

THE DYNAMICS OF MILITARY COOPERATION IN THE SOUTH CHINA SEA

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ABSTRACT

The South China Sea represents one of the most important trade routes in the contemporary world and has oil and gas reserves. Although all the states surrounding the sea have some form of claim on it, the disputes over two clusters of islands stand out. The Spratly Islands, the southernmost archipelago, are claimed by China, Taiwan, the Philippines, Brunei, Malaysia, and Vietnam, while the northernmost Paracel Islands are mainly disputed by China and Vietnam. Moreover, their geostrategic importance is the reason why countries outside the region also meddle with the dynamics of disputes and cooperation. This article presents the dynamics of military cooperation in action in the South China Sea based on the hypothesis that to increase their capabilities in the face of Chinese military growth, Southeastern Asian countries claiming portions of the South China Sea sign military agreements with other powers.

Keywords: South China Sea. Military Agreements. International Conflicts. Law of the Sea.

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INTRODUCTION

The South China Sea is a semi-enclosed marginal sea, part of the Pacific Ocean and surrounded by China and Taiwan in the north; by the Philippines in the east; by Vietnam in the west; and by Brunei, Indonesia, and Malaysia in the south; with access through the Malacca Strait and the Taiwan Strait. According to the United Nations Convention on the Law of the Sea (UNCLOS), it is a “sea surrounded by two or more states connected by a narrow channel” (UN 1982, p. 63). The South China Sea contains more than 15 thousand mostly unoccupied islands, atolls, piers, sandbanks, reefs, and shoals. Most of the islands in the region are grouped into three archipelagos: Spratly, Paracel, and Pratas. In addition to these groupings, the Scarborough Coral and the Macclesfield Bank are also important (WWF, 2002).

The Spratly Islands (*Nansha*, in Mandarin) are an archipelago stretching along the Philippine, Malaysian, and Vietnamese coasts occupying a 425,000 km² area (165,000 sq. mi), of which only 2 km² (0.78 sq. mi) rise above sea level (WWF, 2002). The same applies to the Paracel Islands (*Xisha*, in Mandarin), which encompass about 130 coral islands and reefs distributed over an area of approximately 15,000 km² (5,800 sq. mi), nearly equidistant from the coasts of China and Vietnam (CIA, 2018). The Pratas Islands, in turn, is the smallest archipelago of the region, with three islands located 340 kilometers southeast of Hong Kong. While Taiwan occupies the Taiping Island (or *Itu Aba*), the largest structure of Spratly archipelago, as well as the Pratas Islands – which the country has named a national park; the People’s Republic of China have occupied the Paracel Islands.

Stage of major maritime disputes that originated at the end of World War II, the South China Sea is one of the most important trade routes in the world. Also, its geological formation resulted in deposits of oil and natural gas in its bed.

With Asian economic growth, demand for oil and natural gas has increased. Although the size of its reserves is still unknown and the undersea valleys, strong currents, and the occurrence of tropical storms and typhoons that endanger excavation material and production platforms impair its exploitation (NAUMANN, 2017; EIA, 2013), claims for its territories have increased, or become more incisive, in recent decades.

More than half the global merchant fleet crosses the Malacca, Sunda, and Lombok straits every year, most of them on their way across

the South China Sea. Nearly a third of global unrefined oil and more than half of global liquefied natural gas production also navigate the waters of the region (EIA, 2013). In 2006, it was estimated that 15% of the world's total gross tonnage vessels crossed the Malacca Strait (EIA, 2013). In 2010, an estimate pointed out that a gross value of US\$ 2.8 trillion worth of goods was transported through the South China Sea. In 2016, this would have been US\$ 3.4 trillion, which means 21% of the global trade that year (PANDA, 2017).

If routes crossing the South China Sea were blocked, vessels would be forced to wait for reopening or use alternative routes, either would result in some billions worth of additional freight costs every month (POWER, 2017).

Thus, the combination of oil and natural gas reserves with the importance of sea routes makes the South China Sea a highly strategic region in commercial and military terms. The disputes taking place in the South China Sea directly involve countries claiming territories in the area, but also the two major world powers and international and regional organizations, such as the Association of Southeast Asian Nations (ASEAN).

In this context, countries involved in the conflict have signed agreements to increase their military power vis-à-vis China and/or to deter Chinese aggressive stances.

Thus, this article analyzes the relations between those involved in disputes in the South China Sea on the grounds that alliances established by them are intended to enhance their capabilities, as well as to dissuade China from using its military power to ensure the domain in that region. The text is split into three parts. Initially, we have dealt with external actors that indirectly influence the dynamics in the South China Sea. After that, we present the evolution of cooperation agreements signed by the countries in that region. In the end, there are some considerations about the dynamics of cooperation in the area.

