Studies*, Singapore, July 2005, pp. 2-10.

<sup>1134</sup> R. C. Severino, ‘ASEAN and the South China Sea’, *Security Challenges*, vol. 6, no. 2, Winter 2010, p. 45.



you-can in the South China Sea, the name of the game?’<sup>1135</sup> Following the adoption of the 1992 Declaration, previous plans for joint development were stalled.<sup>1136</sup>

For as long as China’s maritime territorial interests ranked highly on its list of political objectives and distrust remained, it appeared unable commit to functional multilateral maritime cooperative initiatives with other claimant states. At the eleventh hour as the agreement was in its final stages Beijing retracted its support for the SCSW technical working group, claiming it was not ready to go ahead with the joint action plan for marine scientific research.<sup>1137</sup> China’s belief was that marine scientific research was a matter for the individual states due to the sensitivity of sovereignty issues. Problems of financing also prevented the proposals of the technical working group from going ahead.<sup>1138</sup> Similarly China was apprehensive to engage in a multilateral security frameworks involving the US and Japan.<sup>1139</sup> The potential for the ARF to be employed as a means to manage the SCS disputes initially deterred China from joining the ARF. China resisted the ARF involvement in the management of the SCS disputes as the balance of power diminished China’s position of strength.<sup>1140</sup> While vocalising China’s willingness to pursue negotiations on the disputes at the ARF meeting, on the other hand Qian maintained China’s ‘indisputable’ territorial claims in the SCS. For the first time Qian had applied this statement to the Nansha islands, claimed

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<sup>1135</sup> Leifer, ‘Chinese Economic Reform and Security Policy: The South China Sea Connection’, p. 49.

<sup>1136</sup> Li Minjiang, ‘Security in the South China Sea: China’s Balancing Act and New Regional Dynamics’, pp. 5-6.

<sup>1137</sup> Foot, ‘China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought’, p. 434.

<sup>1138</sup> Hasjim Djalal, ‘The South China Sea: The long towards peace and cooperation’, in Sam Bateman and Ralf Emmers (eds.), *Security and International Politics in the South China Sea: Towards a cooperative management regime*, Routledge, Oxon, 2009, p. 181.

<sup>1139</sup> Michael Leifer, ‘The ASEAN Regional Forum. A Model for Cooperative Security in the Middle East’, Australian National University, Working Paper no. 1, 1998, p. 4.

<sup>1140</sup> Mark Beeson, ‘Can China Lead?’, *Third World Quarterly*, vol. 34, no. 2, 2013, p. 244; Foot, ‘China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought’, p. 426.

by Indonesia. Prior to this Indonesia had made clear its intentions to not interfere in the disputes and had actively led efforts towards maritime cooperation.<sup>1141</sup>

Seeking to maintain a favourable balance of powers China continued its reclamation of islands in the Spratly Archipelago. In 1995, displacing Filipino fishers, China occupied Mischief Reef.<sup>1142</sup> Following its occupation of Mischief Reef China began to consolidate its claim to the feature and began construction of naval facilities on the island.<sup>1143</sup> The presence of China's civilian maritime law enforcement agencies was increased in the area as a means to reinforce its claims. The South Sea Fisheries Administration Bureau (SSRFAB) was purposed with administering the waters around the Spratly islands. From this time it began to conduct 'law enforcement cruises' (*xunhang*) in the waters adjacent to the Spratlys and located personnel on Mischief Reef.<sup>1144</sup> Later in 1998, China extended its maritime claims in the SCS passing the Law on the Exclusive Economic Zone and the Continental Shelf of the PRC. While not specifically stated in the legislation the additional laws passed in 1998 determined that the Spratly and Paracel Islands generated their own maritime zones out to 200nm. The extension of China's claims under the Law on the Exclusive Economic Zone and Continental Shelf could be interpreted to cover the best part of the SCS and overlapped with the claims put forward by other littoral states.<sup>1145</sup> The supplementary legislation did little to correct the ambiguity of China's claims as denoted by its nine dash line map. Claims based on the 1992 and the 1998 laws did not explain the apparent intractability of China's claims as UNCLOS determined that overlapping EEZs are to be resolved by the respective states, while

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<sup>1141</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 430.

<sup>1142</sup> Taylor Fravel, 'China's Strategy in the South China Sea', p. 298.

<sup>1143</sup> Ian J. Storey, 'Creeping Assertiveness: China and the Philippines and the South China Sea Dispute', *Contemporary Southeast Asia*, vol. 21, no. 1, April 1999, p. 95-106.

<sup>1144</sup> Fravel, 'China's Strategy in the South China Sea', pp. 303-305.

<sup>1145</sup> Fravel, 'China's Strategy in the South China Sea', p. 294.

reports of historical claims to features and waters in the SCS had not been substantiated at an official level.<sup>1146</sup>

However, as China's pressed its claim the expanding two-way trust deficit became apparent. China's advancements in the Spratlys similarly stoked fear within Southeast Asia and concerns for China's strategic intentions as it discredited 'the myth that China would only act aggressively towards Vietnam and leave other claimants alone.'<sup>1147</sup> China's new assertiveness towards its claims in the SCS, however, altered these perceptions. As former Secretary General of ASEAN Rodolfo Severino suggested that their concerns may have been compounded by these states' fear of China's re-emergence and its potential hegemonic ambitions.<sup>1148</sup> China's expanding regional economic influence and military modernisation caused uncertainty and fear for its intentions.<sup>1149</sup> Reminded of the hierarchical ordering of China's ancient tributary system, and now observing its re-emergence, China's smaller neighbours were fearful of being dominated.<sup>1150</sup> China's 'Middle Kingdom mentality' was considered to naturally support aspirations for expansionism and domination in Southeast Asia. These views were given credence by China's apparent maximal position in the SCS.<sup>1151</sup> Following the Mischief Reef incident Philippine President Fidel Ramos travelled to Beijing where he expressed his disapproval of Chinese actions taken against its presence in the

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<sup>1146</sup> Fravel, 'China's Strategy in the South China Sea', p. 295.

<sup>1147</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 425. See also Ralf Emmers, 'The Influence of the Balance of Power Factor within the ASEAN Regional Forum', *Contemporary Southeast Asia*, vol. 23, no. 2, 2001, p. 430 and Emmers, 'The De-escalation of the Spratly Dispute in Sino-Southeast Asian relations', p. 5.

<sup>1148</sup> Severino, 'ASEAN and the South China Sea', p. 41.

<sup>1149</sup> John Ravenhill, 'Is China an Economic Threat to Southeast Asia?', *Asian Survey*, vol. 46, no. 5, September/October 2006, p. 653.

<sup>1150</sup> Denny Roy, 'Southeast Asia and China: Balancing or Bandwagoning', *Contemporary Southeast Asia*, vol. 27, no. 2, 2005, p. 308.

<sup>1151</sup> Mak, 'The Chinese Navy and the South China Sea: A Malaysian Assessment', p. 151.

SCS.<sup>1152</sup> Though not explicitly mentioning China, after the Mischief Reef incident ASEAN expressed concern over the escalation of tensions in the SCS.<sup>1153</sup>

Conditions of mistrust began to escalate as China's re-mergence manifested in the considerable expansion of its maritime capabilities and the shifting balance of power in the SCS. The ongoing and accelerating modernisation of the South Sea Fleet, gradually tipped the balance of powers in the SCS region in China's favour.<sup>1154</sup> As China's military modernisation program began to accelerate, ASEAN expressed its concern for the opacity of the program and China's military strategy more broadly.<sup>1155</sup> China, however, viewed calls for increased transparency with suspicion. Despite regional perceptions of China's extensive military build-up, China's reluctance to increase its defence transparency was largely due to its self-perceived vulnerabilities. One can gauge, however, from the debate which took place within China regarding its defence transparency, that there was a growing acceptance of the fact that increased transparency could help assuage the fears of the SEA states to the greater benefit of China's relations with the sub-region. While there was increasing acceptance as to the benefits of transparency there was a lack of resolve as to the degree of transparency required. In November 1995, China produced a White Paper on arms control and disarmament. The document, however, revealed little of China's military doctrine and defence expenditure. Transparency remained a bone of contention in China's relations in Southeast Asia.<sup>1156</sup>

Concerns for China's growing power and presence in the SCS hampered its efforts to promote bilateral maritime cooperation. Bilateral dynamics induced fear of exploitation as the

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<sup>1152</sup> Storey, 'Creeping Assertiveness: China and the Philippines and the South China Sea Dispute', p. 95-106.

<sup>1153</sup> Emmers, 'The De-escalation of the Spratly Dispute in Sino-Southeast Asian relations', p. 8.

<sup>1154</sup> Vijay Sakhuja, *Asian Maritime Power in the 21<sup>st</sup> Century: Strategic Transactions China, India and Southeast Asia*, Institute of Southeast Asian Studies, Singapore, 2011, p. 272; Commentary of Geoffrey Till's presentation, *Naval Modernisation in Southeast Asia: Nature, Causes, Consequences*, p. 6.

<sup>1155</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 429.

<sup>1156</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', pp. 426-430.

balance of power was more in China's favour. In 1995, China and The Philippines reached agreement on a code of conduct aimed at reducing the possibility for military confrontations in the SCS.<sup>1157</sup> The agreement stated that both sides would refrain from further consolidating their control over the islands disputed in the Spratly group and to implement a number of confidence-building initiatives for both functional maritime cooperation and defence cooperation.<sup>1158</sup> In relaying the outcome of his visit, President Fidel Ramos communicated to his government that The Philippines need not be concerned for China's intentions in the disputed area. The Philippines comfort, however, was short lived. China had been discovered to have continued to build garrisons on Mischief Reef and had begun similar constructions on other nearby features. In 1996 the two parties' respective navies came close to an altercation in the Spratlys. In response, ASEAN collectively expressed its concern for stability and security in the SCS. According to maritime security expert Ian Storey, 'ASEAN stressed that China's actions had set back efforts to build trust between Beijing and the regional grouping.'<sup>1159</sup> Following the March 1997 ISG meeting, in May a Japanese news source reported that the Philippines, the co-chair of the meeting, requested China's withdrawal from Mischief Reef as it compromised the mutual trust.<sup>1160</sup>

Enduring conditions of mistrust similarly precluded the possibility of bilateral cooperation on higher stakes issues. Malaysia was the only claimant state from 2000 onwards to purchase military hardware from China and its overall percentage of its defence spending was trivial amounting to USD 5 million. Indonesia's, Malaysia's, Singapore's and the Philippines defence diplomacy with China was marginal by comparison while Brunei's was illusory. China's lack of military prowess would likely also have affected claimants' states decision to

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<sup>1157</sup> Nguyen Hong Thao, 'The Declaration on the Conduct of Parties in the South China Sea: a Vietnamese Perspective, 2002-2007', in Sam Bateman and Ralf Emmers (eds.), *Security and International Politics in the South China Sea: Towards a cooperative management regime*, Routledge, Oxon, 2009, p. 208.

<sup>1158</sup> Storey, 'Creeping Assertiveness: China, the Philippines and the South China Sea Dispute', pp. 106-107.

<sup>1159</sup> Storey, 'Creeping Assertiveness: China, the Philippines and the South China Sea Dispute', pp. 106-107.

<sup>1160</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 433.

source such assistance from more advanced navies. As such, defence diplomacy between China and the littoral states was limited to tacit agreements for increased dialogue and information exchange.<sup>1161</sup>

#### **6.4: China's Expanding Maritime Cooperation: Two steps forward one step back**

During the latter years of Jiang's leadership and the commencement of Hu Jintao's, China displayed a greater willingness to commit cooperative mechanisms in the SCS. In 2002 China and ASEAN signed the multilateral DOC. By effectively shelving the issue of sovereignty China and the ASEAN states were able to come to an agreement that promoted functional means of maritime cooperation. The non-binding DoC applied the recommendations for functional cooperation on non-traditional security issues proposed during the Indonesian Workshops in the early to mid-1990s. In the agreement, China and the ASEAN states declared their will to pursue cooperative initiatives in the areas of: marine environmental protection, marine scientific research, safety of navigation, search and rescue and transnational crime. The Declaration also acknowledged the benefits that a binding code of conduct could offer in way of managing states' behaviour.<sup>1162</sup> The following year these parties agreed to A Plan of Action to implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity. In this agreement it was decided that a Maritime Consultation Mechanism to increase dialogue exchange in relation to issues commonly affecting the regions' maritime spaces would be established.<sup>1163</sup>

As noted by maritime security expert Ralf Emmers, a number of endogenous and exogenous factors worked together to de-escalate the tit-for-tat dynamic, reduce the two-way trust deficit and expand the opportunities for maritime cooperation in the SCS. Speculation regarding the

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<sup>1161</sup> Storey, 'China's Bilateral Defense Diplomacy in Southeast Asia', p. 291.

<sup>1162</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 101.

<sup>1163</sup> 'Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity', *Association of Southeast Asian Nations*, <<http://www.asean.org/news/item/plan-of-action-to-implement-the-joint-declaration-on-asean-china-strategic-partnership-for-peace-and-prosperity>> accessed 23 July 2013.

Reduced fears of US interference in the disputes further encouraged China's greater willingness to shelve the advancement of disputes and pursue cooperation. Clarification from the US in 1995 that the terms of the Mutual defence did not apply to the Philippines maritime territorial claims in the SCS helped to assure China that the US would not seek to intervene in the disputes.<sup>1164</sup> Speculation regarding overestimations of prospective energy reserves in the SCS also lessened material incentives for competing claims. Furthermore, both China's and the littoral states' moderation of nationalist assertions helped to diminish the incentives for competing advancements of claims while Vietnam's inclusion in ASEAN facilitated its employability as a vehicle for cooperation.<sup>1165</sup>

The Southeast Asian states' changing threat perceptions also contributed to a more cooperative dynamic. China's greater commitment to diplomacy helped improve Southeast Asian perceptions of China as a status-quo rather than a revisionist power.<sup>1166</sup> Its cooperative agenda was bolstered by the initiation of China's diplomatic 'charm offensive' in Southeast Asia and the subsequent New Security Concept.<sup>1167</sup> China's 1998 White Paper on National Defence outlined its preference for bottom-up functional approach to regional security cooperation stating, 'China advocates regional-security dialogue and cooperation at different levels through various channels and in different forms. Such dialogue and cooperation should follow these principles: participation on an equal footing, reaching unanimity through consultation, seeking common ground while reserving differences, and proceeding in an orderly way step by step.'<sup>1168</sup> China's preference towards and incremental bottom-up approach to cooperation were manifested in China's maritime cooperative engagement. In 1997 China and the Philippines reached an agreement to hold bilateral consultations

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<sup>1164</sup> Emmers, 'The De-escalation of the Spratly dispute in Sino-Southeast Asian relations', pp. 16-17.

<sup>1165</sup> Emmers, 'The De-escalation of the Spratly dispute in Sino-Southeast Asian relations', pp. 15-16.

<sup>1166</sup> Emmers, 'The De-escalation of the Spratly dispute in Sino-Southeast Asian relations', p. 13.

<sup>1167</sup> Carl A. Thayer, 'China's 'New Security Concept' and Southeast Asia', in David W. Lovell (ed.), *Asia-Pacific Security: Policy Challenges*, Institute of Southeast Asian Studies Singapore, 2003, pp. 90-92.

<sup>1168</sup> The Government of the PRC, 'China's National Defense', 1998, <<http://www.china.org.cn/e-white/5/index.htm>> accessed 29 October 2014.

regarding the potential for functional cooperation on fishing, marine environmental protection and the furtherance of confidence building measures.<sup>1169</sup> After initial hesitations to join the grouping due to the inclusion of Taiwan, in 1997 China established a coordinating office in Beijing.<sup>1170</sup> In December 1997 participants of the SCSW, after much iteration, finally reached an agreement to proceed with cooperative measures in the way of safety of navigation and marine scientific research.<sup>1171</sup> What is more, as a display of its willingness to cooperate in 2000 China came to a preliminary agreement with Vietnam over the delimitation of boundaries and fishing grounds in Beibu Bay.<sup>1172</sup>

Leveraging upon the goodwill established through bilateral cooperation and track-two multilateral forums China and ASEAN proceeded with greater multilateral cooperation. From 2002 onwards China and the littoral states appeared willing to take up the recommendations for functional cooperation stipulated in the Declaration. In 2004 ASEAN and China signed a MoU to further collective efforts to address transnational security challenges within the region.<sup>1173</sup> After their initial agreement to proceed with joint development in 2003, the following year the two parties issued a joint communiqué. The agreement detailed the importance of joint development and the manner in which such mechanism of functional maritime cooperation may facilitate peace and stability in the SCS.<sup>1174</sup> In 2005, China, Vietnam and the Philippines began negotiations on a joint seismic survey as the precursor to

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<sup>1169</sup> Li Mingjiang, 'China participates in East Asian maritime cooperation: growing activism and strategic concerns', in Sam Bateman and Joshua Ho (eds.), *Southeast Asia and the Rise of Chinese and Indian Naval Power: Between rising naval powers*, Routledge, Oxon, 2010, p. 214.

<sup>1170</sup> Marc Lanteigne, *China and International Institutions: Alternative Paths to Global Power*, Routledge, Oxon, 2005, p. 95.

<sup>1171</sup> Djalal, 'The South China Sea: The long towards peace and cooperation', p. 181.

