

Strengthening Maritime Cooperation in East Asia

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THE IMPORTANCE OF the maritime domain to the future development of East Asia requires no further emphasis in view of the widely heralded shift to the so-called “Asian Century.” The East Asian seas over the past centuries have underwritten the existence and prosperity of the littoral countries and beyond. However, the unresolved territorial and maritime disputes, together with the intermittent escalation of tensions, represent an ongoing and potentially destabilizing factor for the future of the region.

In addition, there are a number of ongoing maritime problems that demand greater attention from the littoral states, including issues such as crime and other illegal activities that complicate the challenge of ensuring good order at sea and impact the safety and security of the region.¹ Furthermore, the ineffective management of resources and transnational pollution, which have deep-seated and long-term consequences, pose a further silent threat.

In light of rapid regional integration and the acclaimed strategic ascendancy of East Asia, should ASEAN and Japan allow the status quo to continue, maintaining a less-than-holistic approach to cooperation in their seas and remaining constrained by the political construct of a separate Northeast and Southeast Asia? This chapter explores the reasons why a stronger approach is needed in handling maritime issues in East Asia. Next, it identifies the main trends associated with the topic in order to provide an overview of what countries perceive as issues of special concern. The efficacy of existing mechanisms and processes in addressing maritime problems and promoting cooperation are evaluated, offering insight into potential avenues for ASEAN-Japan cooperation on this matter.

STRATEGIC RATIONALE

To begin, let us first delineate the area of focus in this chapter. The relevant waters of East Asia are categorized as “semi-enclosed seas.” This implies that the policies and actions of a state with respect to its offshore area will have direct consequences for other littoral states.² These marine ecosystems—especially the quality of their biodiversity, habitats, and resources, both living and non-living—constitute part of the overall considerations that factor into national and regional policy. As one recent report notes, “They are strategic, globally significant, and geologically unique international water systems.”³

Due to the contentions surrounding them, there are two main seas that are of special interest to the region. The first is the East China Sea (Yellow Sea), which covers 770,000 km² and connects to open oceans and other semi-enclosed seas in the area. The littoral states and entities bordering this sea are China, Japan, the Democratic People’s Republic of Korea, South Korea, and Taiwan. Ongoing disputes over the sovereignty of islands located in this sea and over maritime boundaries continue to affect relations between China, Japan, and South Korea.

The second key body of water is the South China Sea, covering an area of 3.5 million km² and encompassing many important straits that connect to open oceans as well as to other semi-enclosed seas. The littoral states and entities that border the South China Sea are Brunei, Cambodia, China, Indonesia, Malaysia, the Philippines, Singapore, Vietnam, and Taiwan. Two groups of islands, the Paracel Islands and the Spratly Islands, as well as their adjacent waters, are the subject of overlapping claims from China, Brunei, Malaysia, the Philippines, Vietnam, and Taiwan.⁴

The East China Sea and the South China Sea connect Northeast and Southeast Asia as a region. With globalization and growing interdependence, the state of the seas is inextricably linked to continued peace and prosperity in East Asia. Developments in the last two decades demonstrate that the mutual interests and concerns of countries in the region are becoming increasingly broad and intertwined.

The statistics and predictions about the size of the East Asian economies, the volume of shipping, and the potential of the region’s oil reserves and the fishing industry are significant trends indeed.⁵ With national economic policies in a number of countries geared toward future growth to cope with demographic change, especially in China, it is instructive that the regional seas will be regarded not only as a vital mode of connectivity and a reservoir of resources for exploitation, but also as a lifeline for well-being and prosperity. The South China Sea in particular serves as the main artery for

heavy maritime traffic between East Asia and Europe, Africa, the Middle East, and South Asia.⁶ The region is rapidly becoming the center of gravity in the global economy. The geopolitical significance of and concerns about the East Asian seas also extend worldwide.

Ensuring successful maritime cooperation in East Asia is thus critical, but it requires surmounting a number of difficulties. First, it must overcome the political environment that continues to be tainted by rising nationalism, ongoing territorial disputes, and relatively young institutions to deal with traditional or transnational issues.

Second, this is also a period of changing relations in the region, which has engendered strategic competition among many countries, as highlighted by the enmity between the United States and China, most conspicuously in the competition for supremacy in the East Asian seas.⁷ Geopolitical stability in East Asia will be closely linked to the positive interactions and relationships among the great and middle powers: the United States, China, Japan, India, Australia, South Korea, and the ASEAN nations. In this regard, a constructive relationship between China and Japan and between China and ASEAN member countries must be maintained in order to improve the strategic terrain in the region in general, and to improve the process for resolving maritime issues in particular. These two objectives are mutually reinforcing.

