

REVITALIZATION OF MARITIME SILK ROAD BASED ON THE SECURITY IMPLICATIONS AND COOPERATION

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Introduction

The “Maritime Silk Road” concept first emerged during President Xi Jinping’s first trip to Southeast Asia on October 2013. The proposal was raised during the speech to the Indonesian parliament, in which he called for increased maritime cooperation between China and the ASEAN (Association of South-East Asian Nations) countries, in order that the “maritime silk road” would have both diplomatic and economic components (Tiezzi 2014; Odubajo 2017). According to President Xi Jinping, to build the new “maritime silk road”, China will strengthen maritime cooperation with ASEAN countries “to make good use of the China-ASEAN Maritime Cooperation Fund set up by the Chinese government” (Jiao and Yunbi 2013). In November 2014, Chinese President Xi Jinping announced plans to create a 40 billion USD development fund, which would help finance China’s plans to develop the New Silk Road and the Maritime Silk Road (Xinhua 2013). On March 2015, China issued the document entitled Vision and Actions on Jointly Building the Silk Road Economic Belt and the 21st Century Maritime Silk Road (Tracy et al. 2017; Kong 2015; Summers 2016; Dunford and Liu 2019). The 21st-Century Maritime Silk Road is designed to go from China’s coast to Europe through the South China Sea and the Indian Ocean in one route, and from China’s coast through the South China Sea to the South Pacific in the other (Kong 2015; Tracy et al. 2017). Regarding this, there are two maritime silk routes.

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This paper will try to investigate the security aspects, as following step of economic cooperation (Pereira 2013), along the first route of Maritime Silk Road through the South China Sea and the Indian Ocean. This route may be divided into four paths. The first path is the South China Sea, Malacca Strait establishes itself as the second path, the third path is through India Ocean to Indian Ports and the additional path is as a branching tree of the main road towards ASEAN ports as the fourth route. Those paths of maritime silk road may touch national and regional security in the South China Sea, South East Asia and the Indian Ocean as well. This paper aims to discuss the security implications and cooperation of the economic belt of China's proposed Maritime Silk Road (MSR) through ASEAN countries.

The China-ASEAN Relation Overview

China practices dual-track diplomacy in the China-ASEAN relation. First track diplomacy is the cooperation between China and ASEAN as an organization, while the second track diplomacy is the cooperation between China and each member state bilaterally. At East Summit 2014, in Nay Pyi Taw, Myanmar, Chinese Premier Li Keqiang stressed that “the two wheels of the political and security fields and economic field should move forward at the same time” (Keping 2009; Barton 2017; Yang and Li 2016).

China – ASEAN Relation. The Association of South-East Asian Nations and the People's Republic of China signed the Strategic Partnership for Peace and Prosperity at the Seventh ASEAN-China Summit on 8 October 2003 in Bali, Indonesia. Plan of Action was formulated to serve as the “master plan” to deepen and broaden ASEAN-China relations and cooperation in a comprehensive and mutually beneficial manner for the next five years (2005-2010) with the view in strengthening the strategic partnership for regional peace, development and prosperity and playing a proactive role to tap the opportunities and meet the challenges of the new millennium. This Plan of Action also supported the implementation of the Declaration of ASEAN Concord II, signed in Bali on 7 October 2003, leading to an ASEAN Community. In the light of the above, ASEAN and China will pursue the following joint actions and measures: Political and Security Cooperation, Economic Cooperation, Functional Cooperation, Cooperation in International and Regional Fora, Funding and Institutional Arrangements (Secretariat 2015). By this Strategic Partnership for Peace and Prosperity and then continuing by Plan of Action documents, it has indicated that China and ASEAN have fostered closer relationship. On economic cooperation, ACFTA

(ASEAN-China Free Trade Area) was formally launched on January 1st 2010. It reached \$292.78 billion in 2010, making ASEAN the third largest trade partner of China and China the third largest partner of ASEAN (Jiang, Chen and Wang 2019; Greenwald 2006; Chin and Stubbs 2011; Irshad and Xin 2014).

China – ASEAN Member States Bilateral Relation. Although there are ongoing disputes in the South China Sea between China and some of the ASEAN member states, China and these ASEAN member states have also established good bilateral relations in many aspects. However, if there are problems along the path of cooperation, security dialogues will be established to maintain security and stability. China's efforts to settle territorial and jurisdictional disputes with neighbouring countries are in line with the principle of 'putting aside disputes and seeking common development' (Fravel 2011; Buzan 2014).