EXTERNAL ACTORS

External actors are those countries that are not directly involved in claims of areas within the South China Sea but end up influencing the dynamics of litigation by setting their own agendas and interests and, therefore, engage in cooperation campaigns and military competition

with the countries involved in the disputes. Silva and Amorim (2016) call these countries Worried-Outsiders, namely India, Japan, and Australia.

Post-independence India has incorporated a doctrine against the use of force for the settlement of international controversies (BAVA, 2010, p. 117). However, the defeat in the Sino-Indian war (1962), considered humiliating, caused the country to drastically change its policies and double its defense spending (SILVA; AMORIM, 2016, p. 448). Under the rule of Indira Gandhi, India has abandoned its nonaligned position, allying itself with the Union of Soviet Socialist Republics (USSR) (BAVA, 2010). With the end of the Cold War, the country returned its policy to a movement called “strategically engaged foreign policy,” partnering with the US and acting as a pivot state in South Asia. Their relations with the US peaked in 2005, with the establishment of a bilateral defense agreement (GANGULY et al., 2006). This step has also led India to seek defense deals with several other countries, with special policies for most of its neighbors.

In the 1990s, with India’s economic growth and rivalry with China and Pakistan, the country joined the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) in 1995 and dedicated a more substantial investment to its navy (OGDEN, 2011, p. 8).

India sees China as “a rising and aggressive nationalist power whose ambitions tend to reshape the outlines of the regional and global balance of power with deleterious consequences for Indian interests” (PANT, 2011, p. 240). As a result, strengthening their relations with Japan is a paramount subject.

India’s medium- and long-term strategy is making its defense industrial base self-sufficient. The concept was formally adopted in the Indian Maritime Military Strategy document. In 2010, the country announced plans to add 32 new ships to its navy by 2020, with the construction of 27 ships in India, 3 in Russia, and 2 in Italy (HOLMES, 2011). The Indian strategy has been updated in 2005, 2009, and 2015, and presented the South China Sea as an Indian point of interest. In addition to addressing the specter of the conflict, the maritime environment at the time, mechanisms for the application of naval power, and Indian interests, the document presented the relationship between the Malacca, Lombok, and Sunda straits and the Indian Ocean, as they are considered connection routes between the two regions.

To the east, the Malacca, Sunda, and Lombok straits connect the South China Sea to the Indian Ocean. The Malacca Strait is the main route through which more than 70,000 ships transit annually. To the west, the busiest navigation strip passes through the Strait of Hormuz, which connects the Persian Gulf with the Indian Ocean. These narrow channels that constitute entry and exit choke points in the Indian Ocean Basin (IOR) are critical to international trade (INDIAN NAVY, 2015, p. 56).

The South China Sea (as well as other strategic areas in the Pacific Ocean) has been included as a vital variable for the protection of the Indian Ocean basin. In 2009, India inaugurated its first locally built nuclear submarine. They also announced the purchase of a Russian aircraft carrier (renamed Admiral Gorshkov) and state-of-the-art ballistic technology to increase its naval surveillance capabilities. Additionally, the country set up a 26-radar network linked to the Indian coastal surveillance system on the Maldives through a cooperation project (SHAH, 2017).

Japan, for much of its history, has taken a close stance on the international system. In the mid-19th century, it was forced by the US to open up economically and aligned itself with the United Kingdom after the victory in the Sino-Japanese War (1894–1895), a posture that changed in the 1930s. Their defeat in World War II led the country into the stability provided by the United States' 'nuclear umbrella' (TØNNESSON, 2001).

In recent years, however, Japan has been altering its military policy to counter Chinese growth in East Asia. The reinterpretation of Article 9 of the Japanese Constitution allowed the Japanese Self-Defense Forces to act in the case of collective self-defense, providing a legal safeguard for a more assertive stance (IISS, 2015). The International Institute for Strategic Studies (IISS), in its "Military Review" (2015) publication, outlined that the Japanese Medium Term Defense Plan of December 2013 entailed the acquisition of new war materials by 2019, including new destroyers, submarines, unmanned aerial vehicles for long-range marine surveillance, F-35A fighter jets, and new helicopters (IISS, 2015, p. 207).

The expansion of Japanese military capabilities is intrinsically linked to Chinese growth. Although geographically distant from the South China Sea, Chinese military growth could spell trouble for Japan,

which is contending with China over the *Senkaku* Islands, in the East China Sea. The situation leads Japan to openly support countries competing for positions with China, especially Vietnam and the Philippines.

This is because Japan sees the maintenance of the Sea Lines of Communication (SLOCs) as a priority and is concerned about the possibility of trade disruption in the area due to the Chinese claim over much of the South China Sea as part of their territorial waters (and not as an Exclusive Economic Zone, as done by some other countries) (VUVING, 2014). The Japanese fishing industry, for example, would be severely affected by any blockage of that sea.

With the end of World War II, Australia has deepened its relations with the United States, sealed through ANZUS (the Australia, New Zealand, United States Security Treaty), and participated in various military actions in alliance with the US (SILVA; AMORIM, 2018, p. 455).

