

Section 3 Maritime Trends

Maritime security is of critical importance to Japan, a maritime nation surrounded by sea. For example, Japan relies on sea transport to import energy resources. Accordingly, ensuring secure sea lanes is vital for the survival of the nation. Securing the stable use of one

of the global commons, the “maritime domain,” is a key security issue for the international community. In recent years, maritime trends in the countries concerned are drawing attention, including their compliance with relevant international norms.¹

1 Trends Related to the “Principle of the Freedom of the High Seas” in the East and South China Seas

The UN Convention on the Law of the Sea (UNCLOS) provides for the principles of freedom of navigation in the high seas and freedom of overflight. Nevertheless, in the waters and airspace in the periphery of Japan, especially the East and South China Seas, it has become increasingly common for countries to unilaterally assert their rights or take actions, based on their unique assertions which are incompatible with the existing international order. This has caused situations of undue infringement upon such principles.

Numerous cases of acts which go against the principle of freedom of the high seas have been recently seen in the East China Sea. Since March 2011, Chinese helicopters and other aircraft apparently of the State Oceanic Administration (SOA) on several occasions have flown close to Japan Maritime Self-Defense Force (MSDF) destroyers which were engaged in monitoring and surveillance in the East China Sea. In January 2013, a Chinese naval vessel directed its fire-control radar at an MSDF destroyer navigating in the East China Sea and is suspected to have directed fire-control radar at a helicopter carried onboard an MSDF destroyer. In May and June 2014, fighters of the People’s Liberation Army (PLA) of China flew abnormally close to aircraft of the MSDF and of the Japan Air Self-Defense Force which were flying over the East China Sea. In June 2016, a Chinese fighter is speculated to have conducted a dangerous act by approaching a U.S. Air Force reconnaissance aircraft at a high speed over the East China Sea, and in May 2017, an incident allegedly occurred where Chinese fighters obstructed the route of an aircraft of the U.S. Forces.

On November 23, 2013, the Chinese Government declared “the East China Sea Air Defense Identification

Zone (ADIZ)” including the Senkaku Islands as if they were a part of China’s “territory.” China’s Ministry of National Defense announced that it would enforce rules it set on any aircraft flying in the ADIZ and that the PLA would take “defensive emergency measures” if aircraft does not follow the instructed procedures. Japan is deeply concerned about such measures, which are profoundly dangerous acts that unilaterally change the status quo in the East China Sea, escalating the situation, and that may cause unintended consequences in the East China Sea. Furthermore, the measures unduly infringe the freedom of overflight. Japan is demanding China to revoke any measures that could go against the principle of freedom of overflight. The United States, the Republic of Korea (ROK), Australia, and the EU, too, have expressed concern about China’s establishment of such zone.

Such actions have been seen in the South China Sea. In March 2009, Chinese ships, including a naval vessel, a maritime research ship of the SOA, a Bureau of Maritime Fisheries’ patrol ship, and fishing vessels, approached a U.S. Navy acoustic research ship operating in the South China Sea to obstruct its operations, while in December 2013, a Chinese naval vessel cut across the bow of a U.S. Navy cruiser operating in the South China Sea at point blank range, and in August 2014, a Chinese fighter is speculated to have flown abnormally close to and obstructed a U.S. Navy patrol aircraft over the South China Sea. Furthermore, in May 2016, Chinese fighters are speculated to have flown abnormally close to a reconnaissance aircraft of the U.S. Navy over the South China Sea, and in December 2016, an unmanned underwater vehicle belonging to the U.S. Navy was momentarily seized in the South China Sea by a vessel of

¹ For example, the UN Convention on the Law of the Sea (UNCLOS) was adopted as a comprehensive treaty on the law and order of the seas in 1982 and entered into force in 1994 (Japan concluded it in 1996).

the PLA Navy. These cases are dangerous acts that could cause unintended consequences.²

