

## ASEAN's Diplomatic and Strategic Engagement in The South China Sea Dispute: An Analysis

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**Keywords:** ASEAN, South China Sea, Disputes, Strategic Engagement

**DOI No:**

<https://doi.org/10.56976/jsom.v3i2.82>

*The Association of Southeast Asian Nations (ASEAN) is a political, cultural, economic, and social coalition of the countries in the Southeast Asia. ASEAN was established and comprises ten members, including countries that are directly entangled in the South China Sea conflict, such as Vietnam, Malaysia, the Philippines, and Brunei. ASEAN has been fairly active in promoting confidence-building measures, fostering dialogue, cooperation, and establishing mechanisms for regional cooperation that can collaborate with foreign partners and conflict resolution within the region. This article highlights ASEAN's efforts to resolve the dispute in the South China Sea. These efforts include the Declaration of Conduct of Parties and the Code of Conduct. This paper also shed lights on the collective efforts of the organization through its various mechanisms such as the ASEAN Regional Forum (ARF) and Asian Defence Ministers Meeting (ADMM+). These mechanisms contributed in facilitating negotiations among parties of the conflict. However, ASEAN faces challenges such as the different interests of its members, no legally binding agreement and intervention by other influential states. Every ASEAN member state have different attitude towards the matter which makes it difficult to achieve a united stance on the issue. The decision-making process of ASEAN is also discussed briefly in this research.*



## 1. Introduction

The Association of Southeast Asian Nations (ASEAN) is a political, cultural, economic, and social coalition of the countries in the Southeast Asia. ASEAN was established and comprises ten members, including countries that are directly entangled in the South China Sea conflict, such as Vietnam, Malaysia, the Philippines, and Brunei. ASEAN has been fairly active in promoting confidence-building measures, fostering dialogue, cooperation, and establishing mechanisms for regional cooperation that can collaborate with foreign partners and conflict resolution within the region (Baviera, 2017).

From the start, ASEAN's top priority was the goal of maintaining regional peace, and for this purpose, ASEAN initiated and actively promoted various mechanisms for regional order and peace, such as the 'Treaty of Amity and Cooperation in Southeast Asia' (TAC), that has now developed into Code of Conduct, the 'Declaration of Southeast Asia as a Zone of Peace', Nuclear-Free Southeast Asia Regional Treaty, and the Declaration of the Parties involved in the Code of Conduct for the SCS (Hiep & Tram, 2021). In 2002, the DOC was signed with the aim to promote regional stability and ensure peaceful resolution of conflicts in the region. However, ASEAN faces difficulties in taking a united stand because it's members different interests. ASEAN has also established various mechanisms to settle its security challenges, especially the SCS disputes, such as the ADMM, ADMM Plus, and the ASEAN Regional Forum (ARF). The ARF is an appropriate framework for ASEAN and its foreign partners to facilitate dialogue and mutual collaboration on political security aspects within the Asia-Pacific region. It has been playing a major role in settling disputes in the SCS, safeguarding political stability in the Asia-Pacific region, and mitigating tensions and clashes among dominant powers, such as the US and China (Storey, 2011).

ASEAN has been caught up in the SCS issue since the end of the 1980s and has been actively trying to get a unified position on the matter among its signatory countries and is also working with China to resolve the conflict. Four ASEAN nations have direct claims over the SCS, while other states do not have disputes, but still require freedom of movement in these waters for their national security and economic development. Meanwhile, some states, such as Laos, Myanmar, and Cambodia, have almost no interest in the SCS and have close ties with China. Therefore, it is difficult to get the consensus of the whole organization on the issue (Cuong, 2013).

## 2. Literature Review

No Research can be elucidated without the prior work, so for this study following literature has been reviewed to elaborate the concept.

Simoes (2022) in the article "*The Role of ASEAN in the South China Sea Dispute*" state that the SCS conflict became important in the 1990s. It's an important area in terms of military and trade flow containing maritime resources and is an important sea line communication. There are 4 main claimants of this area who are ASEAN members (Vietnam, Malaysia, Philippines, and Brunei). ASEAN has been successful in many aspects; however, the ASEAN Way poses

challenges in addressing complex problems like the issue of SCS. The ASEAN Way emphasizes agreement and non-interference prioritizing individual country interests over a strong group response which slows down efforts to address disputes affectively making it difficult for ASEAN to resolve this issue. The research gap in this article is that this the involvement of foreign actors is not discussed, even though it's an important point. Position of its 10 members on the issue is different and depend on 3 factors. First, their relation with China, second is their geographical position (closeness to SCS) and lastly their territorial or fiscal interests in the region (Simões, 2022).

The book “*Security, Strategy, and Military Dynamics in the South China Sea*” (2023) is written by Stein Tenneson. This book asserts that the SCS has been a place of naval disputes and rivalry for many years. After the World War two, countries have been fighting one another for fishing and other resources, but things got more complex when UNCLOS was introduced. Disputes in the SCS are multidimensional and there are four key dimensions that can be observed. First dimension is the territorial disputes over several features in the SCS. Second is related to the naval claims by the parties. The third one is linked to the preservation of security and peace in the region. And the last one is regarding the role of external entities in the conflict. ASEAN cannot make external players to take action in the SCS however, it has encouraged other power to intervene (Tønnesson, 2021).