The ASEAN Connectivity. In recent years, ASEAN has proposed the ASEAN Connectivity to enhance the relations among ASEAN peoples. This ASEAN Connectivity is similar to a modified version of the Old Southeast Asia connection road. From ancient times, peoples of Southeast Asia have engaged each other on trades, empire relations and influences through land route and sea route. The sea route of Old Southeast Asia connection road includes the South China Sea and Malacca Straits. ASEAN Connectivity is helping to accelerate the establishment of the ASEAN Community by 2015. The Master Plan on ASEAN Connectivity was adopted by the ASEAN leaders in October 2010 (Greenwald 2006; Chin and Stubbs 2011). ASEAN Connectivity intends to connect ASEAN through enhanced physical infrastructure development (physical connectivity), effective institutions, mechanisms and processes (institutional connectivity), empowering people or people-to-people connectivity. Through an enhanced ASEAN Connectivity, the production and distribution networks in the ASEAN region will be deepened, widened, and become more entrenched in East Asia and the global economy (Secretariat 2011). The support for the ASEAN Master Plan for Connectivity (AMPC) as a whole and the ASEAN RO-RO (Roll On-Roll Off) network (ARN) in particular will enable China to gain not only investments but also the goodwill of its neighbours (Solmecke 2016; Lu and Cai 2018).

The Route and Port Destinations of Maritime Silk Road. The maritime route was opened by Emperor Han Wudi (reigned between 140-87 BC) to provide access to the Roman Empire via India. It marked the first oceanic route as well as the earliest marine trading route in the world. This has enabled China to actively seek out overseas markets and establish foreign trade relations and laid the foundation for the development of the Maritime

Silk Road (Blanchard and Flint 2017; Zhang 2017; Len 2015). The history of silk route goes back to 15th century when Chinese first constructed the Silk Road, the oldest maritime trade routes of silk which existed between China and Coast of Persian Gulf and the Red Sea, including Kuilong in the Indian peninsula, Sumatra, Orr Island and Gulf of Siam and Vietnam coast (McLaughlin 2010).

The new “maritime silk road” is an attempt of re-branding China. Now the concept has been officially extended. There are two assumptions upon the revitalization of Maritime Silk Road, whether it will be an exclusive or just an ordinary passage. Another assumption is whether it will keep the old route and port destinations or use a modified route. If the revitalization is exclusive, it could be a problem since it portrays a hegemonic intent which contradicts China’s foreign policy. If it is ordinary trade as the now existing trade cooperation among China and other countries, it may be better to be enhanced in many aspects. If the revitalization is to keep the old route and destination ports, it could limit the trade activities. ASEAN has designated 47 ports as the main ports in the trans-ASEAN transport network (Secretariat 2011). It could affect the new destination ports of the new maritime silk road. Hence, the best solution could be to modify according to the trend and the new ports of destination countries instead of keeping the old ports of the maritime silk road.

Security Along the Maritime Silk Road

In general, when we talk about maritime security, at least it will concern about the piracy and armed robbery and also petty theft at sea (non-traditional threats at sea), the safety of navigation (safety of navigation along the strait may cover inter alia: navigational aids, visibility, depth, traffic density and crossing vessels, fishing vessels, traffic separation scheme, and vessel traffic service) and the freedom of navigation (Karma, Shukry, and Woon 1998). The word ‘freedom of navigation’ is used in UNCLOS 1982 at article 87 as part of freedom of high sea as well as article 58 (Geng 2012) in the exclusive economic zone and article 38 as part of the right of transit passage in straits used for international navigation.

Non-Traditional Security Threats. Along with the first of MSR, there were some incidents concerning non-traditional threats at sea. According to Dr Same Bateman, there were merely 4 piracy incidents that occurred at the South China Sea and at Malacca Strait – a total of 4 armed robbery incidents occurred in 2013 (Bateman, Gamage, and Chan 2017). But some petty theft could have occurred at some ports of ASEAN countries though.

Safety of Navigation. In Malacca and Singapore Straits, a survey conducted found that in the opinion of the navigators, the main hazards to navigation in the Straits were: Traffic Density (29 per cent), Shallow Water (26 per cent), Fishing Boats (24 per cent), Unavailability of VTS (12 per cent), Lack of coverage of TSS (6 per cent) and Other (3 per cent), but all agreed that traffic density within the Strait is mostly higher or denser than the straits with other waterways by more than 70 per cent. Therefore, the Straits are considered as two of the most hazardous straits in the world (Karma, Shukry and Woon 1998).

Since the South China Sea and the Indian Ocean are vast and have deep waters, the safety of navigation, in general, is not the biggest concern in that regard. Additionally, in general, the channels to the ASEAN ports have good navigation aids for entry and departure of vessels.