Additionally, while China asserts historical rights as a basis for the so-called “nine-dash line,”³ such historical rights were refuted in the award rendered in July 2016 for the arbitration case between the Philippines and China. With friction between China and ASEAN member states and other countries surfacing over issues including sovereignty, China went ahead with land reclamation on multiple features on a massive and rapid scale, and has continued to proceed to develop various infrastructure that can be used for military purposes, such as military facilities including batteries as well as runways, hangars, harbors, and radar facilities. Furthermore, Chinese government vessels have obstructed fishing and other vessels of countries approaching the features, etc. by firing warning shots and water cannons at the vessels. Claimants as well as the international community including the United States have repeatedly said they are deeply concerned about China’s unilateral changes of the status quo, further advancement of efforts to create a fait accompli, and assertive and dangerous acts that could cause unintended consequences.

Despite these numerous acts that could pose risks to securing the stable use of oceans and airspace, in recent years progress has been made on efforts to avert and prevent unintended consequences in the seas and skies. In April 2014, navies of participating countries of the Western Pacific Naval Symposium (WPNS), including

Japan, the United States, and China, reached agreement on the Code for Unplanned Encounters at Sea (CUES).⁴ CUES sets forth a code of conduct for unexpected encounters by vessels or aircraft of the navies of each country. In November 2014, the United States and China agreed on measures pertaining to mutual notification of military activities, together with rules of behavior to avert collisions in waters and airspace in accordance with CUES and other frameworks. In September 2015, the two countries announced an agreement concerning an additional annex stipulating rules of behavior to avert air encounters. In September 2014, defense authorities of Japan and China agreed in principle to restart discussions aimed at the early implementation of the “Maritime and Aerial Communication Mechanism between Japan-China Defense Authorities”⁵ for averting incidental collisions between Japan and China. As a result, in January and June 2015 and again in November 2016, joint working group discussions took place. In recent years, official discussions are being held between ASEAN and China on the establishment of the Code of the Conduct of Parties in the South China Sea (COC). It is strongly hoped that these initiatives designed to avert and prevent unintended consequences in the seas and skies will supplement the existing international order, and that the countries concerned, including China, refrain from unilateral actions that heighten tension and act on the basis of the principle of the rule of law.

[Q See](#) Chapter 2, Section 3 (China); Chapter 2, Section 6 (Southeast Asia)

2 Trends in the Arctic Ocean

The Arctic Ocean, which covers most of the Arctic Region, borders Russia, the United States, Canada, Denmark, and Norway.⁶

In recent years, decrease in sea ice has increased the potential for utilization of the Northern Sea Route and exploration of natural resources. For these reasons, the Arctic states have been more proactively promoting efforts to secure their interests in resource development

and use of the sea route. On the other hand, there are unresolved issues among the Arctic states over the demarcation of maritime boundaries based on UNCLOS and extension of the continental shelf. Some of these Arctic states including Russia are promoting efforts to deploy new military capabilities for the purpose of securing their interests and defending their territories. Traditionally, the Arctic Ocean has been used for the

² According to the written testimony of then U.S. Assistant Secretary of Defense for Asian and Pacific Security Affairs David Shear before the Senate Committee on Foreign Relations dated May 13, 2015, the United States has enhanced its presence in and around the South China Sea to protect U.S. national interests in the South China Sea, such as peaceful resolution of disputes, freedom of navigation in the high seas, and freedom of overflight. For example, U.S. military forces are conducting port calls of naval vessels, carrying out ISR activities, and exercising with neighboring countries. In addition, the U.S. Forces conduct the Freedom of Navigation Operations to counter China’s excessive claims over maritime interests. See Paragraph 3 of this section for more details (Maritime Security Efforts of Countries).