In the article “*Territorial Disputes in the South China Sea*” by Centre of preventive action (2024) it is stated that the SCS is a hotspot for many conflicts, which are primarily because of Beijing’s claims over the area. China’s claims are in conflict with those of Vietnam, Brunei, Malaysia, Philippines, and Indonesia. These disputes involve many areas like Spratly Islands which are rich in resources. The non-claimant ASEAN members, like Singapore, Laos, Thailand, Myanmar, and Cambodia usually avoid direct criticism of China and maintain economic ties with China. These countries usually avoid taking any strong stance which might provoke Beijing. Recently China increased military activities like militarization of islands and its land reclamation efforts while rejecting the international law regarding foreign military operations in its exclusive economic zone which raised concerns. Th U.S.A also plays a role and conducted operations for freedom of navigation. It supports Southeast Asian partners to counterbalance China. These ongoing tensions affects trade routes and intensifying military maneuvers in the region (Center for Preventive Action, 2024).

In the article “*ASEAN’s Role in the South China Sea Dispute*” Thuy (2011) asserts that ASEAN plays a crucial role in promoting regional order and resolving conflicts. Its approach, the ASEAN way is considered as both its strength and weakness. There have been many ASEAN meetings to highlight the challenges in addressing the SCS disputes, such as 1992 25<sup>th</sup> AMM in Manila and the 2002 35<sup>th</sup> AMM in Bandar Seri Begawan. External factors such as China’s economic and political power also influences ASEAN’s decision-making process. According to



some authors individual interests of ASEAN members and ASEAN's loose structure make it difficult for the organization to adopt a more firm stand on the SCS issue (Thuy, 2011).

### **3. Research Methodology**

The research is entirely qualitative and is based on data from secondary sources. The descriptive method will be used to analyze the secondary source data that has been gathered. Over the past few decades, experts have paid close attention to the security tensions in East and Southeast Asia. Secondary sources from specialists in ASEAN dynamics, maritime security, and Asian regionalism served as the main source of data for this work. The data is gathered via books, articles, reports, and internet sources of information. It includes a thorough examination of the literature to lay the groundwork for understanding ASEAN's role in disputes in the SCS.

### **4. Analysis**

#### **4.1 Collective Efforts by ASEAN**

ASEAN's collective role in the SCS dispute has been aimed towards minimizing the likelihood of conflict and encouraging China to exercise restraints. It is involved in this issue since the 1990s but had made no statements on China's occupation of six Spratly reefs in 1988. However, in 1990, when Vietnam leaned towards ASEAN membership, Indonesia hosted a workshop on the SCS issue and participants of that workshop recognized the waterway as possibly the most problematic regional issue in the future. In order to avoid the idea that ASEAN is uniting up against China, this event was held as an open discussion.

#### **4.2 ASEAN's Joint Statements and Declarations**

ASEAN's role in the SCS issue has always been accompanied by increased interaction with China. Indonesia hosted the second round of informal talks on the SCS conflict in 1991. It was held in Bandung and China was also invited to be a part of the ASEAN post-ministerial Conference. This marked the first time when all parties to the issue were present in the discussions. In 1992, ASEAN issued the first formal collective statement on the SCS issue which was triggered due to the aggressive actions of China over gas and oil exploration in the area (Chubb, 2022).

ASEAN signed the 'Declaration on the South China Sea' in 1992 which is considered as one of the most important declarations. It highlights the need to resolve all the issue related to the SCS peacefully without resorting to force. It also encourages all involved actors to create a positive climate to resolve all disputes in the region (The National Bureau of Asian Research, 2024).

Furthermore, in 1995, ASEAN Foreign Ministers made remarks when China occupied Mischief Reef. This communique did not name China particularly and referred to the issue as "problems caused by the recent development in Mischief Reef". ASEAN and China signed the 'Declaration on the Conduct of Parties in the SCS' (DOC) in 2002 and one of the principles which was clearly defined in the declaration was "refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features". The DOC emphasizes commitment of



the signatories to resolve conflicts peacefully and in accordance with the ‘Treaty of Amity and Cooperation in Southeast Asia’ and United Nations Convention on the Law of the Sea (UNCLOS) (IWLearn, 2024).

In recent years, ASEAN and China made a mutual declaration which highlighted the significance of order in the region, and freedom of navigation in the SCS which is universally acknowledged principles of International Law. In another event in 2014, ASEAN again issued a statement when China moves oil drilling ships into the disputed waters. The statement began as “ASEAN Foreign Ministers expressed their serious concerns over the on-going developments in the South China Sea, which have increased tensions in the area” and after this China removed the ships from the disputed waters. This indicates that China avoids being singled out for criticism and ASEAN’s statement have influence on China. Also, a collective statement was issued on the Application of the Code for unplanned encounters at sea in 2016 (Pietrasiak, 2020).

Recently, ASEAN and China made another mutual statement during the 20<sup>th</sup> anniversary of the DOC. This statement was issued in November 2022, and emphasized their dedication to sustain peace, security, and order in the SCS. All of the above joint statements and declarations shows ASEAN’s consistent attitude regarding the issue and highlights the need for peaceful conflict resolution, maintenance of regional order and freedom of navigation, and observance of international Law. This also indicates that China and ASEAN are trying to manage the dispute through cooperation and dialogue (Penh, 2022).

#### **4.3 ASEAN’s Role in Promoting Dialogue and Building Trust**

ASEAN played an important role in fostering dialogue and building trust between the claimant states in the SCS dispute. ASEAN has encouraged self-restraint and fostered mutual collaboration and discussions to ease the tensions in the SCS region. ASEAN initiated key mechanism like the ASEAN Regional Forum (ARF) and East Asia Summit to encourage countries to engage in discussions and mutual collaboration on security and other problems in the region (York, 2015).