Freedom of Navigation. In article 39, UNCLOS (Geng 2012) states that ships and aircraft, while exercising the right of transit passage, inter alia, shall proceed without delay, refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of states bordering the strait. Furthermore, in article 59 UNCLOS states that in cases where this Convention does not attribute rights or jurisdiction to the coastal State or other States within the exclusive economic zone and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved based on equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Although there are disputes on maritime border delimitation among littoral states adjacent to Malacca Strait, the principal ASEAN ways and the ASEAN treaty of amity guarantee the freedom of navigation along Malacca Strait. Previously on resolving problems, they have taken measures by Government to Government negotiations and settling at the International Court of Justice (ICJ) without impacting maritime security along the strait (Leifer 1996). More than 200 vessels pass through the Straits daily and this gives an annual throughput of approximately 70,000 ships, carrying 80% of the oil transported to Northeast Asia as well as one-third of the world's traded goods including Chinese manufactures, Indonesian coffee, etc. (Qu and Meng 2012) and also there are disputes in the South China Sea, besides the peaceful settlement being in an on-going process. Over half of the world's super-tankers and commercial fleets (measured in tonnage), or over 40,000 various vessels, pass through the South China Sea annually (Yaodong and Shicheng 2014).

Existing Security Cooperation Along the Road

ASEAN Bilateral And Regional Maritime Security Cooperation. Every country must secure its maritime area. ASEAN member states can secure their waters with their maritime power by conducting many maritime operations and deploying naval ships along its territorial waters and Economic Exclusive Zones (EEZs). When the waters border with the neighbouring countries' waters, they established a bilateral coordinated patrol (Damayanti 2017). These activities indicate that the security along the proposed MSR would have been already taken care of by the respective countries. Over the Malacca and Singapore straits, there is also regional maritime cooperation. The Malacca Straits Patrols Joint Coordinating Committee (MSP-JCC) established in 2006 works as the channel of communication and coordination for all activities and issues on Malacca straits and Singapore straits security matters by Indonesia, Malaysia, Singapore and Thailand. The MSPJCC executes the coordinated Malacca Straits Sea Patrols (MSSP), Eye in the Sky (EiS) as combined maritime air patrols and intelligent exchange group (IEG). Defence ministers from seventeen countries including the United States, China, India, Japan and the ASEAN states who attended the fourth Shangri-La dialogue in Singapore in 2005 agreed the following three basic principles for multilateral security cooperation in the Straits of Malacca, which in places deviate from the UNCLOS arrangements: 1) Primary responsibility for the security of the entire maritime territory of the Straits of Malacca, even outside territorial limits, remains with the three littoral states. 2) The international community and the user states fulfil a supporting role based on consultation with the littoral states. This includes financial and material support, capacity-building measures, exchange of information and joint anti-piracy exercises, but not the active conduct of security measures by external actors. 3) All multilateral cooperation must be compatible with the International Law of the Sea, and the sovereignty of the three littoral states must be respected (Mair 2011).

Dialogue on Regional Security Cooperation Along the Road. To guarantee the maritime security in the South East Asia region, it cannot be achieved merely by deploying the maritime powers operating in the field, but also by conducting dialogues to enhance coordination and cooperation. ASEAN Chief Defense Force Informal Meeting (ACDFIM) is an annual regional military community meeting to promote dialogue among the ASEAN members. At the defence level, all Ministers of Defense of ASEAN members have annual meetings related to strategic and defence dialogues, named ASEAN Defence Ministerial Meeting (ADMM) and ADMM plus with other members from outside of ASEAN countries region, including China. There is also ASEAN

Regional Forum (ARF), ASEAN Maritime Forum (AMF) and Expanded AMF with other members from outside of ASEAN countries region, including China. Furthermore, there are also Jakarta International Defense Dialogue as an international forum attended by the military and political elite from about 34 nations, and The Shangri-La Dialogue as an inter-governmental security forum held annually by an independent think tank.

Besides those regional security dialogues highlighted above, other dialogues in the region discuss maritime security issues including along the road namely Western Pacific Naval Symposium (WPNS), Indian Ocean Naval Symposium and Chief of Defense Forces Conference (CHOD). CHOD serves as an annual regional avenue that allows top military leaders to come together, interact closely and discuss cooperative matters relating to defence and security (Prakash 2011). In 2014, Brunei Darussalam hosted the CHOD, which was attended by military leaders and representatives from 26 countries including China taking part for the first time since the conference was introduced in 1988 (Panda 2019).