<sup>1172</sup> 'China and Vietnam Initial Agreements on Delimitation of Beibu Bay/Fishery Cooperation', *Ministry of Foreign Affairs of the People's Republic of China*, <<http://www.fmprc.gov.cn/eng/wjdt/2649/t15782.htm>> accessed 28 May 2013.

<sup>1173</sup> Author not supplied, 'China, ASEAN sign MoU on cooperation in non-traditional security issues', *People's Daily English Edition*, <[http://english.peopledaily.com.cn/200401/11/eng20040111\\_132307.shtml](http://english.peopledaily.com.cn/200401/11/eng20040111_132307.shtml)> accessed 23 July 2013.

<sup>1174</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 103.



a joint development project.<sup>1175</sup> This was a noteworthy example of maritime cooperation between the three states amongst which tensions had been the greatest. The agreement for joint surveying was brokered between the national oil companies of these respective states and was to cover an area of 143,000 km<sup>2</sup>.<sup>1176</sup> Later in 2007 the two parties signed the China-ASEAN Agreement on Ocean Shipping.<sup>1177</sup> As conditions of distrust dissipated China also demonstrated a willingness to engage in multilateral maritime cooperative mechanisms outside of ASEAN and the ARF. While suspicious of a Japanese hidden agenda in its regional anti-piracy role,<sup>1178</sup> in 2006 China signed ReCAAP.<sup>1179</sup> During this period China also increased the number of foreign delegates it hosted and the number of Chinese military personnel sent abroad under its military exchange programs. Furthermore, in a bid to increase goodwill and trust and cooperation in 2007 China agreed to establish annual bilateral defence security talks with Malaysia and the Philippines.<sup>1180</sup>

Despite progress in functional cooperation a more binding code of conduct in the SCS remained elusive. China remained apprehensive to embolden the respective multilateral framework to the degree that it would become a vehicle for conflict resolution in the region. China rejected suggestions to institutionalise the cooperative mechanisms of the ARF due to which the intersessional groups were limited to a track-two level.<sup>1181</sup> Claimant states had come to criticise China for its policy of shelving the disputes and preventing any

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<sup>1175</sup> Fravel, 'China's Strategy in the South China Sea', p. 303.

<sup>1176</sup> Zou Keyuan, 'China's Maritime Security Considerations under the International law of the Sea', in Li Mingjiang and Dongmin Lee (eds.), *China and East Asian Strategic Dynamics: The Shaping of a New Regional Order*, Lexington Books, Maryland, 2011, p. 270.

<sup>1177</sup> 'China-ASEAN Cooperation 1991-2011', *Chinese Government Official Web Portal*, <[http://www.gov.cn/english/2011-11/15/content\\_1994087\\_9.htm](http://www.gov.cn/english/2011-11/15/content_1994087_9.htm)> accessed 28 July 2013.

<sup>1178</sup> Christoffersen, 'China and Maritime Cooperation: Piracy in the Gulf of Aden', p. 6.

<sup>1179</sup> Bao Hongjun and Zhu Huayou, 'Commentary: Enhancing Sino-U.S. Maritime Cooperation for Regional Security', in Wu Shicun and Zou Keyuan, (eds.) *Maritime Security in the South China Sea: Regional Implications and International Cooperation*, Ashgate, Surrey, 2009, pp. 196-197.

<sup>1180</sup>  
<sup>1181</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 432.

resolution.<sup>1182</sup> Increasing mistrust amongst the ASEAN states also hindered the advancement of the multilateral maritime cooperative mechanisms.<sup>1183</sup>

China's unwillingness to relinquish the issue of sovereignty was not conducive to the goodwill and trust that would be required for the advancement of cooperation. The recurrent inclusion of the sovereignty clause in China's proposals for joint development perturbed the littoral states.<sup>1184</sup> Evoking further criticisms, the perception amongst ASEAN states was that China was only willing to pursue joint development initiatives in areas claimed by others but not in the areas it had under its control.<sup>1185</sup> Unilateral exploration efforts undertaken by China and the littoral states eroded goodwill and trust established through functional cooperation. In December 2008 the state owned China National Offshore Oil Corporation was granted a license to expand oil and gas exploration in the SCS.<sup>1186</sup> In addition to diplomatic protests China threatened foreign oil companies that had won exploration contracts from the Philippines and Vietnam in disputed areas.<sup>1187</sup>

The expanding roles and capabilities of China's maritime law enforcement agencies did little to help alleviate the fears of its neighbours. From 2004 China began to increase the capacity of its five coast guard like agencies,<sup>1188</sup> including the Customs Service (*Hai Guan*), the Maritime Section of the Public Security Bureau (*Hai Gong*), the Maritime Command of the Border Security Force (*Gong Bian*) and Border Defense (*Bian Jian*).<sup>1189</sup> These capabilities

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<sup>1182</sup> Li Mingjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', pp. 5-6.

<sup>1183</sup> Storey, 'China's Bilateral Defense Diplomacy in Southeast Asia', p. 287.

<sup>1184</sup> Li Mingjiang, 'Reconciling Assertiveness and Cooperation? China Changing Approach to the South China Sea Dispute', *Security Challenges*, vol. 6, no. 2, Winter 2010, p. 50.

<sup>1185</sup> Lai To Lee, *China and the South China Sea Dialogues*, Library of Congress, Westport, 1999, p. 53.

<sup>1186</sup> Michael Richardson, 'Energy and Geopolitics in the South China Sea: Implications for ASEAN and its Dialogue partners', in *Energy and Geopolitics in the South China Sea: Implications for ASEAN and its Dialogue Partners*, Institute of Southeast Asian Studies, Singapore, 2009, p. 25.

<sup>1187</sup> Ian Storey, 'Conflict in the South China Sea: China's Relations with Vietnam and the Philippines', *The Asia-Pacific Journal: Japan Focus*, <<http://www.japanfocus.org/-ian-storey/2734>> accessed 15 March 2013.

<sup>1188</sup> Lyle Goldstein, 'Chinese Coast Guard Development: Challenge and Opportunity', *China Brief*, vol. 9, no. 3, November 19, 2009, <[http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=35747](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=35747)> accessed 07 February 2013.

<sup>1189</sup> Sam Bateman, 'Coast Guards: New Forces for Regional Order and Stability', *AsiaPacific Issues* no. 65, East-West Center, January 2003, p. 4.

were put on display as the frequency of maritime security cruises by Chinese law enforcement agencies in disputes waters increased. The apprehension of foreign fishers added to tensions in the area. On several occasions the SSRFAB was said to have detained foreign fishing boats and their crews. According to a Vietnamese news source, between 2005 and 2010 Chinese Fishing Administrations detained 63 boats and 725 crew members.<sup>1190</sup> Other littoral states that encountered China's maritime law enforcement agencies in the SCS claimed, however, that PLAN personnel have been on-board these vessels when operational.<sup>1191</sup> Further, it has been alleged that some of these agencies may be involved in maritime piracy and other illegal activities in the SCS.<sup>1192</sup>

The continuing paradox of China's strategy in the SCS reflected the persistence of factors that constrained China's willingness to commit to a more conciliatory approach dating back to the Deng period. China's sustained efforts to press its claims in the SCS remained indicative of the command of domestic political factors in China's decision making and the difficulties of balancing interests in cooperation with the need for regime security. Despite the downgrading of nationalist rhetoric, responding to such sentiments remained a key source of domestic political security. According to Li and Chan, reference to China's century of humiliation as a national symbol continued to encourage the public to expect a hard-line approach to China's offshore maritime claims. Common reference to this historical legacy in official curriculum and the media ensured that these views were widely held amongst the public.<sup>1193</sup>

Outside sources also enticed these views and compelled China to reaffirm its claims. Competing nationalisms were one such source of China's behaviour. As was the case for

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<sup>1190</sup> Fravel, 'China's Strategy in the South China Sea', p. 305.

<sup>1191</sup> Bateman, 'Coast Guards: New Forces for Regional Order and Stability', p. 4.

<sup>1192</sup> Donna J. Nincic, 'Sea Lane Security and U.S. Maritime Trade: Chokepoints as Scarce Resources', in *Globalization and Maritime Power*, Sam J. Tangredi (ed.), National Defense University Press, Washington D.C, 2002, p. 158.

<sup>1193</sup> Irene Chan and Li Mingjiang, 'Political will and joint development in the South China Sea', in Wu Shicun and Nong Hong (eds.), *Recent Developments in the South China Sea Dispute: The Prospect of a Joint Development Regime*, Routledge, Oxon, 2014, p. 187.

China, Vietnamese nationalism contributed to its resolve to ensure that past instances of foreign subjugation were not repeated. Resurgent fears of US interference following the 2009 Impeccable incident added to the compulsion to assert its claims in the SCS. The potency of the factors underwriting the two-way trust and the corresponding tit-for-tat deterred functional cooperation. For as long as China and the littoral states maintained their competing efforts to advance maritime and territorial claims opportunities for functional cooperation went unrealised. In February of 2009 The Philippines congress passed the Republic Act no. 9522, clarifying its declared baselines under the stipulations of UNCLOS.<sup>1194</sup> Similarly, In May 2009 Vietnam and Malaysia made a joint submission to the UN CLCS; clarifying their claims under UNCLOS.<sup>1195</sup> China responded the same day by submitting a diplomatic note to the UN Secretary General Ban Ki-Moon, reiterating China's 'indisputable sovereignty over the islands in the South China Sea'.<sup>1196</sup> Interactions between fishers and law enforcement agencies added to the escalation of tensions. Between May and August of 2009 China imposed a fishing ban in disputed waters surrounding the Paracel islands during which it arrested a number of Vietnamese fishers and detained their vessels. In June 2009 Indonesian law enforcement authorities in proximity to the Natuna Islands apprehended Chinese vessels while during these months Malaysia arrested Vietnamese fishers in disputed zones.<sup>1197</sup> Unilateral moves to explore hydrocarbon resources in disputed areas also underwrote tensions. Following the passing of legislation relating to its baselines, in February 2009 the Philippines planned to conduct exploration activities in Reed Bank. Later this same year

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<sup>1194</sup> Republic of the Philippines, Fourteenth Congress Second Regular Session, 10 March 2009, <[http://www.lawphil.net/statutes/repacts/ra2009/ra\\_9522\\_2009.html](http://www.lawphil.net/statutes/repacts/ra2009/ra_9522_2009.html)> accessed 30 October 2009.

<sup>1195</sup> UN Commission on the Limits of the Continental Shelf, 'Outer limits of the continental shelf beyond 200nm: Joint submission by Malaysia and the Socialist Republic of Vietnam', <[http://www.un.org/depts/los/clcs\\_new/submissions\\_files/submission\\_chn\\_63\\_2012.htm](http://www.un.org/depts/los/clcs_new/submissions_files/submission_chn_63_2012.htm)> accessed 30 October 2014.

<sup>1196</sup> Quoted in Clive Schofield, 'What's at stake in the South China Sea? Geographical and geopolitical considerations', in Robert C. Beckman, Ian Townsend-Gault, Clive Schofield, Tara Davenport and Leonardo Barnard (eds.), *Beyond territorial Disputes in the South China Sea: Legal Frameworks for the Joint Development of Hydrocarbon Resources*, Edward Elgar Publishing, Cheltenham, 2013, p. 32.

<sup>1197</sup> Leszek Buszynski, 'Rising Tensions in the South China Sea: Prospects for a Resolution of the Issue', *Security Challenges*, vol. 6, no. 2, Winter 2010, p. 89.

CNOOC announced the discovery of Lihua 34-2 gas reserves in close proximity to the Paracel Islands.<sup>1198</sup>

Their reciprocal unwillingness to relinquish sovereignty in favour of functional cooperation precluded the trust that was required to advance functional maritime cooperation and more comprehensive cooperative regimes. Aside from the lack of progress towards a binding code, China and ASEAN were still yet to fully implement the recommendations for functional cooperation prescribed in the 2002 declaration. ASEAN made repeated calls to fulfil this commitment at successive meetings of its adjunct groupings, including the ASEAN Ministerial Meetings and the ARF; attended by China.<sup>1199</sup> Agreements for marine scientific research mandated through the DOC and the SCSW continued to be held up by sovereignty sensitivities as states were reluctant to agree to expeditions in disputed areas.<sup>1200</sup> The 2005, tripartite agreement between China, Vietnam and the Philippines, a noteworthy example of functional maritime cooperation, was not renewed after it lapsed in 2008.<sup>1201</sup> Progress towards the formal delimitation of maritime boundaries in the Beibu Gulf was derailed when in 2009 China unilaterally implemented a fishing ban.<sup>1202</sup> The shortcomings of maritime cooperative efforts were evidenced by the escalation of tensions in SCS area from 2009

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<sup>1198</sup> China National Offshore Oil Company, Annual Report, 2009, p. 4.

<sup>1199</sup> Chairman's Statement of the Fifteenth ASEAN Regional Forum, Singapore, 24 July 2008, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>> accessed 30 October 2014; Chairman's Statement of the Sixteenth ASEAN Regional Forum, Phuket, 23 July 2009, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>> accessed 30 October 2009; Joint Communiqué of the 41<sup>st</sup> ASEAN Ministerial Meeting, Singapore 21 July 2008, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>> accessed 30 October 2014.

<sup>1200</sup> Vu Hai Dang, *Marine Protected Areas in the South China Sea: Charting a Course for Cooperation*, Koninklijke Brill NV, Leiden, 2014, pp. 248-249.

<sup>1201</sup> Donnabelle Gatdula, 'Joint exploration pact lapses', *PhilStar*, 12 July 2008, <<http://www.philstar.com/headlines/72480/joint-exploration-pact-lapses>> accessed 6 November 2014.

<sup>1202</sup> Author not supplied, China enforces ban on commercial fishing in the Gulf of Tonkin, '*Baird Maritime*', 24 June 2009, <[http://www.bairdmaritime.com/index.php?option=com\\_content&view=article&id=2201:china-enforces-ban-on-commercial-fishing-in-the-gulf-of-tonkin-&catid=75:fisheries&Itemid=68&el\\_mcal\\_month=3&el\\_mcal\\_year=2015](http://www.bairdmaritime.com/index.php?option=com_content&view=article&id=2201:china-enforces-ban-on-commercial-fishing-in-the-gulf-of-tonkin-&catid=75:fisheries&Itemid=68&el_mcal_month=3&el_mcal_year=2015)> accessed 6 November 2014.

onwards.<sup>1203</sup> As a consequence, confidence and trust was elusive and the potential for conflict accidental or otherwise remained.

From 2009 China sustained its dual approach and its divergence from the delaying strategy continued. Resultantly the tit-for-tat dynamic continued to shape the dynamic in the SCS. Tensions in the area increased from 2009 as these states continued to exercise their competing claims in the area. According to Fravel, '[s]ince 2009, the competition for maritime rights in the South China Sea has emerged as the most important security issue in East Asia.'<sup>1204</sup> Several analysts indicated that China's more assertive behaviour in the SCS was a key contributor to rising tensions in the area. The PLAN and the SSRFAB continued to be employed for the protection of its claims in the SCS.

As the modernisation and expansion of the PLAN, particularly the SSF, continued, China increased the number of patrol and live exercises it conducted in the SCS.<sup>1205</sup> From 2009 onwards the SSRFAB maintained its greater presence and activities in the SCS, escorting Chinese fishing vessels in disputed waters and preventing and expelling foreign ships from operating in these waters. Further consolidating its claims in the area, China extended its 1999 unilateral fishing ban in the northern section of the SCS for which the SSRFAB was deployed to enforce.<sup>1206</sup> Vietnam continued to oppose and defy China's ban and reported a number of incidents of SSRFAB vessels expelling and detaining Vietnamese fishers found operating in disputed waters. According to Vietnamese reports throughout 2009 China detained or seized 33 vessels and 433 Vietnamese fishers.<sup>1207</sup> One of these incidents was

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<sup>1203</sup> Taylor Fravel, 'Maritime Security in the South China Sea and the Competition Over Maritime Rights', in Patrick Cronin and William Rogers (eds.), *Cooperation From Strength: The United States, China and the South China Sea*, Center for new American Security, 2012, pp. 33-35.

<sup>1204</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', p. 33.

<sup>1205</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', p. 40.

<sup>1206</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', pp-38. 37.

<sup>1207</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', p. 38.

reported to have involved a Chinese vessel ramming a Vietnamese fishing vessel.<sup>1208</sup> From 2010, energy exploration in deep-water areas increased. As output from existing field declined, Vietnam increased its exploration activities in the SCS.<sup>1209</sup> Demands for energy likewise encouraged China's ambitions to increase its prospecting. In February 2010 CNOOC and its partner company Husky announced that it had made another discovery of gas reserves in its deep sea exploration activities in the eastern SCS.<sup>1210</sup> In 2011 both Vietnam and the Philippines reported incidents of Chinese vessels cutting cables of surveying ships operating in disputed areas.<sup>1211</sup> Fearful of China's intentions in the area, the SCS littoral states stood firm in actively defending their claims. Chinese sources made further reports that Vietnam had fired upon and detained Chinese fishers and their vessels operating in the SCS.<sup>1212</sup> The consequent ongoing tit-for-tat dynamic in the SCS further fuelled tensions and mistrust amongst China and the littoral states; compounding fears and undermining the prospects for maritime cooperation.<sup>1213</sup>

The 2010 US strategic rebalance further contributed to the escalation of tensions in the SCS post-2009. Though not formally launched until November 2011 by President Obama during a speech to Australian parliament, the US rebalancing strategy was first manifestly observable in the region in 2010.<sup>1214</sup> After several decades of abstaining from involvement in the disputes, at the ASEAN summit meeting in 2010 US Secretary of State Hillary Clinton

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<sup>1208</sup> Author not supplied, 'Vietnam Says Chinese Vessel Rammed Fishing Boat Off its Coast', *Bloomberg Businessweek*, 28 May, 2013, <<http://www.businessweek.com/news/2013-05-28/vietnam-says-chinese-vessel-rammed-fishing-boat-off-its-coast>> accessed 2 November 2013.