³ See Chapter 2, Section 6-4 (Trends concerning Sovereignty and Other Issues over the South China Sea)

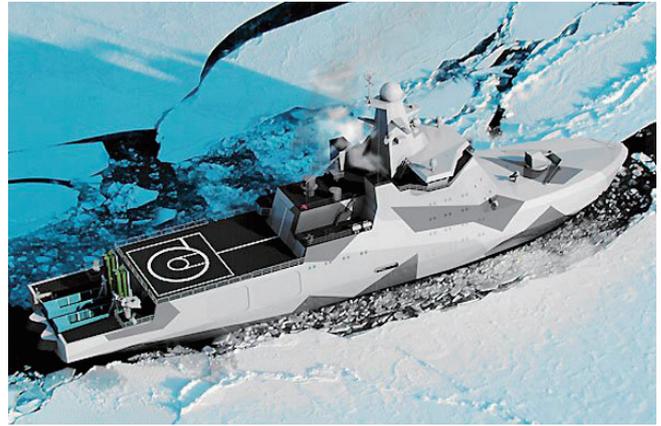
⁴ CUES sets forth safety procedures and notification methods for unplanned encounters at sea by the naval vessels and air force aircraft of participating countries of the WPNS. CUES is not legally binding and does not supersede the annexes of the Convention on International Civil Aviation and other international treaties.

⁵ During the Fourth Joint Working Group Consultation, the two sides agreed to coordinate on the mechanism’s naming to “Maritime and Aerial Communication Mechanism” in order to clarify its coverage of aircraft.

⁶ The Arctic Region is the area north of the latitude line of 66 degrees 33 minutes north latitude. There are eight countries in the Arctic Region – the five countries that border the Arctic Ocean and Finland, Sweden, and Iceland that do not border it. In 1996, the Arctic Council was established, which aims to promote cooperation, coordination, and interaction among the Arctic states, with the involvement of the indigenous communities and other inhabitants on common Arctic issues (e.g., sustainable development and environmental protection).

deployment of strategic nuclear forces and as their transit route. In addition, due to the decrease of sea ice, ships can navigate for a longer period of time and in wider areas than before. In this regard, it is considered that the region could be used for deploying maritime forces or maneuvering military forces using the maritime transport capabilities of military forces in the future. Therefore, strategic importance of the region is increasing.

In the Russian Federation's National Security Strategy revised in December 2015, Russia continues to maintain that it would secure its interests in resource development and use of the sea route. Russia has been actively involved with the Arctic, underpinned by Russia's possession of the largest exclusive economic zone (EEZ) among the coastal states, the potential abundance of resources in the waters of the Arctic Ocean, the geographic and security importance of the Northern Sea Route located off the coast of Russia, and Russia's military superiority ensured by the deployment of military forces directly facing the Arctic Ocean coast.⁷ In the Arctic Strategy released by the U.S. DoD in 2013, the United States expresses its desire for the Arctic to become a secure and stable region where U.S. national interests are safeguarded, the U.S. homeland is protected, and nations work cooperatively to address challenges. In December 2016, then U.S. President Obama decided to ban new drilling for oil and natural gas in a majority of U.S. territorial waters in the Arctic to protect marine resources, showing a negative stance towards resource



Multipurpose icebreaker patrol boat reportedly under construction by the Russian Navy
[Jane's BY IHS Markit]

development. However, newly elected U.S. President Trump signed an executive order repealing this decision of then U.S. President Obama in April 2017.⁸

Aside from coastal states in the Arctic Ocean, 12 countries including Japan and China have observer status in the Arctic Council. Notably, China has shown active involvement in the Arctic Ocean, deploying the polar research vessel Xue Long to the Arctic Ocean for seven times since 1999.⁹ In August 2015, it was confirmed for the first time that five Chinese naval vessels sailed in the Bering Sea between the Arctic Ocean and the Pacific. Focus will be on whether or not such activities would have any relation to the PLA Navy's future advancements into the Arctic Ocean.

