

New Geo-political order and Asean security

BA HAMZAH¹

The current US-Sino relations must be seen as part of long overdue process of a changing geopolitical world order since the end of WW 11 where the primacy of the United States of America as a military is being challenged as it can no longer dominate the world as it used to. In a new geopolitical order- Richard Haass calls it a world in disarray - one challenge to the regional security order is likely to come from China, the second largest economy in the world and a power that now dare say “no” to the United States.

The current US-Sino rivalry begins, in my view, when the US perceives China a threat to its primacy or pre-eminence in the region approximately a decade after China became a member of the WTO. Most scholars believed the WTO has expedited China’s economic rise. It is no secret that the US, after many years of resistance, finally allowed China to join the WTO in 2001. Even without the US help China would become a member of the WTO as two thirds of the WTO members were willing to vote China in.

In my view, the current trade spat between these two economic giants that together control 40 % of the global trade is very much the carry- over from US unhappiness with China’s restrictive domestic business policies. For example, China restricts US investments in sectors critical to US national security. The ballooning US trade deficits with China are troubling and led to the current trade war that benefits no one.

While both sides provide different figures, the amount is very large. The US cited a figure of \$375 billion in 2017 and now demanding that China reduces the deficit by \$20 billion over the next two years to avert retaliation. This target was not met. Hence, the US is pushing for China to do more by 2 March 2019 before another round of trade sanctions. Both sides have been digging in. China claims its trade surplus with the US was \$275.8 billion-a \$99.5 billion difference!

¹ BA HAMZAH, Lecturer, Department of Strategic Studies, National Defence University, Sg Besi Camp, 57000 Kuala Lumpur. Paper presented at Thailand NADI Track II Network of ASEAN Defence and Security Institutions (NADI), Chiang Mai, 25-28 February, 2019.

The ongoing trade spat is just a small manifestation of the larger concern in geopolitics-the power game. The end stake is the willingness of the US to share global power/global stage with China, an Asian power that has significant commercial influence in US traditional backyard of Africa and Latin America.

Trade spat aside, of greater concern is the geopolitical nature in the US-Sino relations and their influence on Asean security. Tensions are inevitable as the two contests for a position of influence. However, the two is not to go likely to go to war. Admittedly, the sound of drums of war is getting stronger by the day, yet the leaders on both sides remain friendly with each other.

Neo-cons like Graham Allison, John Mearsheimer and Steve Bennon who believe that the tense relationship can end in a military conflict. Graham Allison, in particular, quoting the Peloponnesian war, believes that China and the US may not be able to avert the "Thucydides Trap" that afflicted the Athenians and the Spartans in Roman times some 2500 years ago.

China is not likely to adopt polies that endanger its security as the Soviets during the Cold War era. Besides, in my view, a nuclear power China riding on strong nationalism and a feeling of victimization in the past is no pushover. I think a lot of people misjudge China's "craziness" when it comes to defending its regime identity. Look at what happened in the July 1989 Tiananmen incident when the political masters crushed their own people to uphold security. Some say the Tiananmen was necessary for regime survival. While a China that could kill its own people will have no qualms fighting a war against foreigners-the barbarians outside its gate. However, Beijing will only indulge in a war that it can win and in self-defence.

There are those entertaining thoughts that should a military confrontation takes place the US with its superior military might would be able to defeat China. These cynics fail to account for China's nuclear weapons in its military arsenal that could deliver a second- strike attack and could probably usher in the Armageddon. Even in the worst mad- case of the Thucydides Trap scenario, we can expect both sides massive destruction on both sides. True Sparta defeated Athens in the Peloponnesian war; both suffered devastatingly. Sparta was defeated by Philip of Macedonia not long after the war.

There is no doubt the US has overstayed the welcome and hospitality of some in the region. Some countries adopt a US coat-tail policy, hanging on to the US coat-tail as a security insurance against what they perceive to be an aggressive China. Some factors are worth noting: first, with the exception of its very limited incursions against Vietnam in 1974, 1979 and 1988 against Vietnam; China has not invaded any country in the region. The US fought a war in Vietnam for over ten years; the war happened during my life-time!! What did it get? It is still waging a proxy war in Iraq, Syria and Afghanistan that it could never win. The writing on the wall is very clear. Hence, it is pulling out of Syria and very soon Afghanistan.

