

What are Australia's National Security Interests in the South China Sea?

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In September 2002, he was seconded to US Central Command in Florida, and Ninth Air Force in South Carolina. Between February and May 2003, he deployed to Saudi Arabia for Operation FALCONER. On returning to Australia, he was posted as Director of Intelligence, Surveillance and Reconnaissance at Headquarters Air Command, RAAF Glenbrook. In January 2006, he was appointed to re-form No. 87 Squadron—Air Force's Intelligence Squadron—at RAAF Edinburgh. Later appointments included Director of the Air Power Development Centre, and leading the Directorate of Effects, Targeting and Network Analysis in Headquarters Joint Operations Command.

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Abstract

This paper examines Australia's national security interests in the South China Sea. It notes that a number of states lay claim to various islands in the region, and that territorial disputes over those claims have occasionally erupted into armed conflict in the past. The paper contends that China's more recent behaviour in asserting its claim is unsettling the region and heightening strategic competition between China and the US, particularly regarding freedom of navigation through the South China Sea.

The paper explores two key interests: first, the maintenance of a rules-based international order, especially in a contested and strategically-located area so close to Australia's diplomatic, economic and military interests; and second, in ensuring continued and free access to the 'global commons'. It concludes that Australia has real and tangible national security interests in the South China Sea that will become increasingly significant across the next decade, not least because Australia's interests are closely aligned with those of the US, which potentially could involve aiding the US in the event of conflict.

What are Australia's National Security Interests in the South China Sea? ¹

Introduction

Australia's 2013 *Defence White Paper* states that 'Southeast Asia is located in a geo-strategically central position between the Pacific and Indian Oceans' and that '[i]t acts as the conduit for the intensifying exchange of goods, people and ideas between East, South and West Asia'.² Along similar lines, Robert Kaplan contends that '[t]he South China Sea functions as the *throat* of the Western Pacific and Indian Oceans—the mass of connective economic tissue where global sea routes coalesce'.³ Notably, the South China Sea is also of vital economic importance to Australia because 54 per cent of its trade passes through the region to the markets of Northeast Asia.⁴

The South China Sea is, however, also host to a strategic competition and a range of territorial disputes that have occasionally erupted into armed conflict in the relatively-recent past. Rory Medcalf and James Brown have argued recently that 'the chance of a near-war maritime security crisis in the disputed waters of ... the South China Sea may be more likely in the next few years than in subsequent years'. This region will, therefore, be of elevated national security importance to Australia over the coming decade because of this increasing risk of conflict.

This paper argues that Australia has real and tangible national security interests in the South China Sea that will become increasingly significant across the next decade. It explores two key interests: first, the maintenance of a rules-based international order, especially in a contested and strategically-located area so close to Australia's diplomatic, economic and military interests; and second, in ensuring continued and free access to the 'global commons'. The paper will also contend that because these two key Australian interests in the South China Sea disputes are also aligned with the global security interests of the US, there is a strong link to the Australia-US alliance commitment—with all its implications, including potentially aiding the US in the event of conflict.

Why is Australia interested in the South China Sea?

The South China Sea is the fulcrum of Southeast Asia. Excluding Taiwan, Pratas Island and Hainan Island in its north, the South China Sea includes three main geographic groups—the Paracel Islands, the Spratly Islands and Scarborough Reef—comprising only 13 square kilometres of land.⁶ China, Taiwan, Vietnam, The Philippines, Brunei, Malaysia and Indonesia each lay claim to some or all of the islands in the South China Sea, although many of these claims overlap and all are vigorously disputed.

Michael Wesley notes that '[t]he conventional view is that the South China Sea disputes involve and are driven by three factors: overlapping territorial claims; rivalry over what may be significant hydrocarbon resources in the sea bed; and rivalry over considerable fisheries of the sea'. However, Wesley also notes that 'there are at least four broader drivers of the conflict that make it unpredictable and extremely difficult to resolve through rational negotiation among the parties'. These broad drivers, which attract most interest by Australia, include that:

[T]he disputes are a direct manifestation of Asia's changing power topography [occasioned by the rise of China]; the disputes reflect the growing anxiety of China about its dependence on external lines of supply; the disputes also bring the United States and China into direct opposition in terms of their deepening rivalry; [and] the tendency [in Asia] to see rules and institutions as subordinate to the needs and prerogatives of the state.9

Australia's 2013 *National Security Strategy* states that 'Australia's region is home to several major powers, but our major ally the United States and our major trading partner China will have the greatest influence on the region'. ¹⁰ It also asserts that 'the United States-China relationship will be the single most influential force in shaping the strategic environment'. ¹¹ The strategic location and importance of the South China Sea suggest that is where the interests of China and the US will increasingly intersect. Additionally, because of competing and often overlapping territorial claims by nearly all the littoral states

of the South China Sea, the region is rife with territorial disputes that have occasionally erupted into short, nasty skirmishes at sea.

