

The Regional Security Challenge in the 21st Century: Maritime Disputes As Implication of Energy Crisis

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Abstract

For the last one decade, most of the countries in the Southeast Asia region have shown dramatic growth of economic development. Given the fact that most of the countries in the region currently can be called emerging industrial countries, they require sufficient and sustainable amount of energy to support the industrial development progress and the life of the nations. These soon-to-be industrialized countries mostly still rely on oil. Hence, based on the assumption that the source of oil is shrinking while the demand is increasing, in the future these countries will have to struggle to secure the oil source. As the oil sources mostly lie beneath the sea, the competition among the countries for seeking oil will have implication for emerging maritime dispute in the future. In this rivalry over energy between Southeast Asian countries, the future stability and security of the region in one way or another depend on the peaceful settlement dispute as promoted by ASEAN framework. The efforts of ASEAN members in preserving the values for peaceful settlement dispute will be the key to resolve the energy insecurity conflict.

Key Words: *energy crisis, maritime disputes, ASEAN*

INTRODUCTION

With the illustration of industrial development progress of each of the countries in the Southeast Asia region in mind, the causality logic of this situation is that each of these countries has big appetite for energy source. The further implication from this situation is that each of these emerging industrial countries will compete to seek for energy in Southeast Asia region. The question is how far this competition might go in the region. Furthermore, would energy security affect the Southeast Asia regional peace and stability? The principle and the tradition for peaceful settlement

dispute as promoted by ASEAN framework hopefully will be sufficient to dissipate the potential conflict in Southeast Asia in the future.

Looking at the tendency that each country in Southeast Asia tends to compete in order to sustain itself to go through industrial stage, the potential dispute is unlikely to diminish in the future, not to mention that neighboring countries surrounding the region, such as the countries in the Northeast Asia, also contribute to the complexity in the region. This is why the ASEAN framework should adapt itself to the potential conflict in the future, regarding to regional

energy security. On the other hand, significant consolidation among ASEAN member countries shall take a part in maintaining the stability in their region.

This article will *first* illustrate how the energy crisis generates maritime disputes. *Secondly*, I will describe the impact of the tremendous of China economy development in energy crisis. *Thirdly*, I will highlight the capability of ASEAN to carry out the regional maritime dispute. *Fourth*, in order to give encouragement for running the ASEAN project, I will show the alternative energy to run the development and survival of the nations. Finally, my conclusion will emphasize on my argument that maintaining the value for peaceful settlement dispute will be the best solution to control maritime dispute in the context of the energy scarcity. Without the values, principles and the exercise peaceful settlement dispute as a tradition, the threat for energy crisis will be a serious risk for the stability and security region in the future of East Asia.

ENERGY CRISIS GENERATES MARITIME DISPUTES

Currently, the most lethal conflict of all among the countries in this region is border dispute, particularly maritime border dispute.¹ As the countries in the region are now dealing with oil crisis, which resulted in the hiking of oil prices, the countries intend to seek more source of oil, which mostly exist off-shore. This condition often leads to high tension disputes.

The maritime areas in dispute are usually the areas which are believed to store potential oil source. Once one particular disputed

area is recognized for its potential and strategic value, each of the disputing parties will take any means necessary to claim this particular area. This area will be a problematic place: each country will fight each other for the sake of controlling that area. This circumstance will open a new conflict, a new insecurity zone and a new deterrence in the region. There will be a huge bad implication to all community in that area, such as political instability and confusion or incongruous discourse for the domestic citizens. There are two current cases of disputes in the region namely, Ambalat blocs between Indonesia and Malaysia, and Miangas Island between Indonesia and the Philippines. These two cases show two different attitudes of the disputing parties.

In the first example, both parties, Indonesia and Malaysia had to go through certain level of tension knowing the potential value of the disputing area for oil exploration. Although currently the tension has calmed down after Indonesia and Malaysia started to hold talks, yet the two sides had once deployed intensive maritime patrol surrounding the disputing area. Secondly, in the case of Miangas Island dispute, both Indonesia and the Philippines tend to have lower level of tension knowing the less-potential value of this particular island. It is unlikely that Indonesia and the Philippines show that low tension if there is a significant potential oil source in the Miangas Island.