<sup>1209</sup> Leszek Buszynski, 'The South China Sea: Oil, Maritime Claims and U.S.-China Strategic Rivalry', *The Washington Quarterly*, vol. 35, no. 2, 2012, p. 141.

<sup>1210</sup> Author not supplied, 'CNOOC Ltd. makes third deepwater discovery in the South China Sea', *World Oil*, 2 September 2010, <<http://www.worldoil.com/news/2010/2/9/cnooc-makes-third-deepwater-discovery-in-south-china-sea>> accessed 2 March 2015.

<sup>1211</sup> Kathy Quiano, 'China, ASEAN agree on plans to solve the South China Sea dispute', *CNN*, 21 July, 2011, <<http://edition.cnn.com/2011/WORLD/asiapcf/07/21/china.sea.conflict/>> accessed 3 November 2013.

<sup>1212</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', p. 38.

<sup>1213</sup> Quiano, 'China, ASEAN agree on plans to solve the South China Sea dispute', 21 July, 2011.

<sup>1214</sup> Barack Obama, 'Remarks by President Obama to the Australian Parliament', Parliament House, Canberra, Australia, 17 November, <<http://www.whitehouse.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliament>> accessed 11 December 2013.

declared that the US had an interest in freedom of navigation in the SCS.<sup>1215</sup> The US declared re-focus on the Asian region and its increased influence and presence in the SCS compounded China's sovereignty sensitivities. Following the *Impeccable* incident tensions in the area continued to increase as the re-balancing strategy began to roll out. Hillary Clinton's declaration of US national interest in freedom of navigation and the peaceful management of the SCS disputes in Hanoi in July 2010 incited China's competing declaration of its 'core interests' in the area. China claimed that US intervention in the SCS was an attempt at 'encirclement'.<sup>1216</sup> Vietnam and the Philippines welcomed US increased interest in the region. Vietnam showed its gratitude to the US re-balancing by granting the US access to its naval base at Cam Ranh Bay. The Philippines extended a similar proposal to the US, offering better access to its military facilities in exchange for military assistance.<sup>1217</sup>

As tensions continued to escalate, in April 2012 a standoff between a Chinese marine surveillance vessel and a Philippines naval vessel took place in the Scarborough Shoal. While the Philippines was quick to withdraw its naval vessel replacing it with a smaller coast guard vessel China upped the ante by sending in a fishing patrol ship equipped with machine guns, light canons and electronic sensors.<sup>1218</sup> When the dust had settled, China had seized Scarborough Shoal from the Philippines.<sup>1219</sup> The introduction of new passports in China in 2012 displaying the SCS on a map of China's territory similarly angered Vietnam and the

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<sup>1215</sup> Hillary Clinton, Speech at the National Convention Center, Hanoi, 23 July, 2010, <<http://www.state.gov/secretary/rm/2010/07/145095.htm>> accessed 7 January 2014.

<sup>1216</sup> Vaudine England, 'Why are South China Sea tensions rising?', *BBC*, 3 September 2010, <<http://www.bbc.co.uk/news/world-asia-pacific-11152948>> accessed 5 November 2013.

<sup>1217</sup> Ralf Emmers, 'The US rebalancing strategy: Impact on the South China Sea', in Leszek Buszynski and Christopher Roberts (eds.), *The South China Sea and Australia's Regional Security Environment*, Australian National University National Security College, Occasional Paper, no. 5, September 2013, p. 44.

<sup>1218</sup> Renato Cruz De Castro, 'The Philippines in the South China Sea dispute', in Leszek Buszynski and Christopher B. Roberts (eds.), *The South China Sea and Australia's Regional Security Environment*, Australian National University, National Security College Occasional Paper, no. 5, September 2013, p. 31.

<sup>1219</sup> Raul Dancel, 'China 'boosting shoal defence'', *The Straits Times*, 7 December 2014, <<http://news.asiaone.com/news/asia/china-boosting-shoal-defence>> accessed 7 July 2015.



Philippines. Both states strongly protested China's move to gain tacit acceptance of its claims and issued alternative visa forms for travellers from China.<sup>1220</sup>

At the same time that China maintained its efforts to consolidate its claims and the tit-for-tat behaviour continued, it also sustained its willingness to engage in cooperative measures in the area. In 2010, after initially rejecting the idea, China agreed to begin discussions on developing a COC for the SCS. In May 2011 China agreed to participate in the drafting of a COC to help reduce incidents in the SCS. When asked about the relevance of this development Chinese Assistant Foreign Minister said 'we have a bright future and we are looking forward to future cooperation' with ASEAN towards the peaceful development of disputes the SCS.<sup>1221</sup> Perhaps China's silence on the issue of sovereignty in the COC talks is testimony to the fact that it understands the importance of setting aside sovereignty issues.

Beijing's promotion of the China-ASEAN maritime cooperation expanded the opportunities for functional maritime cooperation. The lack of progress on the COC, however, appeared to represent a status quo from the pre-2009 period. In September 2013 China and the ASEAN states met in Suzhou in China to discuss the COC. Commentators, however, expressed their pessimism towards the prospects of China and ASEAN agreeing to a binding code for the SCS. Rodolfo Severino, former Secretary General of ASEAN, suggested that China's and ASEAN's approach to the COC are fundamentally opposed. While ASEAN had indicated that it would like to move swiftly in the discussion to conclude upon a code as early as possible, China would rather first fully implement the DoC before agreeing to a binding COC.

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<sup>1220</sup> Manuel Mogato, 'China angers neighbours with sea claims on new passports', *Reuters*, 22 November 2012, <http://www.reuters.com/article/2012/11/22/us-china-southchinasea-idUSBRE8AL09Q20121122> accessed 4 November 2014; Author not supplied, 'Vietnam won't stamp Chinese passports over sea claim map', *ABC News*, 28 November 2012, <<http://www.abc.net.au/news/2012-11-28/an-vietnam-won27t-stamp-chinese-passports-over-sea-claim/4396256>> accessed 4 November 2014; Author not supplied, 'Manila says will not stamp new Chinese passport', *The Jakarta Post*, 28 November 2012, <<http://www.thejakartapost.com/news/2012/11/28/manila-says-will-not-stamp-new-chinese-passport.html>> accessed 4 November 2014.

<sup>1221</sup> Quiano, 'China, ASEAN agree on plans to solve the South China Sea dispute', 21 July, 2011.

The issue of sovereignty had again proven to be a sticking point in the preliminary discussion on the COC. Vietnam maintained its position that it wanted the Paracel Islands included in the scope of the COC while China declined to discuss the issue.<sup>1222</sup> China's positioning of an oil platform *Haiyany Shiyou* 981 in disputed waters near Vietnam and the deployment of four oil rigs in the SCS further suggested that China was not yet willing to give priority to functional maritime cooperation.<sup>1223</sup>

The ongoing tit-for-tat dynamic from this period onwards until 2014 continued to overwhelm efforts made towards functional maritime cooperation in the SCS. Although China's economic re-emergence provided financial opportunities for increased cooperative initiatives, for as long as China remained preoccupied with sovereignty as demonstrated by their assertive behaviour, prospects for cooperation were limited and the benefits therein were missed.

## Conclusion

Despite shared interests in the exploitation of valuable resources and regional peace and stability, reciprocal threat perceptions and contending nationalisms hindered functional maritime cooperation between China and the littoral states in the SCS. While under the auspices of China's delaying strategy it exercised restraint, divergences from the delaying strategy provoked the two-way trust deficit; obfuscating China's acquisition and operationalisation of the security dilemma sensibility. China's concerns for outside interference in the SCS made it hard for it to understand how its actions provoked similar concerns in others while the use of China's growing capabilities for the advancement of its

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<sup>1222</sup> Rodolfo C. Severino, 'How much can ASEAN do for a South China Sea code of conduct?', *East Asia Forum*, 30 October, 2013, <<http://www.eastasiaforum.org/2013/10/30/how-much-can-asean-do-for-a-south-china-sea-code-of-conduct/>> accessed 6 November 2013.

<sup>1223</sup> Author not supplied, 'China sends four oil rigs to the South China Sea amid regional tensions', *Reuters*, 20 June 2014, <<http://www.reuters.com/article/2014/06/20/us-china-southchinasea-rigs-idUSKBN0EV0WG20140620>> accessed 4 November 2014.

claims made it hard for the littoral states to understand China as a genuine cooperative partner.

For China the defence of its offshore territorial claims in the SCS served as an important basis for domestic political security. This precedent was set during Mao's time in power whereby images of China's century of humiliation gave rise to nationalist sentiments; leveraged upon by the CCP and military as a source of legitimacy. During the Mao era while delaying the reclamation of these territories China made limited gains towards this long-term objective. While Deng's reforms ushered in a newfound cooperative agenda, manifested in the proposals to set aside the disputes in the SCS for the purpose of joint development, its fears and rightful sense of ownership over features in the SCS prevented its acquisition and operationalisation of the security dilemma sensibility. From the mid-1980s the assured residency of the US within the region and the Southeast Asian states reawakening to the maritime domain buttressed Chinese nationalism and a more hard-line approach.

China's territorial assertions, however, encouraged analogous concerns and likeminded responses. The ambiguous and apparently zero-sum nature of China's claims was threatening to the interests of others. China's assertive behaviour and the tit-for-tat dynamic evoked sovereignty sensitivities and amplified tensions in the area. As China came to be the strongest player in the dispute, the impact of its actions in the area was magnified. As the balance of powers within these dynamics increasingly lent in China's favour, bilateral negotiations were commonly vexing. Consequently, throughout the 1990s the littoral states appeared unwilling to engaged China in bilateral settings. The perceived lack of will to pursue multilateral functional maritime cooperative initiatives on the less insidious issues fuelled the China

threat thesis and exacerbated feelings of mistrust towards China's objectives and intentions in the SCS.<sup>1224</sup>

Greater functional cooperation from the late 1990s, including China's bilateral efforts with the Philippines and Malaysia for the joint exploration and management of living resources and track-two multilateral initiatives through SCSW and CSCAP for safety of navigation and marine scientific research, paved the way for the more comprehensive 2002 Declaration with ASEAN. Despite the advantages to cooperation, however, China was unwilling to shelve the issue of sovereignty in favour of functional cooperation. As a consequence, many of the maritime cooperative proposals put forward region remained to be just that. Momentary improvements in the cooperative dynamic were again derailed by the persistence of fear and the corresponding tit-for-tat dynamic. The prevailing mistrust between China and the Southeast Asian claimant states undercut previous efforts to build trust and confidence required for the advancement of cooperation. Anxieties founded by history together with nationalism and the way in which they resonated on the back of issues of sovereignty served as the mainstay of China's advancements in the SCS. For as long as interests in domestic political security were at odds with maritime cooperation it lacked the ability to acquire the security dilemma sensibility. Correspondingly, for as long as the two-way trust deficit and tit-for-tat dynamic endured maritime cooperative initiatives put forward in the area efforts failed to develop as a result of which mistrust, uncertainty and the risk of confrontation remained. Submissions made to the UN CLCS in 2009 again saw the escalation of tensions in the area. This escalatory dynamic continued though to 2014 as both China and the littoral states pressed their claims both through the use of militaries and coast guards and resource exploration. As a consequence of which proposals for a more comprehensive and binding

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<sup>1224</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 438.

cooperative mechanism for the management and eventual resolution of disputes similarly remained out of reach.

## **Chapter 7: Japan's and China's Varied Methods of Maritime Diplomacy: A Comparative Assessment**

### **Introduction**

During the period of 1945 to 2014 Japan and China both pursued functional maritime cooperation in Southeast Asia as a means to advance their interests in the sub-region. While throughout this period Japan's maritime cooperation in the SOM had notable successes, China's maritime cooperation in the SCS is more a story of the difficulties of cooperation. In a great departure from its wartime legacy, Japan's maritime cooperation culminated in its role as the preferred extra-regional facilitator of safety and security in the SOM. Deep suspicion regarding Japan's intentions was ameliorated over time to allow for its evolving maritime cooperation in the Straits. In comparison to Japan's experiences in the SOM, China's efforts towards maritime cooperation in the SCS between the periods of 1949 to 2014 did not take the same path and form nor deliver the same outcomes. However, when juxtaposed with an examination of Japan's maritime cooperation in the ECS and Takeshima/Tokdo disputes greater similarities exist. These similarities highlight the effect of both material and ideational factors in determining states application of maritime cooperation and its effectiveness.

The comparative assessment of Japan's and China's maritime diplomacy presented in this Chapter offer valuable insights into effective mechanisms of maritime cooperation and the development of trust. In identifying effective mechanisms for cooperation this comparative assessment of these two states' varied maritime cooperative strategies helps resolve the chicken and the egg problem - whether cooperation or trust precedes the other. Trust develops along a continuum through the implementation of basic forms of maritime cooperation. It is only through this evolutionary process that more advanced and comprehensive forms of maritime cooperation can be achieved.

In conducting this comparative assessment, this chapter brings together the theoretical and practical ideas presented in Chapters 1 and 2 with the empirical findings of Chapters 3, 4, 5 and 6 to compare and analyse Japan's and China's cooperative strategies as a means to identify effective mechanisms and obstacles. This comparative assessment is strengthened by the extension of the scope of the Japan case study to the ECS and the Takeshima/Tokdo disputes where Japan encounters many of the same difficulties that China must grapple with in the SCS.

This chapter is broken down into five sections. Each of the first three sections looks at different factors which differentiate Japan's and China's experiences in the SOM and SCS respectively. The first section then analyses the starting point and progression of Japan's and China's maritime cooperation and how their experiences correspond with the prescriptions for a functional and scaled 'building block' approach. Both China and Japan have pursued maritime cooperation along functional lines as prescribed by Haas, Booth and Wheeler and Zou Keyuan.<sup>1225</sup> In Japan's case small 's' issues relating to good order at sea presented non-threatening grounds for its cooperation in the SOM. Conversely, the sensitivity of sovereignty in the SCS deterred China from following through with cooperation on even the most seemingly benign of functional issue areas including joint development and marine scientific research. Functional issue areas were impeded by its apparent attempts to secure gains at the expense of the other claimants. Second, the author examines Japan's and China's varied channels of delivery. Japan's successes demonstrate the importance of civilian led efforts for this 'building block' approach; testament to Sam Bateman's proposal for maritime cooperation.<sup>1226</sup> The private sector and the JCG provided effective vehicles for the delivery of its maritime cooperation. For China, however, the lack of a private sector denied its use of a

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<sup>1225</sup> Ernst B. Haas, *The Uniting of Europe; Political, Social, and Economic Forces, 1950-1957*, Stanford university Press, California, 1958; Booth and Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics*, pp. 6-7; Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 102.

<sup>1226</sup> Bateman, 'Maritime confidence building measures-an overview', pp. 8-11.

low-profile means for the delivery of its cooperative efforts. Its ambivalence to commit to multilateral cooperative initiatives led by the ASEAN further limited the opportunities to construct a more positive identity and relations with the other littoral states. The last of these three sections examines the importance of reciprocity, consistency and time and how Japan's and China's adherence to these principles set them apart. As demonstrated in Robert Axelrod's account of the iterative Prisoner's Dilemma,<sup>1227</sup> reciprocity and consistency over time were vital to the incremental progression of maritime cooperation and trust. Correspondingly, the consistency of Japan's interactions with the littoral states enabled their understanding of Japan as a willing and committed cooperative partner unlikely to defect in pursuit of relative gains. The importance of its sustained interactions in constructing a new identity to which the littoral states responded positively also gives credence to Alexander Wendt's suggestions that systemic level interactions may alter the identity of the state and its cooperative disposition.<sup>1228</sup> Alternatively, the persistent activities of China's maritime law enforcement agencies and the PLAN in asserting China's claims contributed to the tit-for-tat dynamic and detracted from the progress made towards cooperation in the late 1990s and early-2000s.

Following on from this discussion the author turns to examine how Japan's and China's experiences help to resolve the confusion that is manifest both in the literature on cooperation and the escalation of tensions in the SCS. The outcome of Japan's bottom-up approach in the SOM and the prevalence of sovereignty sensitivities in the SCS cast doubt on the efficacy of alternative top-down institutionalised cooperation to overcome mistrust. The difficulties encountered by both Japan and China in their functional efforts were more pervasive for more comprehensive and binding mechanisms due to the higher requirement of trust. Furthermore, Japan's more advanced maritime cooperative mechanisms came about through more basic

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<sup>1227</sup> Axelrod, *the Evolution of Cooperation*, p. 10.

<sup>1228</sup> Wendt, 'Collective Identity Formation and the International State', p. 384.



cooperative efforts rather than exclusive of. Despite Aaron Hoffman's suggestions that institutionalised cooperation can overcome mistrust, Japan's more advanced mechanisms in the SOM only succeeded once trust was sufficient and comprehensive proposals for cooperation in the SCS were illusory for as long as mistrust prevailed. As tensions continued to rise in 2014 the COC remained inconclusive.