Third, the process of regional integration in East Asia, amplified by many multilateral frameworks, is being spearheaded by ASEAN and supported by its Northeast Asian neighbors and other dialogue partners. These concentric circles of institutions and processes can certainly assist in fostering maritime cooperation.

RECURRING THEMES IN MARITIME ISSUES

The situation in the East Asian seas is complex and entails many differing dimensions. For the purposes of this chapter, a few of the most salient recurring policy themes pursued by countries in their maritime affairs are examined.

Sovereignty and Jurisdictional Disputes

The central issue affecting peace and stability in the region is of course disputes related to sovereignty and territorial claims. Countries bordering the East and South China Seas are pursuing their claims predominantly on the basis of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and have enacted national laws in this regard, although

a number of them have also alluded to historical rights. However, there appear to be regular inaccuracies in applying some of the provisions, for example in the definition of what constitutes an island or the method employed in plotting their maritime entitlement. Many of these assertions of sovereignty require clarification in scope and exact coordinates. This is a key factor driving the disputes.⁸

In the East China Sea, the contest is a fairly straightforward bilateral matter with at least one other country potentially involved in some cases. In contrast, the situation in the South China Sea is apparently more complex. The “nine-dashed line” adopted by China turns the row into a five-nation dispute with Brunei, Malaysia, the Philippines, and Vietnam, and at times Taiwan as well. At the same time, the South China Sea area is subject to multilateral disagreements among a number of Southeast Asian states, and a large number of the nationally established zones have not been clearly delimited.

China plays a prominent role and is involved in most of the issues both in the East China Sea and the South China Sea. At the 18th Party Congress in 2012, Hu Jintao proposed that China develop “into a maritime power,”⁹ and indeed the policies and strong measures it has introduced to advance its interests have made it the main contender in the region. While they have maintained the approach that was originally based on Deng Xiaoping’s policy to “shelve disputes and pursue joint development,” in recent years China has also asserted that these territories represent its “core interest.”¹⁰

The sheer political and economic weight of China, the vast expanse of coastlines and sea areas it shares in East Asia, and its current attitude toward the issue inevitably pose a great challenge in regional maritime affairs that has an important bearing on the national security planning of and neighborly relations with other nations in the region. This has a number of implications.

First, there has been heightened activity by China’s maritime agencies in the South and East China Seas. They have been involved in recurring naval incidents with Japan since 2010 in the vicinity of the Diaoyu/Senkaku Islands—particularly following the Japanese government’s purchase of three of the islands in 2012. They have also been disrupting Filipino oil exploration vessels near Reed Bank, at the northeast end of the Spratlys. There was also a standoff between Chinese and Vietnamese vessels over a Chinese drilling rig reportedly 120 nautical miles off Vietnam’s coast. In addition, China has established an air defense identification zone over the East China Sea that overlaps with the air zones of South Korea and Japan.¹¹ It has also regularly imposed a fishing ban in the South China Sea. These actions in both seas—especially those in the East China Sea against Japan—seem to be sending a strong signal to the claimants in Southeast Asia. This leads one to conclude

that such measures represent a creeping, subtle, and consistent assertion of claims by China, which has led to further distrust of its intentions.

Second, China's impressive economic achievement underpins its influential and emerging superpower status in Asia Pacific. This has affected security perceptions, prompting increases in defense spending among other countries in the region.¹²

A number of claimants have sought to change the status quo by upgrading the administrative status of occupied but contested islands or features. China upgraded Sansha, a small community on one of the Paracel Islands, to the level of prefecture to oversee features and waters in the surrounding area; the Philippines assigned its Spratly claims to the island province of Palawan; and Vietnam placed its Spratly and Paracel claims under Khanh Hoa and Da Nanh provinces respectively.

On the Diaoyu/Senkaku, Japan maintains that there is no territorial issue with China. The South Korean government has adopted a similar line toward Japan on the Takeshima/Dokdo issue, while in the South China Sea, China maintains exactly the same stance toward Vietnam in regard to the Paracels.¹³ Despite the long-standing maintenance of the "status quo" of these disputes, two external events appear to have caused a renewed escalation of tensions. First, the entry into force of UNCLOS in 1994 set many of the region's countries onto a collision course as they began to reassert their 200 nautical mile maritime entitlement through various legislative measures. That was followed by the requirement that countries submit claims of sovereign rights to their extended continental shelf by 2009.¹⁴

The issue of anti-access and area denial could also potentially generate a bigger international debate over the freedom of sea lines of communication (SLOC) in the coming years, as highlighted by the way countries such as the United States, Japan, and India uphold the importance of freedom of navigation.¹⁵ Unless a compromise or understanding is struck, this will constitute an inherent disagreement for the foreseeable future.