It has also been working with China for the enforcement of the DOC, which was signed in 2002. In 2014, ASEAN and China also held the 7<sup>th</sup> ASEAN China Senior Officials’ Consultation (ACSOC) and during this meeting they agreed that they will continue collaboration between ASEAN and China to preserve peace, naval security, and order in the region. Furthermore, ASEAN has also been conducting diplomatic talks with Beijing on a binding ‘Code of Conduct’(COC) for the SCS that will create a more solid framework for managing the issue. This demonstrates ASEAN’s devotion to finding a diplomatic and harmonious way to settle the issue in the SCS (Li, 2017).



#### **4.4 Mechanisms Initiated by ASEAN**

Throughout the years, ASEAN has initiated many key mechanisms to engage players in the SCS issue, providing platform for discussion, conflict resolution, and cooperation. These mechanisms are:

#### **4.5 ASEAN Regional Forum (ARF)**

The ASEAN Regional Forum brings together ASEAN members and many other important players in the region, to find ways to reduce tensions in the region and manage security issues. This platform serves as platform where players can engage in discussions and cooperation and promote confidence building measures (York, 2015).

This forum was created in 1994 after the decision of the ASEAN-PMC and the AMM in 1993. Basic goals of this forum include: “to foster constructive dialogue and consultation on political and security issues of common interest and concern”; and “to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia–Pacific region”. It comprises of twenty-six members and one organization (EU). It has consistently discussed security challenges, including the SCS issue (Emmers & Tang, 2011).

ASEAN states have utilized ARF to make South China Sea issue as a regional agenda to be discussed with external players like EU, the US, and Japan. Due to the lack of consensus among ASEAN members, the ARF didn't have any strategy for the SCS issue in its early years. But, from 1995 to 1998, ARF's role became cleared as it fostered bilateral and multilateral talks between China and ASEAN nations. However, China preferred ASEAN and China PMC as the main platform for the discussions regarding the SCS issue. In 2014, this issue was raised in the ARF by the USA but its proposals were rejected by China. Again in 2015, the ARF Chairman showed great concern over the issue but not significant progress was made. The corona outbreak and the competition between US and China makes it very challenging for member nation to engage in diplomatic efforts as they don't want to be caught between the super-powers. ASEAN Regional Forum's approach is not always efficacious making its position just an ancillary one in the SCS matter (Koga, 2022).

#### **4.6 East Asia Summit (EAS)**

The East Asia Summit is another key forum and bring together important actors to talk about economic and defense issues in the region. It was established in 2005, and has 18 members including Australia, New Zealand, South Korea, Japan, China, the US, India and ten ASEAN member nations. In its initial years, it focused on cooperative programs and avoided discussing controversial issues. Thus, the SCS dispute was not discussed in this forum till 2019. But in 2010, this changed when some states started to raise concerns about the SCS issue. In 2010, Hillary Clinton (US Secretary of State) mentioned the COC and this marks the first time when something related to SCS was mentioned. Later on, the SCS matter was discussed at the 2011 summit and in 2012 but was pushed back by China and Cambodia. The US discussed the SCS dispute more



openly and placed great importance on the UNCLOS. As a result, the SCS dispute became an important agenda at the summit. On the other hand, China stated that the situation in the SCS was stable and this matter should not be “internationalized”. The SCS issue was discussed by many members in the EAS and many proposals were given, however, none of them reached a consensus. The EAS also finalized the “Statement on Enhancing Regional Maritime Cooperation,” but it was not accepted by all of its member states. Many states started to direct their focus on mitigating the tensions in the region, instead of advocating for international law (Koga, 2022).

#### **4.7 ASEAN Foreign Ministers’ Meeting (AMM)**

AMM was formed in 1967 and is the primary institution of ASEAN. Its initial objectives are specified in the Bangkok Declaration: “Southeast Asian states had a primary responsibility for strengthening the economic and social stability of the region,” and “their stability and security from external interference in any form or manifestation” (ASEAN, 1967). The AMM started to discuss the SCS issue from 1992 after some institutional developments. Until 1994 it was the only institution that gave a response to the SCS issue. However, it was very cautious until 1994 when China adopted the “Law of the People’s Republic of China on the Territorial Sea and the Contiguous Zone.” As a response, AMM adopted the “ASEAN Declaration on the South China Sea” which highlights the value of resolving conflicts through peace and cooperation. However, it was not signed by China. Later in 1999, the AMM sparked the concept for a Code of Conduct again and initiated dialogues for it. In 2002, DOC was issued by ASEAN-China Foreign Ministers Meeting and it was seen as “a milestone document between ASEAN and China.” AMM was responsible to keep an eye on the SCS and make sure all the parties follow the basic principles of the DOC.

However, the SCS situation started to decline from 2000 but AMM responded to it in 2011. The institution failed in getting the states to follow the DOC. Later on in 2012, Philippine and China got involved in a confrontation at the Scarborough Shoal, but disunity between ASEAN members states blocked them from achieving consensus for a collective statement. In recent years, the AMM has been observing the situation in the SCS and internationalizing the issue. However, it has stepped back from its leading position in the SCS issue.

#### **4.8 ASEAN Summit**

The first ASEAN summit was conducted in 1976 and is the central policy making body of the ASEAN. It is a biannual meeting and provides a platform for its members to discuss issues in the region. The SCS issue has been raised at these summits several times and many steps have been taken to manage this issue but are not that much effective. One of its limitations is that the issue involves China, therefore it needs to consult China before making any decision. The role of ASEAN summit in the conflict is limited unless there is a new development.