In these two contexts, I just want to show that there are conflicts among nations in which they have to struggle for there national interests (i.e. acquiring oil sources). In other word, their interest is to obtain the oil sources easily and hugely. They have

rational choices that if I (Indonesia or Philippines or Malaysia) search out that area, I will control or extremely dictate the constellations of political economy of the Southeast Asia region as well. Considering the lack of oil sources, I (every nation-state) must fight for oil sources. It is the only means to exercise power on others nations. Struggle for power is an activity of seizing the scarcity of oil sources itself. So, to be powerful in Southeast Asia, each nation has to get hold of oil sources in every opportunity.

As we know that in the current condition, most of the countries in the Southeast Asia region are at the stage of becoming industrialized countries. This means that each of these countries requires sufficient and sustainable energy supply to retain their industrial development process and the achievement of their economy development. Economy development is one of the indicators that nations have a power. If each nation has sufficient and sustainable energy supply, each of these industrial countries will be able to maintain its development progress. In other words, energy security is a matter of life and death for the national interest of each country to progress or be left behind because of lack of energy. There will be two interpretations of obtaining the oil sources: to be a powerful country because of monopoly of oil sources and to be powerful country because of achieving of economy development from the use of energy.

Up to now the definition of the term energy security itself varies one to another. However analysts and scholars share one common perspective as the thin red line of this difference in looking at energy security,

which is aggregate supply and demand. Energy security is referring to a condition in which energy is available in the market in ample amount, and with affordable and reasonable price.

The present phenomenon of the climbing of oil price invites many speculations that there has been shortage of energy supply as the result of shrinking oil supply beneath the earth, or the supply remains the same while the demand is increasing unpredictably as China factor has been accused in generating over demand for oil. It is very difficult to think of matching the exact figure of oil consumption for each of the countries in the region with the exact figure of oil source beneath the earth.

Many non-realist scholars will argue that we are currently no longer live in the zero-sum world. However, given the fact that the shortage of energy supply is the main target of each country's national interest, every country is inclined to be a realist in fulfilling the essential demand of the national interests. Thus, conflict is likely to occur as the implication energy insecurity. Given the fact that almost all of the oil sources exist beneath the sea, it is likely that the nature of the future conflict will be maritime conflict. Therefore, the answer of the previous question, would energy security contribute to regional peace and stability, the answer of this question, in this regard, will be: "yes."

The recent case of Ambalat blocs dispute between Indonesia and Malaysia was very much driven by the motive to seek for new oil resource in which Ambalat blocs is believed to have rich oil deposit. There was one time early in 2005 that both sides who

claim the area conducted very intensive maritime patrol. Luckily, the tension has already cooled down, and at this moment both sides have already agreed to hold talks on this regard.

Although many disputes were settled peacefully, many more remain exist and become floating hot issues for the relations among the countries, such as the issues of overlapping maritime border claim in the South China Sea over Spratly and Pratas islands involving not only ASEAN member states but also China.

CHINA FACTOR

Given the dramatic growth of China, it can not be disregarded as a significant factor to the region. For the past decade, China has shown tremendous growth with its economy. While China's real GDP in 2004 was well below the GDPs of the United States and Japan, if we use purchasing power parity figures, China is the world's second largest economy with US\$ 6, 4 trillion GDP in 2003.²

China is currently stepping up as the biggest giant factory in the world. This means that China is now entering the stage as a massive industrial country, which also means that China needs sufficient supply of energy. This trend indicates that China is likely to take part in the competition to seek for energy in the region.

While China is predicted to take part in the competition for energy, we also can not disregard another trend of the growing China factor. For the last decade, China has increased its military budget at an average of around 11% per year. This increasing

budget included the emphasis on key force modernization, such as more submarine forces, new generation of fighter aircraft.³

This trend implies that sooner or later the issue of energy security will have potential impact to the regional security. Sustainable supply of energy, which is currently very much dependent on fossil fuel, is a matter of life and death for a country national interest and security. This condition might lead to the worst scenario as the oil supply and oil source are heading to scarcity, it would generate high competition in obtaining oil reserved. This condition might lead to potential open conflict for maritime territorial disputes, particularly for the area believed for having rich oil deposit.