According to Bisley and Taylor (2014, p. 31), Australia now faces a political-economic dilemma. Its main trading partner is currently China, while its main military ally is the US.

In 2009, Australia published its White Paper, named "Defending Australia in the Asia-Pacific Century: Force 2030". The document highlighted the Asia Pacific region due to the likelihood of tensions between the powers in the region (China, Russia, India, Japan, and the United States). Australia's primary strategic interest protecting the country from direct military attacks; however, the security, stability, and cohesion of its immediate vicinity are issues that deserve considerable attention. So, the modernization and strengthening of its naval forces is a priority, including the key areas of air defense, strategic attacks, special forces, intelligence, overseas and anti-submarine warfare (AUSTRALIA, 2009). Navy modernization included the acquisition of three destroyers and two amphibious vessels (IISS, 2015) in addition to 24 new F/A-18 F *Super Hornet* fighter jets, produced by the United States and purchased in 2014 (DEFENSE INDUSTRY DAILY, 2014).

Regarding the South China Sea, Australian interests are concerned about a conflict in the region and the Chinese project to absorb the South China Sea as part of its territorial waters, with consequences to the flow of trade in the region. The Australian foreign policy also expresses concerns about the development and presence of a potentially hostile country controlling waters close to Australian territory. The military alliance with

the United States leads the country, albeit not emphatically, to take sides in China's containment policy (SILVA; AMORIM, 2016).

Therefore, Silva and Amorim (2016, p. 459–462) express that, provided the “common good” status of the South China Sea to Australia, India, and Japan and in front of the potentially aggressive Chinese intentions, any threat presented to this good, however distant it may be, is perceived as a close threat to the security and interests of the three countries.

With India's, Australia's, and Japan's interests in the South China Sea, there has been a claim for freedom of navigation and the Chinese stance of aggression has been strongly criticized.

DEFENSE COOPERATION IN THE SOUTH CHINA SEA

Claims in the South China Sea revolve mainly around the Spratly and Paracel archipelagos. With the first claimed by China, Taiwan, the Philippines, Brunei, Malaysia, and Vietnam. The second, located to the north, is disputed mainly by China and Vietnam. China claims the South Sea nearly to its entirety through the 9-Dash Line. The claim exceeds the 12 nautical miles established by UNCLOS (extending also to Scarborough Reef and the Natuna Islands) and is based on both ancient historical records made by fishermen and military occupation of some of the islands. Vietnam claims the territories as an Exclusive Economic Zone (EEZ), pleading that the country has been sending ‘men and ships’ to the islands since the seventeenth century, which are vital parts of its economy and the project for expanding its fishing industry. Malaysia, in turn, claims that the Spratly Islands, listed by UNCLOS as part of its EEZ, is also considered an integral part of its territory. Brunei and Indonesia demand portions of the South China Sea for economic purposes, with Brunei claiming the Louisa Atoll and Indonesia claiming the gas rich Natuna Islands (NUDELMAN; ROSEN; KELLEY, 2014).

Due to the disputes, several alliances and cooperation measures were established by the countries involved – Vietnam, Malaysia, the Philippines, Brunei, Taiwan, and China – giving birth to new dynamics of defense cooperation in the region.

Following a rapid but violent border conflict with China in 1979, Vietnam managed to achieve a good relationship with China in the following decades. In 2008, the establishment of a “comprehensive and strategic cooperative partnership” between Vietnam and China was

announced (HIEP, 2016, p. 273). However, the stable relationship between the two countries has been constrained by tension in the South China Sea, where their claims overlap.

To leverage its defense strategy, Vietnam has been investing in an arms modernization program, developing its defense industry while acquiring weaponry from its partners, especially Russia (IISS, 2015). The country has also established strategic ties with other nations. As an example, in 2014, Vietnam held strategic ministerial defense dialogues with Australia, China, France, South Korea, the United Kingdom, Russia, India, Italy, Singapore, and Japan, as well as with the US (HIEP, 2016).

Despite these ties in defense, Vietnam stresses that its foreign policy is not directed against any third country and emphasizes the so-called “Three Nos Principle” (TNP), which determine that no foreign bases will be established on Vietnamese soil, the country will not be involved in any military alliances, no relationships will be maintained with countries seeking aggression to a third country. The term first appeared in the 1998 defense White Paper, and was further reinforced in the 2004 and 2009 editions as follows:

Vietnam’s policy is not to join any military alliance, not to allow any foreign country to establish a military base in Vietnam, and not to engage in any military action that uses force or threatens to use force against another country. However, Vietnam stands ready to defend itself against any violation of its territory, airspace, waters, and national interests; Vietnam will not conduct arms races, but constantly strengthens its military capabilities with the goal of sufficient self-defense (SOCIALIST REPUBLIC OF VIETNAM, 2004, p. 5, our translation).

