

JIIA-ECFR Joint Open Seminar on Regional Order and Maritime Security in the Asia-Pacific

March 2017



公益財団法人 日本国際問題研究所
The Japan Institute of International Affairs

**JIIA-ECFR Joint Open Seminar on
Regional Order and Maritime Security
in the Asia-Pacific**

March 2017

Preface

In partnership with the European Council on Foreign Relations (ECFR), the Japan Institute of International Affairs (JIIA) hosted a half-day seminar on “Regional Order and Maritime Security in the Asia-Pacific” in Paris in March 2017.

Tensions are rising in the East and South China Seas over overlapping maritime claims, disputes over international law, and suspicions caused by rising military expenditures and geopolitical tensions. Maritime security challenges in Asian waters also reflect different views about the regional order. For most of the countries in the region, the 1951 San Francisco Peace Treaty provides the legal basis for the Asian regional order—the San Francisco System. As France, the United Kingdom, and some other European countries participated in the San Francisco Peace Conference, this joint seminar provided a good opportunity for Asian, European, and American participants to discuss maritime security issues in the context of maintaining the rules-based regional order in the Asia-Pacific region.

This report consists of a summary of the discussions among the leading experts from Japan, Europe, the United States, and Southeast Asia. I hope this report helps readers deepen their understanding of the maritime security challenges in Asian waters.

March 2017

Yoshiji NOGAMI
President
The Japan Institute of International Affairs

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Program

JIIA- ECFR Joint Open Seminar on Regional Order and Maritime Security in the Asia-Pacific

Date: March 6, 2017

Venue: Maison de la Chimie, Paris, France

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| 13:30-13:45 | Welcoming Remarks François Godement , Director of the Asia Programme and Senior Policy Fellow, European Council on Foreign Relations (ECFR) Ambassador Yoshiji Nogami , President, The Japan Institute of International Affairs (JIIA) |
| 13:45-14:15 | Keynote Speech: Asia-Pacific's Strategic Environment and France Ambassador Christian Lechervy , Permanent Secretary for the Asia-Pacific |
| 14:15-16:00 | Session 1: The San Francisco System and Maritime Security Challenges in Asia Panelists: Tetsuo Kotani , Senior Fellow, The Japan Institute of International Affairs (JIIA) Lan Anh Nguyen , Vice Dean of the International Law Faculty, Diplomatic Academy of Vietnam Valérie Niquet , Head of the Asia Division and Senior Fellow, Fondation pour la Recherche Stratégique (FRS) Raul Pedrozo , Deputy General Counsel, Defense POW/MIA Accounting Agency (DPAA) Chair: François Godement , Director of the Asia Programme and Senior Policy Fellow, European Council on Foreign Relations (ECFR) |
| 16:00-16:30 | Break |
| 16:30-18:15 | Session 2: Europe's Roles in Maritime Security in Asia |

Panelists: **Jérôme Chardon**, Head of Asia-Pacific Unit, Directorate General for International Relations and Strategy (DGRIS)

Renato Cruz De Castro, Professor in the International Studies Department, De La Salle University

Liselotte Odgaard, Associate Professor, Royal Danish Defence College

Michito Tsuruoka, Senior Fellow, The National Institute for Defense Studies (NIDS)

Chair: **Ambassador Yoshiji Nogami**, President, The Japan Institute of International Affairs (JIIA)

18:15-18:30

Closing Remarks

Ambassador Yoshiji Nogami, President, The Japan Institute of International Affairs (JIIA)

List of Participants

(in alphabetical order)

Cdr. Jérôme Chardon

Cdr. Jérôme Chardon is an active-duty Navy officer, Head of Asia-Pacific Unit at the Directorate General for International Relations and Strategy (DGRIS) of the French Ministry of Defence in Paris since September 2014. His career has been balanced between embarked, staff, intelligence and diplomatic postings. He acquired operational experience from 1998 to 2003, in the Indian Ocean, the Mediterranean Sea and off the western coast of Africa. In addition to various postings in Paris focused on strategic and military analysis related to East Asia, he was appointed Naval Attaché in China and Non Resident Defence Attaché for Cambodia from 2008 to 2011. Mr. Chardon graduated from the French Naval Academy and the U.S. Naval Command College. He awarded a senior military studies degree from the French War College. He also completed a degree in Chinese at the Eastern Languages and Civilizations National Institute. He was distinguished Knight of the National Order of Merit for his service and received various decorations: National Defence Gold Medal, French Commemorative Medal and Nation's Gratitude Medal (for Afghanistan).

Prof. Renato Cruz De Castro

Renato Cruz De Castro is a Professor (on sabbatical leave) in the International Studies Department, De La Salle University, Manila, and holds the Charles Lui Chi Keung Professorial Chair in China Studies. He was the U.S.-ASEAN Fulbright Initiative Researcher from the Philippines and was based in the East-West Center in Washington D.C. from September to December 2016. In 2009, Dr. De Castro became the U.S. State Department ASEAN Research Fellow from the Philippines and was based in the Political Science Department of Arizona State University. He earned his Ph.D. from the Government and International Studies Department of the University of South Carolina as a Fulbright Scholar in 2001. Prof. De Castro has conducted several courses on International Relations and Security Studies in the National Defense College and Foreign Service Institute. He is also a member of the Board of Trustees of the Albert Del Rosario Institute for Strategic and International Studies, and was a consultant in the National Security Council of the Philippines during the Aquino Administration. Prof. De Castro's research interests include Philippine-U.S. security relations, Philippine defense and foreign policies, U.S. defense and foreign policies in East Asia, and the international politics of East Asia. He has written 85 articles on international relations and security that have been published in a number of scholarly journals and edited works in the Philippines, Japan, South Korea, Canada, Malaysia, France, Singapore, Taiwan, Germany, the United Kingdom, Australia, and the U.S.

Prof. François Godement

Prof. François Godement is director of ECFR's Asia programme and Senior Policy Fellow at ECFR. He is a non-resident senior associate of the Carnegie Endowment for International Peace in Washington, D.C., and an outside consultant for the Policy Planning Staff of the French Ministry of Foreign Affairs. In 2005 he founded Asia Centre as an independent centre for research on Asian issues as they intersect global debates and he is now research associate. Prof. Godement was a professor of political science at Sciences Po in Paris. He is a graduate of the Ecole Normale Supérieure de la rue d'Ulm (Paris), where he majored in history, and he was a postgraduate student at Harvard University. He is the editor of China Analysis, a quarterly analytical survey of Chinese news and debate published by ECFR. He is a frequent contributor to media and academic debates on Asia. His recent publications include "Que veut la Chine? De Mao au capitalisme" (2012), "China on Asia's mind" (2014), and "France's pivot to Asia".

Mr. Tetsuo Kotani

Tetsuo Kotani is a Senior fellow at the Japan Institute of International Affairs (JIIA) and also a lecturer at Hosei University. He was a visiting scholar at Japan Chair at the Center for Strategic and International Studies (CSIS) at Vanderbilt University. He received a security studies fellowship from the RIPS in 2006-2008, and won the 2003 Japanese Defense Minister Prize. Mr Kotani's research focus is the US-Japan alliance and maritime security, and he won the 2003 Japanese Defense Minister Prize. His research interests include: the US-Japan Alliance; Maritime Security; and Geopolitics and Geostrategy. His recent articles, in both Japanese and English, include 'US-Japan Joint Maritime Strategy: Balancing the Rise of Maritime China' CSIS, March 2014), and 'The Senkaku Islands and the US-Japan Alliance' (Project 2049 Institute, March 2013).

Ambassador Christian Lechervy

Ambassador Christian Lechervy is the Permanent Secretary for the Asia-Pacific. After earning a PhD in Soviet Studies, he started his career at the Comité catholique contre la faim et pour le développement before joining the Institut des Relations Internationales et Stratégiques (IRIS) as Deputy-Director. He then became Head of the Asia-Pacific Desk for the Strategic Affairs Delegation and Counsellor of International Affairs for the French Ministry of Defence. After that, he worked for the Ministry of Foreign Affairs as Deputy-Director of the Humanitarian Policy, and Deputy-Director South East Asia Desk. In 2006, he was appointed Ambassador to Turkmenistan before becoming an Advisor to the President on Asia-Pacific and Strategic Affairs. In 2014, he became Ambassador to the Pacific Community. Ambassador Lechervy has written extensively on South East Asia and has taught at the INALCO, Institut d'Etudes Politiques de Paris and Paris 1, as well as in Manila, Bangkok and Phnom Penh.

Dr. Lan Anh Nguyen

Dr. Lan Anh Nguyen is the Vice Dean of the International Law Faculty, where she has taught since 2000. At the Diplomatic Academy of Vietnam she teaches courses in Public International Law, International Law of the Sea, WTO Law and International Dispute Settlement. She is also a member of the research programme of the Diplomatic Academy of Vietnam on the South China Sea. Lan Anh received a Bachelor of Arts in Law degree from Hanoi Law University in 1998, a Bachelor of Arts degree in International Relations from the Diplomatic Academy of Viet Nam in 1999, and a Master of Arts in International, European and Commercial Law degree from the University of Sheffield in 2004. She obtained a Doctor of Philosophy degree in International Law from the University of Bristol in 2008 on “The South China Sea Dispute: A Reappraisal in the Light of International Law”.

Dr. Valérie Niquet

Dr. Valérie Niquet is the Head of the Asia Department of the Fondation pour la Recherche Stratégique (FRS). Prior to joining the FRS, she was the Head of the Asia Department of the Institut Français des Relations Internationales (IFRI), and also worked at the Institut des Relations Internationales et Stratégiques (IRIS). She has also taught in various institutions such as the Institut d’Etudes Politiques de Lille, and the Ecole Militaire. She holds a PhD from Paris 1 Sorbonne and specializes on strategic affairs in North East Asia. Her recent publications include “Le saut dans l’inconnu : quelles relations entre Pékin et Washington avec Donald Trump ?” ; “Sécurité maritime en Asie : l’impossible indifférence de l’Europe”.

Ambassador Yoshiji Nogami

Ambassador Yoshiji Nogami is former Japanese Ambassador to the United Kingdom, and currently serves as President of the JIIA. He has held numerous senior positions at the Ministry of Foreign Affairs (MOFA), including serving as the Vice-Minister of MOFA from 2001 to 2002, Deputy Minister of MOFA from 1999 to 2001, Director-General of MOFA’s Economic Affairs Bureau from 1996 to 1997, and Deputy Director-General of the Foreign Policy Bureau from 1993 to 1994. Ambassador Nogami was a Senior Visiting Fellow at the Royal Institute of International Affairs from 2002 to 2004. He also served as Ambassador, Permanent Delegation of Japan to the Organization for Economic Cooperation and Development in Paris from 1997 to 1999 and as Consul-General of Japan to Hong Kong from 1994 to 1996. Ambassador Nogami graduated from the University of Tokyo with a B.A. in American Studies (March 1966) and first joined the Ministry of Foreign Affairs in April 1966.

Prof. Liselotte Odgaard

Prof. Liselotte Odgaard is an Associate Professor at the Royal Danish Defence College. She has published numerous articles and books on Asia-Pacific security and China’s foreign and security policy. Her latest monograph is “China and Coexistence: Beijing’s National Security Strategy for the 21st Century” (Washington, D.C.: Woodrow Wilson Center Press/Johns Hopkins University Press 2012). Her latest edited book is “The BRICS and Coexistence: An Alternative Vision of World Order” (edited volume), Abingdon: Routledge, 2014, co-edited with Cedric de Koning and Thomas Mandrup. Her latest peer-reviewed article is ‘Maritime Security in East Asia: Peaceful Coexistence and Active Defense in China’s Diaoyu/Senkaku Policy’, *Journal of Contemporary China*, 26:103, January 2017, pp. 118-133. She has been a visiting professor at institutions such as Harvard University, the Norwegian Nobel Institute and the Woodrow Wilson International Center for Scholars. Liselotte Odgaard is a regular contributor to the PLA’s annual dialogue with other countries, the Xiangshan Forum.

Captain Raul (Pete) Pedrozo

Captain Raul (Pete) Pedrozo (USN, Ret.) is a Deputy General Counsel, Department of Defense, and non-resident Research Fellow at the Stockton Center for the Study of International Law, Naval War College (NWC). He previously served as Special Assistant to the Under Secretary of Defense for Policy, senior legal advisor to Commander, U.S. Pacific Command, and professor of international law at the NWC. He has lectured extensively at military and civilian academic institutions and participated in numerous multilateral and bilateral negotiations, including the International Maritime Organization. Capt. Pedrozo has written extensively on maritime security issues and is the co-author to *International Maritime Security Law* (Brill/Martinus Nijhoff Publishers, 2013). He has an LLM (International & Comparative Law), Georgetown University Law Center and JD (Law), The Ohio State University College of Law.