3 Maritime Security Efforts of Countries

With regard to oceans, not only for economic development but also for the national security of each country, it has become even more important to promote appropriate rulemaking and to make concerted efforts by the international community to address risks and ensure freedom of navigation while respecting such rules. "Open and Stable Seas" constitute the basis for peace and prosperity of the international community as a whole. In this regard, each state has been tackling on its own or with others various issues including piracy, unidentified vessels,

illegal dumping, contraband, human smuggling, maritime disasters, and the removal of hazardous substances, for maintaining the stability of sea lanes of communication.

1 United States

The U.S. National Security Strategy unveiled in February 2015 presents that the United States has an enduring interest in freedom of navigation and the safety and sustainability of the maritime environment, and therefore,

⁷ Russia is said to have a fleet of around 40 icebreakers, while an additional three nuclear-powered icebreakers and two multipurpose icebreaker patrol ships are currently under construction. See Chapter 1, Section 4 (Russia) regarding the Northern Joint Strategic Command in charge of the Arctic, the deployment and training of the Northern Fleet vessels, the development of military facilities, strategic patrols by strategic nuclear submarines, patrol flights by long-range bombers, and large-scale exercises and trainings in the Arctic.

⁸ As regards activities of other coastal nations, Canada states that the Arctic is a priority region under its policies in Canada's Northern Strategy (released in 2009), and similar to the United States, in December 2016 Canada announced a moratorium on the development of oil and natural gas in its territorial waters in the Arctic Ocean. Denmark and Norway have also developed the Kingdom of Denmark Strategy for the Arctic 2011-2020 (released in 2011) and the Norwegian Government's High North Strategy (released in 2006), respectively, which outline their stances of attaching importance to the Arctic, including the perspective of security.

⁹ In 2012, Xue Long became the first polar research vessel to sail across the Arctic Ocean. In 2013, a cargo vessel Yong Sheng became the first Chinese commercial ship to cross the Arctic Ocean. Currently, China is believed to be building its second polar research vessel.

would maintain the capability to ensure the free flow of commerce, to respond quickly to those in need, and to deter those who might contemplate aggression. Since around May 2015, the United States has repeatedly expressed concerns over China's reclamation of features in the Spratly Islands in the South China Sea, underpinned by the U.S. position of supporting the principles of rule of law and freedom of navigation.¹⁰ The DoD released in August 2015 the Asia-Pacific Maritime Security Strategy, indicating U.S. intentions to have the U.S. Pacific Command maintain a robust presence in and around the South China Sea and engage in wide-ranging activities including trainings, exercises, and port calls with allies and partners, and to conduct Freedom of Navigation operations¹¹ as part of routine activities, and has navigated vessels around maritime features in the Spratly Islands and Paracel Islands. In February 2017, U.S. Secretary of Defense James Mattis visited Japan just two weeks after the Trump administration's inauguration where he met with Minister of Defense Inada. During the meeting, the Ministers shared the view that China's activities in the East and South China Seas are a security concern in the Asia-Pacific region. Additionally, President Trump himself shared the same view during the summit meeting held with Prime Minister Abe on February 10, 2017.

The United States deems that its safety and economic security depend upon the secure use of the world's oceans, and that the United States has a vital interest in maritime security. Based on this recognition, the United States leads the Combined Maritime Forces (CMF)¹² to counter piracy and advance maritime safety, including tackling terrorism in waters surrounding the Middle East and Africa, such as the Gulf of Aden, the Persian Gulf, and the Indian Ocean. In waters surrounding Central America, the United States conducts operations to counter illicit trafficking, primarily drug trafficking with European and Western Hemisphere countries.¹³ The United States thus dispatches vessels to the various sea areas of the world and takes actions to combat piracy,

organized crime, terrorism, and the proliferation of weapons of mass destruction (WMDs).