Vietnam builds national defense power primarily with its own resources and people. Thus, Vietnam consistently advocates not joining any military alliance, nor giving other countries permission to have military bases or use its soil to carry out military activities against other countries (THE SOCIALIST REPUBLIC OF VIETNAM, 2009, p. 21).

According to Hiep (2016), the TNP has been increasingly irrelevant in the international environment, considering four main factors. The first concerns China's increased assertiveness towards Vietnam since 2014, when China moved oil rigs near the Paracel Islands in what became known as the 2014 Oil Rig Crisis. To defend the oil station during the crisis, China sent about 140 vessels, including warships, which fired water cannons at Vietnamese ships trying to stop the action. When reported by the media, the action aroused anti-Chinese sentiment in Vietnam. Second, the crisis implied Vietnam's limitations in front of China. While the latter routinely mobilized some 80 to 100 ships throughout the operation, Vietnam managed to send only 29 vessels during the crisis. The third factor expresses that, by acting aggressively during the episode, China ignored the agreement reached between the two countries in 2011, in addition to the Declaration of the Conduct (DoC) of Parties in the South China Sea, signed under the ASEAN. Finally, the crisis episode demonstrated that international support, especially from strong allies, played an important role in the de-legitimization of Chinese actions in favor of Vietnam. During the incident, the US, Japan, the Philippines, India, and Australia issued statements condemning Chinese actions and asked both parties to settle disputes without the use of force. In addition, the US Senate issued a resolution calling on China to remove the oil rig, as well as its accompanying vessels, from the area (THE UNITED STATES, 2014).

Although Vietnam's "three nos" principle may have proved obsolete with the 2014 crisis, the country has been increasing its defense cooperation policies since the late 1990s, when it became a member of the ASEAN. As an example, in October 2010 Vietnam and the Philippines signed a defense cooperation agreement (SISANTE, 2010). In 2011, a Memorandum of Understanding (MOU) was signed to promote the intelligence exchange between the navies of the two countries, as well as an agreement establishing a direct line of communication between their coastguards (HIEP, 2016).

Vietnam has also tightened relations on security issues with India, considering the country a 'strategic partner'. They have granted exclusive access to Indian navy vessels to the port of Nha Trang, in southern Vietnam. In 2010, an agreement to expand Vietnam's naval logistics capabilities and army training in jungle operations entailed Indian aid to the country. Vietnam is looking for countries that are willing

to invest in their natural resources and are not “chased away by the threat of Chinese naval incursions”. China has even protested joint Vietnamese-Indian oil exploitation activities in the South China Sea nearly a decade ago (INDIAN, 2018). Thus, the partnership with India seems to be part of an attempt to secure their economic interests and possibly ward off Chinese threats.

Cam Ranh International Port is “one of the best deep-water ports in the entire Indo-Pacific region, suitable for submarine docks, large aircraft carriers, and other naval vessels” (INDIAN, 2018). Close to the Malacca Strait and China, the port is in a strategic position. Following its inauguration in 2016, it hosted warships from Australia, Singapore, China, France, India, Japan, and the United States. The port has, thus, emerged as “an important node in Vietnam’s broader foreign policy framework amidst the unstable waters of the South China Sea” (OAK, 2018).

Japan is another strategic partner of Vietnam. In 2007, the two countries established a ministerial-level Integrated Cooperation Committee and adopted an agenda aimed at promoting bilateral relations between the two countries. In December 2010, both opened a meeting – to be repeated annually – on foreign policy, defense and security (VIETNAM, 2011). In October 2011, they signed a Memorandum of Understanding on Exchange, Cooperation, and Defense that included goodwill naval visitations, an annual defense dialogue with the minister in charge, military aviation technology cooperation, and personnel training (VIETNAM, 2018). In March 2014, the relationship between the two countries was updated to a Strategic and Extensive Partnership for Peace and Prosperity in Asia (VIETNAM NEWS, 2014). Besides, after China retreated its oil rig from Vietnamese EEZ waters in August 2014, Japan announced that it would provide Vietnam with six patrol boats to support its defense activities in the South China Sea (HIEP, 2016, p. 283).

Vietnam has been trying to build stronger ties with the US. Annual defense and strategy dialogues have been held since August 2010 (VNEXPRESS, 2010), and a bilateral defense relations MOU was signed in 2011. Another important point for the relationship between the two countries took place in July 2013, when a comprehensive partnership was announced, and the US sent Vietnam US\$ 18 million in defense assistance in December that year, including five new patrol boats for the Vietnamese Coast Guard (US DEPARTMENT OF STATE, 2013). Similarly, in October 2014, the US decided to partially abolish its blockade of lethal arms sales

to Vietnam, allowing the country to acquire maritime security-related weapons (VOICE OF AMERICA, 2014).

During the 'Oil Rig Crisis' in 2014, the US Senate passed a resolution calling for China to withdraw its oil rigs and military vessels from the Vietnamese EEZ and condemning "coercive or threatening actions or the use of force to prevent freedom of international airspace operations by civilian or military aircrafts with the purpose of changing the status quo or destabilize the Asia-Pacific region" (UNITED STATES, 2014).