However, in identifying greater prospects for cooperation, it is not sufficient to merely examine outcomes. Japan and China very different circumstances have surely contributed to both the cause of effect of their varied maritime cooperative strategies in Southeast Asia. In order to provide more nuanced recommendations for bottom-up maritime cooperation it is important to understand the causal factors that have contributed to the varied outcomes of their cooperative strategies. As suggested in Chapter 1 both material and ideational factors states thinking and their cooperative strategies. The interaction of material and ideational factors speaks to the differences in Japan's and China's respective strategies. While for Japan, its geography, post-war restraints and pacifist culture determined and supported the acquisition of the security dilemma sensibility and its commitment to functional maritime cooperation. For China, however, these factors informed conflicting interests and its reluctance to accede to multilateral mechanisms advanced by the littoral states. While China's economic interests encouraged its cooperation with other claimant states, its geography, history and the delay and magnitude of its development provided powerful incentives for its assertive behaviour and constrained its willingness to pursue maritime cooperation. These factors are complicated by the US interpretation of its residency in the region and concerns that its fervent commitment to preserve the status quo will encumber China's re-emergence. Despite the US extra-regional status its sustained presence in the region serves as an unambiguous sign of its desire to maintain its predominance in the region. The intersubjectivity of these material and ideational factors are manifested in the continuing

tit-for-tat dynamic amongst China and the other claimant states during the period under study; contributing to an environment in which tensions ran high with consequences for regional peace and stability.

As a basis for determining where prospects for cooperation exist and obstacles remain the author then analyses how both material and ideational factors determined Japan's and China's ability to acquire the security dilemma sensibility and relinquish sovereignty in favour of bottom-up maritime cooperation. The subsequent examination of the interaction of material and ideational factors in determining Japan's maritime diplomacy in the ECS and Takeshima/Tokdo disputes draws similarities which again highlight the pervasiveness of sovereignty sensitivities in the way of maritime cooperation.

### 7.1: Scale

The theoretical literature review provided in Chapter 1 highlights the possibilities for cooperation based on interdependence and mutual gains. Considering the constitutive role of domestic factors, Andrew Moravcsik and Robert Keohane predict the likelihood that states will cooperate for mutual gains.<sup>1229</sup> The Prisoner's Dilemma likewise demonstrates the incentive for states to cooperate in pursuit of a common objective. Similarly, Booth and Wheeler reveal the possibilities for functional cooperation where states' interests converge to encourage cooperation. According to Booth's and Wheeler's trust continuum, functional cooperation first takes place when there is confidence in a mutually beneficial outcome. However, Zou Keyuan reminds us that not all functional matters present fertile grounds for cooperation. Once a foundation of goodwill and confidence is established, states may tackle some of the more vexing issues. Consistent with these theoretical views maritime security experts advocate for functional maritime cooperation for good order at sea. Maritime security experts Hasjim Djalal, Ian Townsend Gault and Sam Bateman have long advised that states

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<sup>1229</sup> Keohane, 'Institutional Theory and the Realist Challenge After the Cold War', p. 517.

pursue maritime cooperation on non-threatening functional issues upon which confidence and trust may be built. This ‘building block’ approach prescribes functional cooperation not only for the material benefits but also the long-term benefits of preventive diplomacy.<sup>1230</sup>

Japan’s experiences and successes in the SOM corroborate these theoretical and practical recommendations for an incrementalist approach. Closely resembling scholars’ recommendations for a bottom-up approach as presented in Chapter 1, Japan pursued a ‘building block’ approach to its maritime cooperation in the SOM. Its maritime cooperation was focused on non-threatening issues. Capitalising on common interests, good order at sea was the centrepiece of Japan’s maritime cooperative efforts in the SOM. In 1968 the MSC was established at Japan’s initiative to improve provisions for navigational safety and environmental protection in the waterway.<sup>1231</sup> Small scale issues affecting navigational safety and security in the Straits were of shared concern for Indonesia Malaysia and Singapore, providing opportunity for Japan’s early cooperative efforts. The use of PPPs in the MSC was intended as a means to lower Japan’s profile and evade its negative legacy and the sovereignty sensitivities of the littoral states. The Nippon Foundation was the main supplier of funds to the MSC.<sup>1232</sup> The Nippon Foundation further collaborated with other Japanese government agencies in the delivery of several other assistance measures over the years in the Straits.<sup>1233</sup> As the US alliance largely catered for its immediate maritime security, Japan was able to focus on functional issues for its maritime cooperation in Southeast Asia. The alliance also enhanced the perception of security for the littoral states *vis-à-vis* Japan. The littoral states were responsive to Japan’s focus on functional issue areas as each were reluctant to

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<sup>1230</sup> Djalal and Townsend-Gault, ‘Preventive Diplomacy: Managing Potential Conflicts in the South China Sea’, pp. 107-108; Bateman, ‘Part II: Securing Navigation in the South China Sea’, p. 17.

<sup>1231</sup> Siashoji, ‘Japan’s Contribution to Safe Navigation in the Straits of Malacca and Singapore’, pp. 511-512.

<sup>1232</sup> Maritime Port Authority of Singapore, ‘Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits’, <<http://www.nmc.com.sg/MSC.pdf>> accessed 25 November 2011.

<sup>1233</sup> Ministry of Foreign Affairs Japan, ‘Present State of the Piracy Problem and Japan’s Efforts’, December 2001, <<http://www.mofa.go.jp/policy/piracy/problem0112.html>> accessed 4 June 2013; Simon, ‘Safety and Security in the Malacca Straits: The Limits of Collaboration’, p. 26.

take on commonly shared security issues either with one another or Japan due to residual issues of mistrust and suspicion.

Despite the littoral states' initial displeasure they came to welcome Japan's assistance in improving good order at sea in the Straits through the MSC. From the early 1970s the MSC became a key framework for Japan's functional maritime cooperation in the Straits. With a focus on navigational safety these parties remained committed to the MSC over the years.<sup>1234</sup>

The inception of the Fukuda Doctrine and Japan's Comprehensive Security Strategy expanded the mutual issue areas for which functional maritime cooperation could be pursued in the Straits. The non-military provisions to respond to rising non-traditional and transnational security challenges prescribed under Japan's new security policy was consistent with the preferences of the littoral states which had similarly adopted comprehensive approaches to security.<sup>1235</sup> Japan and the littoral states capitalised on existing opportunities for maritime cooperation in response to maritime piracy and other forms of transnational crime which threatened safety and security in the vital waterway. Centred on possibilities for mutual gain, Japan's functional approach to its maritime cooperation helped it to build confidence with the littoral states.

From the Deng era onwards, as China came to define its interests more broadly it similarly began to consider the benefits of functional maritime cooperation in the SCS.<sup>1236</sup> Deng's 1984 proposal to shelve the maritime disputes and pursue joint development was the first of China's maritime cooperative efforts in the area. Rather than help to allay sovereignty sensitivities and build confidence, however, joint development elevated states concerns for territoriality. Joint development was a highly divisive issue due to the implications for energy

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<sup>1234</sup> Tetsuo Kotani, 'Antipiracy Measures: Japan's Experience in the Malacca Strait and Its implications for the Horn of Africa', PowerPoint presentation prepared for the Legal Expert's Workshop on Maritime Piracy in the Horn of Africa, 7 April 2009, copy obtained by Author 26 September 2013.

<sup>1235</sup> Akransanee and Prasert, 'The Evolution of ASEAN-Japan Economic Cooperation', pp. 67-68

<sup>1236</sup> Li Minjiang, 'Security in the South China Sea: China's Balancing Act and New Regional Dynamics', p. 3.

security and the potential for states to exploit one another. Zou Keyuan notes that proposals for joint exploration tend to incite questions of sovereignty and territoriality due to the interconnected nature of seabed reserves. Extraction in one area may deplete the reserves held under another states jurisdiction or in disputed waters.<sup>1237</sup> Due to the pertinence of energy security these cooperative arrangements were more susceptible to potentially costly defection; as a result of which they failed to progress. While, Japan's focus on less insidious issues of navigational and environmental safety presented a win-win scenario where the potential for states to seek relative gains was limited, joint development heightened states' fear of exploitation for which they were reluctant to commit. China's inclusion of the sovereignty clause in proposal for joint development exacerbated anxieties regarding the implication for sovereignty. Sovereignty sensitivities, however, also deterred China's willingness to cooperate in marine scientific research as recommended in the SCSW. As Yoshifumi Tanaka points out, the potential economic and commercial value of hydrographic surveys has created controversy with respect to marine scientific research in disputed EEZs. Information gained through hydrographic surveys can be valuable for the exploration of living and non-living resources and the development of port facilities.<sup>1238</sup> Even the tripartite agreement between China, Vietnam and the Philippines did not allow for surveying in disputed areas of the SCS.<sup>1239</sup>

China's reluctance to engage in multilateral initiatives with the littoral states due to potential implications for sovereignty further prevented many of the proposed initiatives for functional measures from proceeding. Taking up recommendations for functional cooperation proposed under the 1992 ASEAN declaration and the 2002 DOC may have inferred ASEAN's jurisdiction over the matter. While the SCSW were not an ASEAN initiative, the grouping

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<sup>1237</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 102.

<sup>1238</sup> Yoshifumi Tanaka, *The International Law of the Sea*, Cambridge University Press, New York, 2012, p. 344.

<sup>1239</sup> Richardson, 'Energy and Geopolitics in the South China Sea: Implications for ASEAN and its Dialogue Partners', p. 17.

was largely populated by the ASEAN states due to which concerns that China's influence could be overwhelmed by their collective position affected its willingness to fulfil the recommendations put forward in the workshops. Consequently, cooperation was largely limited to dialogue.

## **7.2: Separating out Civilian and Military led Mechanisms**

Japan's civilian led approach also had a definitive effect on the development of maritime cooperation and trust with the littoral states. Just as Zou Keyuan elucidates issue areas which are more amenable to the development of functional cooperation and trust, other scholars similarly illustrate how not all channels and vehicles for this functional maritime cooperation are equally favourable to its development and confidence and trust building. While prescriptions for functional maritime cooperation are not new, Sam Bateman and Anthony Bergin build on these recommendations by demonstrating the need to separate civilian methods of cooperation from military measures which in their very nature incite uncertainty and mistrust. In order to capitalise on their confidence and trust building capacity provisions for good order at sea are best delivered through civilian channels. As Bateman suggests, civilian led cooperative initiatives do not incite fear and mistrust to the same extent as military methods. Consequently, he proposes that states' are best to separate out civilian and military led mechanisms, giving preference to the former. As cooperation and trust develop states may be more inclined to partake in military mechanism of maritime cooperation.<sup>1240</sup>

Japan's successes likewise illustrate the benefits of civilian led cooperative initiatives for the development of trust. Its post-war demilitarisation and the ascendancy of civilian control gave preference to civilian mechanisms of maritime cooperation. While Japan's post-war circumstances determined this approach, its pacifist culture also helped sustain it over time. During periods in which material factors supported the revision of the constitution, namely,

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<sup>1240</sup> Bateman, 'Maritime confidence building measures-an overview', pp. 8-11; Bateman and Bergin, 'What came first? Strategic trust and maritime confidence building measures', 22 August 2013.

resounding fears of Soviet expansionism and ongoing territorial disputes with China, Japan decisively maintained its civilian led diplomatic strategy. The downgraded status and civilian control of the JDA ensured that the military would remain removed from political decision making. For as long as its domestic constituents favoured a defensive and non-militaristic posture Japan decisively upheld the constitutional constraints underwriting its economic and political security and informed its civilian approach.

Economic assistance was a primary means of Japan's civilian led cooperation. Certainly it was Japan's capacity and willingness to bankroll many of the cooperative initiatives in the SOM was attractive to the littoral states. Capacity building, notably in the form of bilateral economic and technical assistance, was a key mode of Japan's maritime cooperation. Japan's rapid post-war economic recovery enabled it to directly finance the littoral states and provide funding for cooperative ventures. Its bilateral treaty with the US allowed it to keep defence spending to a minimum and allocate financial resources to these states.<sup>1241</sup> PPPs provided Japan with a low-profile mechanism for the delivery of these assistance measures. The role of private organisations in capacity building, notably the Nippon Foundation, depoliticised the issue, assuaged scepticism regarding Japan's economic imperialism, and conveyed Japan's pragmatic approach to maritime security.<sup>1242</sup> The MSA, later renamed the JCG, was another key provider of capacity building to the littoral states.<sup>1243</sup> After having undergone its considerable expansion the JCG provided valuable capacity building assistance to the littoral

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<sup>1241</sup> Ministry of Foreign Affairs Japan, ODA White Paper, 2006, <<http://www.mofa.go.jp/policy/oda/white/2006/ODA2006/html/honpen/index.htm>> accessed 24 October 2013.

<sup>1242</sup> Siashoji, 'Japan's Contribution to Safe Navigation in the Straits of Malacca and Singapore', p. 512; Author not supplied, 'Malacca Strait Council: Towards Enhancing the Navigational Safety and Preserving the Marine Environment in the Straits', *The Maritime Port Authority of Singapore*, <<http://nmc.com.sg/MSA.pdf>>

<sup>1243</sup> Iwasaki, 'The Antipiracy Achievements of the Japan Coast Guard', pp. 18.

states when it.<sup>1244</sup> Sensitive to the sovereignty concerns of the littoral states, these civilian led mechanisms were conducive to the development of cooperation and trust.

Whereas for Japan its post-war economic performance underwrote its role as the chief financier of maritime cooperation in the SOM conversely, economic woes impeded China's ability to share the burden of such cooperative measures in the SCS. In the embryonic period of its development, limited resources were necessarily directed internally. Unable to independently meet its own domestic requirements China was still in need of external sources of aid. Between 1979 and 2005 China received over 319 billion yen from Japan in grant aid, loan aid and technical assistance.<sup>1245</sup> Over a ten year period dating from 2001 to 2011 the US provided more than USD 275 million in aid to China.<sup>1246</sup> Reliant on foreign aid to sustain growth and development China did not have the capacity to bare the financial burden of maritime cooperation as Japan had in the SOM. Questions about who would finance cooperative measures restricted the operationalisation of functional mechanisms devised through the SCSW.<sup>1247</sup>

Channels for civilian cooperation were additionally restricted by China's maritime law enforcement agencies involvement in the disputes. Used to defend offshore territories, Chinese maritime law enforcement agencies lacked the same diplomatic qualities as Japan's. From the mid-1990s China's maritime law enforcement agencies took on greater responsibility in protecting China's interests in the SCS.<sup>1248</sup> Yet while Japan's law enforcement agencies were employed in the SOM as a vehicle for its diplomacy, alternatively,

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<sup>1244</sup> Ministry of Foreign Affairs Japan, 'Malaysian 'Umizaru' Divers protect international Shipping Routes- Capacity Building in Maritime Safety and Security-', stories from the field 2, <<http://www.mofa.go.jp/policy/oda/white/2012/html/column/column02.html>> accessed 24 October 2013;

Bateman, 'Regime building in the Malacca and Singapore straits: two steps forward, one step back', p. 26.

<sup>1245</sup> Ministry of Foreign Affairs Japan, 'Overview of Official Development Assistance to China', June 2005, <[http://www.mofa.go.jp/policy/oda/region/e\\_asia/china/](http://www.mofa.go.jp/policy/oda/region/e_asia/china/)> accessed 1 November 2014.

<sup>1246</sup> United States House of Representatives, Hearing before the Subcommittee on Asia and the Pacific of the Committee on Foreign Affairs, 112<sup>th</sup> Congress, First session, 15 November 2011, p. 8.

<sup>1247</sup> Djalal, 'The South China Sea: The long towards peace and cooperation', p. 181.

<sup>1248</sup> Fravel, 'China's Strategy in the South China Sea', pp. 303-305.



China's law enforcement agencies were deployed to defend its sovereignty claims in the SCS. Other claimant states, notably Vietnam and the Philippines reported many confrontations with official Chinese law enforcement vessels in the SCS.<sup>1249</sup> Given the problems of inter-agency coordination amongst China's various maritime law enforcement agencies,<sup>1250</sup> and the weakness of centralised control under the Ministry of Foreign Affairs and plurality of decision making,<sup>1251</sup> it is hard to know whether these actions were officially sanctioned. Improving coordination amongst maritime law enforcement agencies was stated as a key objective in the decision to amalgamate these agencies under a coast guard in March 2013.<sup>1252</sup> Nonetheless the actions of these agencies contributed to the escalation of tensions in the SCS from the late 1990s to 2009.<sup>1253</sup> The alleged presence of PLAN personnel on the SSRFAB vessels further tainted its image. Their apparent relationship with the PLAN, also active in the defence of China's claims, additionally hindered their effective use in CBMs. In contrast to Japan which gave preference to the JCG, the PLAN was tasked with the delivery of China's technical assistance. The technological weaknesses of the PLAN and its role in the territorial disputes, however, limited its attractiveness as a cooperative partner.<sup>1254</sup>

The primacy of the PLAN in China's maritime strategy limited the role for civilian led agencies. Despite the ascendancy of civilian control after Mao, the PLA continued to command a position of power within key decision making bodies; necessary for regime maintenance.<sup>1255</sup> As Linda Jakobson and Dean Knox suggest, while from the late 1980s to early 1990s there has been a transfer of greater decision making power within the Politburo from military officers to civilians 'the PLA still holds sway in these and other defence related

<sup>1249</sup> Fravel, 'Maritime Security in the South China Sea and the Competition over Maritime Rights', p. 36-38.

<sup>1250</sup> International Crisis Group, 'Stirring Up the South China Sea (I)', Asia report no. 223, 23 April 2012.