The burden of Ensuring Navigational Safety and Pollution Prevention. In Malacca Strait, the Malacca Strait Council as a council funding to secure the safe use of International navigation was established in 1968. Since the late 1960s, the Malacca Strait Council has put tremendous efforts into addressing and resolving risk governance issues in the Straits, focusing primarily on navigational safety and preservation of the marine environment (Chatterjee 2014). Maritime Port of Authority (MPA) Director-General Mr Chen Tze Penn said in his opening address that the burden of ensuring navigational safety and pollution prevention and responsibility should not rest on the three littoral states alone, but that it is also imperative that the international community and the International Maritime Organization (IMO) are involved in the Tripartite Technical Expert Group's joint efforts to keep waterways safe and clean (R. Beckman and Liliansa 2019). Indonesia, Malaysia and Singapore have concluded a Joint Technical Arrangement (JTA) with the IMO to institutionalize an IMO Trust Fund that supports co-operation among stakeholders towards enhancing safety and marine environment protection in the Straits of Malacca and Singapore (Ba 2018; Karma, Shukry, and Woon 1998).

On the Security Implications and Cooperation

Peaceful means and dialogues to resolve any disputes to guarantee the freedom of navigation. Freedom of navigation at sea should be maintained - otherwise, any military conflicts at sea will affect the sea lane of communication.

The manoeuvre and gunfire of naval ships will disrupt any merchant ship movement at sea. Border maritime delimitation disputes in Malacca straits should be kept resolving by peaceful means and disputes in other places along the road as well. The China's way in solving the problem as stated in its White Paper vividly describes that China's security and development are closely connected with the peace and prosperity of the world as a whole and with frequent participation in international affairs and China is increasing its obligations in upholding world peace and regional stability (Economic and Cooperation 2013).

Respect to the state's sovereignty and sovereign rights along the route. Every state must secure their land and waters from any threat that may disrupt their entire countries. Since the respective countries along the maritime route have already put in so much effort to secure their sovereignty and sovereign rights waters through national, bilateral and regional maritime cooperation; hence, it is reasonable to expect other countries to respect those efforts. Should there be any unsatisfactory concerns from the other country's maritime security interest, these countries should communicate openly in a good manner with due respect to the sovereignty and by international law. Nevertheless, if such country does not have the capability in controlling its land and waters, she may or will ask the UN as the International organization for help. In this case, the United Nations Security Council (UNSC) will come up with certain resolutions to deal with such problems, for instance, UN Resolution to Somalia waters (Dalton, Roach, and Daley 2009).

Matching the priorities along the maritime route among countries. The proposed MSR is a vital sea lane of communication to revitalize the connection between China and other countries. For China, the most important thing about this route could be its maritime security. If such priority is shared by other countries, then there will be no problem at all, since all countries will share similar concerns over the route. Yet, if the route is not on the top list of other countries, there should be some adjustments to match these discrepancies. For instance, Malaysia will give more attention to the security and safety of navigation on the western coast of the Malacca straits where most of her vital port trade is located, rather than on the eastern coast. Indonesia, as a huge archipelagic state, will give more attention to the security and safety of navigation to its international ports rather than its domestic ports. Therefore, to match them is not just to match the security itself but also mainly to match the interest in specific areas. For instance, in economic trade, all of them will need the same security as a priority. A strategic partnership may be created to pave the ways and will make matching the priorities easier.

Non-Intervention. The norm of non-intervention has dominated the

majority of international relations as firmly established in the UN Charter (Mayall 1991; Jones 2010). Furthermore, almost all countries along the first path to the fourth path of MSR are ASEAN members, which have established ways of resolving problems. The ASEAN way has a strong Asian flavour of consultation rather than compulsion, of harmony rather than intervention, and of soft cooperation approach rather than hard coercion (Jones 2010). For China's MSR initiative to be welcomed, it would be better if it follows Asian flavour such as the ASEAN way.

Use of the established maritime trade route. Although the proposed MSR is China's idea which is rooted in the traditional route, it does not have any special implication before the International Maritime Law. The route will be the same as the other maritime routes. No rights will be provided to secure the route by undermining the very principle of freedom of navigation or the coastal states' sovereignty. According to UNCLOS (Geng 2012), the only reason for escorting any ship is not based on its route but its cargo.