#### **4.9 ASEAN Defense Ministers' Meeting (ADMM) and ASEAN Defense Ministers' Meeting Plus (ADMM-Plus)**

The ADMM ASEAN Defense Ministers' Meeting was agreed upon at the 10<sup>th</sup> Summit and was created in 2006. It is the main defense and cooperation forum in ASEAN. Its goal is to eradicate negative views between states and promote stability in the region (Sarjito, Saragih, & Rusdiana, 2022). The concept papers for the creation of ADMM outlined four key goals: first "To promote regional peace and stability through dialogue and cooperation in defense and security", second "To give guidance to existing senior defense and military officials dialogue and cooperation in the field of defense and security within ASEAN and between ASEAN and dialogue partners", third "To promote mutual trust and confidence through greater understanding of defense and security challenges as well as enhancement of transparency and openness", and lastly "To contribute to the establishment of an ASEAN Security Community (ASC)" (ADMM Unit, 2006).

This mechanism also focuses on collaboration with civil organizations, peace operations and disaster assistance. Until 2012, the ADMM did not delve into complicated matters like the SCS, however this changed following a diplomatic rift between China and the US in 2010. It discussed the SCS matter for the first time in 2011, and started to include matters such as freedom of navigation, completion of COC, and the implementation of the DOC in its joint statements. ADMM also demanded adherence with global protocols such as CUES in 2016 while ASEAN defense ministers considered creating a "no first use of force" agreement to build trust and avoid misunderstandings. In 2017, the ADMM approved blueprints for developing some guidelines which evolved into Guidelines for naval encounter in 2019.

ADMM-plus was created in 2010 to enhance ADMM's defense relations with external actors. It comprises of the US, South Korea, Australia, Russia, China, Japan, India, New Zealand and 10 ASEAN states. Although, some members raised the issue at ADMM-Plus meeting, but China was against talking about it in Global Forums. It also experienced contention between the US and China over the SCS issue. However, from 2017 to 2020, it readjusted its stance on the SCS issue with the help of chairman's statements which addressed the complicated situation in the region. ADMM+ provided forum for regional powers, so that they could reduce tensions in the SCS. Even though their course of action may undergo modifications in the future, the ADMM and the ADMM+ are considered as the most effective mechanisms among all ASEAN led mechanisms (Koga, 2022).

#### **4.10 ASEAN collective efforts with China**

ASEAN has made several efforts with China to manage the SCS issue. China has always participated in talks organized by ASEAN, which indicates its willingness to manage tensions through peaceful ways. The interactions between ASEAN and China resulted in the 'Treaty of Amity and Cooperation in Southeast Asia TAC' and DOC in the South China. It is collaborating with the PRC on different mechanisms such as the Senior Officials' Meeting (SOM) on the implementation of the declaration of conduct (DOC) of parties in SCS and the ASEAN-China





Senior Officials' Consultation (ACSOC). This shows the maturity of ASEAN and the DOC contributes positively to the diplomatic resolution of the SCS (Wu, 2024).

These mechanisms aim to sustain order and security in the region and mutual collaborations between ASEAN and China. These are important platforms for cooperation, dialogue, and conflict resolution between the players in SCS issue (York, 2015).

#### **4.11 ASEAN-China Dialogues**

The dialogue relations between ASEAN and China came into being in 1991 following the conclusion of the Cold war. Before this there was not any diplomatic framework between ASEAN and China. The aim of these dialogues was to build trust and foster collaboration in trade, science, and technology. The ASEAN-China dialogue relation evolved remarkably, specifically regarding the SCS issue. This framework expanded to include security issues and unofficial summits were held every year. Later on, the summits were formalized and were useful in promoting cooperation in the region. The aim was to ensure progress in bilateral relations between China and member countries of ASEAN. Furthermore, China was the first state to adopt TAC. The SCS issue was discussed in the 1997 summit for the first time and everyone accepted to settle the issue peacefully and in adherence to the UNCLOS. In 2002, Declaration on the Conduct of Parties in the SCS (DOC) was created, which became a milestone document and would foster the conclusion of a legally binding COC. Various dialogues were made to observe the implementation process, such as the ACJWG and SOM-DOC. However, as other issues became prominent the implementation process got delayed till 2010.

In 2010, ASEAN revived the ASEAN-China dialogues due the escalation of tensions between US-China. This contributed to the establishment of “Guidelines for the Implementation of DOC” in the year 2011. However, there was no progress on COC discussion or the implementation of DOC. Later on in 2016, ASEAN and China hotline for naval emergencies was adopted and some progress was seen on COC discussions. The SCS tribunal award was also issued in 2016 but due to the opposition from China it was not discussed in ASEAN-China dialogues. In the 2018’s SOM-DOC, Single Draft Negotiation Test (SDNT) was created (ASEAN Secretariat, 2018). In 2019, negotiations were conducted on the completion of COC but further face to face dialogues couldn’t take place due to COVID-19 pandemic in 2020. However, in 2023, ASEAN nations and China agreed to complete a non-aggression pact within next three years. This pact aims to prevent the escalation of disputes in the SCS. Therefore, these dialogues are one of the most efficacious for managing the SCS dispute.

#### **4.12 ASEAN’s Efforts with China on DOC and COC**

ASEAN and China have made various efforts to enforce the DOC of Parties in the SCS and conclude COC. In 1996, Code of Conduct was discussed during the ASEAN Ministers’ Meeting. This was the very first mention of COC. The Foreign Ministers of ASEAN agreed that a



COC is essential for the peaceful resolution of conflicts after various skirmishes occurred between the states in the SCS (Trystanto, 2022).