2 NATO

NATO has the Standing NATO Maritime Groups, which are a multinational, integrated force made up of vessels from member countries. Through routine exercises and maintenance of rapid deployment capability, NATO has provided deterrence in the sea to member countries. NATO identifies acts of terrorism as a threat to its member countries. Following the 2001 terrorist attacks in the United States, NATO has conducted Operation Active Endeavour since October 2001 and has implemented counter-terrorism activities, including maritime patrols in the Mediterranean Sea, as part of the collective defense pursuant to Article 5 of the North Atlantic Treaty. At the NATO Summit held in Warsaw, Poland in July 2016, a decision was made to transition to Operation Sea Guardian, whose mission is crisis management, and a wide range of operations has been carried out since November 2016, including counter-terrorism and capacity building assistance, among others, while collaborating with Operation Sophia of the European Union (EU). Furthermore, in February 2016, NATO decided to deploy the Standing NATO Maritime Groups to the Aegean Sea to deal with the large influx of refugees and migrants, and notify information regarding refugee boats to Greek and Turkish authorities as well as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU. In response to the threat of piracy, NATO has deployed vessels of the Standing NATO Maritime Groups to off the coast of Somalia and the Gulf of Aden. NATO has been carrying out Operation Ocean Shield since August 2009, and while it engaged in counter-piracy activities by boat as well as helped countries build up their capacities to counter piracy if requested, NATO ended these activities in December 2016.

¹⁰ The U.S. DoD's "Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2016" unveiled in May 2016 introduced the view that China's land reclamation is bolstering its de facto control over the Spratly Islands by improving military and civilian infrastructure, while noting that China has used low-intensity coercion to enhance its presence and control in the disputed areas of the East and South China Seas. Furthermore, in May 2016, then Secretary of Defense Ashton Carter stated that China has taken expansive and unprecedented actions that have generated concerns about China's strategic intentions, and China could end up erecting a Great Wall of self-isolation.

¹¹ The Freedom of Navigation Operations are operational activities conducted by the U.S. Forces for countering excessive claims over maritime interests asserted by coastal states to protect the rights, freedoms, and uses of the sea and airspace guaranteed to all states under international law. It is deemed that the Operations have been conducted on an ongoing basis since 1979. In October 2015, the United States sent the U.S. Navy missile destroyer USS Lassen to navigate within 12 nautical miles of Subi Reef of the Spratly Islands. The United States sent the missile destroyer USS Curtis Wilbur to navigate within 12 nautical miles of Triton Island of the Paracel Islands in January 2016, sent the missile destroyer USS William P. Lawrence to navigate within 12 nautical miles of Fieri Cross Reef of the Spratly Islands in May 2016, and sent the missile destroyer USS Decatur to navigate in the vicinity of the Paracel Islands in October 2016. Also, in May 2017, it was reported that the missile destroyer USS Dewey navigated within 12 nautical miles of Mischief Reef in the Spratly Islands.

¹² CMF is a multinational force, which operates to promote maritime security, stability, and prosperity, under the U.S. Central Command. Forces from 31 countries participate in CMF, and the CMF Commander concurrently serves as the Commander of the U.S. Fifth Fleet. CMF is comprised of three combined task forces: Combined Task Force 150 (CTF-150), which is tasked with maritime security operations; Combined Task Force 151 (CTF-151) with counter-piracy operations; and Combined Task Force 152 (CTF-152) with maritime security operations in the Persian Gulf. The Japan Self-Defense Forces deploy units to CTF-151.

¹³ Fourteen European and Western Hemisphere countries, including the United States, conduct Operation Marillo to combat illicit trafficking, including the trafficking of narcotics, precursor chemicals, bulk cash, and weapons, as well as organized crime along the sea areas surrounding Central America. From the U.S. Forces, Joint Interagency Task Force South under the U.S. Southern Command carries out the operation. The Operation's accomplishments included the disruption of about 192 tons of cocaine in 2015.

