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Ocean Politics in Southeast Asia

by

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**INSTITUTE OF SOUTHEAST ASIAN STUDIES
SINGAPORE**

Institute of Southeast Asian Studies

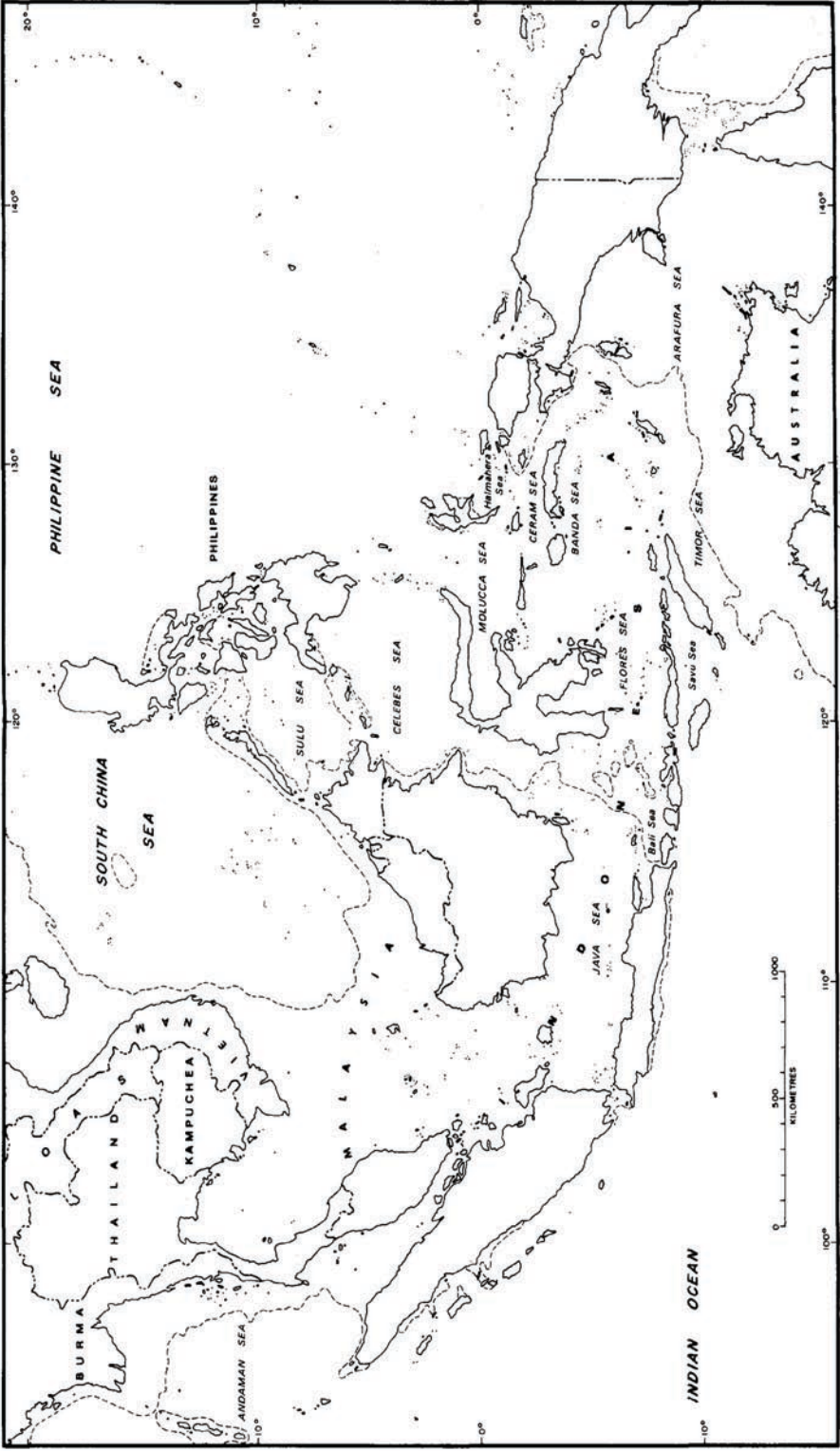
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Map 1: The Seas of Southeast Asia
Source: RAN Hydrographic Service

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Preface

The seas of the world are increasingly exciting and taxing mankind's imagination in terms of their potential benefits and wealth, as well as inherent dangers of mismanagement and regional and international maritime conflict. The waters of Southeast Asia are no exception to the above possibilities and dangers, perhaps even more so than most other comparable areas. In this light, Dr. Peter Polomka's study of ocean politics and regional options in the area, within the context of conflicting and converging national claims and external interests, is all the more welcome. Let us hope it will circulate widely.