ASEAN and China signed the DOC in 2002 and the main aim of this declaration is the peaceful settlement of the disputes in the SCS. It incentivizes parties to participate in negotiations and cooperation to manage disputes, and refrain from resorting to force. This declaration may also involve cooperative efforts in the protection of the marine biota, mutual development of naval resources, and strengthening naval security initiatives (Wu, 2024).

Just a single article of this declaration is about the settlement of conflicts while the rest of the articles talks about conducting military dialogues, management of the disputes, collaboration in research and security of navigation in the SCS. During the next eight years, there was no update on the execution of the declaration. Later in 2011, ASEAN and Beijing agreed on the guidelines to enforce the Declaration for Conduct of Parties in the SCS which highlighted step-by-step implementation of COC and CBM's. Later on, many attempts were made for the development of COC but due to various challenges the process was slow. In recent developments, ASEAN and Beijing arrived at an agreement on new guidelines for negotiating a legally binding COC. Furthermore, all of the parties declared the start of the third reading of text of COC, in the 21<sup>st</sup> Senior Officials' Meeting on the Implementation of the Declaration on the Conduct of Parties in the SCS (Ministry of Foreign Affairs, the People's Republic of China, 2023)

The DOC indicates the successful negotiation between ASEAN and China” however, it lacks strict guarantees regarding territorial borders. The negotiations on the COC are important for resolving the dispute and require unity from ASEAN member states. However, there are some limitations in the development of DOC and COC. First, is the disunity between its members and second is the great-power rivalry and intervention (EAI, 2021). Secondly, there are concerns about the possibility of China not accepting the COC as legally binding, and even if it is ratified, there is no way to enforce it against China. And smaller ASEAN states would not be able to punish China for violations as China already has a history of violating agreements such as UNCLOS. In addition, there are doubts whether China will sign a binding Code of Conduct or not. Thirdly, it has been difficult to agree on the geographical area that COC will cover. And lastly, there are striking differences between the principles and knowledge of China and the member nations of ASEAN. These states want to limit the COC to the Spratly islands while China insists on including the nine-dash line claim. Therefore, it is arduous to achieve consensus on the Code of Conduct (Prasetyono & Aditomo, 2022).

#### **4.13 Individual ASEAN member States' approaches**

The SCS involves several countries in the Asia-Pacific region, including ASEAN member states. These states have their own perspective and approach to this complicated issue, influenced by different factors like their national interests and diplomatic relationships. Member states such as Malaysia, Vietnam, the Philippines, and Brunei have direct territorial claims on the Paracel and Spratly Islands while other six states of ASEAN are not claimants in the disputed waters. Even

though China's 'nine-dash line' coincidences with Indonesia's Exclusive Economic Zone near Natuna islands but still Indonesia is not an official claimant in the SCS (Simões, 2022).

These states have taken different approaches and responded differently to the actions of China. Vietnam and the Philippines, have taken a more assertive stand and actively challenge China's claims. On the other hand, States like Indonesia and Malaysia prefer a more cautious and diplomatic approach and seek to resolve the conflict through negotiation and cooperation. Singapore also shows great interest in the issue as it is a maritime trading hub (Chubb, 2022).

Some states take principled actions which shows their firm position against territorial violations. For example, Indonesia established military base on Natuna Island and seized the Chinese fishing boats in the region. Meanwhile, states such as Thailand and Myanmar have limited their role in this issue. Cambodia and Laos remain silence due to China's influence over these countries (Dreisbach, 2019).

ASEAN member states have diverse strategies but their common interest is to nurture peace and stability in the area. Also, any kind of conflict can disrupt their trading networks, which is not good for the economic and development plans. In addition, ASEAN is facing challenges in resolution making principles due to China's growing influence. Furthermore, the establishment AIIB of create tough competition to other internation investment banks.

#### **4.14 Vietnam**

Vietnam has a clear stance on the SCS dispute based on three things. First, they defend their sovereignty claims and the right of EEZ on the Spratly and Paracel Islands and consider these islands as an important part of their territory. Vietnam even introduced the Law of the Sea of Vietnam to emphasize its sovereignty over the disputed territory. Second, they support the peaceful resolution of conflicts, according to international law. And lastly, they are ready to work with other parties to resolve the conflict and advocates the early adoption of COC(The National Bureau of Asian Research, 2024).

Vietnam's economic and trade relations and its territorial claims shape its national interest in the SCS. It is a one-party state and all the power is centralized in the CPV Central Committee and Politburo. The CPV dominates the National Assembly and decides the domestic and foreign policies, and military and security aspects. The Minister of Foreign Affairs is the chief negotiator for Vietnam's interests in SCS at the ASEAN level, especially in the AMM ASEAN Foreign Ministerial Meeting (Hor, 2022).

