



Interview with Ambassador Ong Keng Yong

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Ambassador Ong Keng Yong is the Executive Deputy Chairman of the S. Rajaratnam School of International Studies at the Nanyang Technological University in Singapore. Concurrently, he is Ambassador-at-Large at the Singapore Ministry of Foreign Affairs, non-resident High Commissioner to Pakistan and non-resident Ambassador to Iran. He also serves as Chairman of the Singapore International Foundation. Mr Ong served as Secretary-General of the Association of Southeast Asian Nations, based in Jakarta, Indonesia, from January 2003 to January 2008. In this interview, the Ambassador reflects on some issues of particular concern with regard to war and security at sea in the region of Southeast and East Asia.

Keywords: South China Sea, ASEAN, Southeast Asia, war, security, sea.

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* This interview was conducted on 16 June 2017 by Vincent Bernard, Editor-in-Chief, and Ellen Policinski, Managing Editor of the Review.

The topic of war and security at sea is increasingly becoming more important considering the latest trends and maritime operations carried out by States. It seems to be especially important in the region of Southeast Asia. Tell us about the current situation in the South China Sea, and provide our readers with an overview of the region, the territorial disputes and the players involved.

Maritime security is a particularly important topic for Southeast Asia because of its specific geography. There is more sea than land in this region. The South China Sea is the dominant body of water where the Association of Southeast Asian Nations [ASEAN] as the sole regional inter-governmental organization is extensively involved in the political-security cooperation, economic integration and socio-cultural development of its ten member States. The South China Sea alone encompasses an area of more than 3.6 million square kilometres, whereas the total landmass of Southeast Asian countries is approximately 4.4 million square kilometres.

The South China Sea is a very important maritime route, central to international trade in the region. Due to its location on the crossroads between two oceans – the Pacific and the Indian – the sea connects countries in Europe, the Middle East and South Asia with Southeast and East Asia. A lot of trade and maritime activities between the East and the West rely on the South China Sea. Very often, one can hear experts asserting that the South China Sea is a critical part of the international oil and gas business. In fact, China, Japan and South Korea depend heavily on oil imports from the Persian Gulf, and all the oil tankers sail through the South China Sea.

Additionally, the United States has been present in the region following the end of World War II. The United States has developed defence treaty relations with Japan, South Korea, the Philippines and Thailand. Thousands of US companies actively interact with their Southeast and East Asian counterparts, and the region gathers large numbers of American professionals, students and tourists. The importance of the South China Sea to the United States lies in its value as a significant link in East–West trade. It is also a key component of the overarching US military and strategic presence in Asia.

Apart from the United States, there is a substantial European presence in the region. Historically, the sea was a significant factor for Europeans arriving to Southeast Asia for trade purposes. Today, with global trade, European business people and investors regularly come to Southeast Asia. ASEAN member States have built on these links with the United States and Europe. Hence, developments in Southeast Asia, especially concerning the South China Sea and security, have always attracted international attention. Southeast Asia and ASEAN can be described as being prominently on the radar screen of people in international affairs, particularly in the business of buying and selling goods and services between the East and the West.

The South China Sea is also known today for various territorial disputes between several countries, the bone of contention being reefs, shoals, underwater features and small islands. Claimants from Southeast Asia include four member

States of ASEAN, namely Brunei, Malaysia, the Philippines and Vietnam, as well as China and Taiwan. The Chinese government submitted a map of the South China Sea to the relevant committee of the United Nations [UN] in 2009, with a “nine-dash line” showing the area claimed by China. Since then, there have been moments of tension as standoffs at sea have occurred between the competing claimants. Subsequently, under the provisions of the 1982 UN Convention on the Law of the Sea [UNCLOS], the Philippine government submitted its case to an arbitral tribunal over the objection of China. The tribunal delivered its decision in mid-2016, which China did not accept.

The fact that both regional and extra-regional players are involved in Southeast Asia serves to emphasize the strategic importance of the region, particularly the South China Sea. In your opinion, what is at stake here? Can you talk a little more about that geostrategic importance?

In the past few years, tensions in the South China Sea have increased as the contending parties have been very active in asserting their respective claims. Geopolitically, we also see an open contestation between the United States and China over the future of US military and strategic roles in Southeast and East Asia. In maintaining their presence, the US Navy and US Air Force traverse the South China Sea, which entails going in and out of the area claimed by China in its nine-dash-line map.