Australia's national security interests in the South China Sea are best summed up by the 2013 *Defence White Paper*, which states:

Australia has interests in the peaceful resolution of territorial and maritime disputes including in the South China Sea in accordance with international law, the prevention of aggression within Southeast Asia, and freedom of navigation and maritime security in the region's sea lanes.¹²

A rules-based international order

A rules-based international order is where states recognise common interests and values, are bound by international law, respect each other's sovereignty, honour their agreements, and accept limitations in making and conducting war.¹³ Anthony Bergin and David Lang recently argued that '[t]he rule of law is an essential condition if cooperation and orderly behaviour are to be advanced in the Asia-Pacific. We need norms and rules that guide—and govern—relations among regional states'.¹⁴ For its part, Australia has made clear that any disputes—but particularly those in the South China Sea—should be resolved peacefully and in accordance with international law.¹⁵

All of the territorial claims in the South China Sea extend seawards to 12 nautical miles (nm) in relation to territorial waters and 200 nm for exclusive economic zones (EEZ). Most of these claims are based on the provisions of the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS). Of note, while China and Australia have ratified UNCLOS, the US has not—although it adheres to its provisions in practice.

Despite China's ratification of UNCLOS, the Chinese claim, most recently articulated to the UN in 2009 but extending back to the 15th century, is by far the most extensive and provocative, being 'more than a thousand miles from the Chinese mainland',¹⁸ and seemingly 'based on surveying expeditions, fishing activities, and naval patrols'.¹⁹ It is often referred to as the 'nine dash line' claim, as it comprises 'nine dashes that encircle islands, waters, and other features of the South China Sea ... encompass[ing] approximately 2,000,000 square kilometres of maritime space'.²⁰

It is unclear whether China claims the entire area and all that is within the nine dashes, or just the landmasses and their associated territorial waters and EEZs under the provisions of UNCLOS. China asserts that it has 'indisputable sovereignty over the South China Sea and the island[s]'.²¹ However, its claim is disputed by other claimants, not least because its 'nine-dash-line' overlaps the claims of others. Also, UNCLOS 'compels states to surrender the majority of their historical maritime claims in favour of the maritime zones awarded under the convention', which China has not done.²²

Over the past several decades, territorial disputes in the South China Sea have occasioned bullying and even bloodshed. China used force in 1974 when it 'ejected South Vietnam from the western Paracel Islands', while between 1979 and 1982 there were numerous small clashes between China and Vietnam in the Spratly Islands.²³ In 1988, another clash in the Spratly Islands occurred when the Chinese Navy destroyed three Vietnamese vessels, resulting in 73 deaths.²⁴

In 1995, The Philippines discovered that China had occupied Mischief Reef, in an area claimed by it. ²⁵ In more recent years, China has undertaken a substantial land reclamation program on several islands. ²⁶ It has also fortified a number of islands already in its possession, and significantly increased its naval and para-military patrols in the South China Sea. China's seemingly increased readiness to employ military force to assert its claims in the South China Sea has unsettled its neighbours and been a source of continuing instability in the region.

While Australia does not take a position on the competing claims, it 'continue[s] to encourage the parties to clarify and pursue their claims and maritime rights in accordance with international law'.²⁷ Michael Wesley goes further and argues that Australia, as a medium-level power, 'benefits from the ascendancy, vitality and continuing evolution of a rational, egalitarian, rules-based international order'.²⁸ It seems evident, however, that China is less interested in a rules-based order, subordinating the rules and institutions of the international order to its own needs and desires,²⁹ which impacts the concept of 'the

global commons' and the strategic interests of Australia and the US in ensuring they remain free and open.

The global commons

The global commons are 'those areas of the world beyond the control of any one state—sea, space, air, and cyberspace—that constitute the fabric ... of the international system'.³⁰ The US takes access to the global commons very seriously, not least because the sea or maritime commons are intrinsically linked to US naval supremacy, allowing the US Navy to project global power from international waters. As explained by Tara Murphy:

In today's global community, a state cannot consider its security solely a function of the areas directly surrounding it; rather, the security of one is tightly linked to the security of all. National defense is not ensured only through maintaining the sanctity of one's borders, but is also highly dependent upon the ability to navigate safely through the global commons. These commons ... enable militaries to protect national territory and interests, as well as facilitate the passage of goods, people, communications, and data upon which every member of the international community depends.³¹

It is the maritime commons that are most impacted by the ongoing disputes in the South China Sea. In accordance with UNCLOS, only the territorial sea claims out to 12 nm from their baselines are territorial waters. Theoretically, therefore, everything else is 'common', wherein all vessels have right of free passage. However, because of the 'nine dash line', and the multitude of overlapping 12nm territorial seas, there is not much unclaimed space left in the region. Additionally, China requires states to 'first obtain permission ... before transiting its EEZ', which is in contradiction of the provisions of UNCLOS.³² As Murphy argues:

China's assertion of exclusionary rights in its exclusive economic zone (EEZ) ... heighten suspicion of Chinese intentions in the region. If other states follow suit to prevent safe, unrestricted passage of sea vessels through their EEZ ... the openness of the commons is directly challenged and could have devastating economic results.³³

Needless to say, Australia and the US do not recognise China's assertion. Nor do they limit their application of the freedom of navigation as they continue to sail warships through 'contested' areas as an expression of their will. As a result, there have been several incidents where Chinese forces have challenged US forces operating in the global commons.