Dr. Michito Tsuruoka

Dr. Michito Tsuruoka is a Senior Fellow at the National Institute for Defense Studies (NIDS), Ministry of Defense, Japan. He is concurrently a Research Fellow (non-resident) at The Tokyo Foundation. Before joining the NIDS in 2009, he was a Resident Fellow of the German Marshall Fund of the United States (GMF) and served as a Special Adviser for NATO at the Embassy of Japan in Belgium from 2005 to 2008. From 2012 to 2013, Dr. Tsuruoka was seconded to the Ministry of Defense as a Deputy Director of the International Policy Division, Bureau of Defense Policy, where he was in charge of ASEAN-led multilateral security and defense cooperation in the Asia-Pacific region. In 2013 and 2014, he spent one year as a Visiting Fellow at the Royal United Services Institute (RUSI) in London. Dr. Tsuruoka studied politics and international relations at Keio University, Tokyo, and Georgetown University, Washington, D.C. and received a PhD in War Studies from King’s College London. He has published extensively on European security, NATO, European foreign policy (particularly Europe-Japan/Asia relations), defense diplomacy, nuclear policy and Japan’s foreign, security and defense policy.

Summary

Welcoming Remarks

Professor François Godement, Director of the Asia Programme and Senior Policy Fellow, European Council on Foreign Relations (ECFR):

The Asia-Pacific region and maritime security is a global concern for a number of reasons including the issue and applicability of international law. With regard to armament trends, the Asia-Pacific is a region of significant focus. Twenty years ago, European policy was behind in every aspect. However, recently, the EU has been in a stage of advancement. Europe has been more engaged and more involved in the region. Some member states are way ahead in security cooperation in the region including France. We should not give up on the idea that Europe as a whole can progress with regard to its capacity to commit and to act in Asia. Therefore, throughout 2017, it's important for Europe to learn from lessons and policies in order to emerge as a significant actor on those issues.

Ambassador Yoshiji Nogami, President, The Japan Institute of International Affairs (JIIA):

The regional Asia-Pacific security landscape is rapidly changing in the maritime context. The area surrounding the South China Sea (SCS) and the East China Sea (ECS) are critical points. In this seminar, we want to stress that Japan and Europe, particularly France, has a joint responsibility to uphold the rules-based international order. This is becoming important because the political situation in the US is rapidly changing with the new Trump administration. Also, the Chinese government recently increased the maritime budget in its new defense budget.

Keynote Speech: Asia-Pacific's Strategic Environment and France

Ambassador Christian Lechervy, Permanent Secretary for the Asia-Pacific:

French diplomacy regarding the Indo-Pacific region is primarily the result of its territoriality in the Indian and Pacific Ocean. The maritimity of France is a result of the size of its Exclusive Economic Zone (EEZ). It has the second largest EEZ in the world with about 60% located in the Pacific. This reality allows Paris to make Pacific issues a part of its multilateral diplomacy and its foreign policy oriented towards the states and territories of the Asia-Pacific regions.

The heart of the French maritimity beats in Polynesia since Wallis and Futuna and French Polynesia accounts for 50% of the French economic zone. In the Pacific, France's maritime interests are concentrated in the South Pacific because it represents around 93% of the economic zone.

The maritime areas contiguous to the French territories make it possible to maintain direct neighboring relations with nine sovereign states. Four of the six constituent members of the Polynesian Triangle group are direct neighbors of Wallis and Futuna. In the Melanesian world, three of the four member states of the Melanesian Spearhead Group are bordering New Caledonia. The French Republic has adopted a quasi-decentralized foreign policy in the Pacific.

France is the most surrounded state in the Pacific. Its future in the Pacific is oriented towards the management of the maritime challenge of the regions. Our military capabilities are not those of Washington. However, even with limited means, it is possible to act.

At the present time, if we want to reinforce this maritime cooperation, we need to strengthen multilateral approaches to better share information of maritime interest and to have a crisis response system based on responsiveness. But we need to recognize that Oceania lacks the means for maritime surveillance. The inadequacy of the available means is conducive to the development of illicit trafficking, particularly narcotics, which is located in the maritime space of French Polynesia and New Caledonia. Unfortunately, there is no common platform for cooperation between the Pacific island states and the countries of Southeast Asia.

The new challenge in international coordination creates a federative dynamic. It opens significant prospects for new cooperation, particularly in fighting against illegal fishing, and benefits technical cooperation agencies in the regions like the FFA and SPC. The degradation of the maritime environment in Southeast Asia, namely on the coast of Oceania and the fishing zone, also merits consideration.

Also, the way China acts militarily in the SCS is directly affecting our interests, our territories, and those of our immediate neighbors. This development underscores the urgent need for the international community to seek the establishment of a regional fishery management organization for the South Pacific but also in Southeast Asia.

The development of the cruise tourist industry leads us to renew our focus and consideration in the field of mass rescue at sea, and the possibility of large-scale pollution. In this perspective, the tourist threat must be taken into account. France is vigilant to the fragility of its island neighbors. The prospect of a failed state near its borders would inevitably damage its interests and its security.

At the international level, a consultation procedure has been put in place to reach an international agreement that would protect the marine environment and biodiversity in the high seas. Negotiation should lead to the adoption of the implementation agreement of the United Nations Convention on the Law of the Sea (UNCLOS).

This cooperation will pass through three major instruments: first, enhancing political and strategic dialogue on the challenges of the Pacific; second, creating synergy in a regional cooperation forum aimed at strengthening environmental resilience of small island countries and protecting biodiversity of the Pacific Ocean; and third, increasing substantial participation of the Japanese navy in regular exercises in the Pacific region.

Session 1: The San Francisco System and Maritime Security Challenges in Asia

Mr. Tetsuo Kotani, Senior Fellow, The Japan Institute of International Affairs (JIIA):

Until the mid-19th century, there was a China-centric regional order in Asia in which China and neighboring states maintained trade and diplomatic relations. There was a rules-based liberal international order existing before World War II in Asia, called the Washington System. It consisted of three major treaties: the Washington Naval Treaty, the Four-Party Treaty, and the Nine-Party Treaty.

This Washington System had certain shortcomings. Most importantly, it didn't include the Soviet Union. Under this system, nationalism rose in China, and technological advancement made the Naval Treaty obsolete. As a result, Japan decided to leave this Washington System and tried to establish its own regional order called the Great East Asia Co-Prosperty Sphere, but this attempt failed.

After World War II, a new rules-based liberal international order was observed and this was called the San Francisco System. This system was based on the 1951 San Francisco Peace Treaty, and is still the key to the regional system in the Asia-Pacific today. This system also has certain shortcomings. Firstly, it doesn't include major powers such as Russia, China, and Korea. This is one of the reasons for the territorial disputes in the Western Pacific. Secondly, the San Francisco Peace Treaty is not clear about the attribution of the territory Japan gave up under the treaty. This has resulted in high tension in the SCS.

Until recently, US dominance managed the shortcomings of the San Francisco System, but now China is pressuring this system. Chinese pressure is seen in the ECS where China is challenging the Japanese administration of the Senkaku Islands by creating a “gray zone” situation. In the SCS, China is building up artificial islands and militarizing them. China is always seeking to fill a power vacuum. However, the Chinese seizure of Scarborough Shoal in 2012 was different.

The present problem is how to maintain the existing liberal international order in Asia and the regional system. China's gray zone coercion is the biggest challenge to the existing system. First, we have to acknowledge that the regional system and the liberal international order are under pressure. We also have to define our own core interest because China has unilaterally declared its own core interest and are asking the US and other countries to respect its interest. Next, we have to consider how much risk we should take to defend our core interest.

In the past, European countries were deeply involved in regional order-making. Today, the universal rules and principles are at stake, and, therefore, we need proactive European engagement in our effort to preserve this rules-based international order.

Dr. Lan Anh Nguyen, Vice Dean of the International Law Faculty, Diplomatic Academy of Vietnam:

The main treaties that constitute San Francisco System are the Peace Treaty and other minor treaties such as the 1951 US-Japan Security Treaty, 1965 Japan-ROK Treaty, and 1972 Japan-China Joint Statement. All of these treaties are for the purpose of restoring peace and for maintaining a balance of power in the region.

From the texts of the San Francisco System, there are at least four territorial disputes left unresolved due to ambiguous text: Paracels and Spratlys, Senkaku/Diaoyu, Northern Territories (Hokkaido) and Southern Kurile Islands, and Takeshima/Dokdo. Although the official text is ambiguous, later on, practice and statements made by relevant parties indicate a clear picture. Unfortunately, these clear positions haven't been included intentionally in the final texts. Therefore, no mutual recognition was reached due to different interests by different parties including the US and some European countries.

The San Francisco System's balance of power was based on US leadership. The situation has changed with the rise of China and the declined capacity of the US as well as commitments to its regional allies. This creates a vacuum of power resulting in the likelihood of some serious occurrences. In this context, China will either comply with international law and norms, which is a naïve conclusion, or it will try to pursue the way of a revisionist power and try to create new rules, which is dangerous. The US also has two options. Traditionally, it maintained a high interest in the region in order to secure the status quo. However, with the new administration in place, a second possibility is the US will become a declining power confined to its narrow US national interest.

Because of the two main players, there are three choices for the countries in the region. The first option is the countries will just serve the one who has the power so they will get closer to China. The second option is they will pivot against China by aligning with an extra-regional power to try to reach a balance. The last one is a dual dependency strategy. Most of the countries in the region are struggling at the moment.

Therefore, for the territorial issue, the text, as well as the context, leading to the issue may be open for new research. European countries can make some contribution, either by legal or practice basis. In the context of the balance of power, it is not the time to build up a new order, but to enhance regional security structures. Therefore, Europe must find a way to work together to uphold rules and norms and to create a better

cooperation mechanism.

One possible solution is that the role and the presence of the US in the region is still desirable, and, therefore, regional allies and partners must play an active role to strengthen the US. Lastly, we need to find a way to get China involved in the system. Otherwise, there is no way for China to understand the true international rules and norms that we are trying to protect at the moment.

Dr. Valérie Niquet, Head of the Asia Division and Senior Fellow, Fondation pour la Recherche Stratégique (FRS):

The San Francisco System finds its origins in the 1951 San Francisco Peace Treaty. On the same day of the Peace Treaty, the US-Japan Security Treaty was also signed laying the foundation for the Japan-US alliance. There was dual logic behind the San Francisco Conference and the series of treaties which were signed in 1951. The first point was to rein in the possible renaissance of the Japanese military in the region. The Treaty also opened a way for the reintegration of Japan as a democratic power to the UN.

The second point is that the San Francisco System and the San Francisco Conference was related to the emerging Cold War within Asia. This second element became the principle motivation for the building of the web of US-led bilateral alliances in Asia.

In this context, China's position is a paradox, both in the San Francisco Treaty and the San Francisco System. First, China rejects the validity and legitimacy of the San Francisco Treaty in principle because the China was not part of the San Francisco Conference at the time. China also rejected the validity of the San Francisco System with the argument that this US-led system has no relevance after the end of the Cold War. On the contrary, China tries to impose the idea of a new Asian-led security framework with no role for outside powers.

However, the new reality involves China's more assertive posture to challenge or change that system. One reason for this new ambition is this is a part of a more assertive foreign strategy for internal legitimacy reasons in China. Additionally, China thinks that it may now have the capability to fill the vacuum and to challenge the status quo both in the SCS and the ECS represented by the San Francisco System. China is now a quasi-superpower to create the condition of the famous "China dream" of rejuvenation of the Chinese nation through the re-creation of the Sino-centric hierarchical system in East Asia.

Paradoxically, this assertive policy of China has reinforced and not weakened the San Francisco System. Regional powers are eager to achieve a balance of power against China's ambition by accepting the concept of the San Francisco System and the role

played by the US or Japan. In terms of relevance, the San Francisco System is still relevant as it still constitutes the only basis for stability in Asia. The system is evolving in terms of its objectives from containment of Japan and communism to now dissuasion against more assertive and disruptive Chinese power.

The San Francisco System could be threatened by at least three interconnected elements. The first one would be a rapprochement between Japan, South Korea, and China. Second is the possible success of China's seduction policy through investments. The third element is the possible risk of US-China condominium. This is where the future of Sino-US relations under Donald Trump is extremely significant for the stability of the region.

Captain Raul Pedrozo, Deputy General Counsel, Defense POW/MIA Accounting Agency (DPAA):

We have five territorial disputes following the San Francisco Treaty including the Northern Territories, Takeshima, and Senkaku Islands. Although Japan renounced the title for sovereignty to these various possessions, there were no specific successor states named in the Treaty.

The history of the disputes of the Southern Kuriles/Northern Territories dates back to 1855 where the initial boundary was established between Russia and Japan. The Soviets then came in at the end of WWII and occupied the Southern Kuriles/Northern Territories. The Russian position is that the Yalta Conference controls this issue, but Japan was not a party to the Yalta Conference and therefore is not legally bound by its provisions. The US position from 1956 to the present is that the Northern Territories have always been part of Japan. Since 1973, there have been a number of efforts on both the Russian and Japanese sides, but with no resolution of the issue to date.

