

Canada's Contribution to Peace, Stability and the Rule of Law in the South China Sea

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Issue

Is China complying with a rules-based liberal international order in the context of the South China Sea (SCS)? What should Canada's role be in the SCS?

Background

The SCS is geo-strategically complicated, territorially contested and a resource rich part of the world. The SCS has immense commercial importance, as close to one-third of the world's total maritime trade flows through it (China Power Project 2019). The national economic security of over a dozen states, including Japan and South Korea, is directly tied to it. Multiple territorial disputes, as those over sovereignty claims, fishing rights and untapped oil and natural gas deposits, are further complicated by American and Chinese active and extended military presence. Any disruption in the SCS is enough to precipitate a global economic crisis, given complex global interdependencies. Questioning China's adherence to a rules-based order, and Canada's regional role as a non-stakeholder, is one of careful consideration and deserving prudent analysis.

The dominant international narrative asserts that China continues to flout international law. This is in line with common perceptions of Chinese aggression and expansionist policies in the SCS (Welch 2019). The validity of these narratives and perceptions are, however, questionable. It is paramount to clarify such perceptions as they lead to misjudged foreign policy approaches.

Canada's Defence Minister, Harjit Sajjan, at the Shangri La Dialogue said, "Canada is — very much — a part of the Pacific community. [And] we will always hold a vested interest in this region's security, stability, and continuing prosperity" (Sajjan 2017). After a closer look at issues within the SCS, we found that China is in fact complying with a rules-based international order.

First and foremost, as a signatory of the UN Convention on the Law of the Sea (UNCLOS), China's expansive claim to the whole of SCS has been withdrawn. China has shown more respect for the 200 Nautical Mile Exclusive Economic Zone provision of the UNCLOS — that decisively rescinds their assertion of regional hegemony.

Second, China has reversed its decision to implement an Air Defense Identification Zone in the SCS, as this would be highly provocative, counter-productive and technologically demanding. China has also not landed any aircrafts on their man-made islands in the Spratlys, a disputed archipelago off the coasts of the Philippines, Malaysia, and southern Vietnam in the South China Sea (Welch 2013).

Third, China has done nothing to suggest inconsistency with the Philippines Arbitration Tribunal ruling, including: not creating new military establishments in contested waters, and dropping all references to its famous nine-dash line, a demarcation line used by China to substantiate its claims of the major part of the South China Sea. China has deliberately refrained from showing

compliance given domestic nationalistic attitudes to keep opinions of the Chinese Communist Party favourable (Welch 2019).

Finally, China has not interfered in any innocent passages or with any American-led Freedom of Navigation Operations (FONOPs), which have dramatically escalated under the Trump administration. It is not in China's interest to have disturbances in the SCS, as their quest for energy self-sufficiency and 64 percent of their total maritime trade is dependent on commodities flowing freely in these waters (China Power Project 2019).

China is an isolated power with no alliance partnerships such as that of the United States and Japan or the United States and South Korea. China-Canada cooperation, based on mutual understanding and trust, can usher in a new era of bilateral relations and act as a bridge to better US-China relations.

Why Should Canada Care?

The SCS matters to Canada because conflict between all parties involved threatens international stability and adherence to a rules-based order. If conflict does erupt in the region, it will have devastating consequences to all economies including Canada's. Although Canada is geographically removed, it has common interests in promoting peace, stability and robust governance. Canada has no claims to the resources in the SCS and has made no pronouncements on sovereignty disputes. This gives us the advantage of being relatively impartial.

Helping to defuse tensions is one way that Canada can play a role in maintaining and strengthening the rules-based international order. Escalation in the tensions between China and the United States marks an opportunity for Canada to provide its expertise and show its commitment to international stability. Faced by challenging diplomatic situations with China, Canada needs to focus on avenues where it can be constructive.

Conclusion

The SCS is both contentious and volatile, which highlights Canada's needs to adopt even-handed policies. Since Canada does not have a direct stake in the SCS, it can adopt a constructive role by facilitating dialogue between the main stakeholders. This should be done to promote peaceful outcomes and provide technical expertise in promoting trust-building measures. China is adhering to

a rules-based international order by not obstructing or interfering in US-led FONOPs, by dropping references to the nine-dash line, and by complying with the Philippines Arbitration Tribunal ruling. China's *de facto* behaviour dispels popular international misperceptions of the threats it poses. While this alone does not resolve tensions, it does signal the need for confidence-building measures. Canada can and should provide *functional* expertise to reduce tensions between all parties concerned.

Recommendations

- 1. Canada should not participate in military FONOPS to the SCS.** These missions are known to provoke China. By joining US-led FONOPS, Canada would abandon its claims to impartiality and lose its opportunity to facilitate dialogue. Additionally, FONOPS are expensive and would not aid our efforts to bring peace to the region. Canada should and does support its allies in their missions to the SCS; however, this is not an avenue where Canada can be constructive or add value. At present, the Royal Canadian Navy does not participate in FONOPS and it should remain this way. Canada has the opportunity to take a more strategic and diplomatic approach to remain a constructive ally to all parties concerned.
- 2. Canada should partake in trust-building activities in the region, utilizing already available channels of engagement.** Canada cannot and should not be part to any official discussion on maritime jurisdiction in the SCS. Regional issues are best addressed by regional actors. Instead of offering opinions or acting on these divisive issues of sovereignty disputes, Canada should facilitate constructive multilateral relations and dialogue between the concerned parties. This recommendation can be achieved by offering national expertise and knowledge in a number of fields relating to maritime safety and resource management. The goal is to engage in trust-building activities by addressing functional issues. These activities could include, among others:
 - offering official expertise in civil aviation safety;
 - planning joint activities with the Disaster Assistance Response Team;
 - coordinating maritime safety projects, specifically in the field of search and rescue and fisheries management; and

- sharing our knowledge in crisis management strategies.

Through these channels, Canada can open the door to dialogue with China. All countries in the region — including China — should be welcomed to join in these activities. Working together on these projects has a dual purpose of promoting cooperation and resolving issues. Canada's engagement in the region should not be based in deciding territorial sovereignty. Instead, it should focus on developing dialogue and constructive relationships with the aim to reduce tensions in the SCS. Continual dialogue facilitation should be a part of Canada's long-term strategy in the region.

3. Canada should reinvigorate track two diplomacy initiatives in the region, including with China.

The Council for Security Cooperation in the Asia Pacific (CSCAP) is a forum for such engagement. It is an informal platform for scholars, officials, experts and other interested parties to discuss political and security challenges in the region. The main goal is to provide recommendations to regional governments and multilateral bodies through dialogue mechanisms, such as the Association of Southeast Asian Nations Regional Forum. Unfortunately, Canada's membership and commitment to CSCAP has faltered in recent years. As a founding member of this forum, Canada should recognize the usefulness of this channel and recommit to its membership. CSCAP is the perfect channel for Canada to reinvigorate its commitment to robust governance and peace making through consensus-building and problem-solving initiatives in the region. Participating in track two diplomacy approaches, like CSCAP, reduces misperceptions of threat. Misperceptions, misinterpretation and confusion about maritime jurisdiction and territorial sovereignty between the neighbouring nations in the SCS, leaves room for heightened conflict. This can be mitigated through dialogue mechanisms. A challenging political situation should not deter Canadian engagement in the region; "playing the long game" is important for continued relationship and dialogue building with our partners.

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