Transnational Issues in Maritime Affairs

On the other hand, countries in East Asia have not satisfactorily addressed the adverse impact of current trends in the region's marine environment. While the assessments vary, they suggest problems of damaged ecosystems, declining fish production due to overcapacity, and, with the increase in seaborne trade, the cumulative risk of oil spills from vessels. This could pose an even more critical security problem to the coastal states as it directly and dramatically undermines their economic and social fabric.¹⁶

Overall, regional policies and cooperative mechanisms adopted so far to ameliorate the risks imposed on the sea area have been reactive or ad hoc in nature. Thus, they result in ineffective or at best palliative remedies.

The task of addressing transnational maritime issues is ironically left to the initiative and devices of individual countries, wherein there appears to be a disproportionate correlation between what those countries' entitlements entail and their corresponding efforts and capabilities in implementing obligations in the context of international rules and responsibilities.

The incidents of piracy in the region, especially in Southeast Asia, are being addressed through such efforts as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), and the Malacca Straits Patrols (MSP) by Malaysia, Singapore, Indonesia, and later joined by Thailand, in the Malacca Straits. Other problems such as people smuggling, drug trafficking, and illegal fishing also continue to pose a threat, and all require close coordination at the national and regional levels.

The themes above demonstrate the connectedness of the East Asian seas. Transnational interests and concerns demand a unity of purpose among the region's countries. On the other hand, while territorial disputes are mostly bilateral, events in the South China Sea will have implications for the East China Sea as well. These issues underscore the risk to stable relations between countries due to the uncertainty, mistrust, and occasional tensions that various actions and reactions have created. This has been the main pattern among claimants for the last two decades. And as indicated, the issues revolve around the use and management of the seas and their resources.

Many analysts have concluded that due to the politically sensitive and irreconcilable nature of the disputes, they will not be solved any time soon, although they also believe that there is no serious threat of a major conflict occurring.¹⁷ Ironically, the last two decades have also witnessed a growing amity and cooperation in East Asia with the consolidation of the ASEAN+3 processes and the East Asia Summit. Generally speaking, trade and investment within the region have intensified, and there have been no disruptions to seaborne trade.

The ongoing discourse also demonstrates that the initiatives of governments, experts, and the academic community in response to maritime issues are tilted heavily toward resolving or managing territorial disputes and tensions in the region, specifically with reference to pursuing diplomatic channels and dialogues. The approach taken so far could draw attention away from the fact that the usage and management of the East Asian seas are inseparable and should be dealt with in their entirety. It follows that the management of resources, protection of the environment, and maintenance

of law and order at sea will facilitate the usage of the sea and the exploitation of resources in a sustainable manner, which is the justification for instituting a claim to sovereignty in the first place.¹⁸

AN ASSESSMENT OF REGIONAL INITIATIVES

The primary focus here is the multilateral frameworks or processes being pursued in the ASEAN or extra-ASEAN (including in Northeast Asia) contexts in dealing with regional maritime issues. These are mostly centered on ASEAN-led processes, including the ASEAN Foreign Ministers' Meeting (AMM), the ASEAN Regional Forum (ARF), the ASEAN Defense Ministers Meeting Plus (ADMM-Plus), the ASEAN+1 and ASEAN+3 Dialogues, and the East Asia Summit. The South China Sea issue has been inscribed in the ASEAN agenda and recently formed an integral part of the Roadmap for an ASEAN Community (2009–2015); it is also addressed in ASEAN's work plans with dialogue partners.

Since the early 1990s, the AMM mechanism has represented the association's interests in relation to China. Following the Mischief Reef incident between the Philippines and China, the AMM first agreed on the ASEAN Statement on the South China Sea in 1992. This unified position compelled China to engage ASEAN diplomatically on the issue in the mid-1990s. That was followed by the Declaration on the Conduct of Parties in the South China Sea (DOC), signed in 2002. That document, though nonbinding, contains comprehensive elements for dealing not just with issues pertaining to disputes but also on the broader question of governance and order at sea, confidence-building measures (CBMs), preventative diplomacy, and areas of cooperative activities.¹⁹ The assessment of its efficacy is ongoing, but it serves as a precursor to the proposed Code of Conduct (COC) and a major foundation for the evolution of a normative approach and a prescription for the holistic management of maritime issues among littoral states. It is supported by the ASEAN-China Senior Officials Meeting on the Implementation of the Declaration on the Conduct of Parties and by a working group. To date, a number of joint projects, mainly seminars, have been carried out that are in line with the 2011 agreed Guidelines of the Document and have been financed generously by the ASEAN-China Cooperation Fund.

