

Political Implications of Maritime Security in Asia and on ASEAN-EU Interregional Relations: Inhibiting and Enabling Factors

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Prof. Dr. Sebastian Bersick
Jean Monnet Chair,
The International Political Economy of EU-Asia Relations



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Maritime Security and Asia-Europe Relations (I)

- Maritime security:
 - “aims at improving the security of international trade and of the ships used for traffic and associated port facilities in the face of threats of intentional unlawful acts” (GRIP 2017: 20).
 - maritime security ≠ maritime safety

- Europe’s role in Asia is “distant but involved” (Bersick 2014).

- Recent global and regional political developments in Europe and Asia ask for an analytical and political reassessment of the EU’s role in a changing Asia-Pacific and Eurasian strategic context.
 - “And in these times of global change, we increasingly look at Asia as a natural partner” (Mogherini 20.11.2017).

- Case of South China Sea is an example how security factors impact on regional (Asia) and inter-regional (EU-ASEAN) political and economic cooperation and integration.

Maritime Security and Asia-Europe Relations (II)

- How does maritime security affect ASEAN-EU relations?
- Is there a new role for the EU in Asia evolving – and if so: why?
- Which major inhibiting and enabling factors can be discerned that impact on cooperation in the area of maritime security in ASEAN-EU relations?

Maritime Security and ASEAN-EU Relations (I)

- South China Sea issue is of key importance to the EU's commitment to: "maintaining a legal order of the seas and oceans based upon the principles of international law, UNCLOS, and the peaceful settlement of disputes" (EEAS 15.07.2016).
- Commercial interests of the EU would be gravely affected by e.g. a military conflict in the South China Sea because the EU depends on open Sea Lines of Communication (SLOC).
- The EU aims to "[w]ork towards a coordinated approach on maritime security issues in international fora and with third countries" (...) [and to] [i]dentify areas of commonality between the EU and regional fora, such as (...) ASEAN" (General Secretariat of the Council 2014: 3).
- ASEAN and EU have agreed to "[e]nhance dialogue and promote cooperation with the EU on defence and security matters, such as in the areas of maritime security (...)" (ASEAN-EU Plan of Action (2018-2022) 2017: 1).

Maritime Security and ASEAN-EU Relations (II)

- **EU takes active part in ASEAN Regional Forum (ARF):**
 - 8-9 March 2011 – **ARF Seminar on UN Convention on the Law of the Sea (UNCLOS)**, Manila – The ASEAN Committee of Science and Technology (COST) and the European Commission (EC) agreed to increase Science and Technology collaboration (marine science);
 - 15-16 April 2013 – **ARF Workshop on Ship Profiling**, Kuala Lumpur. Massimo Mosconi, European Commission – experience in the provision of pre-arrival information by ships in EU and SAFESEANET System;
 - 26-28 March 2014 – **ARF Seminar on the Regional Cooperation on Offshore Oil Spill**, Qingdao – Mr. Roberto Cecutti, Delegation of the EU to China and Mongolia: “economy of scale” principle and EU’s approach to oil spill response;

Maritime Security and ASEAN-EU Relations (III)

➤ EU takes active part in ASEAN Regional Forum (ARF):

- 28-29 May 2014 – ***The 2nd ARF Seminar on UNCLOS***, Manila – Mr. Eric Chaboureau, Legal Adviser of EEAS – Common Fisheries Policy (CFP): only the Union may legislate and adopt legally binding acts on fisheries in the EU.
- 11-12 April 2016 – ***ARF Inter-Sessional Group (ISG) Meeting on Confidence Building Measures (CBMs) and Preventive Diplomacy (PD)***, New Delhi – EU co-sponsored the draft ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies: called ARF participants to share experience in implementing international instruments on safety of navigation (COLREGs, SOLAS, CUES).
- First half 2018 – **The 10th ARF Inter-Sessional Meeting on Maritime Security (ISM on MS)**, Australia, co-chaired by EU and Vietnam.

Maritime Security and ASEAN-EU Relations (IV)

➤ EU initiated ASEAN-EU High Level Dialogue (HLD) on Maritime Security

1st: 18-19 November 2013, Jakarta.

2nd: May 2015, Kuala Lumpur.

3rd: 15-16 September 2016, Bangkok:

- *How to enhance trust and confidence in maritime areas and the role of preventive diplomacy in reducing tensions;*
- *Maritime situation awareness, exchanges of information and intelligence;*
- *Piracy, robbery at sea, and protection of ports.*

4th: 5-6 October 2017, Manila:

- *Law Enforcement at Sea;*
- *Maritime Connectivity;*
- *Marine Environmental Cooperation and Joint Development of Resources;*
- *Conflict Prevention.*

Maritime Security and ASEAN-EU Relations (V)

➤ ASEAN-EU Plan of Action 2018-2022:

“1.4. Enhance maritime security cooperation

- (a) *Exchange of experience in maritime-related issues including at the ASEAN-EU High Level Dialogue on Maritime Security Cooperation and via the **Co-Chairmanship of the ARF Inter-Sessional Meeting on Maritime Security (2017- 2020)**, as well as sharing knowledge and expertise in the sustainable joint management of marine resources;*
- (b) *Underline the **importance of the respect for the rule of law, sovereignty and territorial integrity of States, maritime security and safety, freedom of avigation and overflight, peaceful resolution of disputes**, in accordance with the universally recognized principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the relevant standards and recommended practices by the International Civil Aviation Organization (ICAO) and the International Maritime Organisation (IMO).”*

Factors Impacting on Maritime Security Cooperation in ASEAN-EU Relations (I)

1. Bounded actorness: the unity factor

- ASEAN: e.g. Cambodia at 2012 Summit blocked any reference to South China Sea. Philippines did not get support from ASEAN when it filed for international arbitration against China (see: Nuttin 2017; Khandekar 2012).
- EU: When the award by the Permanent Court of Arbitration in The Hague was rendered on 12 July 2016 mainly Hungary and Greece “repeatedly blocked” an EU statement (Norman 2016) which was then “significantly watered down” (Emmott 2016).
- Limited intraregional cohesion in ASEAN and the EU.
- In both cases, ASEAN and EU, the major reason for internal divisions was China’s influence on the respective regional actor’s decision making processes.

Factors Impacting on Maritime Security Cooperation in ASEAN-EU Relations (II)

2. EU partial disintegration: the Brexit factor

- Brexit-vote causes uncertainty with regard to EU's role in Asia in political, economic and in security terms.
- Political: EU is important facilitator of regional integration processes in Asia (esp. ASEAN). The EU's normative value as a point of reference could erode.
- Economic: UK is important economic actor in Asia. Impact of Brexit will also depend on hard or soft exit.
- Security: UK is not only a nuclear power and permanent member of UNSC and the only European member of the Five Power Defense Arrangement (FPDA) but also “most vocal in calling on China not to escalate tensions (in the South China Sea)”. Since the Brexit vote “British diplomats in Brussels have taken a lower profile” (Emmott 2016).

Factors Impacting on Maritime Security Cooperation in ASEAN-EU Relations (III)

3. US disengagement from multilateralism: the Trump factor

- President Trump causes uncertainty with regard to future multilateral dimension of the US involvement in Europe and Asia
- US leaving Trans-Pacific Partnership (TPP) raises question, if the USA continues to remain a reliable partner.
- Trump's APEC 2017 speech further underlines unilateral turn of the US: "We will be blessed with a world of strong, sovereign, and independent nations" (Trump 10.11.2017).
- Uncertainty with regard to future US security guaranties in Asia and Europe.
- Risk of deepening security dilemmas, further arms build up, nuclear proliferation in Asia and Europe.
- Increase of Chinese influence on regional developments in Asia relative to the US' influence.

Factors Impacting on Maritime Security Cooperation in ASEAN-EU Relations (IV)

4. China's new assertiveness: the China factor

- In early 2017 Donald Tusk, President of the European Council, wrote a letter to the heads of state or government of the EU in which he referred to China as the first out of five countries and regions that pose an external threat to the EU: “[a]n increasingly, let us call it, assertive China, especially on the seas (...)” (Tusk 31.01.2017).
- In July 2016, China had refused to accept the ruling by the Permanent Court of Arbitration at The Hague regarding its South China Sea claims.
- Land reclamation activities by China, militarization of some of these features, and heightened activities by Chinese paramilitary maritime forces (Kirchberger/O’Keeffe 2017) exemplify the notion of a more assertive Chinese foreign policy after Xi Jinping became President of the People’s Republic of China (Ng and Wall 2013).

Factors Impacting on Maritime Security cooperation in ASEAN-EU Relations (V)

	Inhibiting	Enabling
Unity factor	X	
Brexit factor	X	
Trump factor		X
China factor		X

Factors Impacting on Maritime Security cooperation in ASEAN-EU Relations (VI)

- Maritime security and the South China Sea issue function as a catalyst for deepening ASEAN-EU relations.
- The evolving new role of the EU in Asia's maritime security is hampered by the EU's partial disintegration (Brexit factor) and internal divisions within the EU and ASEAN (unity factor).
- US disengagement from multilateralism on global and regional levels and the America First ideology of President Trump make a more strategic role of the EU in Asia's evolving security architecture necessary.
- As demonstrated by Beijing's reaction to the Permanent Court of Arbitration July 12 award (Ambassador Yang Yanyi: "illegal, illegitimate and irrelevant" 12.07.2016) China's new assertiveness reminds the EU of the new risks related to China's rise – and the need to react.
- A confluence of commercial interests, security concerns as well as normative reasons provide new rationale for EU to engage more strategically with ASEAN.

Factors Impacting on Maritime Security cooperation in ASEAN-EU Relations (VII)

- Yet, it is China which currently most proactively shapes the agenda of Asia-Europe relations – not the EU, not ASEAN or any other European or Asian actor.
- As a consequence, maritime security is becoming a central element in the evolving Asian security architecture and ASEAN-EU relations.