In January 2011, NATO unveiled the Alliance Maritime Strategy. The advancement of globalization has facilitated terrorism and the proliferation of WMDs. Based on this recognition, the Strategy outlines NATO's intention to carry out efforts to ensure its contribution to deterrence, crisis management, collective defense, maritime security, among other areas. These efforts include: (1) deepening cooperative relations with appropriate countries and international actors, such as the EU and the United Nations; and (2) developing fully capable, flexible, rapidly deployable, interoperable, and sustainable maritime forces. The Wales Summit Declaration adopted at the NATO Summit in September 2014 states that NATO would continue to intensify and expand its implementation of the measures outlined in the Strategy, and further enhance the Alliance's effectiveness in the maritime domain. Furthermore, the Warsaw Summit Communiqué adopted at the NATO Summit held in July 2016 states that the same strategy would be promoted, and the latent naval capabilities of member countries would be fully utilized to strengthen NATO's maritime posture.

3 EU

With many of its member states facing the ocean, the EU has high maritime traffic and economic activity in the sea. To date, the EU has actively engaged in counter-piracy activities off the coast of Somalia and in the Gulf of Aden in order to maintain maritime stability.¹⁴ In June 2014, the European Council adopted the EU Maritime Security Strategy, for purposes including presenting a framework for the development of the maritime policies of EU member states and protecting the strategic maritime interests of the countries. The Strategy construes piracy, terrorism, the proliferation of WMDs, and restrictions to the freedom of navigation as threats. It sets forth comprehensive, cross-sectoral, coherent, and efficient approaches to maritime security, including: (1) promote rules-based good governance at sea; (2) promote coordination amongst member states and with other international organizations and partners; and (3) enhance the role of the EU as an actor that conducts conflict prevention, crisis response, and management of maritime interests.

4 United Kingdom

The United Kingdom is an island nation surrounded by sea, and has a heritage of engaging actively in maritime activities, including maritime trade. Furthermore, the United Kingdom has many overseas territories and has an EEZ which extends about 25 times the U.K. terrestrial extent. Due to these factors, the United Kingdom proactively deploys its forces to NATO- and EU-led multinational forces¹⁵ in order to ensure the maritime security of the sea areas surrounding the United Kingdom, including its overseas territories, and by extension, the seas of its neighboring countries.

In May 2014, the U.K. Government released the U.K. National Strategy for Maritime Security.¹⁶ The United Kingdom considers that ensuring maritime security is synonymous with the advancement and protection of the United Kingdom's national interests, at home and abroad. Based on this recognition, the Strategy identifies objectives, such as promoting a secure international maritime domain and upholding international maritime norms, developing the maritime governance capacity and capabilities of states in areas of strategic maritime importance, and assuring the security of vital maritime trade and energy transportation routes. To these ends, the Strategy lists measures, including: (1) attain a comprehensive understanding of the maritime domain through the use of information resources across departments and agencies, among other means; (2) work closely with maritime partners through championing regional initiatives as a proponent of freedom of navigation; (3) share information with partners and support capacity-building efforts in areas of strategic importance; and (4) coordinate joint operations between maritime departments and agencies and seek to procure common equipment. In the NSS-SDSR2015¹⁷ released in November 2015, it was decided that the United Kingdom would introduce nine P-8 patrol aircraft to strengthen maritime patrol capabilities. In addition, two Queen Elizabeth-class aircraft carriers are under construction, which will be launched into service in succession starting in 2018. The first of these aircraft carriers began a test voyage in June 2017.

¹⁴ The EU has conducted the counter-piracy operation Operation Atalanta in this sea area, which became the EU's first maritime mission, since December 2008. Vessels and aircraft that countries deploy escort ships, conduct patrols in these waters, among other activities. Operation Sophia is being carried out in the Mediterranean Sea since 2015. See Chapter 2, Section 8-2 for more details about Operation Sophia.

¹⁵ The United Kingdom rotationally deploys forces to Operation Atalanta organized by the EU. The headquarters of this operation is located at the Northwood Maritime Command Headquarters in the United Kingdom. The United Kingdom also deploys forces to CMF-led operations.