Vietnam includes the "three no's" principle in its South China Sea policy: "no military alliances, no foreign bases in its territory, and no relation with one country to be used against a third country" (Tuter, 2022). However, it prefers to manage these disputes without affecting bilateral ties with China as it is an important trading partner for Vietnam. Therefore, Vietnam must consider internal pressure and economic and trade interests during negotiations. Both countries have a complex history of cooperation and conflict. Bilateral relations between both countries have



improved in the last ten years but territorial issues continue to influence their ties. The relation between both countries started to become unpleasant in 1970s. This happened due to their differences and Vietnam's assertiveness, which China perceived as a component of Soviet Union's strategy. After that, Vietnam expelled thousands of Chinese residents following a feud between the two countries. In 1978, Vietnam invaded Cambodia to remove the government, challenging Chinese interests. China responded with an all-out military attack that continued for years. The two nations normalized their relation in 1990s, with the help of high-level discussions and growing trade relations. However, disputes over Spratly Islands and talks over maritime boundaries, continue to complicate the ties between China and Vietnam. Although Vietnam has tried to use its ASEAN membership, but it cannot depend completely on ASEAN because of overlapping claims between member nations (Yuan, 2006).

After Vietnam's last role as ASEAN chair, its diplomatic skills started to progress, enhancing its capability to play an active role in managing security challenges. It is necessary to improve crisis management to maintain stability and introduce techniques to prevent disputes and conflict escalation. Vietnam can also obtain ASEAN's support for research on crisis management and begin talks on intra-ASEAN disputes in the SCS. This can likely clarify position of each state (Chubb, 2022).

#### **4.15 The Philippines**

The Philippines has a firm stance on the SCS issue and is committed to defend its territorial and maritime boundaries. It is determined to assert its sovereignty on the disputed area in adherence to the UNCLOS. It rejects China's claim on 90% of the SCS and seeks to settle this dispute through non-aggressive means (Lema, 2024).

The Philippines is concerned about the impacts of this dispute and therefore seeks to strengthen cooperation with other countries, such as India, to protect their interests and deter any vigorous action in the region. Furthermore, the Philippines is actively taking a part in ASEAN's collective efforts to manage the issue, such as DOC and COC.

The Philippines has had complicated relations with China in the past. Ties between both saw improvement in 2000s after Chinese president visited Manila in 2005. The political and economic elites of the Philippines also seek to preserve and enhance ties with China due to the trade and investment coming in from China. In recent years, both countries have had several encounters in the disputed waters including conflicts over territories around the Second Thomas Shoal and the Scarborough Shoal. In 2013, the Philippines took the issue to PCA and made fifteen allegations against China (Pietrasiak, 2022). In 2016, the PCA ruled that China's claims had no legal grounds under international law. This was a great success for the Philippines but China declined the ruling. China also attempted to stop Philippines fishing activities and resupply missions resulting in confrontations such as water cannons and other "grey-zone" activities by China. The Philippines stance in the SCS shows its commitment to defending its territorial rights

in the region. Although it not as powerful as China but it has demonstrated that it stands firm against Chinese hostility (Reuters, 2024).

#### **4.16 Malaysia**

Malaysia is another claimant in the SCS issue and is committed defend its sovereignty and territorial integrity in the SCS. The country claims 10 features in the southern Spratly Islands notably reefs, shoals and atolls. Malaysia rejects Chinese ‘nine-dash line map’ and asserts its own claims (Reuters, 2023). However, Malaysia seeks to resolve disputes peacefully through diplomacy. It urges other countries to exercise self-control. According to a proclamation by the Ministry of Foreign affairs, “Malaysia cherishes peace and stability of the South China Sea and believes that China and all relevant parties can find constructive ways to develop healthy dialogues, negotiations and consultations while upholding the supremacy of the rule of law for the peace, safety and security for the region” (Pietrasiak, 2022).

Malaysia values its economic ties with Beijing which is its key trading partner. The political and economic elites consider the SCS dispute as a hurdle in Malaysia’s bilateral ties China. However, this doesn’t suggest that Malaysia choose to forget it completely. Malaysia’s foreign policy focuses on building strong and friendly ties with other countries. The country established ties with China in 1974. Since then, the bilateral relations between both countries have grown through high-level visits, initiatives like Malaysia-China friendship society, and the Beijing Dialogue on Malaysia and China Partnership (Yuan, 2006).

At the ASEAN level, Malaysia wants to uphold Status quo in the SCS and urges other ASEAN member nations to engage in discussions. However, at times Malaysia adopted a rather non-ASEAN stand on the dispute and even was against the idea of adopting an ASEAN stance against China. The country prefers the issue to be solved through bilateral discussions rather than making the issue a multilateral one. Overall, Malaysia employs quiet diplomacy to address the SCS issue. In addition, the country is trying to defend its territory while maintaining good relations with China (Hor, 2022).

#### **4.17 Brunei**

Brunei is another claimant state but it is considered as a “silent claimant”. It is not taking a strong stance on the SCS issue and not even trying to show its presence in the area. This approach is opposite to the response of other claimant states like Vietnam and the Philippines. Brunei claims 200 nautical mile EEZ including various land features. According to scholars, the reason behind this is China’s economic importance for Brunei. China has been providing investments to combat Brunei’s shortage of energy resources. Therefore, Brunei is not taking a strong stance on the SCS issue as it wants to maintain good relations with China (Putra, 2020). Overall, Brunei’s stance is influenced by its economic dependency on China and because of this many believe that it has dropped its claim in exchange with funding from China. However, Brunei maintains its claims even if it hasn’t pursued them actively (Hart, 2018).

#### **4.18 Indonesia**

Indonesia is not directly involved in the dispute but the tensions and conflicts in the SCS can interrupt its economic and political interests. In addition, instability in the region can threaten the internal unity of ASEAN especially when Four ASEAN nations are a part of this issue. Therefore, Indonesia has been a key player in settling the SCS issue peacefully. Because of Indonesia's close proximity to the SCS, it directly experiences the impacts of the dispute. So, Indonesia plays an active role to find the best ways to resolve the dispute (Juned & Bainus, 2017).

