

# The next best thing

By BARRY WAIN

A high-powered forum on the South China Sea in the Philippines this week might not have solved the complex sovereignty and jurisdictional disputes that make it one of the most intractable security problems in East Asia. But it did the next best thing.

It provided the setting for specialists from countries with claims in the South China Sea, as well as other regional stakeholders and major users, to examine the issue thoroughly and search for ways to not only ensure the peace but also to cooperate for mutual benefit.

The forum was organized by the Carlos P. Romulo Foundation for Peace and Development in collaboration with the Institute of Southeast Asian Studies in Singapore. It was held at the Manila Polo Club, Makati City, on Sunday and Monday.

As a track 2 gathering, it enabled participants, including government officials and others employed by government-linked bodies, to speak freely as individuals without representing their employers.

Among the speakers were some of the best known international experts on the South China Sea: Dr. Mark Valencia, an independent maritime policy analyst based in Honolulu; Dr.

Hasjim Djalal, a Special Advisor to Indonesia's Minister for Maritime Affairs and Fisheries; and Rodolfo C. Severino, Head of the ASEAN Studies Centre at Singapore's Institute of Southeast Asian Studies.

The conference took place against a background of recent incidents, especially between China and two Southeast Asian claimants, Vietnam and the Philippines. Those incidents have taken the form of confrontations at sea, the intimidation of major oil companies working in the area, threats of international legal action, protests and counter-protests and intemperate diplomatic exchanges.

One issue that surfaced early and repeatedly in discussions was a familiar one – the extent and meaning of China's claims. The Chinese government's reluctance to explain the nine-dash line on its maps, encompassing almost the entire South China Sea, worries not only other claimants but users who are concerned about freedom of navigation.

Mr. Severino told the forum that the four Southeast Asian claimants – Vietnam, the Philippines, Malaysia and Brunei – have clarified their claims. But China and Taiwan, whose claims are similar if not identical, have not.

It was no surprise that the Chinese participants, led by Chen Shiqiu, a retired ambassador, declined numerous invitations to explain the meaning of the line and clarify China's claims.

Some speakers who sympathized with China's position offered a benign interpretation. They said China might not be ready to explain the nine-dash line because Chinese authorities themselves have not reached a consensus on its meaning.

Others took heart that Beijing had recently said China claims all the territories inside the U-shaped line and "adjacent waters", indicating it was not laying historic claim to most of the waters of the South China Sea.

Still, skeptics pointed that there was no definition of "adjacent waters" forthcoming, and that the lack of clarity made it hard, if not impossible to proceed with the appealing idea of joint development.

The Chinese participants reiterated Beijing's long-held policy, that pending the resolution of the sovereignty disputes the claimants should set aside their claims and jointly exploit the resources, notably hydrocarbon deposits and fisheries.

But other participants declared joint development a non-starter while China remained ambiguous about the nine-dash line. As one speaker declared, "The first question with joint development is where it will take place, and until we know what areas are disputed, it can't get passed that starting point".

An informal consensus emerged that the best way forward lay with the ASEAN-China Declaration

on the Conduct of Parties in the South China Sea (DoC). Although the DoC was signed in 2002 and was never implemented, the agreement between the two sides this July on implementation guidelines offers fresh hope.

ASEAN aims to upgrade the DoC into a legally binding Code of Conduct, which might provide a framework for managing potential conflicts in the South China Sea.

China has suggested that the two sides engage first in joint functional activities and confidence building measures. Beijing has proposed a full agenda, consisting of marine scientific research and environmental protection, navigation safety and search and rescue, and combating transnational crime at sea.

A participant from a claimant country told the forum that the agreement on the DoC guidelines "sends a strong signal to the outside world" that ASEAN and China can manage the challenges in the South China Sea.

Urging the two sides to get moving on cooperative activity, he said, "It's time to stop arguing and start cooperating".

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