Thus, while avoiding becoming a member of formal alliances, Vietnam has been establishing MOUs, as well as maintaining contact and receiving assistance from different strategic partners. Its alliance policy has primarily defensive purposes but is related to increased Chinese assertiveness in the region.

Malaysia holds some defense deals with strategic partners, and the US has been one of its main allies throughout the century. US-Malaysia relations date from its independence in 1957 and have undergone several transformations in recent years. Malaysia has proved to be an important ally to the United States, especially following the terrorist attacks of September 11, 2001, with the adoption of counter-terrorism measures. Regionally, it favored US dialogue with international organizations such as ASEAN (SODHY, 2015). Malaysia also periodically conducts military exercises with China and India, and in front of the escalating tensions between China and other countries claiming portions of the South China Sea from 2010, it has always advocated for peaceful conflict resolutions, following the principles of international law (RINEHART, 2015).

Within the International Security framework, Malaysia ensures the protection of its interests through a treaty entitled "Five Power Defense Arrangements" (FPDA), which also includes Australia, New Zealand, Singapore, and the United Kingdom. Signed in 1971 and maintained to the present day, the agreement explicitly states that in the event of an attack or threat of attack on any of the members, alliance members will meet immediately to discuss appropriate measures. The document makes no mention, however, of joint military action arising from the possibility of external aggression against any of its members (AUSTRALIA, 1971).

Relevant portions of the treaty were added to its annex 1, entitled "Australian Assistance to the Malaysian Armed Forces". It sets out the possibility for the Australian government to provide, if agreed between the two parties:

- (a) personnel to assist in the formation and development of the Malaysian Armed Forces; (b) facilities, including overseas instructional courses, for training members of the Malaysian Armed Forces; (c) expert advice and assistance in operational and technical matters; (d) use of facilities for the purposes of the Note; (e) assistance in providing equipment to the Malaysian Armed Forces (AUSTRALIA, 1971, Annex 1).

In 2009, Malaysia and Brunei signed an agreement that sought to resolve their border disputes. Through an extensive exchange of notes between the Malay Prime Minister and the Sultan of Brunei, the maritime borders of both countries were outlined, following mainly what had already been established by treaties signed between 1920 and 1939. In areas not addressed by the treaties, the countries have followed the watershed principle, which provides there shall not be sharp changes in border demarcations between countries, only corrections. Additionally, in an area where there were two oilfields operated mostly by Malaysia (Malaysia named them fields "L" and "M"), both countries agreed to participate in a joint exploration area through the signing of Memoranda of Understanding between their major oil exploitation companies. Thus, the sovereignty over the area where the fields are located was given to Brunei, but both countries can benefit from its exploitation (MALAYSIA; BRUNEI, 2010).

Such measures can be used as an example of the bilateral settlement of disputes in the region. Given that there were barriers to oil exploitation between the two countries, the settlement of the border dispute and the agreement guaranteeing joint exploitation led both countries to increase their energy and economic capacities.

The Philippines was acquired by the US for US\$ 20 million after the Spanish-American War and kept as a colony until 1946 when they became independent. The country then signed a series of agreements with the US, such as the Military Assistance Pact (1947), the Military Bases Agreement (1947), and the Mutual Defense Treaty (1951). Such deals made the United States the actual protector of the Philippines in the event of external aggression and were highly criticized by Filipino nationalists, especially during the post-Cold War period. With the USSR no longer

posing an external threat, the maintenance of high numbers of US troops abroad was challenged, the US bases in the Philippines were deactivated in 1992 (HEYDARIAN, 2016, p. 341).

However, the Philippines quickly suffered from the effects of the power vacuum resulting from the US eviction. In 1995, the country faced a severe diplomatic crisis with China, when Chinese forces took control of the Mischief Reef and proceeded to repel Filipino fishermen from an area claimed by both countries in the South China Sea. Since the Philippines could not act militarily without risking the escalation of the disputes with China, the latter strengthened its position on the reef by adding a military component. In response, the Philippines launched a three-pronged project by boosting the Armed Forces Modernization Act to increase defensive military capabilities; launching a diplomatic offensive in multilateral forums such as ASEAN, advocating a unified response to China's actions in the region; and seeking to revitalize their relations with the US. The action culminated in the 1998 Force Visitation Agreement, which allowed the US to send a considerable number of troops to the Philippines under the guise of joint military exercises (HEYDARIAN, 2016).