Next, the Takeshima/Dokdo islands are claimed by both Japan and the Republic of Korea. It has been occupied by Korea since 1954. During the negotiations on the Treaty of Peace with Japan in 1951, Takeshima was discussed, but the Treaty fell silent on the issue. SCAPIN directive from 1946 says that the Liancourt Rocks, which is Takeshima/Dokdo, were specifically areas where Japanese government was not to exercise its sovereignty following WWII. However, SCAPIN also says that nothing in the directive would be construed relating to the ultimate sovereignty of those islands.

Additionally, in 1951, a classified diplomatic note by the US State Department told the Korean Government that the US did not believe that Dokdo/Takeshima had ever been under the jurisdiction of Korea and would not support such a position. The official position publicly made by the US from 1953 to the present is that it does not take a

position on the sovereignty of Takeshima whether it's Japanese territory or Korean territory. However, if the Koreans could not accept that, they should take this matter to third-party arbitration, which has not taken place. Therefore, the matter remains unresolved.

Finally, the Senkakus are strategically located and offer a significant military advantage from a surveillance standpoint. It's claimed by China, Taiwan, and Japan but is administered by Japan. Historically, Japan exercised administrative control over the Senkakus from 1895 to the present. Under Article 3 of the San Francisco Treaty, the Ryukyu Islands were placed under the administrative control of the US after World War II. John Foster Dulles at the conclusion of the Peace Treaty specifically mentioned that Japan was to retain residual sovereignty over the islands and the US would be the administering authority. That position changed in 1972 during the negotiations of the Okinawa Reversion Treaty. The Nixon administration said it would only return administrative rights of the Senkaku Islands to the Japanese. This change in the US position was to appease Taiwan because Taiwan had lost its seat in the UN to China during this timeframe. Additionally, the US was engaged in textile negotiations with Taiwan at the time.

Since then, the US has taken the position the Senkaku Islands fall under Article 5 of the US-Japan Treaty of Mutual Cooperation and Security. However, there's a slight nuance by the Trump administration in the application of the US-Japan Treaty to the Senkakus. The recent joint statement signed by President Trump and Prime Minister Abe did not say that the United States does not take any position on the sovereignty over the Senkaku Islands.

The underlying cause of the Senkaku issue is the indication of oil and gas reserve in the region which piqued the interest of China and Taiwan on acquiring the title over the Senkakus. In 2013, the Chinese mentioned that the Senkakus were now a core interest. Subsequently, in 2013, China declared its air defense identification zone (ADIZ) over disputed areas, including the contested Senkaku Islands.

Discussion

Audience 1:

Can we consider that China is opportunistic and will seek any justification for doing what it does, or should we pay attention to the fact that in China, the rulers are afraid to appear incompetent in front of their nationalistic audience?

Valérie Niquet:

The Chinese regime might feel threatened after the pivot to Asia by the Obama administration, but China would still have pursued that assertive strategy in Asia. This is not only related to foreign threats, but also to internal threats on the necessity to establish its legitimacy based on a nationalistic discourse seen in China.

Raul Pedrozo:

China's claims that it is threatened are exaggerated because the only country in Asia-Pacific that has taken aggressive measures in the SCS has been China when it invaded the Paracels in 1974, took actions at Johnson South Reef, attempted seizure and blockages of Filipino fisherman at Scarborough Shoal, and so on.

Lan Anh Nguyen:

During the Opium War, China declared war with the world. That's why all the countries came over to China. But it also serves as Chinese propaganda to claim that China was a humiliated and bullied by other countries. That explains the different ways of interpreting facts in China.

Tetsuo Kotani:

Security dilemmas occur among states that have a defensive mindset, but Chinese behavior in Asia is driven more by an assertive mindset. In that sense, no security dilemma exists, and the reality is that we are responding to Chinese assertiveness.

Audience 2:

The San Francisco System is about 67 years old. From a geopolitical standpoint, China is rising, so we have to adapt to that situation. Do you think that Europe could mobilize public opinion and the UN in finding a collective security system for the Asia-Pacific?

Lan Anh Nguyen:

Yes, Europe could mobilize public opinion at the UN to build a new security architecture in Asia, because international law was created here, and in comparison to China and the US, Europe has a more neutral role as well as legitimacy.

François Godement:

There are two answers to that question. There is a pragmatic answer given to me by Richard Holbrooke in 1988 when the Soviets were recreating a kind of Washington

System of power balance. He said that “we're not in the business to seize superiority when we have it.” The other answer is that you cannot claim legality, parity, justice, fairness and balance when at the same time you do not recognize international law in adjudicating claims. It has to be either/or. That's the situation that the neighbors in the Asia-Pacific are currently facing.

Audience 3:

What is your stance on the arbitration award of July 12, specifically its interpretation of Article 121 regarding the Spratly Islands? Also, how has Vietnam upheld French claims in the present situation?

Lan Anh Nguyen:

What the Tribunal concludes, in this case, creates binding effects for China and the Philippines. However, a certain part of the award provided the first ever interpretation of Article 121. The interpretation did not please anyone. In international law, there is a rule of no precedence. Therefore, what has been interpreted by the arbitration can automatically be binding upon all the other countries in the world. But Vietnam understands that the French practice in the SCS constitutes an important practice for its sovereign claim in the SCS.

Tetsuo Kotani:

Regarding Article 121, if you read the ruling, any remote islands which don't have a civilian population will become a rock, but I wonder whether this was really the intention of the drafter of UNCLOS. We need further interpretations of Article 121 to have a universal understanding of it.

François Godement:

UNCLOS III has opened a Pandora's Box by opening up the possibility of a very large claim for the extension of sovereignty to EEZ. The July ruling has not directly addressed sovereignty issues which are the ones in which China made its reservations for arbitration, but has addressed the technical criteria that may lead the way to sovereignty claims by other nations. That is not something that China has made a reservation about when it signed and ratified UNCLOS.

Raul Pedrozo:

I strongly disagree with the position that the Tribunal took with regard to what is an island,

and such decisions prevent the US from becoming a party to UNCLOS because the opponents to the Convention will seize on a decision like this. To a certain extent, there is precedent in what the Tribunal has said, and there is danger in that.

Lan Anh Nguyen:

Regarding Article 121, the Tribunal conclusion may be open to controversy, but in the SCS context, if the Tribunal would have made a different conclusion, then China would have a legal basis to claim the whole SCS. Another method in international law is maritime delimitation. In maritime delimitation, a small feature cannot have full effect, but unfortunately, under UNCLOS, the Tribunal can never have jurisdiction.

Audience 4:

Would you please introduce how many islands Vietnam started to build?

Lan Anh Nguyen:

There is a sharp distinction between the building of islands by Vietnam and China. First, Vietnam built on the feature that is already an island according to Article 121, a high tide feature. China built upon a low tide or submerged feature. Second, Vietnam built the feature to build shelter for soldiers to increase its defense capability. China built using the dragging technique destroying coral reef and changing the maritime features in the SCS. Later on, it militarized them.

Audience 5:

The whole point about the pivot was that it had two sides – a military side, and an economic side. To what extent has Trump's decision to not ratify the treaty weakened the strategic security framework for the US in the Asia-Pacific?

Lan Anh Nguyen:

We all know that TPP is not just economic integration, but has its own strategic meaning, and President Trump did not see its strategic value. Vietnam believes that it benefits from TPP because of economic integration and because of the standard that it is based on to reform the economy. For strategic value, other TPP members apart from the US still uphold the integration. We hope to still build a stronger cooperation in our region.

Audience 6:

What are the prospects of TPP minus one?

Yoshiji Nogami:

For TPP 11, we have to get approval from the US to be excluded from the agreement. Otherwise, it won't go into effect. At the moment, many countries are sitting on the fence. Those who were against TPP during the presidential campaign have never read TPP.

Raul Pedrozo:

I didn't mean that the US should withdraw militarily from the Western Pacific, but that the Chinese resent the publicity. The US said that the two parties to the judgment should abide by the ruling of the Tribunal because it's a bilateral arrangement knowing that it is not binding on anyone else. Many people in the US do not agree with everything that the Tribunal decided from a legal standpoint, particularly that the Article 121 issue is not based on an accurate reading of international law.

Audience 7:

What would be your advice to try to improve the situation and find a perennial decision on this very sensitive issue?

François Godement:

My personal advice would be quite simply not to put in question the rulings by The Hague because that's a very dangerous course, whatever the good reasons we may have.

Session 2: Europe's Roles in Maritime Security in Asia

Cdr. Jérôme Chardon, Head of Asia-Pacific Unit, Directorate General for International Relations and Strategy (DGRIS):

The Paracels are 100% controlled by China while in the Spratlys, China only occupies some islets. However, China in the Spratly Islands has a strong political will. The evolving balance is also growing in favor of China. This evolution is about Anti-Access/Area Denial trend (A2/AD), which is getting stronger in the Spratly Islands. Also in Beijing, a lot of work is being done to have a national law applicable to the SCS to explicitly control the access of the China Seas. Additionally, the PLA is being reformed to adapt to the situation in the SCS. The PLA has a mission of deterrence, surveillance, and of tracking foreign navies. This tracking is presently loosely controlled. China doesn't want other countries to have a clear vision of how China wants to control the sea and also because they are not 100% ready.

The coast guards are central to China's SCS policy. They are in charge of law enforcement on the so-called sovereign rights of China. They also have a mission of protection of the Chinese fishermen, as well as maritime militias. The maritime militia, which exclusively consists of fishing vessels, is involved in intelligence collection and in harassment activities of foreign fishermen or of foreign state's vessels. The Chinese asymmetric approach in order to control any escalation and to reach the best position is to intimidate the opponent into making mistakes.

The EU wants to show that it is committed to maintaining a legal order for the seas and oceans based on the principles of UNCLOS. When specific challenges arise, the EU acts through statements and also through its member states. France is the more active member state in this area. France thinks that there is a need for a collective EU response. In this context, the first step by France was in spring 2016 during the G7 summit when a strong statement was made regarding maritime security, focusing on the SCS. The other collective response was expressed by the French Minister of Defense at the Shangri-La Dialogue in June 2016 when he said to contain the risk of conflict, we must defend law and defend ourselves by means of law.

Additionally, France took significant action in 2016 by deploying four vessels in the SCS including the Spratly Archipelago. The first vessel is the Jeanne d'Arc Mission which has been deployed for four months in Asia-Pacific. With this deployment, France is also boosting the European naval presence in the maritime rules of Asia. Jeanne d'Arc Naval Group will have two helicopters and 60 sailors from the Royal Navy. The French and UK Ministry of Defense identify this deployment as an opportunity to demonstrate

their strong cooperation as embodied by the Lancaster House treaties.

There will be two specific port calls in Vietnam and Japan. In Vietnam, there will be a specific conference on environmental security since the situation in Southeast Asia is also about finding solutions together, including with China, for sustainable development issues. There is also an important role of ASEAN as a fledgling architecture of defense and security, specifically the ASEAN Defense Ministers Meeting (ADMM) and ADMM Plus. The next port call will be in Japan. With the UK, Japan, and the US, France will embark on an amphibious exercise in Guam. So, this deployment will have meaningful operational cooperation in Far East Asia.

Prof. Renato Cruz De Castro, Professor in the International Studies Department, De La Salle University:

There are several East Asian Westphalian states locked in territorial disputes. Recently, these have become maritime flash points which have the potential to trigger a major systemic conflict when one of the competing states feel that it is in a position to resolve the issue through military means.

All of these are happening at the time when two regional powers, Russia and China, are bent on ending the unipolar movement that began after the end of the Cold War. Russia and China are fielding advanced weapon system to prevent US forces from operating in their respective spheres of influence. Also, Chinese leaders believe that their country now has comprehensive power in light of the financial crisis of 2008 in the US, and policy of retrenchment in the light of the economic meltdown by President Obama.

But there is also the pushback in terms of the rules and regimes designed by the US post-1945. East Asia is trying to prevent regional powers from damaging the international political economic system. Another pushback is from the Trump administration with its “Peace Through Strength” that plans to increase the Navy fleet from 275 to 350.

The first flash point is the SCS dispute. It is becoming a focal point of evolving strategic rivalry with the US. The Chinese buildup began in the aftermath of the Taiwan Strait Crisis in March 1996. The US has shown interest in the dispute since 2010 and recently, Japan has played an active role providing assistance to Vietnam, the Philippines, and Malaysia to help withstand the growing Chinese naval pressure in their respective EEZs. From Japan's point of view, China's buildup of its multiple maritime platforms is an attempt to set up a new status quo in the ECS, which would lead to China's control of the First Island Chain.

In reaction to increased Chinese activities in Senkaku, Japan has increased its defense budget and enhanced greater security cooperation with the US. It also wants to

develop a de facto coalition of like-minded countries in maintaining stability in the maritime environment of East Asia. The most recent flash point is what's happening in the Taiwan Strait. In 2016, the victory of the Democratic Progressive Party renewed tension in the Taiwan Strait as China became suspicious of the motives of the new Taiwanese government.