The disputes in South China Sea seem to have potential in becoming lethal dispute involving open conflict by the surrounding countries, not only Southeast Asian countries, but also China. These disputes reached high tension during the '70s and early '80s. In 2002, ASEAN and China reached an agreement for the Declaration of the Conduct of Parties in the South China Sea in which it has been agreed that the parties will conduct joint cooperation in the South China Sea.

However, the 2002 Declaration of the Conduct has yet to settle the issue of overlapping maritime territorial claims. In this sense, it seems like the volcano is calming down for now, but it has no guarantee that it will not erupt again in the future knowing the pressure of each of the national interest for fossil fuel energy supply.

Maritime disputes also occurred among ASEAN member countries, such as, Indonesia-Malaysia dispute over Sipadan-Ligitan Islands which have been settled by the International Court of Justice (ICJ), Den Haag, and the more recent dispute over Ambalat blocs.

Similar conflicts also transpired among Northeast Asian countries, namely China, Japan, and South Korea and these disputes up to now have not been settled yet. There have been maritime border disputes among three countries, China, Japan, and South Korea, namely dispute over Dokdo Island between Japan and South Korea, dispute over Diayou Island (or Takeshima in Japanese) between China and Japan, which are believed that these particular disputed areas are rich in oil.⁴

IS ASEAN SUFFICIENT ENOUGH TO MAINTAIN REGIONAL PEACE AND STABILITY?

ASEAN for more than three decades, despite of criticism against it, has succeeded in maintaining peace and stability in the region. In the past, although conflicts occurred among ASEAN members, the conflicts were managed to be settled peacefully within the framework of ASEAN.

The current biggest question emerged is would ASEAN still be able to maintain regional peace and resilient in the future, given the possibility of regional energy insecurity.

International Law through the United Nation Convention on the Law of the Sea 1982 (UNCLOS 1982) already provided rules and guidance for maritime territorial

claim, and maritime territorial dispute settlement. However, these rules seem to be insufficient. The implementation still depends on the consent bound to the UNCLOS 1982. Now that the countries already signed and ratified the Convention, the international law of the sea is applied to each of the countries.

However, dynamic among the countries in this region is rather unique. In fact, the dynamic has been going through many ups and downs during the three decades of relations. As the national interests of each of the countries are increasingly demanding, the obedience to the international law, in this regard, will not be enough. In other words, relying only to the international law is just simplifying the weight of the problems. Therefore, it requires parallel framework and regional customary to fill in the loop hole in the implementation of international law. This is something that ASEAN framework hopefully can perform better in the future.

Indeed, ASEAN framework does not have the capacity to eliminate the possibility of conflicts occurrences. However, the best that ASEAN can offer is that whenever conflicts occurred, the use of force and threat are unthinkable among the disputants.

ASEAN members at the end of 2003 agreed on Bali Concord Declaration in which ASEAN is projected to be a Community. This Community is built upon three pillars, namely ASEAN Economic Community (AEC), ASEAN Security Community (ASC), and ASEAN Socio Cultural Community (ASCC).⁵ The idea of Security Community in this regard is referring to

the habit for peaceful settlement dispute among the ASEAN members, and declaring that in time of conflict, the use of force and threat are denounced.

This idea of ASEAN Security Community was built upon the concept developed by Karl Deutch et. al.⁶. There are two types of security communities, namely "amalgamated security community" and "pluralistic security community". The concept of pluralistic security community seems to fit the dynamic among ASEAN members. The ASEAN Security Community in Bali Concord II is also referring to this concept. In fact, it can also be argued that even before the 2003 Bali Concord II, the basic foundation for ASEAN to be a pluralistic security community has already existed since it was established by the ASEAN founding fathers.

The essence of such trans-national arrangement does not eliminate the potential conflict, but whenever conflict emerged as the result of the expansion of national interests, the dispute will be settled in a peaceful manner.⁷ This is something that ASEAN can offer to deal with the future challenge for regional energy insecurity.

This daunting task is not going to be very easy for ASEAN. In fact it is not going to be an option for ASEAN. It is something that ASEAN must do, and it is something that ASEAN members must share common concern. ASEAN members can deal with the future potential conflict only whenever the ASEAN members are in the same page on this matter.