Ocean Politics in Southeast Asia has grown out of a research project on "The Seas of Southern Asia and Australasia: Balancing Sovereignty, Regional Interest and Global Power" based at the Institute. This project was made possible through the award of a fellowship to Dr. Polomka under the Institute's Fellowship in Australian/Southeast Asian Relations programme. This Fellowship scheme is funded through an annual grant from the Australian Federal Government, and the Institute is extremely grateful to the Australian Federal Government for this support. Furthermore, it is our hope that the Fellowship in Australian/Southeast Asian Relations will become a regular feature of the Institute's research and fellowship programmes.

In thanking the Australian Federal Government and wishing Dr. Polomka and his work all the best, it is clearly understood that responsibility for facts and opinions expressed in the volume that follows rests exclusively with Dr. Polomka and his interpretations do not necessarily reflect the views or policy of the Institute or its supporters.

KERNIAL S. SANDHU

Director

Institute of Southeast Asian Studies

13 January 1978

Introduction

OCEAN POLITICS

Mankind's use of the oceans ranks among the major issues of our time. As the "last frontier" of our planet, forming about 70% of its surface, the oceans are increasingly coveted by nation-States and transnational corporations for their promise of wealth, power and prestige. Their exploitation calls into play all the major forces of contemporary affairs—ecological, technological, economic and social—while raising basic issues underlying the interdependence of States and long-term global stability and prosperity. As former American Secretary of State, Henry Kissinger, observed of the oceans, if their promise might be even greater than the untapped lands of the century past, so too was their potential for conflict.

A decade ago, Ambassador Arvid Pardo of Malta stirred the United Nations with a vision of the oceans as "the common heritage of mankind" whose wealth should be used to narrow the gap between the rich and poor. Since the opening session of the Third United Nations Conference on the Law of the Sea (UNCLOS III)* began the search for a comprehensive ocean treaty late in 1973, that vision has largely faded. Instead, the spectre of States increasingly resorting to unilateral action in pursuit of narrow national interests and ambitions grows more threatening.

Political and economic issues—rather than legal—underlie UNCLOS III's time-consuming deliberations. Developing nations confront the developed—and especially the United States of America—over the questions of who should control deep sea-bed mining and how this should be carried out. The interests of maritime powers conflict with those of weaker coastal States over navigation and overflight rights in a proposed 200-nautical mile Exclusive Economic Zone. Land-locked and other geographically disadvantaged States continue to seek specific concessions from coastal States on access to ocean resources. Coastal States dispute with each other over demarcation issues. And so on . . .

* The First and Second United Nations Conferences on the Law of the Sea were held in Geneva in 1958 and 1960. The 1958 Conference prepared Conventions on the Territorial Sea and Contiguous Zone, on the High Seas, on the Continental Shelf and on Fishing and Conservation of the Living Resources of the High Seas. The 1960 Conference failed to secure agreement on the major issues left unsettled in 1958—the breadth of the Territorial Sea, together with the related issue of the fisheries jurisdiction of coastal states.

An *Informal Composite Negotiating Text (ICNT)** published in July 1977 following UNCLOS III's Sixth Session forms the basis for continuing negotiations. However, the task of getting sufficient agreement among some 140 participating States to produce a new Convention remains formidable.

For regions such as Southeast Asia, "ocean issues" will inevitably grow in importance. Archipelagic, semi-continental, land-locked and other geographically disadvantaged States of differing capabilities and potential confront a multiplicity of frequently complex claims over ocean and sea-bed boundaries, baselines, title to islands, concessionary and historical rights of access to resources, environmental and ecological issues, rights of passage and so forth. Few issues are simply bilateral or even solely intra-regional. Many involve the People's Republic of China which has extensive claims in the South China Sea. Situated at the crossroads of major world shipping routes, the region must also accommodate the needs of international trade and commerce and the strategic concerns of the superpowers. In brief, all of the main sources of world tension are evident—East-West, Sino-Soviet, North-South—as well as those arising from conflicting regional interests.

In the absence of effective international sanctions, the extent to which conflict over "ocean issues" in Southeast Asia can be contained is likely to depend on two main interrelated developments: first, on the activities of major external powers—the United States, the Soviet Union, Japan and China—in the region; and secondly, on the ability of the states of Southeast Asia themselves to identify and pursue constructive positions on ocean usage and the peaceful settlement of disputes. Thus, contrasting with its potential for conflict, ocean usage also provides a potentially powerful stimulus to the development of intra- and extra-regional institutions and co-operative arrangements (as the "Malacca Strait issue" has already demonstrated: see pp. 45-47 and Appendix B). Moreover, in view of the uniqueness of Southeast Asia as a microcosm of many global ideological, economic and social concerns, such arrangements could well have wider application in the emerging multipolar world.

* See Appendix A.