A few possible strategic scenarios could happen now. There is a regional balance of power marked by constant interstate competition and rivalry between two great powers. The other possibility is a grand bargain between the US and China where the US would give up Taiwan and would resolve other issues with China. In 2013, President Xi Jinping made a proposal to the US that the Pacific is big enough for the two powers and they should draw up a line. This is a nightmare for the middle and small powers in the region.

Regarding Europe's role in maritime security in the region, we realize that China's recent escalatory action in both the SCS and the ECS are causing actors to engage directly in East Asia. Also, China's naval buildup and consequent territorial expansion generate bilateral transatlantic global issues that would affect the EU's common foreign and security policies. Some of the technologies that China buys/steals from Europe are being used to intimidate its neighboring states. This will affect Europe's perception as a civilian power. Also the joint naval exercise between China and Russia last year showed reinvigoration of the strategic alignment between the two countries.

China has applied a sophisticated form of economic statecraft to influence regional countries in maritime disputes. By undermining ASEAN, China is also undermining the European Union and its multilateralism. China's naval buildup is increasing its assertiveness and developing extensive A2/AD capabilities in the First Island Chain to challenge the US role as the strategic offshore balancer.

Therefore, to enhance strategic dialogue with the US and the Asia-Pacific allies, the EU should develop a shared outlook on regional trends with like-minded states in the region, strengthen naval partnership and cooperation with regional states on maritime security that focuses on protecting East Asia's maritime commons.

Prof. Liselotte Odgaard, Associate Professor, Royal Danish Defence College:

Both China and the US are revisionists. They are not trying to create a completely new world order, but are trying to adjust the existing order to better suit their interests. China is trying to increase its strategic presence, while the US has given up on the TPP and is upgrading and revising its alliance system. Both the US and China in the SCS try to deter the other from pursuing their core interests. Therefore, to create reassurance, both sides would have to convince the other side that it is not going to damage the core interests of

one another.

In terms of the legal gray zones, after the Arbitral Award, China has been applying historical entitlement arguments. However, the main legal problem with China is that it hasn't clarified what maritime zones it claims. That forces the US and its allies to defend their FON and overflight rights.

China, on the one hand, says that it advocates peace and stability. On the other hand, it says it will react to challenges to its territory and maritime zone claims. The US states that it will prioritize FON based on international law, but it also defends these principles in areas where the legal status is not clear, with the example of EEZs. From a Chinese point of view, it puts the question mark behind the US claim to be following international law as it is interpreted universally. Furthermore, it's a problem that the US has not ratified UNCLOS.

China and the US apply different understandings of deterrence and sometimes misread each other's signaling. For China, its understanding of deterrence can include offensive behavior. For China, deterrence includes a wide range of political, diplomatic, and economic instruments, as well as military force, if necessary, to counter provocation. The US keeps deterrence in the form of a forward military presence. For the US, a core interest is to preserve the US alliance system. China would have to convince the US that it doesn't seek to undermine the system. It means that China would have to refrain from using aggression against other claimants. Also, it would have to refrain from imposing restrictions on US military navigation and overflight in these gray zones. Unfortunately, it is not on top of the priority list for China to lower tensions. Its priority is to increase its strategic space and to defend what it sees as its rightful claims in the SCS.

Next, the US would have to convince China that it is not trying to prevent China from establishing a permanent presence alongside the other powers. That would require that the US refrains from close surveillance of China. It would also require that it refrain from military activities in legal gray zones and doing operations in disputed areas. This is not a very likely case. However, the Chinese should make the first move because they are not willing to clarify their maritime zone claims.

In this context, Europe can push China strategically. China is undergoing military reforms and is still militarily weaker than the US. It cannot afford to risk a war with the US or its neighbors. Therefore, it's in the interest of the US and European countries to say to China that this is something we are willing to go quite far to protect.

At the same time, it is dangerous to alienate China too much. One way of improving that would be to support more peaceful operations by establishing some cooperation with China in the area of protecting marine diversity, conducting search and rescue operations,

and so on. In this regard, Europe is in a better position than the US to be a bridge builder by engaging China in these activities.

Dr. Michito Tsuruoka, Senior Fellow, The National Institute for Defense Studies (NIDS): Many Europeans do not want to be drawn into a Sino-Japanese conflict in the ECS or the SCS. However, Europe's engagement in Asia is about protecting its own interests. However, the economic relations between China and Japan are still huge and deep. While defense and foreign policy officials talk about the security issues in the ECS, the business community doesn't want to be bothered by political and security tensions. Therefore, we need to be concerned about the growing risk of unintended escalation of the situation, particularly in the ECS.

On Europe's role in Asian security, particularly maritime security, firstly, one needs to remember that Europe is affected by what takes place in Asia. Europe's economic interest is influenced by Asia's security situation, even Europe's security is affected by the security situation in Asia. France understands that its interests in Asia are much more than just economic issues. How other European countries can follow France's lead is still a huge challenge.

Secondly, Europe should not underestimate the value of strategic messaging and political declarations because it is not fighting a war in Asia. China still cares about other countries' opinion. But the unfortunate reality is that Chinese underestimates what Europe could do. Many believe that China can silence European oppositional voices about what China is doing in Asia. Therefore, to what extent can Europe remain true to its values? For example, the EU Global Strategy statement that it will uphold FON and stand firm in respect for international law, including UNCLOS and its arbitration procedures, is a strong statement.

Thirdly, regarding naval presence in the region, many Europeans say that because they don't have ships to send to Asia. There are still other things that Europe can do such as coordinating with other countries. If Europe could send ships to Asia, that is always welcome. There are two important aspects of seeing more European ships in Asia. One is that it's important to demonstrate to China that there are many countries onboard on the issues of the SCS. Also, China always tries to portray the situation as a hegemonic competition between China and the US, but that's not the case. However, what is at stake is rules-based international order. Therefore, it's important to get as many Europeans onboard.

It's encouraging to see that France is more involved in the Asia-Pacific region, but for many countries in Europe, the SCS is too far away. Still, we can do more things in the

Indian Ocean as well. The Indian Ocean is something that Japan and other countries in Southeast Asia are interested in. So, the other possibility is to think what Europe could do in the Indian Ocean region.

Discussion

Yoshiji Nogami:

What sort of reaction did China give to France's defense secretary's speech or the actual deployment of naval assets?

Jerome Chardon:

The reaction from China was more about clarification on the meaning of the speech. It was understood by Beijing that the issue is not about being for or against China. Each time the international law is challenged, then the firmness of the international community has to be expressed. The second point regarding the defense secretary's speech was to say it's not only about economic or strategic interests. There are many other issues such as global trafficking that funds international terrorism, proliferation of weapons of mass destruction, and their means of delivery.

Audience 1:

Do you think your formula is applicable to the ECS?

Liselotte Odgaard:

What I said could be expanded to the situation between the US and China in all of the Asia-Pacific. I agree that China and Russia have the same problem, but they have realized how important it is for them to have stability between them so that they can pursue their different geopolitical agenda. China is playing hardball, but China remains quite weak. The domestic threats against the survival of the regime and the Party are a bigger problem in China than external security threats. However, if we continue to demonstrate that we are defending the principles of the alliance system it can be an important signal to send to China. But it has to be combined with cooperation in other areas which the countries in the region and in Europe are well positioned to do.

Yoshiji Nogami:

I am not sure this conciliatory approach would work because the Chinese narrative to Japan is very simple, the Chinese economy is three times bigger, and defense spending is

about four times bigger than Japan's. The Chinese worldview is very vertical, and they worry about the pecking order.

Liselotte Odgaard:

Strategically, China can be pushed. Economically, the Trump administration can push China, but that doesn't mean you should do it in all issue areas. In the ECS, there have been many small-scale cooperative activities between China and Japan in the past. If we could get back to that point, that would help lower tension in the region.

Audience 2:

There are also other ways to contribute to Asian security by European countries. One is by participating in a multilateral forum dedicated to maritime security which would help develop transparency, particularly in Southeast Asia. European countries are also exporting military equipment along with military know-how training. This is particularly helping Southeast Asia to develop its own capabilities, and we need it to be more autonomous. Do you think we could propose something to China which could help it to get out of the claims ambiguity?

Liselotte Odgaard:

The Chinese military says that due to domestic opinion, it cannot clarify its claims. It is not willing to disclose that it is the weaker power, which gives it the advantage to be ambiguous. I am not sure how to go about getting the Chinese to move on that. It's worth to keep talking with the Chinese about it to see if they can be moved. They are also too alienated. Sometimes they have to feel that there are some cooperative mechanisms that can work to their advantage.

Audience 3:

The general and the headquarters of PLA are not ready to make foreign adventures. The military capabilities of PLA are 10 to 15 years behind the Americans, Russians, and the French. Also, I disagree that there is no common strategy between Russia and China. China is a threat against Russia because of its economic influence. They are not able to stop it because economically Russia is weaker.

Liselotte Odgaard:

Your arguments are outdated. The fear of Chinese migration to Russia is not as big as it used to be because the Chinese are not likely to settle and overtake Russia. If Russia wants

to push back on the US alliance system, it needs to be closer to China.

Yoshiji Nogami:

The economic situation facing Russia in the three provinces is not very adequate. So, there is a very strong pressure to go northward. Also, there's a huge population difference: 6 million in the Russian maritime and 120 million in the three provinces.

Jerome Chardon:

Regarding the asymmetry in Chinese and US military capabilities, from the Chinese perspective, it doesn't matter. They are preparing for asymmetric warfare against the Seventh Fleet. From a Chinese perspective, it's the people that matter, not the materials. The Chinese are stepping up quickly. Xi Jinping is rejuvenating the PLA by sending younger officers from the highest postings, and if his bet is won, then the PLA may be ready by 2030s, even for asymmetry and hard power. Also, its new aircraft carriers are already under construction.

Michito Tsuruoka:

In regards to the Chinese military, what is more problematic is the lack of discipline and predictability. Another point that matters is how willing you are to use force. Russia and China seem more willing to use force. The final point that matters is the quantity.

Yoshiji Nogami:

I've never heard of seamanship education in Chinese PLA navy. There is a difference in cultures.

Audience 4:

The Chinese have conducted long-distance voyages for quite a long time, and they have even deployed some of their vessels to European ports without making port calls on the way just to demonstrate their capability to do so.

Closing Remarks

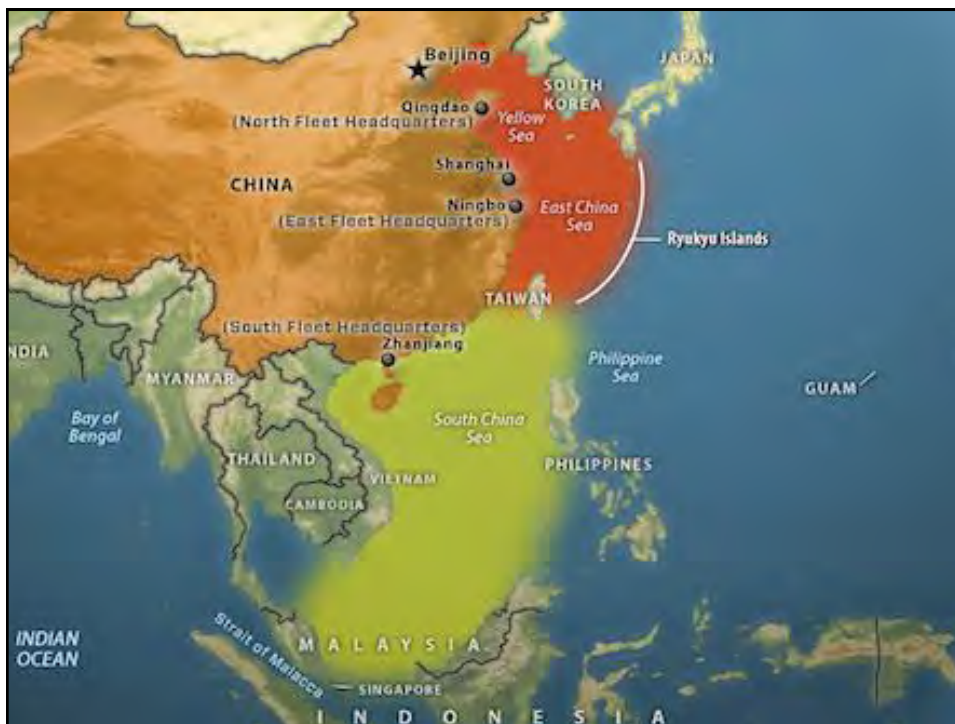
Ambassador Yoshiji Nogami, President, The Japan Institute of International Affairs (JIIA):

I would like to conclude this session now, and I would like to thank the panelists for making excellent contributions. Also, I would like to thank the audience for participating in the seminar. Thank you very much.

Japan Institute for International Relations & European Council for Foreign Relations
Asia Pacific Regional Order and Maritime Security
Paris, 6 March 2017

The San Francisco System and Maritime Security Challenges in Asia

NGUYEN Thi Lan Anh
Diplomatic Academy of Vietnam



✦ Main contents

- ✦ The San Francisco System
- ✦ Historical causes to maritime security challenges
- ✦ Geostrategic causes to maritime security challenges
- ✦ Possible solutions?