<sup>1251</sup> Beeson, 'Can China Lead?', pp. 241-242.

<sup>1252</sup> Lyle Morris, 'China signals with Coast Guard overhaul', *Asia Times*, 3 April 2013, <<http://atimes.com/atimes/China/CHIN-02-030413.html>> accessed 13 November 2014.

<sup>1253</sup> Fravel, China's Strategy in the South China Sea', pp. 294-305.

<sup>1254</sup> James Goldrick and Jack McCaffrie, *Navies of South-East Asia: A Comparative Study*, Routledge, Oxon, 2013, pp. 41-42.

<sup>1255</sup> Joffe, 'The Chinese Army in Domestic Politics: Factors and Phases', p. 12.

issues, particularly policies related to strategic arms, territorial disputes and national security towards other countries'.<sup>1256</sup> The predominance of the Politburo and the Politburo Standing Committee within the communist state structure<sup>1257</sup> further restricted the civilian sector's involvement in policy making and implementation. What is more, with no private sector as such, China could not utilise PPPs in the same manner as Japan. The close relationship between the government and state owned enterprises were antithetical to the purpose of PPPs.

### 7.3: Reciprocity, Consistency and Time

The varied outcomes of Japan's and China's maritime cooperative efforts illustrates that isolated incidents of functional maritime cooperation are insufficient to build the strategic trust which is required to advance to more comprehensive forms of maritime cooperation. As discussed in Chapter 1, Robert Axelrod's examination of the evolution of cooperation reveals reciprocity, consistency and time as key requirements for cooperation. Axelrod's iterative Prisoner's Dilemma demonstrates how reciprocity in cooperation over time encourages states to maintain and expand their cooperative interactions due to the incremental development of strategic trust which underwrites these interactions. Just as Booth and Wheeler, and Bateman consider cooperation and trust as an incremental process Axelrod's iterative PD is illustrative of Janice Stein's contention that 'lengthening the shadow of the future' may encourage states to consider their interests in a longer term context.<sup>1258</sup> Confidence and trust are easily compromised by a state's decision to seek relative gains at the expense of others. Fear of further exploitation will see this behaviour reciprocated, heightening the potential for lose-lose outcomes and further compromising prospects for cooperation and good order at sea.

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<sup>1256</sup> Jakobson and Knox, 'New Foreign Policy Actors in China', pp. 12-13.

<sup>1257</sup> Jakobson and Knox, 'New Foreign Policy Actors in China', pp. 4-5.

<sup>1258</sup> Stein, 'International co-operation and loss avoidance: framing the problem', p. 7.

What is more, Wendt's constructivist ideas reveal the importance of states' interactions at the systemic level in determining their interests and cooperative outcomes.<sup>1259</sup>

Japan's experiences are testimony to the application of these theoretical views in support of incrementalism and the importance of interactions between states. Its functional and civilian efforts, pursued consistently and reciprocated, served as 'building blocks' for cooperation and trust. As a measure of goodwill, Japan bought into the efforts of the littoral states to advance cooperative mechanism in the SOM. Of all the extra-regional states with express interests in the Straits, Japan was the only one which responded to the coastal states' calls for greater burden sharing with the user states of the Straits. Japan and the littoral states creation of the Revolving Fund in 1981 established a formal mechanism for burden sharing consistent with the recommendations of Article 43 of UNCLOS.<sup>1260</sup> The 2007 Cooperative Mechanism, first proposed by Japan was designed to facilitate greater burden sharing in the Straits. Japanese PPPs and private organisations were the greater contributors to the Aids to Navigation Fund established under the Cooperative Mechanism.<sup>1261</sup>

The potency of Japan's approach to maritime cooperation in the Straits stems from its consistency and the corresponding evolution of trust. Throughout the period commencing with the creation of the MSC in 1968 to 2009 Japan maintained its reciprocal cooperation. This is not to say that Japan's implementation of its maritime diplomatic strategy was not without its shortcomings. Anomalies in decision-making and domestic political factors account for momentary divergences from Japan's longer-term maritime cooperative strategy in the Straits. Despite Japan's attempts to lower its profile and present itself as a benign

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<sup>1259</sup> Wendt, 'Collective Identity Formation and the International State', p. 384.

<sup>1260</sup> 'The United Nations Convention on the Law of the Sea, 10 December 1982, <[http://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm)> accessed 3 June 2013.

<sup>1261</sup> Cooperative Mechanism on Safety of Navigation and Environmental Protection in the Strait of Malacca and Singapore, 'Contributions', <[http://www.cooperativemechanism.org.my/index.php?option=com\\_content&view=article&id=42&Itemid=39](http://www.cooperativemechanism.org.my/index.php?option=com_content&view=article&id=42&Itemid=39)> accessed 4 June 2013.

power, the littoral states were initially vexed by its apparent neglect of their sovereignty and its attempt to command greater influence in the Straits under the pretence of navigational safety. The initial proposals for the MSC and TSS were met with indignation from the littoral states which felt their sovereignty was under threat.<sup>1262</sup> While the MSC was primarily privately operated, with the Japanese government only having had a limited role, the littoral states were still cautious of the implications of extra-regional stakeholder involvement in the SOM.

Taking place over a period of four decades, however, these shortcomings represent minor divergences from its long-term and consistently pursued strategy of non-threatening civilian led mechanisms of maritime cooperation. Japan consistently pulled back from commonly vexing issues, relinquishing sovereignty and pursuing a more conciliatory approach. As it was maintained Japan's functional and conciliatory reciprocal maritime cooperation helped build greater confidence and trust. Through its reciprocal and consistent cooperation Japan helped secure interdependent relations and cooperative norms in the SOM, reflexively shaping the system to help secure its interests in maritime Southeast Asia. Japan's proactive cooperative efforts helped establish enduring frameworks for maritime cooperation in Southeast Asia.<sup>1263</sup> Due to its successes, Japan was encouraged to maintain its cooperative strategy in the area. Improvements in navigational safety and security in the SOM sustained both Japan's and the littoral states' interests for ongoing maritime cooperation.

Over time confidence transpired into trust and the littoral states came to welcome more operational and comprehensive forms of cooperation that were inconceivable in the immediate post-war period. After over two decades of civilian led cooperative efforts trust

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<sup>1262</sup> Leifer, *Malacca, Singapore and Indonesia*, p. 192; Mak, 'Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits', p. 147.

<sup>1263</sup> Cleary and Goh Kim Chuan, *Environment and Development in the Straits of Malacca*, Routledge, London, 2000, p. 148.

was sufficient that military cooperation was now a possibility between Japan and the littoral states. Japan's progression from purely civilian means of cooperation to those involving the JMSDF provides evidence for Bateman's suggestion that through civilian led cooperative strategies states can establish the basis for advanced operational naval cooperation. More positive perceptions of Japan and also the JMSDF as a peacekeeping force allowed for its cooperative engagement in Southeast Asia, conducting joint exercises with Singapore and providing training for naval personnel from each of the littoral states.<sup>1264</sup> The littoral states' operational maritime cooperation with the JMSDF was a remarkable achievement in light of Japan's wartime legacy and the role of the IJN in the aggressive strategies of the Empire.

The evolution of trust between Japan and the littoral states was similarly manifested in the ReCAAP. Japan's 2006 ReCAAP initiative provided the most comprehensive multilateral maritime cooperative agreement to combat piracy in the region. This multilateral agreement, inclusive of both regional and extra-regional powers, was precipitated by several decades of bilateral civilian CBMs. The 2007 Cooperative Mechanism, also initiated by Japan, was yet another noteworthy example of comprehensive maritime cooperation in the region. Like ReCAAP, the Cooperative Mechanism provided a framework for cooperation between user states and coastal states as prescribed under Article 43 of UNCLOS. As such, of all the extra-regional states that vied for greater influence in the Straits, Japan became the preferred extra-regional facilitator of safety and security in the SOM.

China's experiences similarly indicate reciprocity, consistency and time as crucial elements for cooperation and trust as their absence helps explain the shortcomings of China's own efforts in the SCS. In comparison to Japan's maritime cooperation in the SOM, China's

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<sup>1264</sup> Graham, *Japan's Sea Lane Security, 1940-2004: A matter of life of death?*, p. 197; Kojiro Shiojiri, 'Japan, RI in promoting peace and security', *The Jakarta Post*, 24 July 2010, <<http://www.thejakartapost.com/news/2010/07/24/japan-ri-promoting-peace-and-security.html>> accessed 4 June 2013.

maritime cooperation in the SCS was *ad hoc* and inconsistent. Notwithstanding the fact that China demonstrated its willingness to engage in low-level maritime CBMs such as bilateral fisheries agreements and both bilateral and multilateral dialogue, it shirked the efforts of other claimant states to foster functional maritime cooperation. China's ambivalence towards functional cooperation was seen in China's last minute refusal to proceed with the recommendations of the action plan for functional maritime cooperation in the SCS agreed to during the Indonesian Workshops held throughout the early 1990s.<sup>1265</sup> Moreover, China's non-acceptance of cooperative measures put forward by the other claimant states undermined its own. Just as Japan's responsiveness and reciprocity towards the maritime cooperative initiatives advanced by the littoral states helped it to build confidence and trust, China's non-responsiveness to other claimants' cooperative measures challenged confidence and trust.

China's concurrent efforts to consolidate its claims in the area exacerbated sovereignty sensitivities and compromised opportunities to build goodwill and confidence through win-win outcomes. While in the case of Japan's maritime cooperation in the SOM iterated instances of win-win cooperation gave the littoral states greater reason to bestow trust in Japan, alternatively, China's lack of consistency in its behaviour and actions in the SCS undermined confidence and trust with the other claimant states. Though not the only claimant state to undertake measures to advance and consolidate its claims in the SCS, China's assertive behaviour including but not limited to the offensive behaviours of the PLAN and civilian law enforcement agencies and unilateral energy exploration contributed to the tit-for-tat, lose-lose dynamic and mistrust.<sup>1266</sup>

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<sup>1265</sup> Foot, 'China in the ASEAN Regional Forum: Organizational Processes and Domestic Modes of Thought', p. 434.

<sup>1266</sup> Samuels, *Contest for the South China Sea*, p. 88; Dzurek, 'The Spratly Islands Dispute, Who's on First?', pp. 19-23.

Despite China's expanding interests in cooperation as demonstrated by the adoption of the New Security Concept in the late 1990s and its greater flexibility towards sovereignty during the years of Jiang Zemin's and Hu Jintao's leadership, the inconsistency in China's actions in the SCS made it difficult for the other claimant states to understand China as a willing and committed cooperative partner. The uncertainty and fear cultivated by China's ambiguous nine-dash map and reassertions of its 'indisputable' claims undermined its functional cooperation.<sup>1267</sup> Unwilling to acquire the security dilemma sensibility and relinquish the issue of sovereignty and consistently pursue functional non-threatening maritime cooperation for win-win outcomes, China and the littoral states struggled to build goodwill, confidence and trust to advance maritime cooperation in the SCS. Regional scholars Mark Beeson's and Li Fujian's assessment of China's dual pronged strategy in Southeast Asia reaches a similar conclusion. Asking the question is 'China's rise more alarming or charming' these scholars suggest that despite China's evolving economic and diplomatic engagement in the region, sustained efforts to advance its claims in the SCS run antithetical to China's charm offensive.<sup>1268</sup>

Further comparisons reveal that while Japan's maritime cooperation was progressively established over an extended period of time, China's maritime cooperation in the SCS was a more recent development. China did not commence its maritime cooperation in the SCS until the later years of Deng Xiaoping's leadership with proposals for joint development of energy reserves.<sup>1269</sup> Still re-emerging from its long period of insularity, China's maritime diplomacy was a more recent development. China was not afforded the same time to refine its

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<sup>1267</sup> Jay H. Long, 'The Paracels Incident: Implications for Chinese Policy', *Asian Affairs*, vol. 1, no. 4, 1974, p. 229.

<sup>1268</sup> Mark Beeson and Li Fujian, *China's Regional Relations: Evolving Foreign Policy Dynamics*, Lynne Rienner, London, 2014, pp. 88-109.

<sup>1269</sup> Zou Keyuan, 'A New Model of Joint Development for the South China Sea', in Myron H. Nordquist, et al. (eds.), *Recent Developments in the Law of the Sea and China*, Martinus Nijhoff Publishers, 2006, The Netherlands, p. 163.

cooperative strategy, divorce itself from past actions and develop trusting relations with the other claimant states of the SCS.

The successes of Japan's incrementalist approach and the prevalence of fear and mistrust in the SCS raise questions about the prospects for standalone top-down institutionalised maritime cooperation. The more advanced forms of maritime cooperation that developed between Japan and the littoral states of the SOM did not arise from a vacuum. Trusting relations encouraged their development. Japan's experiences suggest that cooperation comes first and serves as an effective means by which to build confidence and trust to support more advanced maritime cooperative initiatives. It is difficult to see how when commencing its maritime cooperation in the Straits in the late 1960s that Japan could persuade the littoral states to commit to an institution designed to address the more contentious security issues in which Japan was entrusted to help safeguard their interests. Sensitive to interference and inflictions on their sovereignty the littoral states stood opposed to cooperation on matters in which relative gains were potentially costly. The benefit of Japan's civilian led approach likewise casts doubt on the possibilities for top-down approaches independent of incrementalist efforts. High stakes issues that inevitably involve the participation of navies will likely come up against obstacles if mistrust characterises the respective actors' relations. Only after Japan had pursued basic forms of functional maritime cooperation was trust sufficient to support its more advanced and comprehensive maritime cooperative initiatives. The absence of formalised institutional and binding cooperative initiatives in the SCS also speaks to the need for such an evolutionary process. Top-down initiatives have failed to progress in the SCS under conditions of uncertainty and mistrust. The lack of progress on the proposed code of conduct in the SCS is evidence of the difficulties in devising such cooperative arrangements in the absence of effective building block measures and the subsequent development of confidence and trust.



Furthermore, the findings of this research propose that incrementalist approaches are more resilient than suggested by Hoffman. Despite Hoffman's contention that mutual cooperation is fragile, a few clumsy errors in the initial stages of Japan's maritime diplomacy in the SOM did not obstruct the development of cooperation and trust. Maritime cooperation for mutual gains was sustained even in light of some minor inconsistencies in Japan's behaviour. Japan's experiences are consistent with Zou Keyuan's suggestion that some functional matters are more sensitive to questions of sovereignty than others.<sup>1270</sup> Maritime cooperation for sea lane safety and security was resilient to minor inconsistencies and therefore effectively paved the way for more advanced forms of maritime cooperation in the Straits.

China's reluctance to commit to binding cooperative mechanisms casts further doubt on the possibilities for institutionalised cooperation in the absence of generalised trust. It has largely viewed such institutions as 'unequal treatise' that it has since sought to rectify.<sup>1271</sup> China's ambivalence to join the ARF and its hesitancy to commit to ASEAN led initiatives including the DOC and the proposed binding code of conduct demonstrate that China was not willing to concede power to institutions not under its control. Hence, though reluctant to participate in the ARF in which US influence could trump China's, it alternatively pursued institutional cooperation when it could command control as seen by its initiation of the SCO. As noted by Beeson, China's ability to potentially lead institutions in Southeast Asia is restricted both by its assertive actions in the SCS and the predominance of the US. China's assertiveness contributed to suspicions of the Southeast Asia states while US reassertion in the region made China reluctant to engage in multilateral institutions in which the US was involved.<sup>1272</sup> Without generalised trust amongst all states that make up this equation: China, the Southeast

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<sup>1270</sup> Zou Keyuan, 'Joint Development in the South China Sea: A New Approach', p. 102.

<sup>1271</sup> Ogden, 'The Approach of the Chinese Communists to the Study of International Law, State Sovereignty and the International System', p. 332.

<sup>1272</sup> Beeson, 'Can China Lead?', pp. 243-245.

Asian states and the US, maritime cooperation through multilateral institutions was unable to succeed.

#### **7.4: The Interaction of Material and Ideational factors and the Positive Role of Agency**

Critical turn theorists canvassed in Chapter 1 highlight the role of both material and ideational factors and in the formulation of states' interests and preferences. As suggested by Peter Katzenstein and Alexander Wendt, while material matters cannot be ignored, ideational factors also come to bear in the formulation of states' interests and preferences through individuals' and groups' agency.<sup>1273</sup> The co-constitutive nature of structure and agency is manifest in both Japan's and China's varied methods of maritime diplomacy between 1945 and 2009. The interaction of material and ideational factors and the role of agency determined their ability to acquire and operationalise the security dilemma sensibility.

In the first instance Japan's success in advancing maritime cooperation and trust with the littoral states of the SOM is attributable to its acquisition of the security dilemma sensibility. As prescribed, by Booth and Wheeler, this is the necessary precondition for cooperation. According to Booth and Wheeler, in order for cooperation to take place states must have 'the intention and capacity to perceive and respond to fear of others empathetically, and to see one's own behaviour as contributing to that fear.'<sup>1274</sup> Without acquiring the security dilemma sensibility states may be inclined to pursue strategies which provoke mistrust and initiate the security dilemma, contrary to cooperation and trust.

For Japan material and ideational factors coalesced to wholly support its acquisition of the security dilemma and its subsequent maritime cooperation in the SOM. Its geography, history and post-war restraints encouraged Japan to employ maritime diplomacy for the protection of its interests in Southeast Asia. Given its geographical distance from the Straits, Japan started

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<sup>1273</sup> Legro, 'Culture and Preferences in the International Cooperation Two-Step', 1996, pp. 118-119; Wendt, 'The agent-structure problem in international relations theory' p. 338.