With regard to the future maritime conflict as the implication of energy insecurity in

search of oil source, the pluralistic security community arrangement as described in the Bali Concord II gives hope that each of the countries will believe and have common regional habit for peaceful settlement dispute whenever the national interests of each of the ASEAN members are in disagreement. This achievement is also something that ASEAN members shall preserve to avoid conflict and instability as the result of energy insecurity.

ALTERNATIVE ENERGY

While we are supposed to take precaution in preventing potential conflict as the result of competition for seeking source of energy, perhaps we should also consider the possibility for developing alternative source of energy other than fossil fuel energy. Some countries are currently in the middle of developing alternative energy in which nuclear energy is seen as the potential source in the future to replace fossil fuel energy. However, looking at the experience in the past that nuclear energy can be developed into Weapon of Mass Destruction, countries in the world shared the same view that such mistake should not be redundant in the future history of humankind.

In this regard, while countries share the same vision that nuclear energy as an alternative energy to support development dynamic of humankind, and that nuclear energy will never be shifted into nuclear weapon, every country in the world deserves for nuclear energy for peaceful purpose.

Regarding to Iran nuclear program as claimed by Iranian government for peaceful purpose to provide energy for domestic

electricity, peaceful settlement dispute shall take place in settling this crisis. Without all parties having the same concern for settling Iran nuclear program crisis, it is very hard to speculate on the beneficial outcome for all in regard to this matter. Once we survived the brinkmanship of the Cuban Missile Crisis. This time we must have beneficial outcome for everyone through peaceful process as well.

CONCLUSION

For the last one decade, the countries in the region have shown magnificent development and industrial growth. As most of the countries in the region are at the stage of industrial countries, these emerging industrial countries need sufficient and sustainable source of energy.

Based on the assumption that the source of oil energy is currently shrinking because of high demand from industrial countries in the region, this condition has the potential for each of the industrial countries in the region to compete for new oil source. In this light, these countries are still relying on oil as the source of energy. Considering the fact that the source of oil mostly lie beneath the ocean, it is likely that the nature of the future potential conflict in the region will be maritime dispute.

Sooner or later without the proper management for peaceful settlement dispute, such condition of energy insecurity will have serious implication to the regional peace and stability. Meanwhile, the implication of the disruption of regional peace and stability will also have impact on the development progress of each of the countries. It is likely that the countries in the region share

the same potential threat in which the implication of energy insecurity in the region is inter-linked among the countries. Therefore in this regard, ASEAN countries shall preserve the achievement for the habit for peaceful settlement dispute among the countries through the arrangement of ASEAN Security Community, which referring to the concept of pluralistic security community.

For the past three decades, the countries in the region have survived the conflict escalation to open conflict. However, the ASEAN countries with regard to the issue of energy security share the same interest in which the countries shall also share the same concern in the same page. Then, the countries shall take action in preserving the value and the habit for peaceful settlement dispute. So far, among the countries in Southeast Asia, ASEAN -despite the critics regarding its role and efficiency- provided framework as Security Community to overcome and to settle the disputes peacefully by alienating the use of force and threat. This is something that has to be preserved and guaranteed for its sustainability.

Recently on December 2005, the First East Asia Summit was held in Kuala Lumpur. Although many *skepticism* arise with regard to the out come of this Summit, the 16 head of states, which includes the head of states of the ten ASEAN members, plus the head of states from China, Japan, South Korea, India, Australia, and New Zealand agreed upon the establishment of East Asia Community (EAC) in which ASEAN shall be the central driving force in this regional community building. In this role, ASEAN is challenged not only to preserve the value among ASEAN members, but also share

the value to the other six countries the future member of East Asia Community. Especially since we acknowledge that the complexity of energy security in the region has not been limited to intra-ASEAN, but also to other non-ASEAN factor -namely the growing China- the idea to preserve ASEAN framework is no longer only applied among ASEAN members only.

In conclusion, preserving the value for peaceful settlement dispute will be the key to deal will energy insecurity conflict. Without the values and the habit for peaceful settlement dispute, the threat for energy insecurity will be a serious threat for the future of the region. Perhaps my recommendation about it is still a huge conception. Nonetheless, it is still a recommendation which every scientist, politician and diplomats will practice in the future. This huge concept is still a temporary idea in dealing with maritime dispute in maritime region such as Southeast Asia.

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