The San Francisco System

- ✦ 1951 Treaty of Peace
- ✦ 1951 US-Japan Security Treaty
- ✦ 1965 Treaty on Basic Relations between Japan and ROK
- ✦ 1972 Joint Communiqué between Japan and PRC
 - ✦ 1945 Potsdam Declaration
 - ✦ 1943 Cairo Declaration

➔ Restore Peace

The San Francisco System

- ✦ North – South Korea
 - ✦ North – South Vietnam
 - ✦ PRC – Taiwan
 - ✦ Presence of the US at Okinawa
 - ✦ Other allies: Philippines, Thailand, Australia, New Zealand
- ➔ Maintain Balance of Powers

Historical causes to Maritime Security Challenges

4 territorial disputes left unsolved by ambiguous text

- ✦ **Paracels and Spratlys:** Japan renounces all right, title and claim to Formosa and the Pescadores; Japan renounces all right, title and claim to the Spratly Islands and to the Parcel Islands (Art.2)
- ✦ **Senkaku/ Diaoyu:** The US will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants over the Nansei Shoto south of twenty-nine degrees north latitude, which included the Ryukyu and Daito Islands (Art.3)
- ✦ **Northern Territories (Hokkaido)/ Southern Kurile Islands:** "Japan renounced all right, title and claim to the Kurile Islands" (Art.2)
- ✦ **Takeshima/Dokdo:** Not mentioned in 1965 Treaty

✦ US's position in 1951 regarding Takeshima belonging to Japan and the B-29s operating at Takeshima from 1948-1952

✦ A State Department memorandum on the Ryukyu in 1965:

We recognize that Japan maintains residual sovereignty over the [Ryukyu] islands, and have agreed to return them to full Japanese control as soon as Free World security interests permit.

✦ 46/52 against the recommendation to give the Paracels and Spratlys to China in the San Francisco Conference

➔ Clear implications but no mutual recognition
Hibernated issues

Geostrategic causes to Maritime Security Challenges

Power shift → Vacuum of power

✦ The rise of China

✦ The declined capacity of the US and commitments to its regional allies?

What China will be?

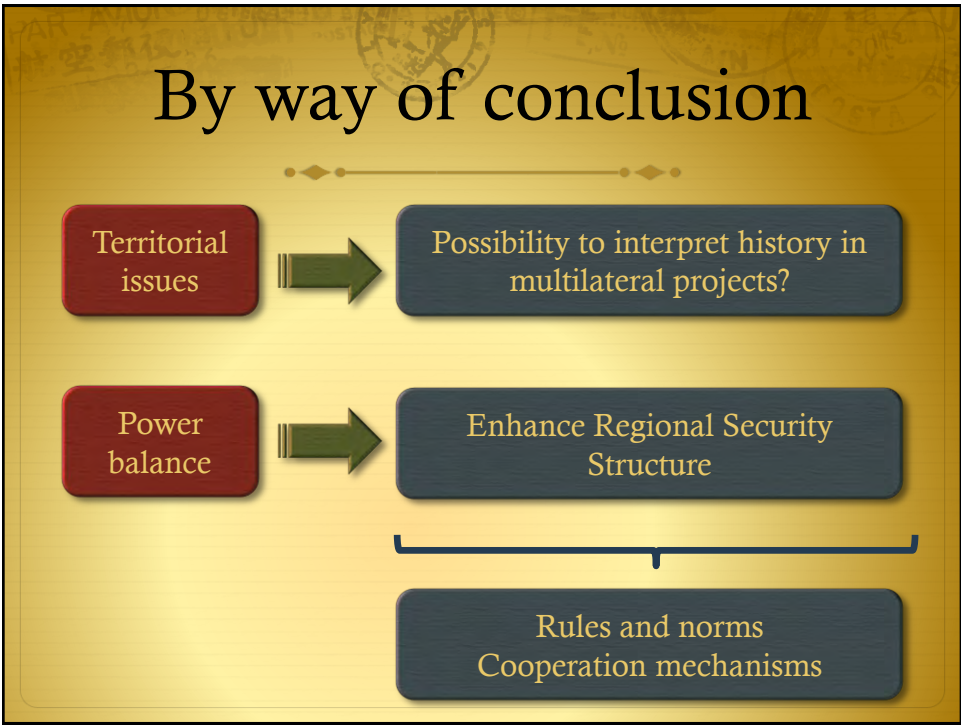
Status quo power
Respect and
comply with
international law &
norms

**Revisionist
power**
Bypassing current
rules &
Create new rules
for its own
interests

What the US will be?

Status quo power
Take the global
leadership and
responsibilities in
maintaining
international law &
norms

Declining power
Confined with
narrow US's
national interests
within the US




Possible solutions?



- ✦ The role and presence of the US still desirable
- ✦ The need to strengthen the US's regional allies and partners
- ✦ The involvement of China

Thank you for your attention!



✦ Cairo Declaration 1943

All the islands in the Pacific which she seized or occupied **since the beginning of the First World War in 1914**, and that all the territories that Japan had stolen from the Chinese, such as Manchuria, **Formosa and the Pescadores**, shall be restored to the Republic of China

✦ Potsdam Declaration 1945

The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine (Para: 8)





✦ Joint Communiqué between China and Japan 1972

The Government of the People's Republic of China reiterates that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of the People's Republic of China, and it firmly maintains its stand under Article 8 of the Potsdam Proclamation

The San Francisco System and Maritime Security Challenges in Asia: Japan's Island Disputes Post-1951

Captain Pete Pedrozo, USN (Ret.)
Asia's Regional Order and Maritime Security
Paris, March 6, 2017

Treaty of Peace with Japan 8 September 1951

- Signed by 48 nations
 - USSR, Poland, Yugoslavia did not sign
- Missing from negotiations
 - PRC, Taiwan, ROK, DPRK

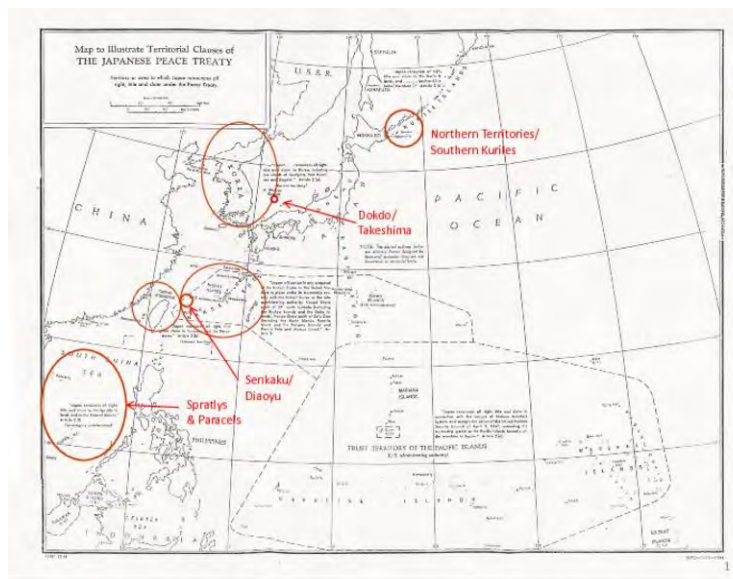


Treaty of Peace with Japan 8 September 1951

- **Article 2**
 - (a) Japan recognizing the independence of Korea, renounces all right, title and claim to **Korea**, including the **islands of Quelpart, Port Hamilton and Dagelet**.
 - (b) Japan renounces all right, title and claim to **Formosa and the Pescadores**.
 - (c) Japan renounces all right, title and claim to the **Kurile Islands**, and to that **portion of Sakhalin and the islands adjacent to it** over which Japan acquired sovereignty as a consequence of the **Treaty of Portsmouth of 5 September 1905**.
 - (d) Japan renounces all right, title and claim in connection with the **League of Nations Mandate System**, and accepts the action of the United Nations Security Council of 2 April 1947, extending the trusteeship system to the **Pacific Islands** formerly under mandate to Japan.
 - (e) Japan renounces all claim to any right or title to or interest in connection with any part of the **Antarctic** area, whether deriving from the activities of Japanese nationals or otherwise.
 - (f) Japan renounces all right, title and claim to the **Spratly Islands** and to the **Paracel Islands**.
- **Article 3**

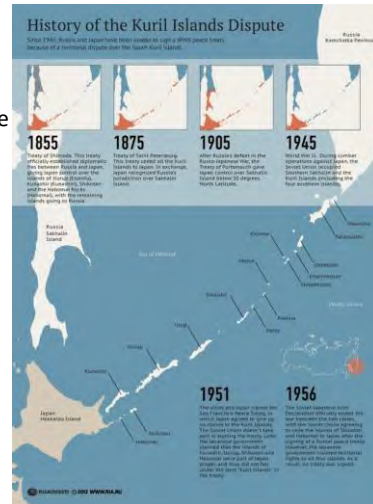
Japan will concur in any proposal of the United States to the United Nations to place under its **trusteeship** system, with the **United States as the sole administering authority, Nansei Shoto south of 29deg. north latitude** (including the Ryukyu Islands and the Daito Islands), **Nanpo Shoto south of Sofu Gan** (including the Bonin Islands, Rosario Island and the Volcano Islands) and **Parece Vela and Marcus Island**. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Territorial Dispute Post-1951



Southern Kurils/Northern Territories

- Treaty of Shimoda (1855)
 - Japan/Russia boundary established between Etorofu and Urup Islands
- Treaty of Saint Petersburg (1875)
 - Japan renounces claim to Sakhalin in exchange for title to the Kurils north of Urup
- Treaty of Portsmouth (1905)
 - Russia cedes southern part of Sakhalin to Japan
- Diplomatic Relations between Japan and Russia (1925)
 - Treaty of Portsmouth remains in force
- WWII - Soviet forces occupy Kurils (1945)
- Treaty of Peace with Japan (1951)
 - Japan renounces title to Kurils and southern Sakhalin (**Russia did not sign**)
- Japan/USSR Joint Declaration (1956)
 - Ended state of war; USSR agreed to return Habomai and Shikotan Islands after peace treaty was concluded



Southern Kurils/Northern Territories The Yalta Conference (Feb 11, 1945)

- Russia position - The Yalta Conference controls
 - Agreement Regarding Japan
 - The leaders of the...USSR, USA and UK have agreed that...the USSR shall enter into war against Japan on the side of the Allies on condition that:
 - ***
 - 2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz.:
 - (a) The southern part of Sakhalin as well as the islands adjacent to it shall be returned to the Soviet Union;
 - ***
 - 3. The Kurile Islands shall be handed over to the Soviet Union.
- Japan position (concurred by US)
 - Yalta Conference not a final determination on transfer of territory
 - Japan not a party, therefore, not legally bound



Southern Kurils/Northern Territories U.S. Position (1956-present)

- “...the islands of Etorofu and Kunashiri (along with the Habomai Islands and Shikotan which are a part of Hokkaido) have always been part of Japan proper and should in justice be acknowledged as under Japanese sovereignty”



Southern Kurils/Northern Territories Ongoing Dispute

- 1973 – Japan-USSR Joint Communiqué
 - *“Both sides agreed to continue negotiations on the conclusion of a peace treaty between the two countries at an appropriate time in 1974.”*
- 1991 – Japan-USSR Joint Communiqué
 - PM Kaifu and Pres. Gorbachev held negotiations on a range of issues relating to the conclusion of a peace treaty, *“including the issue of territorial demarcation, taking into consideration the positions of both sides on the attribution of the islands of Habomai, Shikotan, Kunashiri, and Etorofu.”*