Indonesia is considered as the leader of ASEAN and plays a central role in maintaining order in the region through its leadership at the ADMM forum. In 2021, during the 15<sup>th</sup> ADMM forum, Indonesia's defense Minister called on China and other member states of ASEAN to practice moderation and obey the DOC when addressing the SCS dispute. According to Indonesia, SCS issue can be managed through dialogues and mutually beneficial partnerships. Indonesia has fostered joint exercises between ASEAN and ADMM plus states to manage security threats (Saragih & Rusdiana, 2022).

Indonesia restored diplomatic relations with China in 1990. Since then, bilateral trade has been growing, and China now ranks as the 5<sup>th</sup> largest trading partner of Indonesia. However, there are some problems between the two states. One of them is the possibility of a conflict over exclusive economic right in the SCS because China's nine-dash line map coincides with Indonesia's EEZ near the Natuna Islands (Yuan, 2006). In conclusion, Indonesia's position is clear and it seeks the establishment of COC. And according to Indonesia the best way to resolve the issue is political and diplomatic efforts through ASEAN.

#### **4.19 Cambodia**

Cambodia's stance on this matter is considered neutral as it is not a claimant to the SCS. It seeks to promote and protect its interests with adherence to the principle of peaceful coexistence, non-alignment and neutrality. With regards to the SCS dispute, the country focuses on quiet diplomacy and avoids to take a side between China and other claimant states (Yuan, 2006).

Many scholars criticize Cambodia because of its economic relations and projects with China. However, Cambodia highlights ASEAN centrality to resolve disputes and advocates for civilized resolution of disputes through dialogue and negotiations (Sokhean, 2024). Furthermore, it aimed to conclude negotiations on COC during its role as an ASEAN Chair in 2022 (Cambodianess, 2022). In summary, Cambodia's stance prioritizes maintaining good relations with China and avoiding confrontation, while still supporting an amicable resolution of disputes in the SCS based on international law and ASEAN mechanisms. However, its close ties with China influence its approach.

#### **4.20 Singapore and Myanmar**

Singapore is a non-claimant state and avoids taking sides with any claimant state. South China Sea is a vital trade route for the Singapore therefore, it strongly supports freedom of

navigation and peaceful settlement of the dispute in adherence to the UNCLOS. It believes that ASEAN'S collective statement is more impactful and advocates for a collective ASEAN stance. Singapore expressed concern over the recent tensions in the SCS and urges states to resolve disputes through dialogues and negotiations (Observer Researcher Foundation, 2017).

Myanmar, another non-claimant state, maintains a neutral positions in this matter. It highlights the importance of ASEAN unity to resolve the dispute and supports ASEAN's efforts to resolve the dispute. Myanmar is worried about the impacts of this issue on region's stability and economic progress. However, the state's close relations with China effects its stance on the SCS issue (Rotolo, 2013). Both countries have had close ties since the beginning of their diplomatic relations in 1950. China provides significant military aid in exchange of access to the Indian Ocean which is a gateway to Middle East. Overall, Myanmar's stance on SCS is neutral and it supports the peaceful resolution through international law and ASEAN mechanisms (Yuan, 2006).

#### **4.21 Thailand and Laos**

Thailand also remains neutral just like other non-claimant states. The country maintains cordial relationship with China since 1975. Both countries have strong economic and political ties and even signed a Joint Statement on Plan of Action for 21<sup>st</sup> century in 1999. According to a statement in 2016, "Thailand supports China's efforts to maintain maritime peace in the SCS" (Reuters, 2016). As a member of ASEAN, Thailand plays a mediating role, fostering dialogues and discussions between China and ASEAN nations. It also advocates the completion of the COC and its core interest is to protect peace and order in the region (Pitakdumrongkit, 2015).

Laos is the current ASEAN and performs a neutral role in the SCS issue. It does not see the SCS issue as a problem between China and ASEAN as a whole. According to Laos, territorial and naval conflicts should be handled through negotiations between involved countries, in accordance with the DOC. However, other ASEAN states criticize Laos and think that it should not negotiate with China. Laos's position shows its close relations with China and its tradition of maintaining relations with great powers. Its aim is to maintain stability and harmony in the region, which is essential for ASEAN-China relation (Hongliang, 2016).

#### **4.22 Joint exercises and patrols in the South China Sea**

The conflicts in the South China sea doesn't only affect the claimant states, but also other stakeholders such as Unites States, Japan, Australia and India. These states are also a part of the East Asia Summit and have conducted joint exercises with ASEAN member states (Saha, 2024).

- ASEAN states have conducted patrols and joint exercises with U.S to strengthen security and deter Chinese aggression. Both countries completed the first ASEAN-U.S. Maritime Exercise (AMUX) in 2019 and second one in 2020. The U.S. navy is also a part ADMM-Plus maritime exercise to protect peace and order in the region (Commander, U.S. 7th Fleet, 2019).



- The member nations of ASEAN and China have also held joint exercises and patrols in the SCS to facilitate mutual collaboration and to strengthen trust. These exercises comprise Maritime Exercises and the ‘ASEAN-China Defense Ministers Meeting’ (MINDEF Singapore, 2018).
- Japan and member countries of ASEAN have conducted coordinated exercises and patrols in the SCS to improve the security situation in the area and facilitate cooperation. ASEAN-Japan Maritime Exercise and the ASEAN-Japan Defense Ministers Meeting are the examples of these cooperative efforts (ASEAN Secretariat, 2023).
- Member states of ASEAN have also conducted joint drills with India. These exercises are to strengthen peace in the area and comprises of the ASEAN-India Maritime Exercise and the ASEAN-India Defense Ministers Meeting. Some joint maritime operations, recovery operations, and evacuation preparedness drills are also included. The aim of these exercises is to enhance interoperability and trust among participating navies (The Nation, 2023).