2004, however, marked the beginning of a period of closer rapprochement with China, with Filipino President Gloria Arroyo's visit to Beijing. Two months after the visit, the two countries announced the signing of a defense cooperation MOU that was used to promote the exchange of high-ranking officers and culminated in the US\$ 1.2 million Chinese offer of military assistance to the Philippines. (Morada, 2006). The success of the deal also prompted China to offer revitalization projects for transportation and telecommunications infrastructure in Malaysia, as well as a request that the country rejects Vietnam and Malaysia's proposal to submit claims to extend their continental platforms to the UN. As President Arroyo's administration has been embroiled in numerous corruption scandals, members of the opposition and the media have pointed her as responsible for "selling" the country to China (HEYDARIAN, 2016, p. 345).

As Chinese assertiveness in South China Sea disputes has grown, new Philippine President Noyonoy Aquino has sought to facilitate the US-ASEAN dialogue. After an incident involving the Chinese and Philippine navies in 2012, the country adopted an anti-China measure, which culminated in the dispatch of the UNCLOS international arbitration request against China in 2013, and the signature of the Enhanced Defense

Cooperation Agreement (EDCA) between the Philippines and the US in 2014 (HEYDARIAN, 2016).

Under the auspices of the EDCA, the Philippines provides the United States with rotating access to military bases and expanded the joint military exercises in the country. Due to restrictions posed by the Philippine Constitution on the establishment of American bases in the country, the implementation of the agreement has been complicated, as well as heavily criticized by the Senate (HEYDARIAN, 2016).

Brunei Darussalam is a sultanate in northern Malaysia, which claims an exclusive economic zone in the South China Sea that overlaps with the claims of other countries. Since its independence from the United Kingdom in 1984, the country has maintained a British military base consisting of a Gurkhas infantry battalion, Nepalese soldiers recruited by the British Armed Forces, and an Air Force "Bell 212" helicopter squadron. (GURUNG, 2018).

Since the withdrawal of United Kingdom forces from Hong Kong in 1997, the British Forces in Brunei, as they are called, have become the only English military base in the Far East. Composed of approximately 1,000 soldiers and their families, British forces are at the Sultan's disposal, but can also be dispatched to other operations in the region at the United Kingdom's behest (THE UNITED KINGDOM, 2018).

Beginning in 2010, Brunei's defense cooperation ties with India were also strengthened, as both countries share historical bonds dated from the time of the Indian Diaspora when about 10,000 Indians sought a new home in Brunei (DNA, 2016). In February 2016, the two nations signed a Memorandum of Understanding on defense cooperation including four main areas: the exchange of different patent visitations; the exchange of experiences, information and training; the participation in joint military exercises, seminars and discussions; and the cooperation between their defense industries. During the past decade, the two countries had already established some defense interactions, such as naval visitations, officer training, and exchange of experiences (PARAMESWARAN, 2016).

Taiwan, officially referred to as the Republic of China, maintains official diplomatic relations with 16 countries. Having held its first direct elections in 1996, the country adopts a representative democratic republican regime in which the president acts as head of state and the prime minister as head of government (KRASNER, 2001).

Taiwan's defense relations are a complex case. Its main partner, the US, does not recognize or maintain official diplomatic relations with the Taipei-based government of the Republic of China but rather recognizes the government of the People's Republic of China in Beijing. For the formulation of a defense cooperation mechanism, all relations between Taiwan and the US are done through a private organization called the "American Institute in Taiwan." Still, between 1954 and 1979, the US and Taiwan maintained a mutual defense treaty through which the US was committed to defending Taiwan in the event of an external attack (BUSH, 2016).

After 1979, the US maintained its policy of selling arms to Taiwan, even as relations with Beijing resumed. As an example, it is estimated that the United States transferred more than US\$ 12 billion in arms to Taiwan during President Barack Obama's first term (2009–2012) alone (BUSH, 2016).

Perceiving China as a hostile neighbor and a potential invasion threat, Taiwan has increasingly tried to get involved in the Chinese economy, showcasing Taiwanese companies' value to Chinese economic growth. However, in order to contain separatist leaders in Taiwan, China has set certain undisclosed requirements for interaction between the two governments, to which Ma Ying-jeou, the Taiwanese president from 2008 to 2016, has declared to acquiesce with caution (BUSH, 2016). Taiwan's relations with other countries, especially between emerging and developing countries, have increased considerably in this century.

Benabdallah (2017) points out that relations between China and the African continent, for example, until recent years seemed to follow a pattern where China hosted economic dialogues and the US held defense dialogues, especially concerning the fight against terrorism. More recently, however, Chinese actions towards defense cooperation policies have been changing. First, they become more formal, with China's participation in African regional forums. These changes can be seen as part of a strategy to redefine African defense parameters, for example by China's pledge to provide US\$ 100 million in military assistance to the African Union between 2015 and 2020. Additionally, Beijing has been taking a comprehensive approach in Africa, from drugs to arms sales (BENABDALLAH, 2017).