In March 2009, US Naval Ship *Impeccable*, an intelligence collection vessel, was operating 140 kilometres from Hainan Island when it was harassed by a combination of Chinese naval, para-military and fishing vessels, forcing it to leave the area.³⁴ In December 2013, another incident occurred in international waters in the South China Sea between USS *Cowpens*, a guided missile cruiser, and the Chinese Navy's sole aircraft carrier battle group.³⁵ Both incidents serve to underscore the tensions evident in the region, the differing US and Chinese understandings of international law, and the seriousness of the US in maintaining its unhindered access to the global commons.

Wesley argues that '[a]s a small, relatively isolated, heavily trade-dependent country, Australia would be more affected than most nations by sustained competition over control of the global and regional commons'.³⁶ It is not surprising, therefore, that the 2013 *Defence White Paper* asserts that 'Australia has interests in the ... freedom of navigation and maritime security in the region's sea lanes'.³⁷ This is significant because Australia clearly benefits from US maintenance of the commons and its exercising of freedom of navigation. But it is also important because of its potential to bring Australia into conflict with China because of its alliance with the US.

The Australia-US alliance

The 2013 *National Security Strategy* states that '[t]he Australia-United States alliance ... remains our most important security relationship'.³⁸ The relationship is based on ANZUS, the 1951 security treaty between Australia, New Zealand and the US, which requires the parties to 'consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the parties is threatened in the Pacific'.³⁹

Some would argue that the wording of ANZUS is deliberately ambiguous. But so is Australia's policy position on whether ANZUS would be triggered if the US chose to go to war with China over Taiwan, or conflict in the East China Sea or South China Sea.⁴⁰ Several Australian ministers have stated in the past that ANZUS would 'not necessarily apply in the case of a Taiwan contingency' or if 'the US had sent forces to support its Japanese ally in a confrontation with China over the disputed Senkaku/Diaoyu Islands'.⁴¹

However, the contemporary relevance of the ANZUS agreement is not about whether one party would be drawn into a conflict involving another; 'it involves a great deal more'.⁴² The Australia-US relationship is also based on intelligence and technology sharing, as well as the maintenance of common values and traditions, which includes the desirability of a rules-based international order and the sanctity of the global commons.⁴³ Therefore, in many ways, ANZUS is no longer simply about what is says but what it stands for as a symbol of unity and resolve in maintaining regional stability.

Nevertheless, on the specific question of Australia being drawn into conflict, Nick Bisley and Brendan Taylor have argued that:

[A]n East China Sea [or South China Sea] conflict is very unlikely to lead to an automatic invocation of ANZUS. But because of the strong links established between Washington and Canberra in recent years, as well as the expanded strategic purpose of the alliance, if America expects Australian involvement then it will be very difficult to remain on the sidelines.⁴⁴

Wesley similarly argues that '[w]ere Washington to become embroiled in a conflict in the South China Sea, it is highly likely that Australia would be expected to fulfil its alliance obligations alongside US forces'. Any conflict between the US and China is likely to be the result of a failure in the inter-related concepts and requirements of a rules-based international order and unhindered access to the global commons. The incidents involving the *Impeccable* and *Cowpens* are examples which could easily have escalated into conflict, with significant ramifications for Australia. Astutely, Medcalf and Brown assess that:

Any potential Australian involvement in a conflict with China would most likely come about through a request from the United States. It is difficult to imagine that the Australia-US alliance would avoid fundamental damage were Australia to refuse to support America in a military conflict or confrontation with China. 46

Conclusion

Two of Australia's national security interests in the South China Sea are the maintenance of a rules-based international order and continued and free access to the global commons. As Medcalf and Brown remind us:

Australia benefits from exceptional interconnectedness with the world, through flows of trade, finance, information and people. This brings with it a reliance on rules, order, and secure access to the global commons. 47

The South China Sea epitomises this 'inter-connectedness', particularly in the context of major strategic competition between a rising China and the US, with the potential also to involve one or more of the Southeast Asian claimant states, as well as Taiwan. This competition, which seems unlikely to be resolved in the near term, will ensure the region will continue to remain significant to Australia.

The disputes remind us of Thucydides' assertion that 'the strong do what they can and the weak suffer what they must'. Kaplan argues that this is indeed China's 'undeclared strategy' and that it is using a range of diplomatic, economic and military levers to strengthen its position in the region against the other claimants. The issue for Australia is that China's assertiveness may cross a 'red line' in terms of the strategic interests of the US, with profound implications for the Australia-US alliance—and for regional stability—if hostilities were to breakout in the South China Sea. It clearly is in the interests of all parties to ensure they do not.

Notes

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