



The South China Sea: a perspective from across the Ditch

By LEUT Blair Marett

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks

© Commonwealth of Australia 2021

This work is copyright. You may download, display, print, and reproduce this material in unaltered form only (retaining this notice and imagery metadata) for your personal, non-commercial use, or use within your organisation. This material cannot be used to imply an endorsement from, or an association with, the Department of Defence. Apart from any use as permitted under the Copyright Act 1968, all other rights are reserved.



OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks

In 2016, a United States' warship entered New Zealand waters for the first time in 30 years. This marked a significant thawing in a near three decade freeze on full military cooperation after New Zealand Nuclear Free Policy was adopted by the Lange Government in 1985. While this warming is welcomed by all major political parties in New Zealand, it will undoubtedly cause additional challenges for New Zealand, particularly in relation to the ever growing tension in the South China Sea.

In 1951, Australia, New Zealand, and the United States entered in the ANZUS treaty. The focus of ANZUS was the co-operation of military matters with Pacific Ocean region and collective security of each nation. The origins of the treaty steamed from the three nations shared experiences and cooperation during WWII.



HMA Ships Newcastle and Warramunga pull up to stations 1 and 2 for a replenishment at sea from HMAS Sirius, HMNZS Te Kaha takes up lifeguard station to the rear of the evolution, 2012.

For both Australia and New Zealand the fall of Singapore and the direct attacks on Australian soil by the Japanese resulted in the realisation that Britain could no longer provide security to its Pacific Commonwealth nations. The rise of communism, particularly with the communist revolution in China, resulted in an increased fear amongst all three nations that communism would continue to spread and endanger the security of the three nations.

Thus ANZUS was born; a collective agreement aiming to maintain security and peace within the Pacific. The treaty itself goes so far as to state "each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." Under the ANZUS banner this treaty saw our nations cooperate in conflicts such as Korean War, Malayan Emergency, and the Vietnam War.

After nearly 30 years of trilateral cooperation, relations between NZ and the US began to diminish in the 1970s as tensions began to build over nuclear testing in the Pacific and visits by nuclear capable US Warships to New Zealand. In 1984, the Labor party lead by David Lange swept to power and began to implement populist policies establishing a nuclear free New Zealand. In

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks

1985, after an invite by the New Zealand government, the US agreed to send the *USS Buchanan* for a ship visit. However, this invite was subsequently revoked after the US refused to confirm or deny whether the vessel was nuclear capable.

This denial was observed as a deliberate slight by NZ, as a result ANZUS relations rapidly deteriorated. Senior members of the US government expressed a deep sense of betrayal caused by New Zealand anti-nuclear policy. Although the ANZUS treaty was never suspended, military cooperation ceased between the two nations. The US stated that article IV no longer applied to NZ, and President Ronald Reagan issued National Security Decision Directive 193 which stated New Zealand still remained a "friend, but not an ally."

For the next 20 years, US/NZ relations remained at a somewhat of a standstill. Neither US Ships nor Presidents visited, New Zealand no longer partook in exercises with the US such as RIMPAC, nor New Zealand warships were not welcome in US Naval ports. However, as the world began to move into the new millennium relations began to slowly normalise. The 2010 Wellington Declaration which saw agreement on humanitarian and disaster relief cooperation within the South Pacific between the two nations; as well as the resuscitation of high level dialogues.



Australian warships are among the multinational formation group sail off the coast of Hawaii as part of Exercise Rim of the Pacific (RIMPAC) 2020. Photographer: Petty Officer 3rd Class Jenna Do.

This was closely followed by the Washington Declaration in 2012 which saw the Defence relationship continue to normalise by committing to the development of 'deployable capabilities' with the Pacific region. Undoubtedly, Obama's foreign policy shift towards Asia-Pacific has acted as catalyst to the natural thawing.

Since these two declarations we have seen a rapid rise in military cooperation between our two nations, US troops training on NZ soil, Kiwi warships once again in US bases, and participating in exercises together. After Australia, it is clear that the US is our most important strategic Defence partner.

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks

The upcoming warship visit will undoubtedly cause protesting within New Zealand. However, it is important to note that many who once would have been manning the rails on a protest flotilla, now see such a visit as an important step in the recognition of New Zealand's independent foreign policy.

Although, this visit will not fully renew the ANZUS treaty, it clearly marks the full normalisation of relations between our two countries. However, this is going to pose some significant challenges for New Zealand to manage.