The other ministerial and leaders-level mechanisms are vehicles for broader security and cooperation dialogues, in which the South China Sea problems have frequently been raised. The tone of these dialogues is a more diplomatic expression of concern over disputes and the need to lower the

tensions and ensure safety of navigation. This is due to China's aversion to discussing territorial issues in an international setting. These mechanisms have led the relevant parties to recognize that the South China Sea issue must be handled appropriately, especially through the rule of law and the regional normative documents. In the ASEAN+3 framework and in ASEAN-China dialogues, the foreign ministers and leaders rarely raise maritime issues or cooperation. However, "enhancing maritime cooperation" is inscribed as part of the revised ASEAN+3 Cooperation Work Plan 2013–2017 that was adopted by the ASEAN+3 leaders.

In addition to the above, three other officials-level frameworks provide a venue for policy dialogue and consultation on this matter. As part of the ARF Working Group, an ARF Inter-Sessional Meeting on Maritime Security (ARF ISM-MS) was set up by the ARF ministers in 2008 and met for the first time the following year with the aim of developing concrete and effective regional responses to maritime security challenges.²⁰

The ASEAN Maritime Forum (AMF) is another mechanism that was established in 2010, and it reaffirmed that "maritime issues and concerns are trans-boundary in nature, and therefore shall be addressed regionally in a holistic, integrated and comprehensive manner. Maritime cooperation between and among ASEAN member countries shall contribute to the evolution of the ASEAN Security Community."²¹ The 3rd AMF, which was hosted by the Philippines in October 2012, also saw the inauguration of the 1st Expanded ASEAN Maritime Forum (EAMF), designed to encourage a dialogue on maritime issues that would involve the East Asia Summit participants and build upon the existing AMF.²² The initial meetings seem to have gotten off to a good start and they discussed a number of issues relevant to existing maritime concerns. The core work, method, and activities of both forums mirror that of the ARF ISM-MS. They also maintain, though, that their orientation should be non-security-centric, addressing issues such as the promotion of business through maritime cooperation and the establishment of linkages to support ASEAN connectivity. However, the agenda prescribed for several meetings of the forums seems to be quite broad and includes cross-cutting issues of security concern, in keeping with the Bali Concord II's stated objective "to develop a set of socio-political values and principles and promote the resolution of disputes through peaceful means."

As may be gleaned from the discussions above, these inchoate arrangements confront a number of challenges. Although their focus purports to be comprehensive, addressing cross-cutting issues, it seems that at this stage much attention is devoted to security-related issues. The format of the work is very much directed at nurturing policy dialogues, exchanges of views, and country briefings. Accordingly, it is process oriented and based

on organizational practices familiar to ASEAN. There are no program-based activities or projects being planned in a systematic manner. Participants usually offer to carry these out voluntarily.

Given this situation, it raises the possibility that there will be a lack of coordination and an overlap of efforts as the scope of discussions and activities expands, thereby putting the effectiveness of those frameworks at risk and creating a drain on resources.

On a more positive note, however, the proliferation of initiatives indicates that important integrative steps are being advanced in and beyond ASEAN. They are precursors that need to be nurtured as the prospect for regionwide East Asia cooperation is beginning to take shape. They reinforce each other in scope and substance. The frameworks elaborated above are at an early stage of development. The scope of the agenda, phase of work, and even its long-term direction are still very much works in progress. But they all point to the commitment of countries in East Asia to engage each other in institutionalized settings to address common concerns.

But in Northeast Asia, a dichotomous situation prevails in which robust economic relations among countries there coexist with historical, political, and strategic divides. Therefore, regional cooperation is occurring at a slower pace and remains at an early stage. But maritime concerns will certainly figure predominantly in the international affairs of the region.

There have been a number of joint fisheries agreements, including a China-Japan agreement in November 1997, a Japan-Korea agreement in January 2000, and a China-Korea agreement in June 2001. In addition, the China-Japan “principled consensus” on cooperation in the East China Sea has been in place since 2008, and though subject to fluctuations in bilateral relations, it also represents good progress.²³ At the regional level, the trilateral China-Japan-ROK summit, which used to convene on the sidelines of the annual ASEAN Summit, was held on its own for the first time in Japan in 2008 to discuss trilateral cooperation and matters of regional concern. The trilateral meeting has been held on an ad hoc basis and a Trilateral Cooperation Secretariat was set up in Seoul in 2011.²⁴ Meetings were not held in 2013 or 2014 due to political tensions among the three nations, but they resumed in 2015. In the meantime, due to the busy sea lanes in the East China Sea, the three countries have established an impressive record of search and rescue cooperation.²⁵ Overall, these developments are a positive sign.