<sup>1274</sup> Booth and Wheeler, *The Security Dilemma; Fear, Cooperation and Trust in World Politics*, p. 7.

from a vantage point. Notwithstanding its wartime legacy, the absence of commonly vexing questions of sovereignty gave the littoral states fewer reasons to be fearful of Japan's motivations in the SOM. Without territorial objectives, Japan could detach questions of sovereignty from its pursuits in the Straits. While the sovereignty of the littoral states raised questions regarding freedom of navigation this objective could be readily pursued through rather than at odds with cooperation. Following the joint declaration between Indonesia and Malaysia declaring the Straits to be their territorial waters, Japan learnt that attempts to impose any conditions on the Straits incited the concerns that had the greatest potential to limit its movement through the Straits. Japan's more conciliatory approach helped signal its benign intentions and ameliorate uncertainty and sovereignty sensitivities as obstacles in the way of its cooperation. Conceding leadership of its proposed cooperative mechanisms to the littoral states helped Japan demonstrate its sincere intention to seek cooperation for mutual rather than relative gains.

By virtue of its post-war circumstances Japan was predisposed to acquiring the security dilemma sensibility. Denied the right to re-develop its navy,<sup>1275</sup> Japan had to pursue an alternative path to its maritime security. Its limited operational capacity restricted its deployment outside of Japan's immediate maritime domain. Constitutional restrictions on the JMSDF further prohibited its employment for sea lane security in Southeast Asia. As the JMSDF was unable to venture into the SOM for security civilian channels of cooperation were necessarily utilised for these purposes. Security through the US quelled compulsions to the revise the constitution and seek to normalise Japan's security. In addition, the San Francisco system of US alliances and the US command over the JMSDF helped provide assurance that Japan would refrain from offensive strategies.

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<sup>1275</sup> Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, pp. 42-43.

The prevailing pacifist culture also supported Japan's renunciation of offensive strategies and its willingness to cooperate.<sup>1276</sup> Japan's post-war strategic culture was vastly different to that of the Empire. The input from Japanese civil society in the drafting of the pacifist constitution was reflective of the prevailing domestic anti-militarist and pacifist sentiments in the post-war culture.<sup>1277</sup> This culture was reflected not only amongst political elites who had direct insight into the strategic failings of Japan's expansionist policies but also the public which had suffered at the hands of the IJA and also from the post-occupation by the US forces. Cooperation was thus required for Japan's political security both as a means to respond to the pacifist culture and in stimulating post-war re-development. The exaltation of aggressive strategies was supplanted by a liberal internationalist agenda and a greater disposition for more conciliatory policies and cooperation. While Japan was restrained to take a normal path, the maintenance and consistency of its maritime diplomacy over time reflects the perpetuity of ideas of non-militarism and peaceful engagement in the international system. Even during times in which there was greater leeway for its normalisation, Japanese leaders appealed to the pacifist culture and constitution to continue to support Japan's functional and civilian led maritime cooperation. Conservative readings of the constitution were the primary *modus operandi* of these efforts.

Just as Japan's capacity and willingness to acquire the security dilemma sensibility determined the nature and success of its maritime diplomacy in Southeast Asia, China's inability to do so explains the weaknesses of its approach. While material and ideational factors informed the coalescence of interests and preferences which wholly supported Japan's maritime diplomacy, China's unique characteristics have informed a conflicting set of interests posing challenges to its acquisition of the security dilemma sensibility. As Beeson

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<sup>1276</sup> Lam Peng Er, *Japan's Peace Building Diplomacy in Asia*, Routledge, Oxon, 2009, pp. 1-11.

<sup>1277</sup> Peter J. Woolley, *Japan's Navy: Politics and Paradox, 1971-2000*, Lynne Rienner, Boulder, 2000, pp. 42-43.

suggests, China's re-emergence 'may prove to be *the* most important set of interconnected economic, political, social and strategic processes in the history of the planet.'<sup>1278</sup> For China the complex and at times contradictory nature of its transformation gave rise to the varying presence of material and ideational factors throughout this period of 1949 to 2009 and their complex interplay. This complexity precipitates varying behaviours on China's part as is manifested in its dual strategy and the inconsistency of the application of the delaying strategy in the SCS. Hence, when attempting to disaggregate the factors that explain the inconsistency in the application of China's delaying strategy and maritime cooperation, these factors must be assessed in periods of its engagement. It is the interplay of these factors at various times throughout this period of 1949 to 2014 which explains why China's political will oscillates between responsiveness to claimants' actions in the SCS and a more conciliatory and diplomatic approach that encouraged its commitment to maritime cooperative initiatives. Notwithstanding China's sincere intentions to pursue cooperation with SCS claimant states to support its ongoing economic development, these interests have stood in conflict with the management of its territorial objectives. Issues of territoriality are the most significant difference between Japan's and China's engagement in these two respective maritime spaces. China's unrelenting quest for the return of lost territories has taken priority over cooperation. China's geographical proximity to the SCS informed these claims from the onset of the PRC. Abutting the coast of China the SCS and the territories contained within were of great importance for China's defence and for food security. China's history reinforced the perceived importance of its offshore maritime territories a several of its imperial aggressors arrived by sea. As noted by China specialist David Scott having elevated the rhetoric of China's century of humiliation to help provide support for the CCP and its

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<sup>1278</sup> Beeson, 'Can China Lead?', p. 233.

domestic revolutionary policies cultivated China's countervailing self-image as the victim.<sup>1279</sup> As Callahan cogently argues, as the disputes in the SCS are framed within the discourse on the century of humiliation 'China thus starts off with a sense of victimisation not only from Euro-American imperialist powers but also from the successor states that are now its Asian neighbours.'<sup>1280</sup>

While these factors informed the initial intent to reclaim possession of offshore territories in the SCS these factors alone did not dictate assertive behaviours that saw the escalation of tensions from the mid-1980s. As seen in the initial application of the delaying strategy throughout Mao's time in power China was willing to set aside the issue of sovereignty and non-offensively pursue the requisition of territories along a long-term trajectory. Maintaining political security ranked the highest on its list of objectives; without which all additional objectives of the PRC, including the requisition of territories, would fail. After succeeding Mao, Deng was willing to maintain the delaying strategy both for regime security and for the benefits of cooperation. Prior to commencing its re-emergence at this early stage of China's modern history, political security rested upon the stabilisation of the domestic milieu for which its economic-re-development was paramount.

From the mid-1980s its behaviour in the SCS changed to a more escalatory strategy despite its expanding economic interests. The claimant states' taking of many of the land features in the Spratly group provided incentives for China's greater advancements in the area. China's planned development through the eastern sea zones gave greater priority to the SCS as the thoroughfare for its expanding maritime trade. The US predominance in the region and its acrimony with China over the issue of Taiwan exacerbated China's threat perceptions. The US commitment to Taiwan created ambiguity for China as to whether the US was committed

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<sup>1279</sup> Scott, *China Stands Up: The PRC and the International System*, pp. 12-13.

<sup>1280</sup> Callahan, *Contingent States: Greater China and Transnational Relations*, p. 65.

to the Shanghai Communiqué. However, when the race to occupy the Spratly Islands first began in the mid-1970s China was willing to continue to delay. China largely responded to the advancements made by others throughout the 1970s and early 1980s through diplomatic protests. As the path of development of China's maritime capabilities continued China's political will shifted to affirming a position for itself in the SCS. A stronger presence in the SCS was as a way of reclaiming its strength and would allow its access to marine resources. Armed service politics, particularly in the PLAN, contributed to this objective. As the Soviet Union imploded, the PLAN had an opportunity to assert a more dominant role in China's security apparatus.

Ideational factors as intervening variables heightened the perceived value of China's territories and the need to actively defend its claims. Nationalism and the way in which it resonated with sovereignty issues and historical legacies increased the value of China's claims in the SCS. It was after Deng came to power that nationalism assumed the space of the political ideologies of Mao. The evolving discourse on the century of humiliation domestically communicated an image of a strong state that under control of the CCP could ensure that foreign subjugation was a thing of the past. The influence of *realpolitik* in the PLA and its influence in key decision making bodies, particularly under Mao, could only have supported and helped maintain China's uncompromising territorial claims in the SCS.<sup>1281</sup> Leveraged for domestic political support, as China's century of humiliation came to inform its nationalism it was increasingly difficult for it to exercise the political will to relinquish the issue of sovereignty in favour of maritime cooperation.<sup>1282</sup> Setting aside the issue of sovereignty as a means to prioritise cooperation could incur costs in terms of regime maintenance. Competing territorial claims were thus now understood in the context of

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<sup>1281</sup> Christensen, 'Chinese Realpolitik', pp. 46-47; Joffe, 'The Chinese Army in Domestic Politics: Factors and Phases', pp. 11-12.

<sup>1282</sup> French, 'Narratives of Humiliation: Chinese and Japanese Strategic Culture', 19 April 2012; Ross, 'China's Naval Nationalism: Sources, Prospects, and the US Response', pp. 46-48.

China's ubiquitous nationalism. Due to the priority accorded to internal threats rational calculations caused China to rank internal threats above its external interests. This practice of 'omni-balancing' serves developing states to guard against the multitude of factors which affect their legitimacy. As Steven David explains, the greatest threats to political security in developing states arise internally. Rarely have governments of these states been ousted from power by external powers, however, many have fallen due to internal opposition. The characteristics of these governments, namely the concentration of wealth and power in the hands of few, make them particularly vulnerable. Accordingly, developing states 'sometimes protect themselves at the expense of the interests of the states.'<sup>1283</sup>

The concurrence of material factors in the late-1990s encouraged China's greater willingness to delay the reclamation its claims and pursue functional means of maritime cooperation. The US involvement in Taiwan and the showcasing of its overwhelming capabilities confirmed that it was best to refrain from using force in the area. While the threat of the US loomed in the background, the clarification of its treaty with the Philippines and the expanded presence in the SCS gave China greater confidence that China could ensure a more favourable outcome in functional cooperative agreements. Doubts regarding the enormous potential of hydrocarbon reserves reduced the incentive for the immediate conquest of territories and the active defence of competing maritime claims.<sup>1284</sup> These factors came together to help wind back the tit-for-tat dynamic as a result of which functional maritime cooperation was able to progress. Their salience, however, only existed momentarily.

China's ongoing re-emergence, underscored by its unprecedented economic development, further added to the complexity of factors that determined its ability to acquire the security dilemma sensibility as a function of political will. China's exponential economic growth and

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<sup>1283</sup> Steven David, 'Explaining Third World Alignment', *World Politics*, vol. 43, no. 2, January 1991, pp. 235-240.

<sup>1284</sup> Emmers, 'The De-escalation of the Spratly Dispute in Sino-Southeast Asian Relations', pp. 16-17.



the corresponding increase in its maritime capabilities gradually tipped the balance of power in the SCS and the region more broadly in its favour. As the scale of China's re-emergence increased from the mid-2000s so too did the concerns of both regional states and the US. China's rapid accumulation of power and influence evoked US concerns for the maintenance of the status quo causing it to reassert itself in the region. Therefore, despite confirmation from the US that its treaty with the Philippines did not cover its claims in the SCS, these disputes existed in a broader geostrategic environment in which China and the US were increasingly shaping up as strategic competitors. China's own fearfulness for foreign interference made it difficult to be empathetic towards others' position in the SCS. China's re-emergence posed greater challenges for regime maintenance for which nationalism remained a valuable source. The added complications of regime maintenance, in turn, posed challenges for China in exercising the political will to effectively shelve the issue of sovereignty for the benefits of cooperation.

As China specialist Susan Shirk explains, while 'it would seem that China's growing economic ties with its neighbours would motivate it to avoid conflict...examples of a newly assertive China abound.'<sup>1285</sup> According to Shirk this apparent contradiction speaks to the views of the public and its expectation that a rising China will use its increasing power and strength to take a firm stand towards China's territorial claims. In making this argument Shirk refers to a poll conducted by Pew Global Research in 2008 which Chinese citizens were asked how the state's economic power ranked in comparison to the US. The findings of this poll reveal that the majority of respondents likened China's economic power to the US. According to Shirk a sense of economic parity with the US is what has caused Chinese citizens to demand a tougher approach to protecting China's territorial claims.<sup>1286</sup> Additional

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<sup>1285</sup> Susan L. Shirk, 'Can China's Political System Sustain its Peaceful Rise?', Policy Brief, Institute on Global Conflict and Cooperation, April 2013, p. 1.

<sup>1286</sup> Shirk, 'Can China's Political System Sustain its Peaceful Rise?', p. 2.

polls conducted by Pew on citizens' attitudes reveal that while the overwhelming majority are satisfied with China's economic performance they still harbour concerns for rising inflation, increasing inequality and corruption. Appeasing the public in terms of China's approach to its territories may be seen by the CCP as way of offsetting these concerns to maintain political legitimacy.<sup>1287</sup> The added difficulties associated with China re-emergence reinforced the value of the maritime claims and assertions towards its claims. The perpetuity of the corresponding tit-for-tat dynamic reflexively continued to constrain China's willingness to acquire the security dilemma sensibility. Consequently, functional maritime cooperation in the SCS remained insufficient and tensions continued to escalate with significant consequences for good order at sea.

#### **7.5: The Application of Japan's Maritime Diplomacy in the East China Sea and the Takeshima Island Group**

While the SCS remains to be of concern to regional maritime security analysts, the ECS has more recently garnered their attention. The escalation of the longstanding disputes in the ECS from 2005 onwards brought the issue to the fore of regional assessments.<sup>1288</sup> Japan has not been the same exponent of maritime cooperation that we have seen in the SOM as it remains engaged in an embittered dispute with China over ownership of the land features and rights to surrounding waters. Whereas, Japan's maritime diplomacy in the SOM stands in contrast to China's in the SCS the application of its maritime diplomacy in the ECS bears closer resemblance. Assessments of the ongoing disputes in the ECS depict a strategy pursued on behalf of Japan with similar characteristics to China's strategy in the SCS and ECS. Japan's strategy in the ECS is analogous with China's 'Janus-like strategy as seen in the SCS and ECS. As indicated in Chapter 3 under the guidance of Japan's dual hedging its cooperative endeavours were mainly directed at Southeast Asia. While material and ideational factors

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<sup>1287</sup> Pew Global Research, 'The Pew Global Attitudes Project', 22 July 2008, pp. 15-16.

<sup>1288</sup> James Manicom, 'The interaction of material and ideational factors in the East China Sea dispute: impact on future dispute management', *Global Change, Peace and Security*, vol. 20, no. 3, October 2008, p. 375.

came together to support its maritime diplomacy in the SOM, as these variables are subject to change, they do not manifest in the same way for Japan in the ECS. For Japan, the potency of these factors combined has made it difficult to relinquish questions of sovereignty relating to the ECS in favour of functional efforts.

As Manicom explains, the interaction of material and ideational factors give sovereignty issues their weight in the ECS and create difficulties in the way of maritime cooperation. According to Manicom, it is the interplay of resources and nationalism that has encouraged both China's and Japan's more uncompromising behaviour.<sup>1289</sup> As is the case for China in the SCS, the geographical proximity and strategic value of the islands further adds to Japan's understanding and application of sovereignty. Unlike its relationship to the SOM, in the ECS Japan does not have the same advantage of geographical distance. Located off its coast, Japan's maritime territorial claims in the ECS present it with the same difficulties in the way of maritime cooperation that China encounters off its southern coast. As discussed in Chapter 3 the islands of the ECS are integral to Japan's defence.<sup>1290</sup> Their strategic value is heightened as part of the broader geostrategic rivalry shaping up between the two states in the region. Japan's perception of the China threat was explicitly presented in its 2014 Defense White paper where it referred to China's expanding presence in the East and South China Seas as a threat to regional stability.<sup>1291</sup> The US has made it clear in repeated assertions that the alliance applies to Japan's territories in the ECS.<sup>1292</sup> Perhaps more subtly, Japan cites the need to 'encourage China to play a responsible and constructive role in regional stability and prosperity, and to adhere to international norms of behavior [sic]' in its 2014 Defense White

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<sup>1289</sup> Manicom, 'The interaction of material and ideational factors in the East China Sea dispute: impact on future dispute management', throughout.

<sup>1290</sup> Euan Graham, 'Abe's Defence Policy: Leveraging the 'Senkaku Effect'', *RSIS Commentaries*, 8 February 2013, p. 2.

<sup>1291</sup> Ministry of Defense Japan, *Defense of Japan 2014*, Chapter 1 (throughout).

<sup>1292</sup> Wu Xinbo, 'America Should Step Back from the East China Sea Dispute', *The New York Times*, 23 April 2014, <[http://www.nytimes.com/2014/04/24/opinion/america-should-step-back-from-the-east-china-sea-dispute.html?\\_r=0](http://www.nytimes.com/2014/04/24/opinion/america-should-step-back-from-the-east-china-sea-dispute.html?_r=0)> accessed 12 July 2015.