Second, it is a given fact in international relations that no power lasted forever. Pax Romania, Pax Persia, Pax Britannia and other powerful nations, all of them wilted like blooming flowers after a while. Professor Norman Davies of Oxford did an extensive study on the history of vanquished kingdoms in Europe, he came one conclusion: that power is transient. In his book "Vanished Kingdoms: The History of Half- Forgotten Europe (Allen Lane, 2011)", he writes perceptively:

"Students of history need to be constantly reminded of the transience of power, for transience... is one of the fundamental characteristics both of the human condition and of the political order. All states and nations, however great, bloom for a season and are replaced."

It is unfortunate that the US, for all its greatness, has to end its blooming season by being a destructive power. No nation in the world has waged so many wars over so many continents, across the entire globe in the last one hundred years than the US. It is now time for the US to reboot itself, return home, take care of its economy and probably make America great again.

US reluctance to share hegemony in Asia Pacific (first with Japan, later the Soviet Union and now China) is the major source of political irritation with China. The US defeated Japan in WW 11 and rolled back the Soviet Union during the Cold War era thought that it could compel China to oblige its presence. China is at odds with the US policy over Taiwan, the South China Sea and its constant threats of trade wars as well as disagreements over how to resolve the impasse over the Korean peninsula, among other things. Of course, China is also upset with the US support for Japan over the Diaoyu/ Senkaku islands dispute and other allies in the region that Beijing perceives- rightly or wrongly- as ganging against China.

One of the complaints that US have against China is the policy of militarisation in the SCS and citing it as a violation of international law. The US has chided China for not complying with the decision of the International Tribunal in 2016 that was set up without the latter's consent to look into the complaints by the Philippines with regard to China's legal basis of maritime rights and entitlements in the South China Sea. The Philippines also asked the Tribunal to judge on the lawfulness of certain actions by China in the SCS. The Tribunal decided on 12 July in favour of the Philippines.

As expected, China-a non-party to the Arbitration- refused to comply mainly on the ground that the Tribunal lacks jurisdiction because the subject-matter before the Tribunal. Territorial sovereignty is beyond the concern of the Tribunal. The question is: does China's refusal to comply with the decision of the Tribunal constitute a violation of international law, state practice or international norms? Before condemning China let us examine state practice over this matter of non-compliance.

The US failed to appear before the ICJ in 1976 over the Nicaragua case. Washington also refused to pay reparations to Nicaragua when the Court found America guilty of mining the

ports in Nicaragua. There are two other cases when the US Courts refused to comply with the decisions of the ICJ. Albania refused to pay reparations to the UK for damages it inflicted on British Naval vessels in 1947, as ordered by the ICJ, in one of the most celebrated cases in international law (The Corfu Channel Case). In 2015, the Russian Federation refused to appear before ITLOS brought by the Netherlands. The case was over the legality of Russian seizure of a Netherlands- flagged vessel (Sunrise Arctic) belonging to the Greenpeace International. Similarly, Japan temporarily defied the ICJ ruling in 2014 to cease exploiting whaling in the Southern Sea-Antarctica-in the name of scientific research.

Clearly state practice on compliance with international decisions is patchy.

The US also failed to get the authorisation of the Security Council of the United Nations when it invaded Iraq in 2003. In 2017, the US under Donald Trump unilaterally fired 59 tomahawk missiles at a Syrian target without informing the Security Council. In April 2018, the US, France and Great Britain fired more than 100 missiles against targets in Syria, apparently in retaliation to Syria's use of nerve gas against its people.

The US has not ratified the 1982 UNCLOS-the most important international Treaty that deals with the rules at sea. Current status of UNCLOS: 168/14. US signed only the Implementation Agreement on the ISA in 1994,

The US is also not a member of The Rome Statute of the International Criminal Court (often referred to as the International Criminal Court Statute or the Rome Statute) the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome on 17 July 1998 and it entered into force on 1 July 2002.

Against the background of an uncertain world, we now have two major powers-the US and China-at odds with each other over trade and most importantly over power or geopolitics. The US views China as an irritant in its geopolitical relationship. Washington believes that China wants to displace US influence in the Asia Pacific region. The US is not happy with China's policy to undermine its traditional primacy or hegemony in the US.