Looking at East Asia as a geographic entity, there appears to be no specifically dedicated forum or mechanism—let alone an overarching regional structure—being considered to deal comprehensively with maritime matters. This signals the need for a regionwide institution that can string

together the objectives and substance of those processes described above. Moreover, this should be done in a context that is linked to the building of an East Asian Community in which countries in the region have shared strategic interests.

On specific maritime issues, the regional experience in Northeast and Southeast Asia is on an advanced learning curve. ASEAN and China have embarked on a number of potential processes, and China, Japan, and South Korea have engaged each other from time to time on a bilateral or trilateral basis as well. The developments cited above are contributing factors consistent with, as well as supportive of, the creation of a regionwide platform. It begins with the increasing layers of cooperative institutions that in recent decades have galvanized countries in responding to many serious regional problems collectively.

ASEAN-JAPAN PARTNERSHIP IN EAST ASIAN MARITIME AFFAIRS

Japan was one of ASEAN's earliest dialogue partners, having established that relationship in 1973.²⁶ They consolidated their dialogue relationship first through the introduction of the Fukuda Doctrine, which contributed greatly to the economic progress and development of countries in Southeast Asia. Second, in the last two decades, countries in Southeast Asia have adopted a more comfortable and pragmatic attitude toward Japan's efforts to assume greater political and security responsibility and contribute to cooperation on this issue in the region and beyond.²⁷

Since Japan is not a claimant, it does not take a position on the South China Sea (unlike in the East China Sea). But it is a stakeholder in ensuring the freedom of navigation and safety of regional sea lanes for its trade and energy needs in that sea in particular and the stability of the East Asian seas in general. Like many other interested countries, it tends to view the matter in the South China Sea as a regional concern rather than simply a bilateral one. In recent years, the tense situation in the area has presented an eminent challenge to its maritime interests. As one scholar notes, "Japanese concerns over the South China Sea have grown in tandem with rising tensions in the East China Sea because Tokyo views the two disputes as inextricably linked."²⁸

At the ASEAN-Japan Commemorative Summit in December 2013, as in the previous summits, the leaders of ASEAN and Japan "underscored the importance of maintaining peace, stability and prosperity in the region and promoting maritime security and safety, freedom of navigation, unimpeded

commerce, exercise of self restraint, and resolution of disputes by peaceful means in accordance with universally recognized principles of international law, including 1982 UNCLOS.”²⁹ In the past Japan has been at the forefront of supporting many maritime projects aimed at strengthening dialogue and cooperation, including the ARF ISM-MS, the EAMF, and ReCAAP, as well as the operation and maintenance of the ReCAAP Information Sharing Centre to support this agreement. The Coast Guard’s regional training initiative is another project sponsored by Japan that should be continued. There are also many more specific sectoral areas in which Japan and ASEAN work closely together.

Going forward, their collaboration should be premised on the urgent need to steer the management of the regional tensions and related concerns onto the course of cooperation rather than mistrust, rivalry, or even conflict. Above all, it calls for closer dialogue and consultation in a robust institutionalized setting, and for maintaining an open channel for communications. It also calls for stable maritime affairs in which all issues and concerns are addressed on the basis of effective rules and norms. In this light, ASEAN and Japan could play a number of crucial roles.

1. On the more intractable issue of disputes, Japan could maintain its carefully held posture and reaffirm its support for ASEAN in making further progress with China in their negotiations on the COC. The success here could serve as a powerful motivation to Northeast Asia, since the document would inherently reinforce the significance of a “rules-based” approach, centered principally on respect for UNCLOS, self-restraint, and the resolution of disputes in accordance with UNCLOS and relevant international laws.
2. In the meantime, ASEAN-Japan partnership could also help advance the implementation of prioritized CBMs with regionwide participation, such as the establishment of hotlines; the strengthening of the work of the ADMM-Plus, especially with regard to advanced notification of military exercises; the enhancement of cooperative search and rescue, as well as humanitarian assistance and disaster relief operations, moving beyond deployment exercises; and the promotion of the Incidents at Sea Agreement.³⁰ These CBMs will enable countries, and especially their military, paramilitary, and civilian agencies, to work together and inculcate pragmatic maritime domain awareness.
3. Another urgent priority would be for ASEAN and Japan to assist countries in the region in effectively meeting their commitments under UNCLOS, ensuring that it serve as a reference point in governing every aspect of the uses and resources of the seas.