Maritime Security Cooperation

Bilateral and Regional Security Cooperation. No country can stand alone facing the dynamic global world developments. Since the proposed route will be passing through other countries' waters, it is better to continue cooperating with the respective countries bilaterally or regionally and without the need for providing exclusive security. When dealing with the neighbouring countries, China's diplomacy is characterized by friendship, sincerity, reciprocity and inclusiveness (Xi 2014). The word 'friendship' on China's character diplomacy with neighbouring countries indicates that China will not be the adversary in terms of security. As described in the book titled "Xi Jinping, the Governance of China", China should work with its neighbours to speed up the connection of infrastructure between China and our neighbouring countries and establish a Silk Road economic belt and a maritime silk road geared towards the demand of the 21st century. The Silk Road needs safety and peace, hence, security cooperation will be paramount. China has held extensive strategic consultations and dialogues with relevant countries on security and defence issues. It also has established mechanisms for such consultation and dialogue with 22 countries (Paltiel 2018). Furthermore, security cooperation may encompass conflict prevention.

Contribution. Although the littoral states have established such solid cooperation in taking on the safety and security issues within their waters, it does not mean they will reject other states' contribution. The littoral states

are fully aware that there are other means of enhancing maritime safety and security outside their radar. Hence, other states or non-state actors contribution are also welcomed as long as they are given through appropriate channels and are approved by the littoral states. Some examples of such contributions include building confidence and mutual understanding, followed by tangible products to build trust and by promoting cooperation through activities such as information sharing, technological cooperation and exchange of visits of authorities concerned; exploring every opportunity in developing cooperation in the context of capacity building, information sharing, logistic support and equipment by promoting cooperation in regional and multilateral exercises on maritime security as well as training and education.

Burden sharing. Some of the global sea lanes of communication may be part of other countries' waters. Malacca and Singapore straits are examples. These straits are not international straits but straits used internationally. Currently, to promote the safety of navigation, the littoral states share the burdens, either financially or environmentally, for the benefit of the transiting vessels. However, it is quite clear that if someone uses others' property, the user must maintain and keep that property operating well. Analog to this, if foreign countries make use of the littoral states' straits, these foreign countries should be obligated to make those straits safe and secure for navigation. Maintaining and enhancing navigational aids and other equipment needed may also be shared (Geng 2012). Moreover, aids to the community along the coast in the form of education and other humanitarian assistance may be given since the people often sacrifice their fisheries life to the international vessels passing through near the coast. As reported on International Workshop on Risk Governance of the Maritime Global Critical Infrastructure: Straits of Malacca and Singapore Exposed to Extreme Hazards, "Locally, the Straits are unique, tropical estuarine environments rich in renewable and non-renewable natural resources. While the Straits are important to the global community, the local communities' interests must not be forgotten or ignored. Approximately 50 per cent of locally-consumed fish comes from the Straits. The livelihoods of people living on the coasts would be directly and significantly impacted by any extreme hazards, natural or man-made. Blockage of the Straits may cause harm to the region and to surrounding hub-ports, which may never recover as detour routes could be made available and take away valuable business" (Hariyono and Akib 2019; Geng 2012; R. C. Beckman and Sun 2017; Qu and Meng 2012; Karma, Shukry, and Woon 1998).

Final Remarks

The revitalization of the “Maritime Silk Road” may give positive impacts to China’s foreign affairs for the good interaction and communication among people by economic trade. The global community could potentially benefit from the MSR initiative as well. In this regard, ASEAN countries may welcome the MSR initiative as long as it complements the existing ASEAN Connectivity Master Plan.

On security, the security along the first route of proposed MSR currently remains secure which is proven by the safe passage of approximately 70,000 vessels through Malacca and Singapore Straits and over 40,000 vessels through the South China Sea annually. Therefore, the security implications of the proposed MSR such as the guaranteed freedom of navigation, respect to state’s sovereignty and sovereign rights along the route, matching the priorities on maritime route among countries should be seriously considered while working towards the successful revitalization of the MSR. Maritime security cooperation should be established to guarantee the economic silk route connection by working on the existing bilateral and regional maritime cooperation, reviewing the contributions and burden-sharing of respective states along the MSR. These are the recommended measures for ensuring the security and safety of navigation along the route. To this end, security cooperation may encourage more confidence-building and conflict prevention measures, which will set the conditions necessary for the proposed initiative.

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ABSTRACT

The revitalization of the Silk Road as a trade route, cultural exchange, religion, science and civilization based on the "Maritime Silk Road" (MSR) is the focus of strategic studies and international relations. ASEAN countries, including Indonesia in the MSR route and the contestation of the United States and China who are fighting for dominance in the Indo-Pacific region, face challenges and opportunities. The results of this research, which uses a normative approach, show that the revitalization of the MSR may give positive impacts to China's foreign affairs for the good interaction and communication among people by economic trade.

KEYWORDS

Revitalization; Silk-road; Maritime Silk-Road.

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