To substantiate its claim the US points to China's "aggressive" policy towards Taiwan, Japan and its militarisation of the SCS. On the flip side, Beijing finds US policies in the Asia Pacific region as condescending and a total failure in adjusting to the new geopolitical order where China believes it has every right to assert. For China, Taiwan and the territories in the SCS are non-negotiable; Taiwan is a renegade province and its historical claim to the SCS is unchallenged although the arbitral tribunal constituted under Annex VII to the 1982 United Nations Convention on Law of the Sea between the Republic of the Philippines and the People's Republic of China ruled in July 2016 that China has "no historical rights" based on the "nine-dash line" map.

China did not participate in the Tribunal proceedings claiming that it has no jurisdiction to decide on this case. As expected, China not only ignored the ruling but it took steps to

convert seven features in the Spratlys into artificial islands complete with airstrips and Beijing also deployed its military on these features and others in the SCS that it has occupied since December 1974.

The most recent operation, the second to take place in the South China Sea (in 2019) was February 12, 2019 where two US Guided Missile vessels (*USS Spruance* and *USS Preble*) sailed within 12 nautical miles of Mischief reef. The transit follows last month's FON programme by *USS McCampbell*, and *USS Arleigh*.

In response to US constant violations of its "sovereignty" in the SCS, China deployed its medium range strategic bombers in the SCS on 14 May 2018. The H 6 K bombers have a range of about 3,500 kilometres-essentially putting the entire Southeast Asia and Japan within its range.

China's current policy in the South China Sea sea-seen by some as assertive- will not go unchallenged, though. However, China is not likely to withdraw from the SCS after investing heavily on the construction of artificial islands complete with airstrips and gun placements. China has also deployed missile batteries and building a resort at Woody Island that they promise to open to the public by early 2018.

Come what may, China is expected to defend the SCS against any intruder. I do not think China can be easily intimidated in the SCS.

China needs a strong military to challenge the US dominance. Currently, anyone who has studied Chinese military power knows, by all measures, China's military might have a lot of catching up to do. China is years behind the US in sea power terms. China's PLA (Navy), for example, is often erroneously described as a coastal Navy with a very limited strategic reach. Compared with the US that has more than one thousand naval, army and air facilities globally through a network of alliances, according to one China's Think Tank on maritime affairs, China's naval facility at Djibouti is no match. However, according to some, while China may lag the firepower of the US Navy, it has geographical advantages, especially in areas that matter most to Beijing: the South China Sea and the waters around Taiwan. In any short- of- war conflict scenario with the US, it is said that China has the capabilities to inflict serious damage on the US forces "making the US intervention in the region too costly for Washington to contemplate."

At US\$ 175 billion, China's defence expenditure for 2018 is miniscule compared with \$700 billion for US. Japan and India plan to boost up their military spending by \$45 billion and 46 billion respectively in the same year.

Many in the West view China's rise as destabilising. The contrary view is of a peaceful friendly China with deep pockets providing an economic life-support to many. Its easy money policy-when compared with other funding agencies-in dispensing capital and loans for investments and trade has been a boom to many cash-strapped third world countries.

Critics believe China that has a global reach could pose a challenge to the strategic interests of some status quo powers. The extensive Belt and Road Initiative is often cited as an example of China's soft power to transform the global economic landscape at the expense of the status quo powers like the US. China is expected to consolidate its soft and hard power influence beyond the region with recent decision in March 2018 to remove the two-term Presidential limit.

Given the uncertain geopolitical dynamics and uncertainty, states are hedging their future. States will react differently to new geopolitical nuances in support of their strategic interests. For example, Australia. Canberra has made very clear that it will honour the 1951 ANZUS Treaty with the US. Successive governments, in recent years, have made it very plain that Australia's national interests lie with the US defence of its seaborne trading routes. Quite clearly, in the Australian case, security overrides economic relations with China.

This is because in Canberra's view the US is a better provider of regional security. Historically, Australia has benefited immensely through its alliance with the US. However, there are dissenting views (Hugh White and the late Malcom Fraser, for example) urging Canberra to adopt a more balanced approach. In their view the US could not provide security guarantee to Australia, forever. Moreover, China is fast becoming an influential power in the region that Canberra can only ignore at its own peril.

Canberra has joined the United States, Japan, and India to form an informal security dialogue forum aimed at checking China's assertiveness in the region. The Quadrilateral Security Dialogue can be described as Canberra's policy of hedging against China. In other words, when push comes to shove, the present regime in Canberra will side with the US against China.