¹⁶ This Strategy is a strategy document released jointly by four departments: the Foreign and Commonwealth Office; the Home Office; the Ministry of Defence; and the Department for Transport.

¹⁷ See Chapter 2, Section 8-3-1 regarding the NSS-SDSR2015.

5 France

France, with its many overseas territories, is deemed to have the second largest EEZ in the world. About 62% of this EEZ is in the Pacific region, and about 24% is in the Indian Ocean. France attaches importance to its maritime strategy in the Asia-Pacific, identifying itself as “a sovereign power and a player in the security of the Indian Ocean and the Pacific” in the White Paper on Defence and National Security. The French Armed Forces station their units in French territories, including Polynesia and New Caledonia, and deploy frigates, landing ships, and other equipment. Also, “France and Security in the Asia-Pacific,” which the Ministry of Defense released in June 2016, presents on France’s active engagement in the region through ports of call by frigates, participation in exercises, and humanitarian assistance.¹⁸ At the IISS Asia Security Summit (Shangri-La Dialogue) in June 2016, then Minister for Defence Le Drian affirmed France’s stance of becoming further involved in the Asia-Pacific region, stating, “Why shouldn’t the European navies coordinate to ensure a presence that is as regular and visible as possible in the maritime areas in Asia? I will shortly explain this proposal in detail to my European colleagues.”

6 Australia

Australia’s Defence White Paper unveiled in 2016 considers the security of sea lanes as a strategic defense interest, along with the security and resilience of Australia. Especially as Australia depends on maritime trade with Southeast Asia and maritime trade transiting Southeast Asia, Australia sees a need to ensure the security of trade routes in the country’s proximate waters and in Southeast Asia.

Based on this policy, the Australian Defence Force (ADF) conducts patrol activities called “Operation Gateway” in the North Indian Ocean and the South China Sea, which includes establishing a base at the Butterworth airbase in Malaysia.¹⁹ The Australian Government has

not released details of its patrol activities around the South China Sea, but media reports have been confirmed stating that Australian patrol aircraft operating in the area have been subject to PLA aircraft interference on a regular basis. The ADF also engages in expanding naval cooperation with India, providing patrol vessels to South Pacific countries,²⁰ and conducting coastal patrols by mobilizing ADF assets.

7 China

China also relies on sea transport for over 90% of its trade cargo.²¹ Accordingly, ensuring the security of China’s sea lanes constitutes a critical part of the “basic safeguards for ensuring sustainable economic and social development,”²² one of China’s “core interests.” Therefore, as a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),²³ China shares information and participates in cooperative arrangements related to piracy in Southeast Asia. Since December 2008, China has deployed naval vessels to off the coast of Somalia and the Gulf of Aden and has been involved in international efforts to repress piracy. Through such activities, China has contributed to ensuring maritime security. China’s commitment to ensuring the security of its sea lanes is also considered to be connected to the PLA Navy’s objective of building up capacity for continuous operations in more distant waters. In particular, China and Djibouti, a country facing the Gulf of Aden, are building facilities for providing logistics support to the military in Djibouti. Additionally, China supports the construction of port infrastructure in Indian Ocean countries. In this regard, China is likely aiming to build bases for conducting operations in the Indian Ocean and other areas.

Meanwhile, in the South China Sea, China and ASEAN member states have conflicting assertions over the sovereignty of such areas as the Spratly Islands²⁴ and the Paracel Islands.²⁵ In recent years, the countries concerned, including China, have stepped up their activities to assert their sovereignty. Developments

¹⁸ See Chapter 2, Section 8-3-2 for more information about French ships calling on ports and France’s involvement in exercises. As for humanitarian assistance activities, France carried out activities in the Philippines, Vanuatu, and Fiji following the damaging typhoons and cyclones that struck these countries in November 2013, March 2015, and February 2016.