Furthermore, the ten countries of ASEAN held their first joint military drills in 2023. The exercises were organized by Indonesia and focused on strengthening cooperation and relation between the countries’ militaries (Mayberry, 2023). This Solidarity Exercise included ten ASEAN countries and Timor-Leste.

#### **4.23 Challenges and Limitations**

ASEAN was established in 1967 and since then it has the mechanisms like ARF and TAC, to solve conflicts in the region. The organization has been playing a crucial part in preserving stability and peace in the Southeast Asia (Fitria, 2023). However, the association faces various external and internal challenges that limits its role:

#### **4.24 ASEAN’s Decision-Making Mechanism**

ASEAN Way is the decision-making process of ASEAN. It is considered to be the key factor that contributes to the success and failure of ASEAN (Tekunan, 2014). It is based on four key principles including non-interference, non-aggression, decision-making through consensus and quiet diplomacy. These principles are considered very important especially the principle of non-interference, according to which the ASEAN member states cannot interfere with internal issues of any other state (Mahaseth, 2022). ASEAN leaders reject the idea of establishing an institutionalized security alliance and rely on their political and diplomatic skills to protect their interests (Koon, 2014). However, ASEAN Way is often criticized for the decision-making approach. Critics argue that it slows down the progress and promotes avoiding controversial topics like South China Sea, rather than confronting them.

The consensus-based process for making decisions makes it hard for ASEAN to respond actively on complex issues because just one negative vote can paralyze the association. This process can hinder progress in addressing the SCS issue. In addition, China’s economic and political influence on some members of ASEAN makes it difficult to make any decision that would





affect China's interests (Simões, 2022). This was seen in 2012 when ASEAN failed to issue a joint declaration just because Cambodia refused to accept the Philippines request against China (Ibarra, 2022).

#### **4.25 Divergent interests and priorities**

ASEAN consists of ten states and some of them are claimants in the SCS while others are not. Their contrasting positions also result in different interests and this becomes a challenge for ASEAN. Each state wants the association to make decisions which favors them. States like the Philippines and Vietnam are more active on this matter, while Cambodia, Myanmar, Thailand, and Laos are seen as more conservative. These states have different strategic and economic interests in the SCS, which can hinder collective action. Each state wants to pursue their own individual interests which makes it difficult to reach unified position on the SCS issue. Due to this lack of unity, it is difficult to issue a joint statement (Tong, 2016).

#### **4.26 External influence**

ASEAN member states face pressure from influential states, such as China and the US, which can influence their positions on the SCS issue. Beijing is the primary trading partner of ASEAN and is expanding its influence in the region. Many ASEAN members are silent on the issue because of their strong economic ties with China. Some of these states are fully dependent on China for their development and trade (Erbas, 2022). Therefore, they are cautious and don't take any strong stance against China. States such as Cambodia, Laos, Brunei and Malaysia have close economic and political ties with China and want to resolve the issue peacefully (Fitria, 2023). China also tries to avoid discussions on resolving the disputes and prefers to deal with each country bilaterally. On the other hand, there is the U.S. which is trying to increase its influence in the area, initiating a new competition with Beijing. The U.S. has encouraged the states to pursue their claims through legal frameworks like the UNCLOS and address the issue in a lawful manner. Due to the importance of this region, U.S. is never going to leave it in the control of China. The United States has been trying to reduce China's influence in ASEAN and is establishing ties with other claimant states such as the Philippines

This new rivalry between United States and China makes it difficult for ASEAN to maintain a balance between these two powers. Some ASEAN member countries want to establish ties with United states to counterbalance China, while others are worried that U.S. presence in the region would increase tensions (Ibarra, 2022).

#### **4.27 Lack of binding legal framework**

The South China Sea problem has been the top discussion point in many ASEAN meetings so a fair and concrete solution can be achieved. One of the outcomes of these meetings is the DOC, which was signed by Beijing and member states of ASEAN in 2002. However, ASEAN has not been able to develop a legally binding agreement till now. A legal binding framework is very important to provide guidelines for all the parties involved in the dispute. It will reduce conflict



escalation and would provide a clear mechanism for resolving the disputes and will help ASEAN to address conflicts in an effective way. In 2002, it was decided that a COC in the SCS would be established. The efforts for it are still ongoing, but a final legally binding agreement has not reached been yet. And this failure of ASEAN to establish a COC till now is being criticized by many. Overall, this is a significant challenge for ASEAN in effectively managing the SCS issue. So, ASEAN must develop a binding COC and strengthen its decision-making process to preserve stability and security of the region.

## 5. Conclusion

ASEAN's diplomatic and strategic engagement in the SCS involves various collective efforts by ASEAN and its several forums. The organization has been protecting peace and order in the region. The SCS issue is a complex and longstanding matter but ASEAN has been trying to manage this issue. Through its diplomatic and strategic engagements, the organization contributed in persuading China to adopt a collaborative approach. Its achievements regarding this issue includes the DOC and ongoing discussions for the COC. Also, during a meeting in 2023, diplomats of ASEAN nations and China agreed to complete the discussions on COC in 2026. However, challenges persist because of the different interests of the members nations and intervention of external actors.

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