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Breaking Up is Hard to Do: ASEAN and the South China Sea

By Alan Chong and Emrys Chew

Synopsis

Facetious suggestions that ASEAN should be reduced to a 'League of South China Sea Nations' in the wake of the recent brouhaha over maritime territorial disputes ignore Southeast Asia's unique brand of multilateralism.

Commentary

FOR ASEAN sceptics, the recently concluded ASEAN-led Summits in Cambodia seemed to have signalled the twilight of the ten-member organisation's tenure as driver of regional security. Arguably its predicament appeared like that of a beleaguered vessel driven toward the treacherous shoals of the Spratly Islands. Only last week, one editorial in the Wall Street Journal suggested facetiously that ASEAN should be reduced to a League of South China Sea Nations.

Yet this is the kind of typically blinkered assessment that ignores the advantages of practising Southeast Asia's unique brand of multilateralism. Some home truths bear repeating, and especially to benefit those who forget why ASEAN's members choose rationally not to defect from it.

Hanging together or hanging separately

Theorising on multilateral cooperation between sovereign states suggests that they do so to solve collective action problems. The South China Sea dispute is one example, but it is also linked to the integrity of wider cooperation between ASEAN members. States cooperate to pool strengths in solving problems that concern them in common, or manage issues that spill across more than one border.

The South China Sea spat is not a straightforward dispute between China and several ASEAN claimants. It poses the question of whether ASEAN's other unresolved territorial disputes on land and sea should be solved by its participants' unstated 'divide and conquer' strategies. The answer is a resounding 'no'.

ASEAN's founding documents argue for non-interference across borders and the pacific settlement of disputes, for the simple reason that territorial disputes are an intractable legacy of a shared colonial past. Historically layered indigenous claims on the Spratlys, too, are skewed by that legacy of colonialism. Moreover, keeping a diplomatic freeze on territorial disputes ASEAN-wide reduces transaction costs should bilateral protagonists decide that third or fourth party observers are needed as witnesses and mediators to guarantee the status quo of maintaining claims, while agreeing to pursue peaceful cooperation in other dimensions of bilateral ties.

Finally, ASEAN members have grown familiar with dealing with one another's national 'face' behind closed doors. There is no good reason why ASEAN should be disbanded when it has maintained and mediated peace by sticking together. The costs of defection from a venerable 45-year old regional neighbourhood association must surely include leaving weak states to fend for themselves when dealing with an intrusive great power.

Reciprocity

For the weak state, middle power and great power alike, reciprocity remains an all-important binding principle that dovetails conveniently with the purported national interests of each. Reciprocity simply means what you do to me today can be done to you tomorrow. A great power that gets its way now on one issue will suffer a backlash in future from another crucial issue. Such factors inform the calculations of good policymakers. The 'bad' currency of intimidation and arm-twisting will rebound negatively on those who practise it too frequently or blatantly.

ASEAN was established precisely to circulate the 'benign' currency of demonstrating mutual respect for sovereignty and reciprocating neighbourliness, unresolved intramural territorial disputes notwithstanding. There is every reason why the Philippines, Vietnam, Malaysia and Brunei – the four ASEAN claimant states – would need Cambodia, Indonesia, Laos, Myanmar, Singapore and Thailand alongside in preserving a unified ASEAN position on the proposed South China Sea code of conduct. The other six ASEAN non-claimant states should in turn expect reciprocal support from the four claimant states on negotiations with China on a wide range of economic cooperation and non-traditional security issues that increasingly bind them together.

The same reciprocity principle should apply when ASEAN negotiates with Japan, India and the United States on other issues in their collective dialogues. If not, Southeast Asia would indeed be reduced to a desolate place where the weak constantly live in fear of the strong, and distracted governments cannot plan for their nations' prosperity under the shadow of the future.

Postcolonial vulnerabilities

Policymakers and pundits should recall how Southeast Asia was once partitioned arbitrarily into various Western colonial spheres and states, thus setting aside centuries of indigenous tradition. The frontiers mapped and borders demarcated at imperial convenience by rival great powers have now solidified into the boundaries of today's nation-states. Unsurprisingly, matters of sovereignty and jurisdiction continue to be contested just as they were back then, and especially in the maritime domain.

In that context, whether for postcolonial national pride or regional peace and prosperity shared between independent neighbours, it makes sense for ASEAN to continue its valuable role as the ritualised agency for defusing contentious bilateral and multilateral disputes flowing from accidents of history. Many commentators on the ASEAN Summits seem to have missed the point by relegating the most important part of local history.

Southeast Asia was once a region that did not take boundaries seriously: commerce, religion and peoples flowed freely across archipelagic societies, from Aceh through Melaka to Riau-Johor, Maluku, Bali, Brunei and Sulu. The vast agrarian kingdoms of Java and Indochina waxed and waned as charismatic rulers competed for loyal followers, while artisans fashioned ornaments and representations of cosmo-religious glory. Only in the nineteenth and twentieth centuries were uniform ideas of nation, state and the 'Law of the Sea' superimposed under colonial conditions, thereby displacing the indigenous regional order of informal, overlapping authorities.

The islands of the South China Sea are in dispute because they are defined as such under the nomenclature of the international Law of the Sea. Southeast Asians can, however, circumvent some of the rigidity of modern sovereign mentalities by reprising flexible communitarian habits drawn from their own premodern, precolonial past. In that light, the ASEAN Spirit ought to be reaffirmed, not denigrated as a ship run aground on the Spratlys.

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