Other states have reacted to the new dynamics differently. Take the case of the Philippines, for example. President Duterte's non-confrontational policy towards China is quite straight forward. While Manila continues to uphold the 1951 Mutual Defence Treaty and the 2014 Enhanced Defence Cooperation Agreement (2014), President Duterte refused to put China on the spot following the 2016 Arbitral decision that disputed China's claim to the features in the SCS. According to the Tribunal, China has no historic basis to claim the disputed SCS and that the infamous 9-dash line that China published since 1947 has no basis under international law.

It was the Philippines that requested the International Tribunal to make a ruling on the validity under international law of China's nine-dash line and the legal status of features in the Spratly. However, China refused to participate in the proceedings it claimed politically motivated. Although the Tribunal rules that its decisions are binding, China just ignored them.

In my view, Manila has adopted a very practical approach towards China- preferring peace to confrontation. President Duterte's policy involves concerted efforts to foster closer relations with China, coupled with calculated moves to distance the Philippines from the

United States and US allies over the South China Sea disputes and other international issues. By offering an olive branch, President Duterte has appeased the dragon at the gate, hoping time will be on his side. At the same time, because of his peaceful overtures, he received economic benefits from China and a temporary agreement for Philippines fishermen to continue with their traditional fishing activities around the disputed Scarborough Reef.

Of course, the Philippines diplomatic relationship with China has seen its share of ups and downs. There were some tense moments following warnings from China's Coast Guard against Philippines' military aircraft and naval vessels from operating near China's occupied features in the disputed part of the sea that Philippines calls its West Sea.

Evidently, much as it welcomes investment and economic goodies from China, Manila has communicated to China certain red lines in the SCS that China should not cross. These include the construction of Chinese facilities on Scarborough Shoal, any attempt to remove the BRP Sierra Madre (a grounded ship that the Philippine Navy uses as a military outpost) from Second Thomas Shoal, any attempt to harass Filipino soldiers on resupply or repair missions, and unilateral exploitation of the SCS's natural resources.

It is not clear what Manila will do if China were to breach the redlines.

Vietnam's policy towards the US has changed since President Obama's visit to Hanoi in 2016 and the lifting of embargoes on sale of lethal weapons to Vietnam that have been in place since Vietnam war. Today, Vietnam not only receives military hardware from its once arch enemy but it has bought submarines from Russia. In this context, the United States regards Vietnam as a strategic partner in counter-balancing China's expansionism in the region. Similarly, Hanoi sees an opportunity to join forces with Washington over a common problem i.e., China.

Australia, Japan and South Korea are more likely to stick with the US should push comes to shove. Other states are more likely to pursue a more balanced policy towards the major rivals.

The current détente and rapprochement in the Korean Peninsula will be compromised should Pyongyang reactivate its nuclear weapon policy or when Seoul readopts a hard-line policy against the North to curry favour with the US with whom it has Treaty obligations i.e., the 1953 Mutual Defence Treaty. In the new geopolitical landscape, Seoul faces a prisoner's dilemma -how to develop an independent foreign policy that charts a new role for itself in Asia without undermining relationship with its long-time trusted ally, the US. Seoul's growing economic relationship with China and its policy of engagement towards North Korea is reportedly pulling away from the US.

Clearly, South Korean President Moon Jae-in and President Donald Trump do not see North Korea in the same way. Moon's primary goal is to pursue peace and reconciliation on the peninsula. President Trump wants a "final, fully verified denuclearization" policy of North Korea. There seems to be a disconnect between what President Moon wants and what President Trump aspires to achieve with his policy.

Further evidence of policy hedging against political uncertainty takes the form of military insurance. States in the region are rushing to rearm themselves. According to SIPRI, military spending in Asia and Oceania-which groups Southeast Asia with Australia and New Zealand-has reached \$US477 billion in 2017 making it the second largest region in terms of military spending in 2017. Five of the top fifteen largest global defence spenders are in this region: China (rank 2), India (rank 5), Japan (rank 8), South Korea (rank 10) and Australia (rank 13).

The largest relative increases in military spending between 2008 and 2017 were made by Cambodia (332 per cent), Bangladesh (123 per cent), Indonesia (122 per cent) and China (110 per cent). There were other significant increases (higher than 40 per cent, but less than 100 per cent) in Viet Nam, the Philippines, Kyrgyzstan, Myanmar, Pakistan, Nepal and India. Only five countries in Asia and Oceania, according to SIPRI, decreased spending over the decade: Timor-Leste, Afghanistan, Fiji, Malaysia and Brunei Darussalam.