Paper as a reason for which Japan has sought to strengthen the US alliance. In this document it was also stated that Japan would augment the provision of the alliance with its expanded maritime cooperation with other US alliance partners, namely Australia, in the Cobra Gold joint training exercises.<sup>1293</sup>

Japanese nationalism has served to elevate the issue to a political objective from which it is increasingly difficult for leaders to back away. Manicom's detailed examination of the evolution of the disputes in the ECS from the late 1960s through to the contemporary period highlights the role of nationalism in Japan's contemporary policy towards the disputes. Just as the breakdown in the 2004 reciprocal commitment to refrain from responding to nationalist provocations

suggests that Beijing is no longer willing or able to downplay or ignore nationalist sentiment...[similarly] the erosion of this consensus may also be attributed to the fact that...the anti-Chinese sentiment exhibited by Japanese conservatives, particularly as it relates to the maritime realm, has become a widespread sentiment across the Japanese government and public.<sup>1294</sup>

Keen observers of Japanese politics suggest that nationalism has been on the rise in recent years. In 2012, right-wing Japanese nationalists publicly protested *en masse* China's push into the ECS.<sup>1295</sup> The rise of the revisionist in Japan as seen by the re-election of Shinzo Abe in December 2012 further emboldened nationalist groups. The Abe government's more assertive stance towards China's activities on the ECS was not only popular amongst members of nationalist groups but also amongst the general constituency. In 2012 the Tokyo Governor General, Ishihara Shintaro, established a fund to raise public money to purchase the

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<sup>1293</sup> Ministry of Defense Japan, *Defense of Japan* 2014, pp. 237-239.

<sup>1294</sup> Manicom, *Bridging Troubled Waters: China, Japan, and Maritime Order in the East China Sea*, p. 60.

<sup>1295</sup> Michiyo Nakamoto and Mure Dickie, 'China protests spur Japanese nationalists', *The Financial Times*, 21 September, 2012, <<http://www.ft.com/intl/cms/s/0/09680884-03a2-11e2-bad2-00144feabdc0.html#axzz2psLpRTOM>> accessed 7 January 2014.

privately held islands in the Senkaku/Diaoyu island chain. The idea was first made public in April in a speech delivered by Ishihara at a prominent conservative think-tank in the US. As a marker of domestic support, funds were quickly received from the public for the purchase of the islands, totalling 1.4 billion by July.<sup>1296</sup> Public support for Japan's territorial claims was subsequently leveraged upon by Abe's government to support Japan's normalisation. Abe's proponents gave greater priority to the revisionist agenda as a means to forge a greater role for Japan on the global stage.<sup>1297</sup>

As a way of advancing indisputable claims Japan refutes that they are engaged in a dispute over ownership of the island.<sup>1298</sup> However, in essence Japan acknowledges the disputes in its responsiveness to China's own efforts to advance its claims in the area. In November 2013, China announced that it had implemented an ADIZ covering disputed areas in the ECS. China's announcement of its ADIZ followed a joint statement made by Japan, the US and Australia at a trilateral dialogue in held in Bali on the sideline of the APEC summit opposing 'coercive or unilateral action' in the ECS. China replied with indignation claiming alliance relations should not serve as an 'excuse to interfere in territorial disputes'.<sup>1299</sup> As both states have increased their presence in the area hostile encounters between the PLAN and the JMSDF and JCG in the disputed have been commonly reported in the media.<sup>1300</sup>

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<sup>1296</sup> James Manicom, 'Why Nationalism is Driving China and Japan Apart', *The Diplomat*, 3 August, 2012, <<http://thediplomat.com/2012/08/why-nationalism-is-driving-china-and-japan-apart/1/>> accessed 7 January 2014.

<sup>1297</sup> Yuka Hayashi, 'Tensions With China Shoring Up Japanese Prime Minister's Push to Build Up Military Capability', *The Wall Street Journal*, 29 November, 2013, <<http://online.wsj.com/news/articles/SB10001424052702303562904579227763685027266>> accessed 7 January 2013.

<sup>1298</sup> Mark J. Valencia, 'The East China Sea Disputes: History, Status, and Ways Forward', *Asian Perspective*, no. 38, 2014, p. 183.

<sup>1299</sup> Author not supplied, 'China warns, U.S., Japan, Australia not to gang up in sea disputes', *Reuters*, 6 October 2013, <<http://www.reuters.com/article/2013/10/07/us-asia-southchinasea-china-idUSBRE99602220131007>> accessed 6 November 2014.

<sup>1300</sup> Simon Tisdall, 'Is Shinzo Abe's 'new nationalism' a throwback to Japanese imperialism', *The Guardian*, 27 November 2013, <<http://www.theguardian.com/world/2013/nov/27/japan-new-nationalism-imperialism-shinzo-abe>> accessed 10 December 2013.

As is the case for it in the SCS, China's political objective to reclaim lost territories in the ECS is encouraged by nationalism with distinctly anti-Japanese characteristics. IR scholar Shogo Suzuki suggests that Japan has played a prominent role in China's national identity and its sense of victimhood that political leaders cannot ignore. According to Suzuki, negative images of Japan and its imperialist past are 'deeply embedded' in the memories of Chinese.<sup>1301</sup> Others suggest, however, that leaders have manipulated these experiential legacies as a means to galvanise political support.<sup>1302</sup>

Misgivings towards the US-Japan alliance have encouraged China's efforts to extend its presence in the ECS. Historical memories and nationalist sentiments are exacerbated by the increasingly competitive geostrategic environment, and in particular efforts to bolster the US-Japan Security alliance. China has viewed the strengthening of the US alliance structure as a containment strategy,<sup>1303</sup> reminiscent of 'the outdated thinking from the age of the Cold War and zero-sum game' which it denounces.<sup>1304</sup>

The mutual two-way problem that exists for China in the SCS resonates for Japan in the ECS. The tit-for-tat dynamic contributes to a two-way trust deficit that plays to the key factors which inform both parties' efforts to advance their claims. China's greater efforts to extend its power into the ECS have further increased both the material and ideational incentives for Japan's active defence in the area.<sup>1305</sup> The ongoing reactive advancement of claims undermines functional cooperation let alone more advanced forms for which a greater degree of trust is required.

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<sup>1301</sup> Shogo Suzuki, 'The importance of 'Othering' in China's national identity: Sino-Japanese relations as a stage of identity conflict', *The Pacific Review*, vol. 20, no. 1, March 2007, pp. 23-24.

<sup>1302</sup> Eric Beukel, 'Popular Nationalism in China and the Sino-Japanese Relationship', *DIIS*, DIIS Report, January 2007, pp. 10-11.

<sup>1303</sup> Benjamin Kang Lim, 'China accuses U.S. of containment strategy', *Reuters*, 11 December 2014, <[http://www.tibet.ca/en/library/wtn/archive/old?y=1995&m=12&p=11\\_2](http://www.tibet.ca/en/library/wtn/archive/old?y=1995&m=12&p=11_2)> accessed 7 July 2015.

<sup>1304</sup> Xi Jinping, 'New Asian Security Concept For New Progress in Security Cooperation', Remarks at the Fourth Summit of the Conference of Interaction and Confidence Building Measures in Asia, 21 May 2014.

<sup>1305</sup> Ken Jimbo, 'The Japan-China Feud in the East China Sea: A Better Scheme for Status-Quo Management?', *NBR Commentaries*, 19 November 2013, pp. 1-2.

Both sides have promoted maritime cooperation at the same time that they sustained efforts to advance and consolidate their claims in the area.<sup>1306</sup> Yet, the ongoing active competition over territories has derailed progress made towards cooperation. As maritime security expert Mark Valencia explains, responsive to nationalist criticisms, China reneged on its commitment to jointly develop the Longjiang/Asunao gas field in the disputed area of the ECS. Following the signing of the agreement in April 2007 public criticisms were presented on the Chinese internet and in the Hong Kong media and protests took place outside the Japanese embassy in Beijing. After official attempts to support the agreement were made by Hu Jintao, who took his defence to a popular internet chat room, and vice foreign minister Wu Dawei, China returned to the unilateral exploration activities. Likewise, the Japanese government did little to stop Teikoku Oil and Nippon Oil Corporation, previously granted the right to explore in the disputed area, from continuing preparations for development in this same area.<sup>1307</sup>

Material and ideational factors similarly interact to encourage the tit-for-tat behaviour between Japan and South Korea towards the Takeshima islands. Since the mid-2000s the worsening dispute over these uninhabitable islands has strained relations. The disputes began to escalate in 2004 when South Korea issued postal stamps with an illustration of the Tokdo islands.<sup>1308</sup> Japan protested the move, claiming it to be in violation of the Universal Postal Union that espoused ascribed cooperation.<sup>1309</sup> Japanese nationalists responded by attempting to sail to the islands. Subsequently, rallies were organised by such nationalist groups. The declaration of 'Takeshima Day' in 2005 did nothing to quell the tensions after which protests broke out in South Korea. Their actions were tacitly supported by government condemnation of Japan's actions. Japan returned the provocations when in 2006 South Korea undertook

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<sup>1306</sup> Blanchard, 'The U.S Role in the Sino-Japanese Dispute over the Diaoyu (Senkaku) Islands, 1945-1971', p. 99.

<sup>1307</sup> Valencia, 'The East China Sea Disputes: History, Status, and Ways Forward', pp. 191-193.

<sup>1308</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Resources', p. 13.

<sup>1309</sup> Sean Fern, 'Tokdo or Takeshima? The International Law of Territorial Acquisition in the Japan-Korea Island Dispute', *Stanford Journal of East Asian Affairs*, vol. 5 no. 1, 1995, p. 79.

surveying activities in the disputed area.<sup>1310</sup> South Korea was similarly responsive to the inclusion of the Takeshima islands in Japan's official curriculum in 2008, withdrawing its ambassador from Tokyo.<sup>1311</sup>

As argued by Emmers, while the islands do not hold the same strategic value as those in the ECS, nationalism and resource issues have worked in a mutually reinforcing manner to escalate the disputes. The rise in Japanese nationalism has encouraged a more active defence policy, as it has sought to revise constraints on the constitution to allow for greater operational capabilities. This has been applied across all areas of Japan's maritime security including the Takeshima disputes. Nationalism, however, is a greater determinant of South Korea's behaviour towards the maritime disputes. Anti-Japanese characteristics give potency to nationalism in the escalation of the disputes. These nationalistic sentiments are predicated on Japan's wartime legacy; exacerbated by leaders' visits to the Yasukuni Shrine. The resource potential of the waters of the Sea of Japan/East Sea gives greater value to the maritime disputes. Fish stocks and prospective gas reserves may help to improve these states' food and energy security.<sup>1312</sup>

However, the potential for maritime cooperation towards the joint exploration and development of living and non-living resources is hampered by these interlocking factors. As Emmers explains, rather than work to ameliorate the disputes the fervency of nationalism has determined the resource issue to be divisive. Japan has further exacerbated such nationalistic forces and the disputes themselves by 'focusing on the resource dimension while omitting the historical legacy of the conflict.' It was in this climate that the 2006 agreement to halt unilateral surveying activities in the disputed area evoked popular nationalism in South Korea

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<sup>1310</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Resources', pp. 14-16.

<sup>1311</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Resources', pp. 13-17.

<sup>1312</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Resources', p. 19.



an incited criticism of the government that it was enabling the a repeat of Japan's past exploitation.<sup>1313</sup> While increased opportunities for their maritime cooperation present themselves, Japan's and South Korea's willingness and ability to do so is dampened by the continuing dynamic in this area as it reinforces those factors which compels their more competitive behaviour. Grounds for cooperation presented common concern for North Korea's nuclear program and belligerency and shared interests in the US alliance system is overshadowed by the ongoing hostilities between Japan and South Korea over the disputes islands. Only once the issue of sovereignty is set aside so as not to overwhelm their relationship can maritime cooperation progress.

## Conclusion

From the post-war period to 2014 Japan has helped initiate and establish a number of maritime cooperative measures in the SOM. The success of Japan's cooperative strategy in the SOM corresponds with the road map for an incrementalist approach to maritime cooperation as presented in Chapters 1 and 2. The potential for mutual gains in navigational safety provided confidence for early initiatives. Civilian channels, including the MSC and the JCG were effective vehicles for Japan's non-threatening initiatives. Japan's remarkable post-war economic re-development and the security guarantee of the alliance enabled it to provide finance for its maritime cooperation in the SOM. Over a period of more than four decades Japan consistently pursued non-threatening functional issues for its maritime cooperation, providing 'building blocks' for successive efforts. Consequently, over time these initiatives have developed incrementally and involved more comprehensive levels of cooperation, predicated on confidence and strategic trust which has come to bear through its functional and reciprocal maritime cooperation. Japan's iterated functional maritime cooperation gave the littoral states greater reason to trust its intentions and helped create enduring frameworks

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<sup>1313</sup> Emmers, 'Japan-Korea Relations and the Tokdo/Takeshima Dispute: The Interplay of Nationalism and Resources', p. 16.

for maritime cooperation in the SOM and wider region. Japan's 'building block' approach was wholly supported by material and ideational factors. Japan's geographical distance, post-war restraints and pacifist culture enabled it to relinquish the issue of sovereignty in favour of functional maritime cooperation in the SOM. Japan's successes rest upon its acquisition of the security dilemma sensibility. Having learnt from the consequences it suffered as a result of its defeat, Japan was careful not to provoke memories of its past aggression. Japan's adoption of these crucial elements was wholly supported by material and ideational factors of the times. While Japan's geography and post-war circumstances facilitated this approach it was also a decisive pursuit on behalf of post-war Japanese leaders.

The complexity of factors that Japan had to contend with were, however, very different to those with which China had to deal. Japan's geography, economic capacity, pacifist culture and the guarantee of the alliance enabled the acquisition of the security dilemma sensibility and the execution of its maritime cooperative strategy in the SOM. For China the varying presence and complex interplay of its material and ideational influences produced dispersive effects and complicated its willingness to pursue functional maritime cooperation. Resultantly, China's maritime cooperative strategy in the SCS did not bear the same characteristics or the same outcome. Geography and history set the precedent for China's 'indisputable' maritime territorial claims in the SCS. The tit-for-tat dynamic in the SCS heightened the priority China accorded to the re-possession of these territories. As China's re-emergence catapulted it into the international system the domestic pressure to translate its economic wealth into influence deterred its willingness to back down from this two-way dynamic. Push back from the US against the inevitable expansion of China's power and influence increased domestic expectations that it would fulfil its nationalist agenda.

Under these circumstances the best China could do was delay the objective of reclaiming its lost territories in the SCS. Despite Fravel's observations, that it is not China's intention to

escalate the disputes, it may be that some would observe China's delaying strategy as a no loss policy from which China is not willing to back down. Variances in China's behaviour contribute to understandings that cooperation is not pursued for mutual but for relative gains, yet on a longer term trajectory. Notwithstanding the identification of China's perhaps even prime role in the two-way trust deficit, in establishing that many of China's problems and difficulties in operationalising its functional maritime cooperation stem from a two-way dynamic, then blame nor responsibility rests solely with China. The Southeast Asian claimant states have a role in ameliorating the conditions that incentivise reactionary dynamics by the moderation of their own behaviour. What is more, as the tensions in the SCS are a manifestation of a broader geostrategic dynamic in which the US presence plays a key role, responsibility for the escalation of tensions in the SCS also reside with it. Although conditions of mistrust make it difficult for China and the claimants to set aside and pursue cooperation, identifying the function of political will means the dynamic is not intractable and conflict is not fatalistic. Japan's experiences in the SOM tell us that trust is best developed through functional cooperation rather than in lieu of. However, comparable to China in the SCS, for reasons of proximal geography and coalescing nationalism Japan has struggled to adopt this sensibility in the ECS and Takeshima/Tokdo disputes. Here Japan too has a role in attenuating the two-way dynamic to better allow for functional cooperation and trust to emerge.

## **Conclusion: Lessons for Maritime Cooperation**

Maritime cooperation in Southeast Asia is insufficient to guard against the escalation of strategic competitions and the presence of numerous non-traditional security challenges. Nowhere is this more evident than in the SCS where maritime order is tenuous at best. These deficiencies in maritime cooperation correspond with deficiencies in trust. Uncertainty caused by structural conditions creates a tendency for self-help security strategies. Relative gains strategies reinforce concerns of possible exploitation and hence often encourage likeminded responses. Based on their structural accounts of the security dilemma some International Relations scholars canvassed in Chapter 1 consider this dynamic to be an inescapable condition of the international system. Those who understand that in the international system gains for some necessarily constitute losses for others, consider trust to be elusive. Subsequently, scholars including Hoffman suggest that cooperation is fragile and is best assured through top-down institutions in which defection can be met with punishment. Yet, cooperative mechanisms based on mistrust are illusory. The difficulties in reaching agreement on a COC in the SCS raise questions about how formalised cooperative measures can develop under conditions of mistrust.

As demonstrated in Chapter 2 sovereignty sensitivities have been the greatest obstacle to maritime cooperation in Southeast Asia. The history of maritime cooperation in Southeast Asia, however, demonstrates that functional maritime cooperation helps alleviate mistrust and therefore precedes more advanced forms of maritime cooperation. It is through sustained and consistent pursuit of reciprocal functional maritime cooperation that trust evolves from which more advanced mechanisms may develop. In this region, with a history of a foreign subjugation, there has been a distinctive preference towards bottom-up approaches to maritime cooperation. Conversely, Southeast Asian states have largely rejected extra-regional states' efforts to promote top-down maritime cooperative arrangements reminiscent of the

hierarchical relations which preceded their independence. This preference for less formalised cooperative mechanisms is more broadly reflected in the proliferation of institutions that have evolved in the region. Many of these institutions have subsequently taken up the cause of maritime cooperation to secure states' convergent interests. These have proven more amenable to respond to the sovereignty sensitivities which characterise the region. Existing frameworks for maritime cooperation, namely those led by ASEAN, however, remain stagnant as sovereignty sensitivities stand in the way of their progress. Unresolved maritime boundaries and territorial disputes heighten states' fears that cooperation may be exploited. Yet as is suggested by maritime security experts presented in Chapter 2 sovereignty sensitivities are not insurmountable obstacles in the way of functional maritime cooperation. According to these experts states may navigate these obstacles by observing their recommendations for a scaled and incremental approach to maritime cooperation pursued through civilian channels. Japan's experiences in the SOM demonstrate how states may observe these recommendations to operationalise maritime cooperation in Southeast Asia in accordance with these principles.