The United States sees China’s statements and interpretations as a reflection of the growth of its economic and political influence. China is the number two economy in the world today, and the perception is that China wants the rich natural resources in the South China Sea. US analysts see China as aiming to increase its presence and role in the region while minimizing that of the United States. Additionally, there is an ongoing debate as to whether the United States is part of the Asia-Pacific region. Former US president Barack Obama has stated that the United States is actually an Asia-Pacific nation and that it has every interest and intention in staying in East and Southeast Asia. In recent months, the new Trump administration has reaffirmed that the United States is committed to existing policy towards East and Southeast Asia.

As a result of China’s economic growth, the Chinese market has become a major source of support for all ten ASEAN economies. In fact, all ASEAN member States have China as their largest trading partner. In some Chinese intellectual circles, it is perceived that the prominent US presence in Southeast Asia hampers the healthy development of China’s relations with regional countries. There is an underlying concern that tensions between China and the United States could intensify. An issue of particular importance is that more often than not, Southeast Asian countries have to be very careful in managing their foreign policy with the United States and China in such a manner so that neither side feels less endorsed than the other. Obviously, this complicates diplomacy in the region.

How do you see these tensions impacting the population? What would be the consequences for the economy, and how would it impact the civilian population if there were to be an escalation of tensions in the region?

Most of the people in Southeast Asia have become used to the presence of the United States, its companies and its organizations, as well as other external actors such as those from Europe, Australia, Canada, China, India, Japan, South Korea, Russia and New Zealand. Due to its geography and tropical position, Southeast Asia is a zone of frequent natural disasters. As a result, US disaster relief operations are quite common. For example, one sees US aircraft carriers, naval ships and planes responding quickly to any natural disaster such as the consequences of a typhoon or tsunami. Southeast Asians do not see the US presence and role in the region as strictly oriented towards business, politics or military interests. For the last seven decades, due to the quick action of US forces in disaster response situations, many people have become accustomed to the idea that the first on the scene would be a US naval ship, plane or disaster relief team.

Southeast Asians have become much more open, cosmopolitan and comfortable in seeing countries such as the United States, China, Japan, Russia or India interacting with their governments. The region is multi-religious, multi-lingual and multi-ethnic. Over the last several decades, especially after the end of the Vietnam War in 1975, Southeast Asian countries have seen steady internal and external development. ASEAN has also become more visible in promoting regional cooperation, both among its member States and with non-Southeast Asian countries. For instance, the East Asia Summit brings together all the big powers in a yearly meeting with ASEAN member States.

In general, the fifty years since ASEAN was founded in 1967 have been relatively peaceful and prosperous for Southeast Asians. To that end, the only open discord that we have seen in the past few years is this contest in the South China Sea. It brought some of the disputes that have been festering for decades under the surface to the top of the agenda. However, I believe ASEAN has tried its best to diffuse tension and to manage as much as it can the potential big-power competition and rivalry in the region.

In the news, we hear a lot about types of conduct used by States involved in territorial disputes in the South China Sea, such as freedom of navigation operations, island-building, the use of maritime militias and similar tactics that increase tension in the region. What implications does this type of State behaviour have for international law? What role does ASEAN play, as a regional organization?

All ASEAN member States, apart from Cambodia (a signatory), have ratified UNCLOS, which is an important international convention for Southeast Asia considering the region's geography. The member States say that they follow UNCLOS, international law and a rules-based regime to manage their relations with other countries, big and

small. In case of any dispute in the South China Sea, UNCLOS will be the existing legal instrument to be consulted. The Philippines has resorted to arbitration under UNCLOS to find answers for its dispute with China in the South China Sea. In practical terms, ASEAN has conducted negotiations with China and other big countries on a variety of issues, and international conventions, law and practices have been referred to and used where mutual consent is obtained.

Over the past five decades, the region has developed a positive culture of peace and cooperation. When it was first established, ASEAN counted five members: Indonesia, Malaysia, the Philippines, Thailand and Singapore. These five countries have then slowly, steadily and systematically brought the rest of Southeast Asia into the organization, which now entails cooperation in many different areas, stretching over more than thirty different sectors and domains.

The populations and governments in Southeast Asia are open to cooperation with one another, and with others interested in ASEAN, peace and economic development. They are familiar with international law and the rule of law. ASEAN has organized numerous meetings and negotiations, followed by agreements and the signing of action plans. Consequently, abiding by the rules and norms that member States have concluded or settled is not strange. It is part of what is to be ASEAN.

The organization has a number of important understandings and agreements with China. In 2002, ASEAN and China concluded a Declaration on the Conduct of Parties in the South China Sea [DOC]. Recently, they have been talking about carrying out discussions on a Code of Conduct [COC], the adoption of which is envisaged in the DOC. This will determine how both sides conduct themselves in the South China Sea. This approach is based on ASEAN's belief that the rule of law and a rules-based regime should always apply.