Despite the Chinese strengthening among developing countries, the main Chinese ally in the region is Russia. Both countries are members of the Shanghai Cooperation Organization, and bilaterally signed the Good Neighborhood and Friendship Treaty in 2001. The latter outlines

measures they committed to adopt to ensure their safe and prosperous relations, as well as the importance of the economic cooperation between the two nations. The document addresses security and defense issues. Article 9 reads:

When a situation arises in which one of the contracting parties consider that peace is being threatened and undermined or that their security interests are involved or when peace is confronted with the threat of aggression, the contracting parties will immediately conduct conversations and consultations with the objective of eliminating such threats (RUSSIAN FEDERATION, 2001, p. 4, our translation).

Article 7 of the treaty also states that the contracting parties will engage in military cooperation activities, and Article 16 highlights the exchange of military know-how between the two countries (RUSSIAN FEDERATION, 2001).

Russia is also a major supplier of armaments and war material to China, having sold them the S-400 air defense system and 25 SU-35 fighter jets with an estimated value of over US\$ 5 billion in April 2015. The S-400 is Russia's state-of-the-art defense system and will allow China to shoot down air targets at distances up to 380 kilometers (SCHWARTZ, 2017).

In addition to Russia, China signed thirteen cooperation agreements with the Philippines in October 2016, just three months after the verdict of the ruling between the two countries was reported by the Permanent Court of Arbitration. The agreements, among other factors, establish the participation of the two countries' Coastguard in joint patrols through a Memorandum of Understanding. The joint statement issued by China and the Philippines for the publication of the agreements also mentions disputes in the South China Sea, saying:

Both parties exchanged views on South China Sea issues. Both sides stated that the contentious issues do not correspond to the entirety of China-Philippines' bilateral relations. Both sides exchanged views on the importance of properly handling disputes in the South China Sea [...] (CHINA; PHILIPPINES, 2016, point 40).

While analyzing the complexity of the dynamics of defense cooperation of countries directly involved in disputes in the South China

Sea, disputes have become more common since 2010, following the growth of Chinese assertiveness in protecting their claims. Regarding recent military agreements, we highlight the weight of the Enhanced Defense Cooperation Agreement signed between the Philippines and the United States, as well as the growth of defense relations between Brunei and India. The settlement of border disputes between Malaysia and Brunei can also serve as an example of settling issues in the South China Sea.

HISTÓRICO SIMPLIFICADO DAS DINÂMICAS DE COOPERAÇÃO EM DEFESA NO MAR DO SUL DA CHINA (2000 – 2017)

15/06/2001 – China se torna membro da Organização para Cooperação de Xangai.
 16/07/2001 – China assina com a Rússia o Tratado de Boa Vizinhança e Amizade.
 08/11/2004 – China e Filipinas assinam Memorando de Entendimento (MOU) em cooperação em defesa.
 20/11/2007 – Vietnã e Japão firmam Comitê de Cooperação Integrado.
 16/03/2009 – Troca de cartas entre o Primeiro Ministro malaio e o Sultão de Brunei encerra disputas fronteiriças entre os dois países.
 06/05/2009 – Malásia e Vietnã enviam submissão conjunta à Comissão das Nações Unidas Sobre Limites na Plataforma Continental para aumentar suas plataformas no Mar do Sul da China.
 Jul/2010* – Vietnã e Índia firmam acordo para expansão de capacidades navais e treinamento militar.
 22/10/2010 – Filipinas e Vietnã assinam acordo de cooperação em defesa.
 Dez/2010* – Vietnã e Japão lançam reunião anual de diálogo estratégico sobre Política Externa, Defesa e Segurança.
 26/10/2011 – Vietnã e Filipinas assinam Memorando de Entendimento (MOU).
 30/10/2011 – Vietnã e Japão assinam MOU em intercâmbio e cooperação e defesa.
 22/01/2013 – Filipinas notifica China sobre arbitragem e reivindicações no Mar do Sul da China.
 18/03/2014 – Vietnã e Japão atualizam sua parceria para Parceria Estratégica e Compreensiva para Paz e Prosperidade na Ásia.
 28/04/2014 – Filipinas e EUA assinam o *Enhanced Defense Cooperation Agreement* (EDCA).
 26/05/2015 – Malásia e Japão reencenam relações para Parceria Estratégica.
 02/02/2016 – Brunei e Índia assinam Memorando de Entendimento (MOU) em cooperação em defesa.
 12/07/2016 – Tribunal da Corte Permanente de Arbitragem julga que a “9-Dash line” não tem valor legal.
 21/10/2016 – China e Filipinas firmam Memorando de Compreensão que estabelece patrulhas marítimas conjuntas entre as Guardas Costeiras dos dois países.

*Data exata não disponível.

FINAL CONSIDERATIONS

The disputes in the South China Sea have their roots before the eighth century when their waters were used by merchants of various origins. Currently, a possible justification for the increased claims could be related to oil and gas reserves. China uses historical records to claim sovereignty across the sea through the 9-Dash line, possibly because the largest oil and gas reserves are located near Malaysia, Brunei, and southern Vietnam, farther from the Chinese territory. There is also the question of the region as an important trade route.