4. ASEAN and Japan should encourage all countries involved to clarify their claims consistent with UNCLOS, either through official or academic tracks. Such an undertaking by China, given its massive claims, will help clarify its position and intentions as a “peaceful rising power,” especially in the South China Sea. In the East China Sea, despite the tensions, at least the claims are much more transparent. Other relevant players in the South China Sea should also be expected to do the same, including listing features and identifying their maritime status. “This instills a mutual recognition and reassurance of a respect for international law that would be inherently stabilizing.”³¹
5. Elevating discussions of functional cooperation, such as protection of the environment or sustainable exploitation of sea resources, to the level of ministerial meetings will bring a renewed appreciation of how countries should view maritime affairs. This is not to imply that ASEAN and Japan should pull attention away from the territorial disputes in the region, but rather that they also actively raise the profile of the other concerns. This could build upon the efforts launched by UN Secretary-General Ban Ki-moon through the Oceans Compact of August 2012, which called for, among other objectives, the strengthening of our knowledge and management of the oceans.³²
6. ASEAN-Japan cooperation should promote a vision of an “East Asia Maritime Forum for Cooperation” in the medium term—hardly a new idea as the process toward this has already started. Such an institution should be established at least at the ministerial level. Ideally, it would incorporate norms or rules of conduct to promote a high level of trust, which would bring about transparency, predictability, and eventually a sense of community. In terms of institutional development, this could be a work in progress, but ASEAN and Japan should formulate pragmatic strategies to develop a more effective and action-oriented institution that can act as a focal point to deal with and respond to the 21st-century maritime issues identified in this chapter.

It should be open to all relevant countries with a strong geographic footprint and relations with the region. The ARF ISM-MS appears to be too unwieldy. Rather, the AMF/EAMF should be the starting base for the development of such an institution as it includes the littoral states and countries with direct interest in the region. This would serve as a pragmatic way to engage all East Asian players—in particular China, Japan, and ASEAN—in managing disputes in which they are involved and in handling other transnational concerns with those directly affected. Eventually, the EAMF should mature or transform into a regionwide institution.

Inevitably, this demands an institutional set-up with a dedicated administrative unit or secretariat that has adequate human and financial resources and can support coordination, implementation, and follow-up actions. At the moment, ASEAN's credentials in initiating and setting up regional institutions and frameworks, together with its centrality in most of them, make the association best suited to this task. However, a secretariat support unit for the ARF with a sideline responsibility on ARF ISM-MS and AMF/EAMF can hardly rise to the challenge of the responsibilities described here. In this regard, the experience and interest of Japan in dealing with maritime cooperation will provide a natural complement to ASEAN.

7. Both ASEAN and Japan should proactively support the adoption of regional norms and codes and should promote further understanding of and commitment to those norms. In addition to UNCLOS and the COC, the Council for Security Cooperation in the Asia Pacific (CSCAP) recommendation specifically on "Guidelines for Maritime Cooperation in Enclosed and Semi-Enclosed Seas and Similar Sea Areas of the Asia Pacific"³³ provides an excellent basis for the facilitation of maritime cooperation in the region with due regard to Article 123 of UNCLOS. This article calls on states bordering an enclosed or semi-enclosed sea to "cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention." The CSCAP guidelines are also intended to "serve as a basis for preventive diplomacy" by incorporating critical regional CBMs and seeking to enhance the governance of oceans in the region and the concept of "integrated management of oceans issues." Over time, adherence to a set of common values would provide growing predictability of behavior and an evolving regional order.
8. Furthermore, there are a number of mechanisms and programs at the UN and international levels dealing with rules and prescriptions for ocean and sea governance. These require countries to not simply associate themselves with that mechanism or program, but to provide assistance and cooperation in its implementation. In this regard, ASEAN-Japan partnership could help refocus regional attention on Agenda 21, the program of action for sustainable development first announced at the Rio Earth Summit in 1992, and more specifically on Chapter 17 and its related initiatives that deal specifically with the protection of the oceans and seas.³⁴ With this, their work in intensifying regional cooperation could bridge the gap between the UN mechanisms and programs in these areas and their distinct national roles.
9. ASEAN-Japan efforts must create the means to integrate or connect the varied landscapes of regional maritime matters, as they are necessarily

fragmented, sectoral, and multidisciplinary, which reflects the position of maritime agencies in most countries. ASEAN and Japan could act as “Sherpa” in coordinating, promoting awareness, ensuring continuity, and soliciting support from politicians and stakeholders, including the public at large.

10. The ASEAN-Japan efforts will also be dependent on the continued support of the academic community and other experts, including stakeholders linked to the maritime industry, in providing useful expert advice on legal, technical, and scientific matters. Their contributions are critical in determining policy choices for policymakers to make a sound decision. In this regard, ASEAN and Japan must promote greater tripartite interaction among the academic communities, relevant stakeholders of the maritime industry, and government officials of Southeast Asia and Northeast Asia, with a view to soliciting their support in addressing maritime concerns in the context of East Asia.