Southern Kurils/Northern Territories Ongoing Dispute

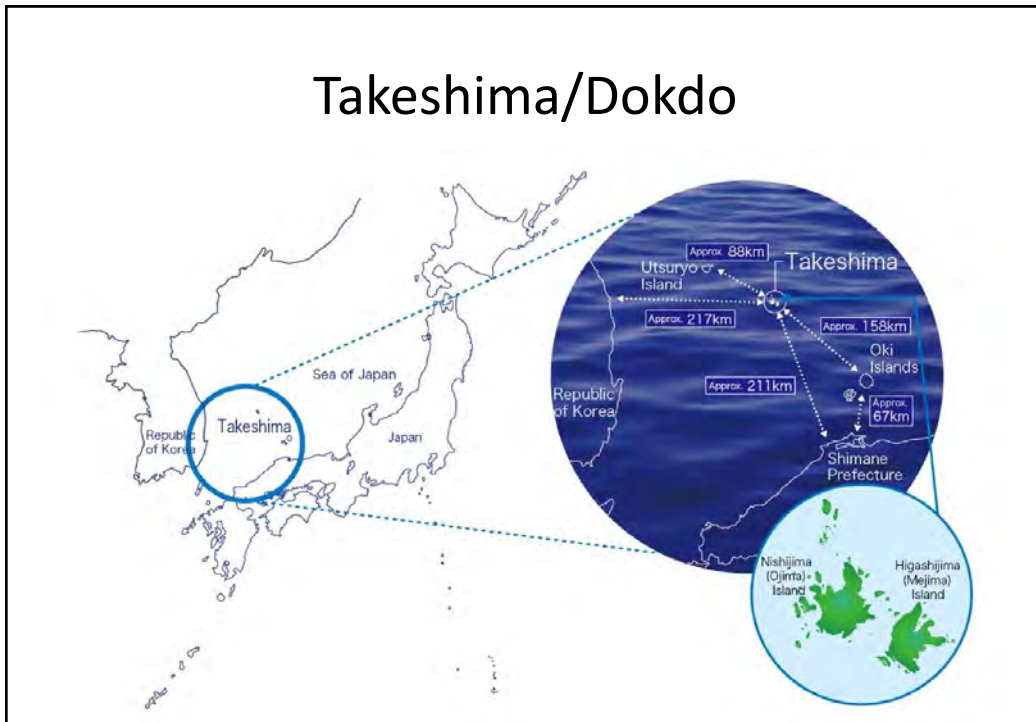
- 1991 – Pres. Yeltsin letter to Russian People
 - *“One of the problems we will have to resolve . . . is reaching a final post-War settlement in our relations with Japan. . . . [T]he main obstacle to the conclusion of this treaty is the issue of the demarcation of borders between Russia and Japan. . . .”*
- 1993 – Tokyo Declaration on Japan-Russia Relations
 - PM and Russian Pres. *“have undertaken serious negotiations on the issue of where Etorofu, Kunashiri, Shikotan and the Habomai Islands belong. They agree that negotiations towards an early conclusion of a peace treaty should continue.”*
- 1998 - Moscow Declaration on Establishing a Creative Partnership between Japan and the Russian Federation
 - PM and Russian Pres., *“taking into consideration . . . the proposal regarding a solution to the issue of the attribution of the islands of Etorofu, Kunashiri, Shikotan and Habomai made by the Japanese side at the Summit Meeting in Kawana . . . , instruct their Governments to accelerate negotiations on the conclusion of a peace treaty on the basis of the Tokyo Declaration. . . . The two leaders reaffirm their resolve to make their utmost efforts to conclude a peace treaty by the year 2000. . . .”*
- **NO RESOLUTION TO DATE**

Takeshima/Dokdo

- Claimed by Japan and ROK
- Occupied by ROK since 1954



Takeshima/Dokdo



Takeshima/Dokdo Treaty of Peace with Japan (1951)

- Drafts 1-5 and 7 islets returned to ROK
 - UK, NZ and Canada proposed maritime boundary that placed Dokdo on ROK side (May 1951)
- Drafts 6, 8, 9 and 14 islets Japanese territory
- Drafts 10-13, 15-18 and final
 - silent on issue



Takeshima/Dokdo ROK Unilateral Action

- Syngman Rhee Line (1952)
- ROK occupation (1954)



Takeshima/Dokdo SCAPIN 677 (1946)



GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

SC 500
22 January 1946

AG 091 (22 Jan 46)GS
(SCAPIN - 677)

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH: Central Liaison Office, Tokyo.

SUBJECT: Governmental and Administrative Separation of Certain Outlying Areas from Japan.

1. The Imperial Japanese Government is directed to cease exercising, or attempting to exercise, governmental or administrative authority over any area outside of Japan, or over any government officials and employees or any other persons within such areas.
2. Except as authorized by this Headquarters, the Imperial Japanese Government will not communicate with government officials and employees or with any other persons outside of Japan for any purpose other than the routine operation of authorized shipping, communications and weather services.
3. For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Shikoku and Kyushu) and the approximately 1,000 smaller adjacent islands, including the Ryukyu Islands and the Volcano (Bonin) Islands, north of 30° north latitude (excluding Kuchino-shima Island), and excluding (a) Utsuryo (Ullung) Island, Liancourt Rocks (Takeshima) and Sankyu (Senkaku or Senkaku) Islands, (b) the Ryukyu (Ryūkyū) Islands south of 30° north latitude (including Kuchino-shima Island), the Izu, Kanto, Bonin (Kojima) and Volcano (Cazan or Iwo) Island Groups, and all other outlying Pacific Islands (including the Ogasawara (Misaki or Legati) Island Group, and Iwo Jima (Iwo-jima), Iriomote (Iriomote-jima) and Ogasawara (Ogasawara-jima) Islands), and (c) the Kurile (Shirane) Islands, the Bonin (Iwo-jima) Island Group (including Oshima, Yuri, Mikuri, Shibotsu and Tanaka Islands) and Hokkaido Island.
4. Further areas specifically excluded from the governmental and administrative jurisdiction of the Imperial Japanese Government are the following: (a) all Pacific Islands seized or occupied under mandate or otherwise by Japan since the beginning of the World War in 1914, (b) Manchuria, Formosa and the Pescadores, (c) Korea, and (d) Karafuto.

SCAPIN 677

- SCAPIN refers to Take Island not Dokdo
- Why carve out Korea separately if Dokdo/Takeshima was part of Korea?
 - 4. Further areas specifically excluded from the governmental and administrative jurisdiction of the Imperial Japanese Government are the following: ... (c) Korea....
- SCAPIN specifically did not affect ultimate determination of sovereignty over Dokdo/Takeshima
 - 6. Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.
 - Ryukyu Islands subsequently returned to Japan (1971)
 - Ulleungdo and Cheju granted to Korea (1951)



Takeshima/Dokdo Rusk Note (1951)

- With respect to request of the Korean Government that Article 2(a) of the draft be revised to provide that Japan "confirms that it renounced on August 9, 1945, all right, title and claim to Korea and the islands which were part of Korea prior to its annexation by Japan, including the islands Quelpart, Port Hamilton, Dagelet, Dokdo and Parangdo," the United States Government regrets that it is unable to concur in this proposed amendment. The United States Government does not feel that the Treaty should adopt the theory that Japan's acceptance of the Postdam Declaration on August 9, 1945 constituted a formal or final renunciation of sovereignty by Japan over the areas dealt with in the Declaration. As regards the island of Dokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation was according to our information **never treated as part of Korea** and, since about 1905, has been **under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan**. The island does not appear ever before to have been claimed by Korea.

Takeshima/Dokdo

U.S. Position (1953-present)

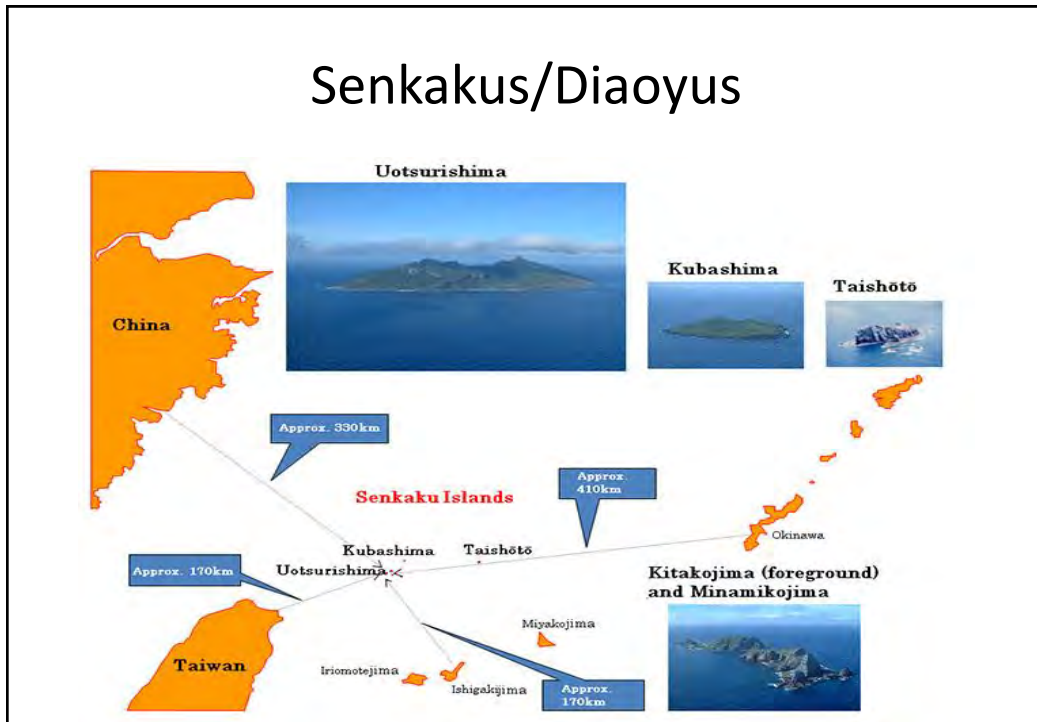
- “U.S. policy on the Dokdo/Takeshima issue has been and continues to be that the United States does not take a position on either Korea’s claim or Japan’s claim to the island”
 - Current U.S. position understandable given U.S. defense alliances with both Japan and ROK
 - ROK reminded in 1953 that if it cannot accept the views expressed in the Rusk note, it should take steps toward arbitration or appeal the matter to the ICJ
 - ROK has refused 3d party involvement/intervention

Takeshima/Dokdo

Japanese Administrative Control

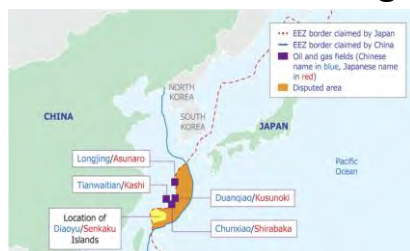
- Japan acquired title to Takeshima by virtue of its continuous, peaceful possession and administration of the islets.
 - Beginning in the 17th Century, Japan took concrete actions – administrative, legislative and quasi-judicial – to assert its sovereignty over Takeshima
 - Korea did not object to these actions until after WWII ended in 1945.
 - The Shogunate authorized Japanese merchants to travel and engage in commercial activities on Ulleungdo in 1618.
 - Takeshima was used by these merchants to dock their ships and engage in fishing.
 - Other business activities flourished on Takeshima over the next 70 years, including harvesting abalone, hunting sea lions and cutting down bamboo and other trees.
 - 1883 - Japanese police remained the only permanent authority in the area because the Korean Government refused to maintain a police presence on Ulleungdo.
 - Japan incorporated Takeshima into the territory of Japan in 1905
 - Cabinet Decision published in February 1905
 - Shimane Prefecture registered Takeshima in State Land Registry.
 - Japanese government established a licensing system to regulate the hunting of sea lions.
 - Takeshima served as a communications and surveillance facility during the Russo-Japanese War.
 - The measures taken by Japan to regulate and control the exploitation of resources on and around the Liancourt Rocks are clearly regulatory and administrative assertions of authority over territory.
 - Although Japan’s activities on the islets may have been modest in number, they were diverse in character and included legislative, administrative and quasi-judicial acts.
 - Japanese activities cover a considerable period of time and show a pattern of intent to exercise State functions in respect to Takeshima.

Senkakus/Diaoyus



Strategically Located

- Straddle important sea Lines of Communication
- Military significance
 - First Island Chain
 - Surveillance advantage
- Traditional fishing grounds
- Potential oil and gas



Senkakus/Diaoyus

- Claimed by PRC, ROC, Japan
- Administered by Japan



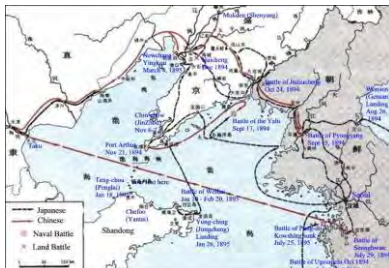
Japanese Claims

- Discovered by Japanese explorer Tatsushiro Koga (1884)
 - Granted 30-year lease by Central Gov't in 1896
 - Developed islands from 1897-1915
 - 248 workers/99 houses by 1908
 - Zenji Koga continued businesses after his father died in 1918
 - All activities ceased during WWII
 - Islands rented to US Navy and US Air Force after war



Japanese Claims

- Incorporated into the territory of Japan in Jan 1895 as *terra nullius*
 - 4 months before Treaty of Shimonoseki ended the Sino-Japanese War (Apr. 17, 1895)
 - Recognized independence of Korea
 - Ceded Liaodong Peninsula and the islands of Taiwan and Penghu to Japan



春帆樓

CAPTION
下関各所 日清議和談判場春帆樓 英海軍司令館跡可
Shimonoseki Peace Negotiations Place
of Japan and China War, Shimonoseki
Photo source: Government of Japan
photo authorized by the Stronghold Headquarters

PRC/Japan Pinnacle Islands

- Japan exercised effective administration and control from 1895 to 1951
- Islands placed under US administration from 1951-1972 after WWII



Senkakus/Diaoyus Treaty of Peace with Japan

- **Article 3**

Japan will concur in any proposal of the United States to the United Nations to place under its **trusteeship** system, with the **United States as the sole administering authority, Nansei Shoto south of 29deg. north latitude** (including the Ryukyu Islands and the Daito Islands), **Nanpo Shoto south of Sofu Gan** (including the Bonin Islands, Rosario Island and the Volcano Islands) and **Parece Vela and Marcus Island**. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Senkakus/Diaoyus Dulles Speech SF Peace Conference



- “...Article 3 deals with the Ryukyus and other islands to the south and southeast of Japan. These, since the surrender, have been under the sole administration of the United States. Several of the Allied Powers urged that the treaty should require Japan to renounce its sovereignty over these islands in favor of United States sovereignty. Others suggested that these islands should be restored completely to Japan. In the face of this division of Allied opinion, the United States felt that the best formula would be to permit **Japan to retain residual sovereignty**, while making it possible for these islands to be brought into the United Nations trusteeship system, with the **United States as administering authority**.