The strategic position of the South China Sea places the region at the heart of the interests of other countries such as Japan, Australia, and India. These three countries view Chinese growth with caution. Japan's

case is even more complex, as the country disputes the Senkaku Islands with China in the East China Sea.

The increase in claims resulted in an increase in the dynamics of military cooperation. Those dynamics can be split into four periods between 2000 and 2017. In the first decade of the 21st century, some isolated military incidents took place in the region. China signed the Good Neighborhood and Friendship Treaty with Russia with a clause stating that there would be consultations in the event of a third country threatening any of the contracting parties. After the deal, China became a little more assertive in its claims, for example by opening fire on Vietnamese vessels that were in an area claimed by both countries. Beginning in 2009, defense cooperation between Brunei, Malaysia, Vietnam, and the Philippines, as well as with countries not directly involved in the disputes, such as Japan and India, increased. Cooperation was intended to curb Chinese momentum by forming a balancing coalition (see MEARSHEIMER, 2001), which would culminate in security competition between China and its rivals.

In the subsequent period (2011–2013), there was an increase in tensions in the region and of Chinese assertiveness, especially concerning the Philippines. Vietnam signed defense cooperation measures with the Philippines and Japan. After an extremely troubled year in relations between China and the Philippines, the Philippines filed a legal notice against China with the UN in January 2013 to establish an arbitral tribunal to invalidate Chinese claims in the South China Sea. The fact that the notification was made without prior notice to ASEAN makes it clear that the countries, while engaging in cooperation policies through ASEAN forums, still sought as much advantage as possible in other forums.

The third period, from 2014 to 2015, witnessed a slight drop in the number of incidents or military actions in the South China Sea. However, a diplomatic crisis between China and Vietnam involving an oil rig resulted in the sending of a Chinese fleet to protect the rig. Despite the tension in the region, there were no major incidents.

Arising from the fact the Philippines referred the matter with China to the Permanent Court of Arbitration, Indonesia stated their intention to bring China to a similar trial on the grounds of the Natuna Islands. Although their action fell flat, it demonstrated that the Philippine initiative to seek trial under UNCLOS may serve as an incentive for more countries to do the same.

In the last period (2016–2018), the United States began conducting freedom of navigation exercises in the waters of the South China Sea. The presence of US warships in the contested regions can be partially seen as a deterrent to China. On October 4, 2018, US destroyer USS Decatur was conducting a freedom of navigation exercise near the Spratly Islands when they were approached by Chinese destroyer Lanzhou. The Chinese ship reportedly performed dangerous maneuvers near the USS Decatur while demanding that the vessel left the area (LENDON, 2018). As a result, the US Navy recommended that the country conducted “a massive demonstration of force” in Pacific waters, sending troops, ships, and aircrafts for military exercises near the South China Sea and the Taiwan Strait, showcasing that the country would be ready to counter any opponent on a variety of fronts (STARR, 2018).

China, in turn, built its artificial islands. Even if, according to UNCLOS, these islands do not guarantee the granting of territorial sea rights, they do allow for the installation of war infrastructure. During the period, there was the ruling of the Permanent Court of Arbitration, which won the Philippines’ cause and declared that the 9-Dash line used by the Chinese government has no legal weight. China has rejected the verdict.

The South China Sea was, thus, militarized throughout the 21st century. The US and China are pursuing a deterrent policy, with the Chinese announcing the intention to spare no resources to defend their sovereign territories on the Spratly and Paracel Islands. Meanwhile, several countries involved in the disputes have established strategic defense alliances, partnering with other nations with greater capabilities with the goal to protect their claims against Chinese growth. These actions eventually involved more actors, each with their own interests, adding more complexity to the dynamics at course in the region.

AS DINÂMICAS DE COOPERAÇÃO MILITAR NO MAR DO SUL DA CHINA

RESUMO

O Mar do Sul da China representa uma das mais importantes rotas comerciais do mundo contemporâneo além de possuir reservas de petróleo e gás. Embora todos os Estados que circundam o mar tenham alguma forma de reivindicação sobre ele, se destacam as disputas por dois complexos de ilhas. As Spratley, localizadas mais ao Sul, são reivindicadas pela China, Taiwan, Filipinas, Brunei, Malásia e Vietnã, enquanto que as Paracels, localizadas mais ao norte, são disputadas principalmente pela China e Vietnã. Além disso, sua importância geoestratégica leva países de fora da região a se envolver nas dinâmicas das disputas e de cooperação. Dessa forma, o artigo apresenta as dinâmicas de cooperação militar envolvidas no Mar do Sul da China, com base na hipótese de que, para aumentarem suas capacidades frente ao crescimento militar chinês, os países do sudeste asiático que reivindicam porções do Mar do Sul da China firmam acordos militares com outras potências.

Palavras-chave: Mar do Sul da China. Acordos Militares. Conflitos Internacionais. Direito do Mar.

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