In evaluating the above recommendations, while all efforts should be exerted to calm disputes, countries bordering the seas of East Asia must start weaving the net of cooperation in all areas of maritime concerns. In this regard, the last 40 years has demonstrated a very important development in the consolidation of ASEAN-Japan relations. But the success of their work together for the East Asian seas in the next 20 years will be even more critical for the peace, stability, and prosperity of the region.

NOTES

1. Sam Bateman, Joshua Ho, and Jane Chan, “Good Order at Sea in Southeast Asia,” S. Rajaratnam School of International Studies, http://www.rsis.edu.sg/wp-content/uploads/2014/07/PR090427_Good_Order_at_Sea_in_SEA.pdf.
2. Ibid. See also Lewis M. Alexander, “Regionalism and the Law of the Sea: The Case of Semi-Enclosed Seas,” *Ocean Development & International Law* 2, no. 2 (1974): 151–86. In East Asia, the main seas are the Celebes Sea, the East China Sea (Yellow Sea), the Sea of Japan, the South China Sea, the Sulu Sea, the Gulf of Thailand, the Andaman Sea, the Timor Sea, the Arafura Sea, and the Gulf of Tonkin. Each of these seas qualifies as a Large Maritime Ecosystem based on their size, and they are semi-enclosed and interconnected.
3. Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), *Sustainable Development for the Seas of East Asia: Regional Implementation of World Summit On Sustainable Development Requirements for the Coasts and Oceans* (Quezon City: PEMSEA, 2003), <http://www.pemsea.org/publications/sustainable-development-strategy-seas-east-asia-sds-sea>.

4. For details of disputes, see Bruce A. Elleman, Stephen Kotkin, and Clive Schofield, *Beijing's Power and China's Borders: Twenty Neighbors in Asia* (New York: M. E. Sharpe, 2013).
5. Asia Pacific Energy Research Centre, *APEC Energy Demand and Supply Outlook*, 5th Edition (Singapore: Asia Pacific Economic Cooperation, 2013), http://publications.apec.org/publication-detail.php?pub_id=1389. For example, in Asia Pacific, average GDP per capita is expected to rise from US\$13,543 in 2005 to US\$33,233 in 2035. The expected total GDP in US\$ billion in 2035 for some economies is as follows: China 45,117; Japan 4,672; South Korea 2,727; USA 24,362; and Indonesia 3,341. See the US Energy Information Administration website for recent estimates of oil reserve estimates in the East China Sea (<http://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=ECS>) and South China Sea (<http://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=SCS>).
6. Bateman, Ho, and Chan, "Good Order at Sea," 11.
7. David C. Kang, "U.S. Alliances and the Security Dilemma in the Asia-Pacific," in *Reassessing Security Cooperation in the Asia-Pacific*, ed. Amitav Acharya and Evelyn Goh (Massachusetts: MIT Press, 2007), 71–91.
8. Robert Beckman, "Commission on the Limits of the Continental Shelf (CLCS) Submissions and Claims in the South China Sea" (paper presented at 2nd International Workshop on the South China Sea: Towards A Region Of Peace, Security and Cooperation, Ho Chi Minh, November 11–12, 2010).
9. Sarah Raine and Christian Le Mière, *Regional Disorder: The South China Sea Disputes* (London: International Institute For Strategic Studies, 2013), 11–28.
10. Carlyle A. Thayer, "Recent Developments in the South China Sea: Grounds for Cautious Optimism?" (paper presented at 2nd International Workshop on the South China Sea: Cooperation for Regional Security and Development, Ho Chi Minh City, November 11–12, 2010).
11. David E. Sanger, "In Dispute over Islands, Real Goal May Be Influence," *International Herald Tribune*, December 3, 2013.
12. Carlyle A. Thayer, "Strategic Relations in Asia: An Overview," *International Studies*, no. 26 (2012): 65–90.
13. Robert Beckman, "Disputed Areas in the South China Sea" (paper presented at 5th International Workshop on the South China Sea: Cooperation for Regional Security and Development, Hanoi, November 11–12, 2013).
14. Clive Schofield and I Made Andi Arsana, "Beyond the Limits?: Outer Continental Shelf Opportunities and Challenges in East and Southeast Asia," *Contemporary Southeast Asia: Journal of International and Strategic Affairs* 31, no. 2 (2009): 28–63.
15. M. Taylor Fravel, "Maritime Security in the South China Sea and the Competition over Maritime Rights," in *Cooperation From Strength: The United States, China and Southeast Asia*, ed. Patrick M. Cronin (Washington DC: Center For New American Security, 2012), 31–50.
16. PEMSEA, *Sustainable Development for the Seas of East Asia*.
17. Stein Tønnesson, "Can the Dispute over Maritime Delimitation and Sovereignty to Islands in the South China Sea be Resolved?" (paper presented at 1st International Workshop on the South China Sea: Cooperation for Regional Security and Development, Hanoi, November 26–27, 2009).