Senkakus/Diaoyus

Original U.S. Position (1951-1972)



- Joint Communiqué of PM Kishi & Pres. Eisenhower (1957)
 - The PM “emphasized the strong desire of the Japanese people for the return of administrative control over the Ryukyu and Bonin Islands to Japan.” In response, President Eisenhower reaffirmed the U.S. position that “Japan possesses residual sovereignty over these islands.”
- Statement by Pres. Kennedy on Signing Order relating to Ryukyus (1962)
 - “I recognize the Ryukyus to be a part of the Japanese homeland and look forward to the day when the security interests of the free World will permit their restoration to full Japanese sovereignty.”
- US-Japan Joint Communiqué (1965)
 - President Johnson “reaffirmed Japan’s residual sovereignty over the islands...”
- “Residual sovereignty” defined in 1969 to mean that “the United States would not transfer its sovereignty powers [administrative, legislative and judicial] over the Ryukyu Islands to any nation other than Japan.”

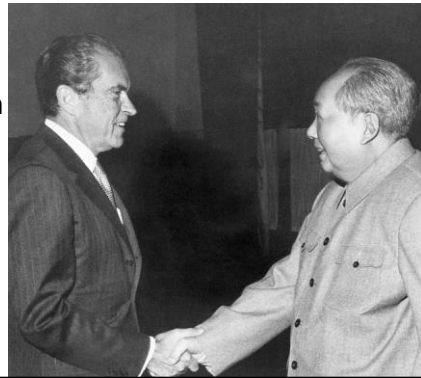


Senkakus/Diaoyus Change in U.S. Position

- Submission of Okinawa Reversion Treaty to the Senate for advice and consent - Memo From President’s Assistant for International Economic Affairs (1971) –
 - The...the Republic of China and Japan are in disagreement as to sovereignty over the Senkaku Islands. ...[T]he People’s Republic of China has also claimed sovereignty over the islands. The United States believes that a **return of administrative rights** over those islands to Japan, from which the rights were received, can in **no way prejudice any underlying claims**. The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the rights of other claimants. The United States...considers that any conflicting claims to the islands are a matter for resolution by the parties concerned.

Senkakus/Diaoyus Change in U.S. Position

- Why the change?
 - Appease Taiwan for losing its seat at the UN and break the impasse of the ongoing textile negotiations with Taiwan
 - Influenced by U.S. overtures to China, culminating in the Nixon visit to China.



Senkakus/Diaoyus Neutral, But Defense Treaty Applies

- “The U.S. position on this issue is longstanding and has not changed. The United States does not take a position on the question of the ultimate sovereignty of the Senkaku Islands. We expect the claimants to resolve this issue through peaceful means among themselves. **But Article 5 of the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security states that the treaty applies to the territories under the administration of Japan....”**
- U.S. has repeatedly reaffirmed U.S. defense obligations under Article 5 of the MDT (2004, 2010, 2013, 2014, 2017).

US Defense Obligations

- Art. V of the Treaty of Mutual Cooperation and Security between Japan and US provides:

Each Party recognizes that an armed attack against either Party **in the territories under the administration of Japan** would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

- Senkakus are under the **administrative control** of Japan and are therefore **covered** by Art. V of the mutual defense treaty

Senkakus/Diaoyus

Trump-Abe Joint Statement (2017)

- “The two leaders affirmed that Article V of the U.S.-Japan Treaty of Mutual Cooperation and Security covers the Senkaku Islands. They oppose any unilateral action that seeks to undermine Japan’s administration of these islands....”



Underlying Cause Oil and Gas

- UN ECAFE Survey (1969)
 - “a high probability exists that the continental shelf between Taiwan and Japan may be one of the most prolific oil reservoirs in the world”
- US EIA (2013)
 - “the East China Sea has between 60 and 100 million barrels of oil in proven and probable reserves” and “between 1 and 2 trillion cubic feet in proven and probably natural gas reserves”



China's Straight Baseline Claim

- 10 Sep 2012—Japanese Cabinet approves purchase of Uotsurishima, Kita-Kojima and Minami-Kojima from Kiruhara family for ¥2.05 billion
- 13 Sep 2012—PRC files map with UN claiming archipelagic straight baselines around the Senkakus
- 7 Mar 2013—US diplomatically protests China's straight baseline claim
- 27 Apr 2013—PRC identifies Diaoyus as a “core Interest” of China



PRC ADIZ Declaration- Nov 23, 2013

东海防空识别区划示意图



资料来源：中华人民共和国国防部

新华社发

Source: China MOD/Japan Defence Ministry/South Korea Defence Ministry

Graphics: AFP/GT

QUESTIONS/COMMENTS

Why Europe Should Assume a Greater Diplomatic/Strategic Role in East Asia's Maritime Security?



Public Seminary on “Asia’s Regional Order and Maritime Security” 2nd Floor, Room 269, Maison de la Chimie, Paris, France, 6 March 2017

Introduction



Professor Aaron Friedberg's 1994 prediction that Asia is Ripe for Rivalry given the rampant territorial dispute in the region.

Introduction

East Asia is made up of several Westphalian states that are fixated with the notion of territoriality and sovereignty.



Introduction



East Asian states are *Westphalian* territorial states that are locked in the logic of international anarchy.

INTRODUCTION



- According to Friedberg, “these states will fight for territory...for symbolic or strategic values.”

INTRODUCTION



- Currently, several East Asian Westphalian states are currently locked in three territorial disputes in the region:

INTRODUCTION

- **China versus Vietnam, Philippines, Malaysia and Brunei in the South China Sea;**



INTRODUCTION

- **Asia—China versus Japan in the East China Sea.**



INTRODUCTION

- **Taiwan and China over the Taiwan Straits;**



INTRODUCTION

These disputes are frozen contentions that have the potential to escalate into militarized conflicts. These maritime tensions are crises or confrontations that make competing states feel that force is the only way to resolve the issue at hand, and that existing military preparations make this a viable option for at least for one side.



INTRODUCTION

These disputes are geopolitical flashpoints that are occurring amidst a major systemic change in the 21st century. In the second decade of the 21st century, the unipolar movement of the U.S. is strategically being challenged by two great regional powers—Russia and China.



INTRODUCTION



China and Russia are fielding advanced weapon system including long-range radars, air defense systems, satellite-based sensors, and long-range cruise and ballistic missiles to prevent or delay U.S. forward deployed forces from intervening in their respective regions.

INTRODUCTION

By developing their respective anti-access area-denial capabilities, Russia and China are relying on asymmetrical tactics below the threshold of actual conflict or grey zone tactics. Adoption of these tactics represent an attempt by both regional powers to pursue their geo-strategic interests in the near term without triggering a full-scale military response by the United States and its allies.



INTRODUCTION

- With China joining the ranks of the great powers, the Chinese leaders increasingly believe that their country has the preponderance of military and economic power to revise the rules, norms, and institutions that govern the world order to suit their interests.



INTRODUCTION



- **China's and Russia's resort to gray-area or asymmetrical tactic to undermine U.S. strategic dominance represent a recognition that a systemic change in the international system could trigger a major great power conflict in the second decade of the 21st century.**

INTRODUCTION

On its part, the United States designed the rules, regimes, and institution of the post-1945 international system. American leadership in global affairs is the source from which America draws its capabilities, influence, and power to defend the American way of life and the Western Alliance.



INTRODUCTION



As the foremost status quo power and East Asia's strategic offshore balancer, the U.S. will try to prevent these regional powers from damaging, undermining, and unravelling the current international political and economic system. This is, in turn, creates the prospect of a systemic or a great power conflict in the second decade of the 21st century.

INTRODUCTION

A major systemic war would not only cost significant loss of life and properties, but could also bring about the collapse of the post-Second World War global order.



First Geopolitical Risk: The South China Sea Dispute



First Geopolitical Risk: The South China Sea Dispute



- South China Sea is a semi-enclosed sea surrounded by China and six smaller Southeast Asian states.

First Geopolitical Risk: The South China Sea Dispute



- China poses as the largest challenge in both efforts either to resolve/ manage or escalate the maritime and territorial disputes in the South China Sea.

First Geopolitical Risk: The South China Sea Dispute



China believes that the South China Sea has a vital strategic significance as it is becoming a focal point of its evolving strategic rivalry with the United States.

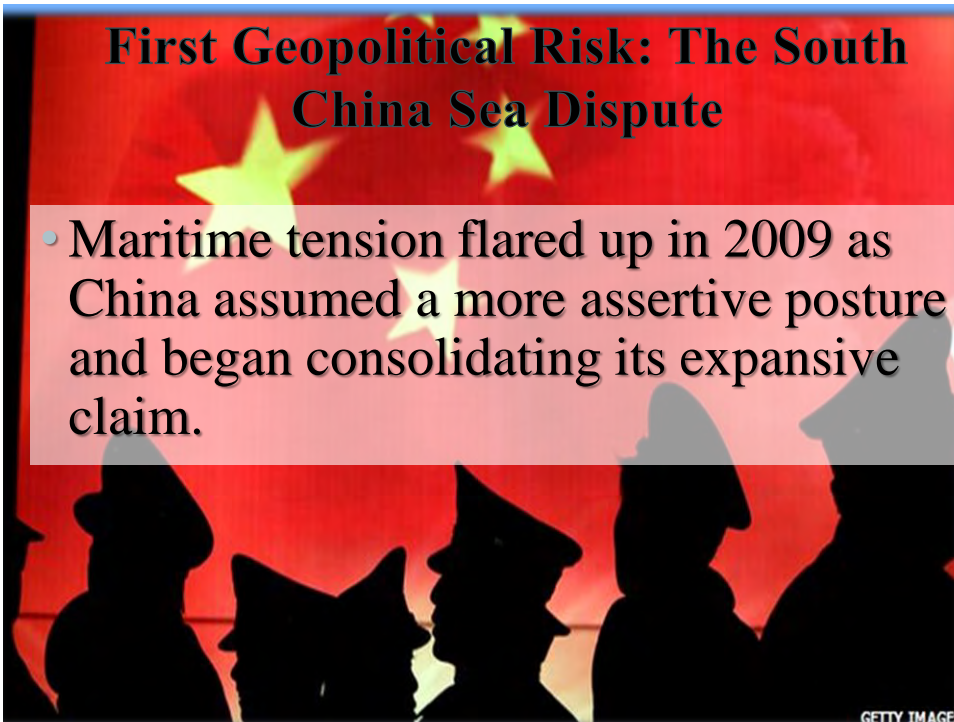
First Geopolitical Risk: The South China Sea Dispute

- **China has developed a navy that is focused on denying the U.S. Navy's access to East China and South China Seas or the first Island chain.**



First Geopolitical Risk: The South China Sea Dispute

- **Maritime tension flared up in 2009 as China assumed a more assertive posture and began consolidating its expansive claim.**



GETTY IMAGES

First Geopolitical Risk: The South China Sea Dispute

**China has been
Deterring
smaller claimant
states from
strengthening
their claims.**



First Geopolitical Risk: The South China Sea Dispute

PARESH
THE KHALEEJ TIMES
Dubai
U.A.E.