You mentioned the tribunal that was set up last year under UNCLOS, which issued an arbitral decision on a case between the Philippines and China. How did that decision affect relations in the South China Sea, and in your view what role should international tribunals such as this one play in these sorts of territorial disputes?

Since the arbitral decision, China's relations with the Philippines remain positive because the Philippines is not using the decision to pursue the dispute further. In fact, the Philippines has stated publicly that it does not want to conduct its relations with China by enforcing the arbitral decision. The two countries have decided to find a way around the problem and resolve the dispute on their own, under a bilateral agreement. The subsequent action taken by the Philippines and China can be seen as a validation of the process under UNCLOS, since it led the parties in dispute to find a suitable outcome together.

ASEAN member States have different public reactions to the arbitral decision. What is important is that the situation has calmed down. In my opinion, for all those not directly involved in the dispute, the preference is to

defer to the position of the Philippines. Going forward, I believe ASEAN member States will leave it to China and the Philippines to resolve the dispute. For the organization, there is the DOC and work is being carried out on the COC. ASEAN subscribes to the settlement of dispute by peaceful means without the threat or use of force in accordance with relevant international rules and procedure, and its role is to continue pushing for the peaceful resolution of disputes.

How do you see the role of the International Committee of the Red Cross [ICRC] and other humanitarian actors in the region? Regarding the situation of the South China Sea, but also in broader terms, do they have a role to play?

The ICRC has always been well represented in Southeast Asia. With many natural disasters striking the region, the ICRC has been active and has responded quickly. More importantly, the ICRC represents international law. In its dialogue with governments, it has tried to inform them on what international obligations each country should uphold. The ICRC has the capacity to help ASEAN in substantively understanding international law better and respecting it. Therefore, apart from helping ASEAN member States when there is a humanitarian need, the ICRC also supports the training of officials and the development of capacity and capability to maintain and follow international humanitarian law [IHL].

In fact, the ICRC not only undertakes to build the capacity of ASEAN member States for appreciation and understanding of IHL, but also how to follow up on where there is more work to be done. For example, we need to legislate in some cases, develop national statutes to cover a certain area that has not been well managed or where there is a particular vacuum. The ICRC offers support for the statutory and practical capacity of Southeast Asia.

Over the years, the ASEAN member States have developed mechanisms on disaster management such as the ASEAN Coordinating Centre for Humanitarian Assistance. Before that, ASEAN leaders concluded the ASEAN Agreement on Disaster Management and Emergency Response. The required logistics and ASEAN's ability to manage disasters and IHL can be attributed to the ICRC's good practices and its continued hard work to create a convergence of the philosophy and practices of our respective governments and policy-makers.

Some say that the conflict in the South China Sea is inevitable and that the positions between disputing States are irreconcilable. How would you address this claim?

As a diplomat, I feel that we should all work together and try to find a way to reconcile differences between the parties in dispute. We realize the importance of the ASEAN geography and the geopolitical position of the South China Sea. We accept that big powers will continue to come into the region to try and make

their presence felt, or to try and establish specific relationships with individual ASEAN member States. To that end, we have utilized the ASEAN platform to pursue meaningful cooperation with the big countries interested in Southeast Asia. The positive outcome of such cooperation has further encouraged ASEAN to continue its efforts in this regard.

In the past few years, we have seen tensions rising from time to time between China and some ASEAN member States over the South China Sea issues. However, no diplomatic ties were severed, and relations built between China and Southeast Asian countries persisted. I do not think any Southeast Asian country would resort to aggressive military action.

I see China and the United States having very intensive diplomatic exchanges. Their economic ties are very strong, although not always easy to handle. I do not think anybody wants to go to war and destroy everything that has been achieved in the last fifty years. While Japan has its own dispute with China, it has approached the situation in the South China Sea sensitively. In the overall scheme of things, the important thing is to uphold the rule of law, iron out the differences between States and maintain peace.

I feel that this idea of the inevitability of war may be overstated. ASEAN member States and the non-Southeast Asian countries will want to find a way to avoid open conflict. Everyone knows that it will not be good for the region, for our respective economies, and generally it will rupture the good way in which we have managed our differences and diversity in the region for the past five decades. Of course, there will be continuing arguments and a lot of noise. I am optimistic that ASEAN and its partners will not return to the circumstances of the 1960s which gave birth to ASEAN.