18. Thang Nguyen Dang, "Cooperation in the South China Sea: From Dispute Management to Ocean Governance" (paper presented at 4th International Workshop on the South China Sea: Cooperation For Regional Security And Development, Ho Chi Minh City, November 18–21, 2012).
19. ASEAN, "Declaration on the Conduct of Parties in the South China Sea," <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>.
20. These measures include, among others, a call to "forge close cooperation toward enhancing the safety and security of navigation"; "promote regional maritime security capacity-building through concrete activities such as information-sharing, exchanges of officials, and holding maritime security-related tabletop and joint training exercises as and when appropriate"; "promote networking among the ARF, the ASEAN Maritime Forum (AMF), IMO, IOR-ARC, ReCAAP, as well as other maritime-related fora, as part of a comprehensive and mutually beneficial approach to maritime cooperation"; and combat "maritime terrorism and transnational maritime crimes such as piracy, armed robbery against ships, hijacking, smuggling, and trafficking in persons" ([http://aseanregionalforum.asean.org/files/library/Plan%20of%20Action%20and%20Work%20Plans/Hanoi%20Plan%20of%20Action%20to%20Implement%20ARF%20Vision%20Statement%20\(2010\).pdf](http://aseanregionalforum.asean.org/files/library/Plan%20of%20Action%20and%20Work%20Plans/Hanoi%20Plan%20of%20Action%20to%20Implement%20ARF%20Vision%20Statement%20(2010).pdf)).
21. ASEAN, "Declaration of ASEAN Concord II (Bali Concord II)," <http://www.asean.org/news/item/declaration-of-asean-concord-ii-bali-concord-ii-2>.
22. ASEAN, Chairman Statement of the 19th ASEAN Summit: ASEAN Community in a Global Community of Nations, <http://www.asean.org/archive/documents/19th%20summit/CS.pdf>.
23. Clive H. Schofield and Ian Townsend-Gault, "Choppy Waters Ahead in 'a Sea of Cooperation and Friendship': Slow Progress Towards the Application of Maritime Joint Development to the East China Sea," *Marine Policy* 35, no.1 (2011): 25–33.
24. Captain Sukjoon Yoon, "Sino-American Rivalry in the South China Sea: Time for the ROK to Project its Middle-Power Role" (paper presented at the 4th International Workshop on the South China Seas: Cooperation for Regional Security and Development," Ho Chi Minh City, Vietnam, November 18–21, 2012).
25. Suk Kyoong Kim, "Korean Peninsula Maritime Issues," *Ocean Development & International Law* 41, no. 2 (2010): 166–85.
26. ASEAN, "ASEAN-Japan Dialogue Relations," <http://www.asean.org/news/item/asean-japan-dialogue-relations>.
27. Japan Center for International Exchange (JCIE), *ASEAN-Japan Cooperation: A Foundation for East Asia Community* (Tokyo: JCIE, 2003), 3–32.
28. Ian Storey, "Japan's Maritime Security Interest in Southeast Asia and the South China Sea Dispute," *Political Science* 65, no. 2 (2013): 135–56.
29. Joint Statement of the ASEAN Japan Commemorative Summit, Tokyo, December 2013.
30. Clive Schofield, Ian Townsend-Gault, Hasjim Djalal, Ian Storey, Meredith Miller, and Tim Cook, "From Disputed Waters to Seas of Opportunities: Overcoming Barriers to Maritime Cooperation in East and Southeast Asia," National Bureau of Asian Research Special Report no. 30 (July 2011).
31. Sarah Raine and Christian Le Miere, *Regional Disorder: The South China Sea Disputes* (London: International Institute For Strategic Studies, 2013), 179–214.

32. United Nations, "Oceans Compact," http://www.un.org/Depts/los/ocean_compact/oceans_compact.htm.
33. Council For Security Cooperation In the Asia-Pacific, "Guidelines for Maritime Cooperation in Enclosed and Semi-Enclosed Seas and Similar Sea Areas of the Asia-Pacific," <http://www.cscap.org/uploads/docs/Memorandums/CSCAP%20Memorandum%20No%2013%20--%20Guidelines%20for%20Marit%20Coop%20in%20Enclosed%20and%20Semi%20Enclosed%20Seas.pdf>.
34. Stjepan Keckes, *Global Maritime Programmes and Organisations: An Overview* (Kuala Lumpur: Maritime Institute Of Malaysia, 1997), 96. Agenda 21, the Programme of Action for Sustainable Development, was adopted by the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in June 1992. Chapter 17 of the Agenda is devoted to protection of the oceans, all kind of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use, and development of their living resources.