Markedly contrasted to the behaviour of the Empire, Japan's post-war engagement in maritime Southeast Asia from 1945 to 2014 has largely been a source of safety and security. As shown in Chapter 3 the peculiarities of Japan's post-war situation supported the development of its diplomatic maritime strategy. Constrained in its ability to pursue the path of a normal state, functional maritime cooperation supplemented the security provisions of the US alliance as the basis of Japan's dual hedging maritime strategy. While the alliance provided for Japan's immediate security, cooperation with its maritime neighbours and the Southeast Asian states was pursued to help ensure mutual interests in the development and protection of marine resources and sea lane security and to provide a peaceful regional environment. Its post-war economic miracle put Japan in good stead to foster positive

relations with these states. Its commitment to the alliance and its cooperative agenda were carefully balanced through conservative interpretations of the constitution. The resultant low-profile posture of the JMSDF and the supplementary role of the JCG were designed to support Japan's efforts to construct an image consistent with the liberal internationalist principles it espoused. The fortitude of pacifism ensured that Japan's disposition for cooperation and safeguards on this strategy were maintained by successive governments. The mainstay of pacifism amongst political elites and the public and Japan's corresponding preference for cooperation were manifested in the continuity of foreign policy throughout this period.

Throughout the period of 1945 to 2014 Japan provided considerable assistance to Southeast Asian states both through bilateral channels and through the gradual and ongoing development of multilateral maritime cooperative frameworks. Initiatives to combat piracy were the bedrock of Japan's maritime cooperation in the SOM. Both private and public channels were used in the implementation of Japan's efforts. The JCG proved to be an effective vehicle for the delivery of such cooperative initiatives. The benign status of the JMSDF also served this strategy well, providing training to Indonesia and Malaysia. Reciprocated and consistently pursued over time, these CBMs paved the groundwork for the establishment of trust and more advanced forms of maritime cooperation. Less than six decades after the Imperial Japanese Navy declared its Co-Prosperity Sphere over Southeast Asia the JCG had begun joint exercises with its littoral states' counterparts. Moreover, Japan was credited with the creation of ReCAAP and the Cooperative Mechanism, each recognised as preeminent examples of maritime cooperation. Through the advancement of cooperation and the ensuing development of trust Japan was able to distance itself from its wartime legacy and garner a prized role for itself in the SOM. By virtue of its maritime cooperation in the Straits Japan has displaced its wartime legacy and positioned itself as the preferred extra-

regional facilitator of safety and security in this strategically and commercially vital waterway.

While this was not a smooth process for Japan, with momentary divergences along the way, its actions were generally consistent with its cooperative agenda. Its maritime diplomatic strategy was maintained and improved through hindsight; contributing to its potency. Japan's acquisition of the security dilemma sensibility encouraged it to pursue functional and civilian led mechanisms of maritime cooperation. Conscious of its wartime legacy Japan tried not to evoke memories of its mercantilist past. Subsequently, Japan focused its efforts towards non-threatening issues areas of common concern. Push-back from the littoral states in the early years saw Japan correct the weaknesses of its approach. Subsequently, Japan relinquished the issue of sovereignty and reserved the JMSDF for more diplomatic purposes.

The absence of territorial disputes in the SOM between Japan and the littoral states was an obvious advantage in acquiring and operationalising the security dilemma sensibility. While Japan's dual hedging strategy allowed it to effectively manage both its interests represented in the alliance and its maritime cooperative endeavours, China's dual maritime strategy, outlined in Chapter 5, reflected competing interests that were not easily reconciled. While China's own experiences of foreign subjugation made it sympathetic to the bottom-up approach to cooperation, history also encouraged China's reclamation of territories. Under the auspices of China's dual maritime strategy the benefits of cooperation were balanced against its offshore territorial objectives. Consequently, periods of cooperation were followed by a return to its 'boundary reinforcing' behaviour.

The paradox contained within China's 'Janus-like' maritime strategy was seen in the inconsistent application of the delaying strategy in the SCS examined in Chapter 6. The precedent of reclaiming China's lost territories in the SCS was first set during Mao's era

during which the precariousness of domestic political security gave value to this objective. Reforms carried out during the late Deng period expanded the potential for China's maritime diplomacy on mutually shared issues. Subsequently, China exercised greater flexibility towards its sovereignty and, in turn, cooperation. Despite China's greater willingness to pursue maritime cooperation at the same time it could not shy away from its maritime territorial objective in the SCS. Consequently, China chose to extend provisional functional cooperative measures, however, while simultaneously upholding its 'boundary reinforcing' behaviour towards its maritime sovereignty disputes. Proposals for joint development contained the clause of 'sovereignty is ours' due to which the other claimant states were unwilling to commit. The paradox contained within China's strategy and behaviour made it hard for the littoral states to perceive China as a true cooperative partner despite its intentions not to escalate the disputes. The perpetuity of the two-way trust deficit and corresponding tit-for-tat dynamic further obfuscated the prospects for maritime cooperation. As conditions of mistrust worsened, China's proposal for functional bilateral maritime cooperation, were largely rejected by the littoral states. China displayed a similar ambivalence towards small-scale functional initiatives put forward through multilateral institutions. Momentary improvements in cooperation were overwhelmed by the persistence of the two-way trust deficit, made more acute by China's re-emergence. Regional states' threat perceptions of China were made more pronounced as the balance of power in the SCS shifted in China's favour. Nationalism and the way in which it resonated on sovereignty issues and historical legacies made it difficult for China to commit to maritime cooperative initiatives. China's resounding fears of the US regional predominance reinforced the perceived need to remain firm on China's territorial objectives in the SCS. The influence of PLA hard-line voices may have further pronounced China's unrelenting stance towards its maritime claims. As such, progress towards functional cooperation and the COC stalled. Consequently, the tit-for-tat



dynamic in the SCS prevailed and maritime cooperation and trust remained elusive. In the absence of functional maritime cooperation more ambitious proposals for a binding COC failed to advance.

The comparative analysis of Japan's successes and the shortcomings of China's maritime cooperation in Southeast Asia contained in Chapter 7 reveal important differences in the approach taken by these respective states. Japan's ability to assume the role as the chief financier of safety and security in the SOM was integral to the littoral states willingness to accept its involvement in cooperation for safety and navigation and sea lane security. What is more, the application of Japan's maritime diplomacy in the SOM examined in Chapter 4 corresponds with the views of scholars canvassed in Chapter 1 who prescribe a 'building block' approach. Corroborating these views, the evolution of Japan's maritime cooperation in the Straits of Malacca was underwritten by the corresponding development of trust. Scale, civilian led mechanisms, and reciprocity and consistency over time were imperative to the success of this 'building block' approach to maritime cooperation. Japan's successful contribution to the construction of maritime cooperative frameworks in the Straits of Malacca was predicated on the interplay of these crucial elements.

Alternatively, the conspicuous absence of these elements in China's approach to maritime cooperation in the SCS explains the tit-for-tat dynamic and precariousness of peace and stability. The economic pressures related to China's developmental challenges inhibited its ability to finance functional cooperative initiatives as had Japan. The absence of a private and civilian capacity in which to act further restricted its functional maritime cooperation. Persisting sovereignty sensitivities hindered even the most seemingly benign functional areas, including marine scientific research, due to the possible strategic benefits. Similarly, China rejected multilateral frameworks for maritime cooperation due to the possible advantages for the littoral states. The ebb and flow of China's willingness to pursue cooperation contributed

to conditions of mistrust. In addition, having only commenced its maritime cooperation in the late Deng period time did not permit for the development of an incrementalist approach as it had for Japan. The continuity of the tit-for-tat and the vexing geostrategic environment post-2009, however, continues to deter both China's and the littoral states' willingness to relinquish the issue of sovereignty for the benefits of functional maritime cooperation. In promoting principles of functional maritime cooperation as a way of building confidence and trust it appears as though these states are sympathetic to each other's preference for bottom-up mechanisms. Yet, these sympathies are yet to translate into action. Consequently, institutional mechanisms have yet failed to advance maritime cooperation. Conditions of mistrust in the SCS have not provided a viable foundation for formalised and binding commitments that claimant states hope to achieve. As these conditions have worsened, the negotiations towards a COC have stalled.

From this comparative analysis of Japan's and China's maritime diplomacy in Southeast Asia we can see that it is the issue of sovereignty which primarily set these two states apart in these two respective spaces. For Japan, the coalescence of material and ideational factors supported its acquisition of the security dilemma sensibility. Its distant geography, security provided through the US alliance and pacifist culture all came together to maintain Japan's maritime cooperation over the period under study. Comparatively, China's circumstances created difficulties in the way of its maritime diplomacy. The PRC was not established until 1949. During its early years China remained focused internally as a consequence of which maritime capabilities were lacking and its diplomacy was largely absent in this space.

Its proximal geography, history of foreign interference and prevailing nationalist sentiments created difficulties in the way of its maritime diplomacy in Southeast Asia as these factors gave priority to its maritime claims and deterred its willingness to relinquish the issue of sovereignty and capitalise on opportunities for cooperation. The importance of the SCS for

both defence and resource needs; its historical legacies and sense of victimisation determined China's ongoing quest to reclaim territories and advance its maritime rights in the SCS. The difficulties associated with negotiating its re-emergence fuelled nationalist sentiments. The increased plurality and fragmentation of foreign policy decision makers and processes may have enabled a rise in those hard-line military voices and a diminution of those more moderate MOFA. China's economic successes produced a public more willing to criticise the government for the shortcomings of its policies. Increasing nationalism gave greater value to these claims as a basis from which to leverage political security. For as long as the territorial disputes remained a cause célèbre, maritime cooperation was epiphenomenal. Nationalism, however, was not solely impacted by internal factors. States competing efforts to advance their claims and machinations of US power in the broader geostrategic environment inflated nationalist forces. Hence, unlike for Japan, for China the difficulty in acquiring the security dilemma sensibility and operationalising functional cooperation was a mutual two-way problem. However, an examination of Japan's behaviour elsewhere in maritime East Asia indicates that it may be sympathetic to China's difficulties in the SCS. In the ECS and Takeshima/Tokdo disputes Japan is engaged in the same tit-for-tat dynamic seen in the SCS. Assessments of Japan's actions in these two spaces again reveal the mutually reinforcing influence of material and ideational factors on understandings and applications of sovereignty. Japan's geographical proximity, resource needs and nationalism similarly encourage its uncompromising stance towards its maritime claims in the ECS and Takeshima/Tokdo disputes.

### **Policy Recommendations**

Based on this comparative analysis of Japan's and China's experiences it is the author's contention that despite variances in states' circumstances and their amenability to cooperation, both regional and extra-regional states may exercise agency and decisively

expand upon the possibilities for maritime cooperation. As exhibited by Japan in the Straits of Malacca a functional 'building block' approach effectively advances maritime cooperation and builds trust. Hence, the possibilities for maritime cooperation in Southeast Asia extend beyond the current behaviours of states operating within this region. Despite the prevailing tensions in the region opportunities for cooperation exist that are yet to be realised. More pessimistic forecasts for the South China Sea may cite uncertainty and mistrust as irremediable obstacles to maritime cooperation. In examining both theoretical and empirical evidence, this thesis has argued against this purely rationalist logic. The role of agency and ideational factors in the formation of states identities, interests and preferences indicates that they are not incarcerated by material factors and the structures in which they operate but that cooperation may be decisively pursued to provide rules for the game.

Analyses of the intersubjectivity of factors upon which China's behaviour was predicated and the complex workings of the security dilemma in the SCS reveal that two-way dynamics require two-way solutions. As is the function of the security dilemma, the security dilemma sensibility is also a two-way street. Putting the issues of territoriality and sovereignty aside is what is required for cooperation and generalised trust to develop between China and the claimant states. The development of functional cooperation between the SOM littoral states with ongoing maritime disputes demonstrates that functional maritime cooperation can proceed under these conditions if the political will to remove issues of sovereignty from the fore exists. China's willingness to set aside the issue of sovereignty partly rests upon the littoral states own willingness to refrain from the behaviours that incite likeminded responses from China. The Philippines' and Vietnam's efforts to draw the US into the SCS cast the disputes into the broader geostrategic context in which resounding fears of the US and its perceived strategy of containment compel China to reassert its incontestable position not only to protect its claims but also to protect the greater objective of its sustained re-emergence.

Given that interests are not static but are subject to states' interactions at the systemic level, the moderation of nationalism, as a key driver behind the escalatory strategies of China and the littoral states, requires a moderation of policies pursued at the international level. In doing so, China and the littoral states need to all agree that they will not actively incite or respond to nationalist assertions towards the disputed claims in the SCS as was the case for China and Japan in the mid-2000s. Yet as states' relations and interactions in the SCS are situated within a wider geostrategic environment China's capacity to moderate its behaviour and the ideational factors which inform them similarly requires that the US apply caution with respect to how its actions may be perceived. Just as the unknown possibilities of China's continuing re-emergence incites fear in the minds of claimants states, the US predominance raises concerns for China regarding its willingness to accommodate its re-emergence. Consequently, the US must consider how its engagement in the SCS and the wider region contributes to China's more assertive strategies and how it may balance its objectives in maintaining the status quo against the need for regional maritime order.

Despite the potency of both material and ideational factors the role of agency signals choice and opportunity on behalf of all states to pursue cooperation as a trust building measure. Agency allows states' a choice in how they understand and manage the ideational factors which give value to material factors including sovereignty and proximal geography. These decisive efforts, however, must be organised to facilitate each states' ability to exercise political will free from the external restraints caused by their interactions. Based on these overall findings of this research China and Japan may again choose to moderate rather than embolden interest groups who seek to ensure the relevance of nationalism and a hard-line approach in their foreign policies towards one another as the first step towards reconstituting their relations. Moderating the influence of divisive forces would allow China and Japan greater scope to acquire the security dilemma sensibility as a prerequisite measure for a

bottom-up approach to maritime cooperation. In this sense, extra-regional states, notably the US, also have a role to play in expanding the prospects for functional bottom-up maritime cooperation in the SCS. Japan's and China's experiences in Southeast Asia reveal the importance of an incrementalist approach as the basis for more advanced forms of cooperation and the promotion of more trusting relations. Noteworthy examples of Japan's maritime cooperation in the SOM such as ReCAAP and the Cooperative Mechanism were predicated on several decades of small scale confidence and trust building efforts pursued consistently over time. The lack of progress towards joint development and the proposed COC in the SCS is further testament to the need for bottom-up approach to build trust and provide the basis for more advanced forms of maritime cooperation.

#### **Concluding Remarks: Prospects for Maritime Cooperation in Southeast Asia**

If capitalising on maritime cooperation becomes more difficult for all the reasons demonstrated in both states' experiences in Southeast Asia we must think about what can be done to arrest this trend. Modalities of cooperation can be considered so as to circumvent issues of sovereignty and the material and ideational factors that give them their value and increase states willingness to pursue such measures. Due to the political sensitivity of issues of sovereignty the public visibility of cooperation may deter a state's willingness to commit to measures that run contrary to nationalist fervour. Under these circumstances back channel diplomacy may be the best place for states to start. Paperless agreements to resist the temptation of nationalism and pursue cooperation on small-scale issues of mutual interest could reduce the perceived domestic political costs of a more concessionary approach. Furthermore, by 'lengthening the shadow of the future' and considering their relations in a longer term and iterative context states may reduce the temptation to pursue relative gains over others. Experiencing the benefits of functional maritime cooperation will help create the political will to openly resist nationalist assertions as tangible results will alter the cost

benefit calculus. If cooperation can then be framed as a means to secure states' national interests the possibilities for further measures will expand. In this sense the responsibility to capitalise on opportunities for maritime cooperation requires strong leadership that acknowledges that the security dilemma is not *a fait accompli* and that regional stability is crucial for states' individual and mutual prosperity. The sensitivity of cooperation in areas in which sovereignty sensitivities pervade states' thinking cannot be underestimated. States' preoccupation with sovereignty and territoriality make even the most seemingly benign functional issue areas sensitive to suspicions and fear of exploitation. In recognising the efficacy of bottom-up approaches to cooperation this thesis identifies that there are greater prospects for maritime cooperation and the evolution of trust in Southeast Asia than those currently realised. While the persistence of sovereignty sensitivities is a considerable impediment to maritime cooperation and the development of trust in Southeast Asia, these obstacles are not insurmountable. Maritime cooperation can proceed if the political will to commit to measures outweighs the perceived benefits of unilateral, winner-takes-all strategies. Rhetorical commitments to functional maritime cooperation suggest that opportunity exist, as states understand the associated benefits. However, the window of opportunity for maritime cooperation in areas in which tensions run high narrows with the increasing complexity and intersubjectivity of factors that informs states willingness to cooperate. Capitalising on the prospects for cooperation will only become more difficult the more pervasive factors of nationalism, geostrategic competitions and resource needs become in states thinking. The sooner that cooperation is given priority above incremental gains in the ongoing maritime disputes the greater chance of their success.

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