¹⁹ In December 2015, the Australian Department of Defence admitted that as part of these activities, Royal Australian Air Force (RAAF) aircraft conducted patrol activities in the South China Sea from November to December. This was preceded by BBC’s release of the content of the radio communications that allegedly took place between RAAF aircraft and the PLA Navy, claiming that Australia was carrying out “freedom of navigation” flights in the South China Sea.

²⁰ See Chapter 2, Section 5-3-4

²¹ According to the website of the Central People’s Government of China, over 90% of China’s export and import cargo, such as crude oil, iron ore, food, and container, are transported by sea.

²² Then State Councilor Dai Bingguo, “China will unswervingly follow path of peaceful development” (December 7, 2010, Ministry of Foreign Affairs of China website)

²³ As of June 2017, the contracting parties to ReCAAP are the following 20 countries: Australia; Bangladesh; Brunei; Cambodia; China; Denmark; India; Japan; the ROK; Laos; Myanmar; the Netherlands; Norway; the Philippines; Singapore; Sri Lanka; Thailand; United Kingdom; United States; and Vietnam.

²⁴ See Chapter 2, Section 6-4, Footnote 37

²⁵ See Chapter 2, Section 6-4, Footnote 38

associated with the freedom of navigation in the sea have been subject to increasing international concern.

8 Southeast Asia

Southeast Asia is located at the crossroads of traffic, linking the Pacific and the Indian Oceans, such as the Straits of Malacca and the South China Sea. This region, however, has maritime security issues, including disputes over the sovereignty of the South China Sea and piracy.

In 2002, ASEAN and China signed the Declaration on the Conduct of Parties in the South China Sea (DOC)²⁶ aimed at peacefully settling the issues over the South China Sea. Since 2013, official consultations have been held with a view to establishing the COC. The COC is deemed to contain more specific content than the DOC and be legally binding. China and ASEAN have announced the completed negotiation of the draft COC framework in May 2017. However, China's Vice Foreign Minister Liu Zhenmin who took part in the talks stated that the framework is not yet the detailed rules and that the legal binding force of the framework should be discussed in the next step of the consultation process. In this regard, attention will focus on future developments.

Furthermore, there have been developments related to settling issues through arbitral proceedings set out in UNCLOS. In January 2013, the Philippines instituted

arbitral proceedings pursuant to UNCLOS for the dispute between the Philippines and China over its assertions and actions in the South China Sea. In July 2016, a final award was rendered in which nearly all of the Philippines' submissions were ruled in favor of the Philippines.²⁷ This award will be final and legally binding on both parties. Moreover, Vietnam, another claimant, has requested the tribunal to take into consideration Vietnam's assertions over the South China Sea. In this regard, there has been a trend among some countries concerned to work towards a peaceful solution of the issue in accordance with international law.

In the Southeast Asia region, multilateral cooperation has also made progress to deal with wide-ranging security issues, including piracy and other transnational issues. With regard to counter-piracy measures, Indonesia, Malaysia, Singapore, and Thailand conduct the Malacca Strait Patrols.²⁸ Efforts have also been under way to share information related to piracy and build a cooperation arrangement in accordance with ReCAAP. Additionally, in recent years, piracy activities have grown more prominent in the Sulu Sea and the Celebes Sea. As a result, in June 2017, Indonesia, Malaysia and the Philippines announced they were beginning joint patrols in the Sulu Sea.

Q See Part I, Chapter 2, Section 6-4 (Trends concerning Sovereignty and Other Issues over the South China Sea)

²⁶ See Chapter 2, Section 6-4, Footnote 45

²⁷ See Chapter 2, Section 6-4, Footnote 44

²⁸ The Malacca Strait Patrols are comprised of: the Malacca Strait Sea Patrols which commenced in 2004 by the navies of Indonesia, Malaysia, and Singapore to monitor piracy and other activities in the Malacca-Singapore Strait (Thailand participated in 2008); aircraft patrol activities which commenced in 2005; and information sharing activities which commenced in 2006.