A closer relationship with the US will certainly come with requests for support. We have already seen New Zealand and Australian troops deploy to Iraq in a training role to combat the spread ISIL. With the previously mentioned shift in US foreign policy towards the Asia-Pacific region, there will likely be a desire from the US for support from both Australia and New Zealand, as regional leaders, of their foreign policy actions.



Australian and New Zealand members of Task Group Taji-6 commemorate Anzac Day 2018 with a Dawn Service at Taji Military Complex, Iraq. Photographer: CPL Anita Gill.

In a recent visit to both Australia and New Zealand by Vice President Joe Biden (the first high level executive visits to New Zealand since then Secretary of State, Hillary Clinton in 2010). In statements, the Vice President reaffirmed the United States commitment to the Asia Pacific region, while strongly calling for both Australia and New Zealand to stand with the United States on matters of peace and security in region.

This raises the question; is New Zealand willing to be the ally the US desires?

Of particular note, the Vice President's comments in New Zealand in relation to the recent decision by the Permanent Court of Arbitration on the South China Sea; one of the more prominent and complex issues that face our region. He states that both nations have issued

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks

statements urging both parties to support the ruling. However, both countries have a slightly but meaningful different stances on the ruling.

The United States firmly supports the Philippines' complaint against the Chinese and see any further expansion as a breach of international law and therefore damaging to the general peace, security, and prosperity of the region.

New Zealand on the other hand has taken a more neutral approach to the ruling. Foreign Minister Murray McCully stated that "Maintaining peace and stability in the South China Sea is vital to the ongoing prosperity of the wider Asia-Pacific region. It is in all parties interests to ensure the United Nations Convention on the Law of Sea is respected." A broad and general statement that reaffirms New Zealand's commitment towards international law, which is nothing unusual for a small state whose foreign policy cornerstone is international law and cooperation.

What is slightly more interesting is the Minister's follow on statement, "We hope that the Tribunal's ruling can provide a platform for solving the longstanding and complex issues in the South China Sea and we all parties to work towards this end." The Defence Minister, Gerry Brownlee has gone on to state "While we take no position on the various claims in the South China Sea, New Zealand opposes actions that undermine peace and erode trust."

These policy statements are yes?

Surely, a nation for which 95% percent of trade arrives by the sea and in which a large majority passes through these disputed water, would take a stronger stance.

Surely, a nation who has international law at its base of its foreign policy would call on all nations abide by the ruling made by the international authority on the United Nations Convention on the Law of Sea.

Surely, a nation who wants to continue to foster a relationship with United States; a nation who has a similar desire to keep the sea lanes of communication open. Would support their new friend, in their condemnation of China.

However, this has clearly not been the case. New Zealand has edged around the issue, preferring to attempt to remain bipartisan on the matter. Why? China is now one of New Zealand's largest trading partners amounting to \$11.5 billion dollars annually. New Zealand was the first country to establish a free trade agreement with China, and an upgrade is on the cards in the near future.

China has made it explicitly clear that it holds an extremely dim view of any outcry from New Zealand regarding the South China Sea. During a recent visit to China in April by New Zealand Prime Minister John Key, Chinese State News Agency Xinhua warned, "rather than have its agenda hijacked by the ambitions of its military allies... New Zealand is an absolute outsider in the dispute and not a concerned party, and that any attempt by Wellington to break its promise not to take sides on the issue would risk complicating the flourishing trade ties between China and New Zealand."

So it is clearly that New Zealand is between a rock and hard place as it tries to attempt balance a fostering trade relationship with China and a fostering Defence relationship with the US. The question remains who will be more forgiving? The answer, this author would propose, is the US.

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE



Tac Talks



HMAS Ballarat's Officer of the Watch, Sub Lieutenant Emily Carstairs, takes a bearing on USS Curtis Wilbur as the ships transit through the South China Sea, 2021. Photographer: LSIS Ernesto Sanchez.

We have seen a clear and more forgiving shift by the US in recent years. Many political commentators see the upcoming visit of a US warship as a sign that they are recognising and respecting our independent foreign policy. It is likely that relations will continue to develop with US, although not to a level to which the Australia-US relationship has developed to today.

New Zealand will have to continue to carefully attempt to balance its foreign policy in the upcoming decades. For many New Zealanders a source of pride, maybe naively at times, has always been what we see, as our independent foreign policy. Whether we can maintain this independence as the heat from the two regional powers continues to intensify on this corner of the world is yet to be seen.

OUR VALUES

SERVICE

COURAGE

RESPECT

INTEGRITY

EXCELLENCE