- **The threat of force to resolve the dispute unilaterally has become apparent.**

First Geopolitical Risk: The South China Sea Dispute

- **As the region's off-shore strategic balancer, the United States has shown interest in the dispute since 2010, and in 2011, announced a strategic rebalancing to Asia.**



First Geopolitical Risk: The South China Sea Dispute

- **Japan has growing interest in the dispute to balance its geo-strategic rival in Asia-China. Japan has assisted the Philippines and Vietnam in enhancing their maritime security.**



First Geopolitical Risk: The South China Sea Dispute



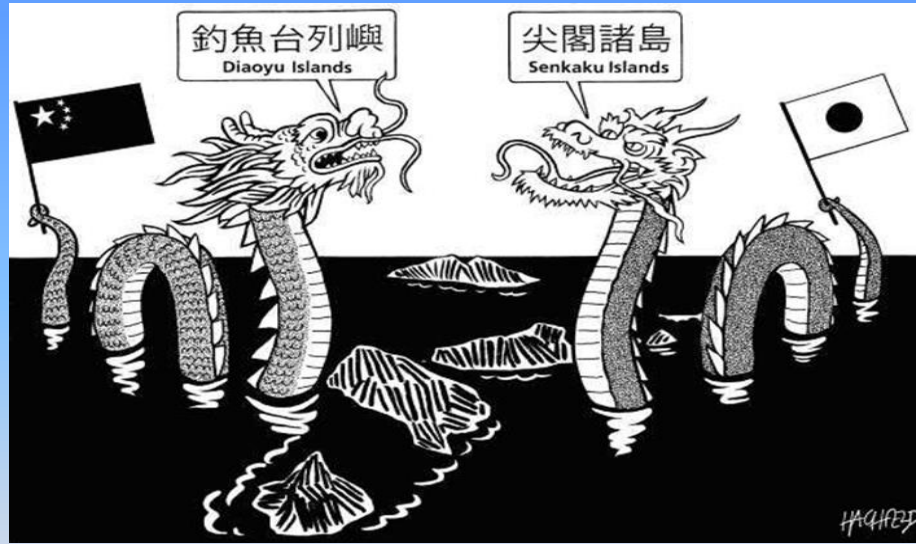
The South China Sea is now one of the four geo-Strategic flashpoints in East Asia.

First Geopolitical Risk: The South China Sea Dispute



South China Sea is now the future of conflict where navies jockey for positions with their warships on the high seas.

Second Geopolitical Risk: The East China Sea



Second Geopolitical Risk: The East China Sea



China has also been very active in effecting its maritime expansion in the East China Sea. It has focused its attention on developing natural gas field in its East China Sea waters that is very close to the equidistance line between China and Japan.

Second Geopolitical Risk: The East China Sea

Since June 2013, China has unilaterally and rapidly built several new oil and natural gas platforms near the median line between China and Japan. Consequently, Japan has repeatedly stated its objections to China's ongoing unilateral developments of oil and natural gas in the East China Sea.



Second Geopolitical Risk: The East China Sea

From Japan's point of view, China's build-up of multiple maritime platforms is an attempt to set in place a new status quo in the East China Sea, an approach that has similarities with Chinese reclamation activities in the South China Sea.



Second Geopolitical Risk: The East China Sea

- Chinese maritime law enforcement agencies (CMLEA) vessels have also intensified their activities around the Senkaku islands for several days in August 2016. This was the strongest and most massive operation of the CMLEA in the waters around Senkaku.



Second Geopolitical Risk: The East China Sea

- To effect a unilateral change in the territorial status quo in the East China Sea, China has increased its air and maritime activities in the East China Sea as it sent PLAAF aircraft over the Tsushima Straits, between Okinawa and Miyakojima Islands. PLAN ships have also started operating in the Southern waters of the Senkaku/Diayo Islands.



Second Geopolitical Risk: The East China Sea

- Prime Minister Shintaro Abe's policy of continuing his predecessor's stand of not admitting the existence of the dispute in the Senkaku.
- Prime Minister Abe's pronouncements that China's assertive behavior in East Asia is a source of grave security concern for Japan.

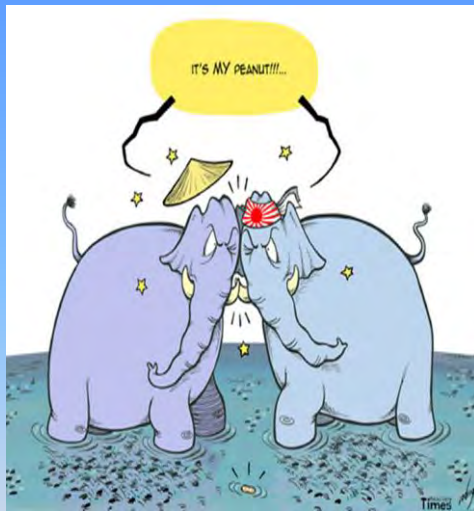


Second Geopolitical Risk: The East China Sea

- Prime Minister Abe's announced increase in defense budget and a review of the 2010 National Defense Program Guidelines.



Second Geopolitical Risk: The East China Sea



- Review of the 1997 Guidelines for U.S.-Japan Defense Cooperation.
- Japan's launching of multi-layered security with like-minded countries on a regional and global scale.

Third Geopolitical Risk: The Taiwan Straits

解放台灣 完成統一



Third Geopolitical Risk: The Taiwan Straits



The year 2015 was seen as the year when both Chinese and Taiwanese leaders exerted major efforts toward a gradual normalization of China-ROC relations. Since 2008, both sides had agreed on deepening the cross-straits relations, particularly, economic ties.

Third Geopolitical Risk: The Taiwan Straits



In January 2016, Miss Tsai Ing-wen of the Democratic Progressive Party (DPP) won the presidency. This led to an renewed tension in the Taiwan Straits as China is very suspicious of her motives with regard to Taiwanese independence.

Third Geopolitical Risk: The Taiwan Straits

Suspicious of possible secession of Taiwan under the DPP Administration, China is currently developing the military capability not only to invade Taiwan but to deter the U.S. from intervening militarily in case of a Chinese invasion of Taiwan.



Third Geopolitical Risk: The Taiwan Straits



- The PLA is seeking to bolster its strategic capabilities by increasing the number of short-range ballistic missiles and cruise missiles supposedly aimed not only at Taiwan but also against the U.S. Seventh Fleet.

The Coming Storm?



The Coming Storm?

The existence of these maritime tensions amidst a evolving systemic change in East Asia generate a strategic impasse wherein any error or miscalculation of any the major powers can trigger a major conflict.



The Coming Storm?

The impasse in East Asia is generated by the these maritime tension could lead to three possible strategic scenarios



The Coming Storm?



- A regional balance of power marked by constant inter-state competition and rivalry between the two great powers and their allies;

The Coming Storm?



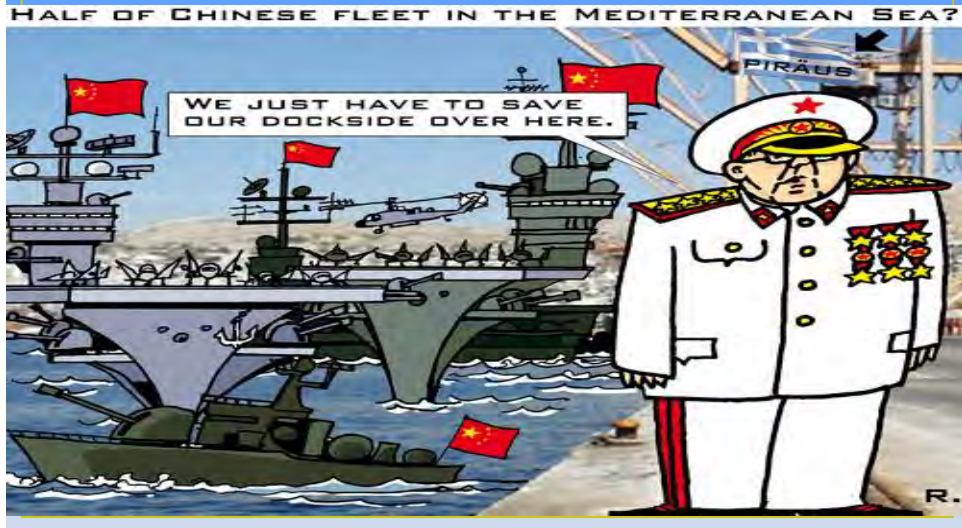
- **A U.S.-China condominium in the Asia-Pacific.**

The Coming Storm?



- **The Thucydides Trap and the consequent outbreak of a systemic war between an emerging power versus a status quo power and its allies in East Asia.**

Why Europe Should Assume a Greater Diplomatic/Strategic Role in East Asia's Maritime Security Issues: Going Beyond the Usual Liberal Arguments?



Why Europe should Assume a Greater Diplomatic/Strategic Role...



China's recent escalatory actions and assertive behavior in both the South and East China Seas are causing more actors to engage directly on East Asia's maritime security issues both in the diplomatic and in the strategic realm. Going forward these non-claimant parties will likely play a greater role in influencing developments in the region's maritime domain.

Why Europe should Assume a Greater Diplomatic/Strategic Role...

Despite their geographic, political, diplomatic, and economic differences, it is apparent that very real geo-strategic interests draw all the non-claimant actors when it comes to the significant developments in East Asia's maritime security issues.



Why Europe should Assume a Greater Diplomatic/Strategic Role...



Thus, the non-claimant actors' usual attention on their dependence on the critical sea lines of communication for shipping, fundamental interests in maintaining the freedom of navigation, the rights of passage and overflights on the disputed waters, and defending a global order based on the rule of law should be complemented with clear-cut and articulated geo-strategic concerns.

Why Europe should Assume a Greater Diplomatic/Strategic Role...

China's naval build-up and consequent expansive maritime expansion generate bilateral, trans-Atlantic, and global issues that would affect the EU's nascent common foreign and security policies, and the EU's role as the foremost global Civilian Power.



Why Europe should Assume a Greater Diplomatic/Strategic Role...



Since 2016, Russia has taken a more active role in East Asia as it began criticizing the position and role of the U.S. in the maritime dispute and conducting naval exercises with China in the South and East China Seas. The Sino-Russian relations most sensitive element, security, has become increasingly important as the two countries have increased cooperation through regular large-scale joint exercises in East Asia, arms sales, and information exchange.

Why Europe should Assume a Greater Diplomatic/Strategic Role...

With its growing wealth, China has applied a sophisticated form of economic statecraft to influence the views of regional states on the maritime disputes. Most East Asian states now weigh their geo-strategic interests and political decisions in the context of their alliance and security partnership with the U.S. and Japan with their extensive economic relations with China. This causes claimant and non-claimant actors to adopt a delicate balancing act with regard to their respective positions on the maritime issues in East Asia.



Why Europe should Assume a Greater Diplomatic/Strategic Role...



China's naval build-up, increasing assertiveness, and development of its extensive anti-access/area denial capabilities in the First-Island chain are designed to challenge the U.S. role as East Asia strategic off-shore balancer in particular, and the U.S.-led international order that was established in the end of the Second World War.

Why Europe should Assume a Greater Diplomatic/Strategic Role...



These geo-strategic issues related with the maritime disputes in East Asia should make Europe ponder on its limited security role in the region. Europe might consider expanding its current policy instruments of annual issuance of statements, ban on commercial arms sales in China, and nascent freedom of navigation operations (by France) with new initiatives such as enhanced strategic dialogue with the U.S. and its Asia-Pacific allies, the development of shared outlook on regional trends with like-minded states in the region, strengthening NATO's partnerships in the region, and cooperation with regional states on maritime security focused on protecting East Asia's maritime commons.

Why Europe should Assume a Greater Diplomatic/Strategic Role...

While it is true that Europe does not have a strategic presence and clout in the region, this should not mean that Europe is incapable of playing a constructive security role in East Asia's maritime affairs.



Last Words from Professor Friedberg

- **Will
Europe's
Past be
Asia's
Future?**



**That is all folks!
Thank you very much for
your attention!**



How to defuse Sino-US tensions in the South China Sea?

Liselotte Odgaard
Royal Danish Defence College
6 March 2017

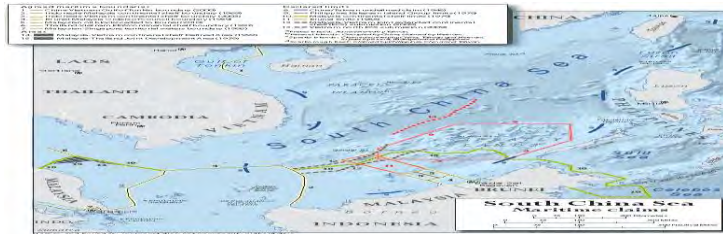
Argument

Both China and the U.S. are
conditional revisionists
=> Deterrence with credible
reassurance to lower tensions



Legal grey zones

- China's claim and entitlement to territorial sovereignty and maritime zones
 - History and effective control
 - Military activities within maritime zones
- => China and the U.S. manifest their interpretations of legitimacy



Blurred strategic lines

China:

- Advocates peace and stability (not intending to militarize)
- Reacts to challenges to its territorial and maritime zone claims (not willing to give up an inch)

U.S.:

- Prioritizes freedom of navigation based on international law
- Considers options for flying and sailing near features whose legal status is not clear



4

Different interpretations of deterrence

China: includes the option of using compellence against offensive behaviour that has not involved the use of deadly force => maritime military build-up and law enforcement capabilities to defend sovereignty claims.

U.S.: forward military presence used to manifest that international waters cannot be treated as within the jurisdiction of another state



5

Credible reassurance

China:

Does not seek to undermine the US alliance system: refrain from using aggression against other claimants; refrain from imposing restrictions on US military navigation and overflight; refrain from establishing presence that threatens the US presence (fx military installations that threaten navy vessels and aircraft)

U.S.:

Does not seek to prevent China from establishing a permanent presence: refrain from close-in surveillance of China; refrain from military activities in legal grey zones and FONOPS in disputed areas where legal status is unclear; refrain from challenging current Chinese possessions



6