

CHAPTER I

INTRODUCTION

A. Background

This undergraduate thesis elaborates the effectiveness of ASEAN Ways in solving disputes and the South China Sea disputes. The writer will focus on creating the mechanism to solve the South China Sea disputes using ASEAN Way as the main way in doing diplomacy, both by informal or formal meeting.

The end of Cold War provides new challenges in international politics. The new challenge which invites a lot of attention is the concept of security. During the Cold War era, the conflict that occurs is ideological conflict between two poles and a great power in the world namely, the United States and Russia. After the end of the Cold War, the conflict changes to regional scale. One of the most vulnerable region in the presence of such conflicts is the Southeast Asia region. The conflicts focus more on the dispute and conflicts of State boundaries. (Acharya, 2001)

In fact, territorial disputes and conflicts of State boundaries that may affect the stability and peace of the region are not only from within the region but also from outside regions. One area that may affect the stability of Southeast Asia is the Asia Pacific region. Asia Pacific is a region that is vulnerable to conflict and at times can be changed to an open

conflict. Areas which are prone to conflict are the Taiwan Strait, the Korean peninsula, and the South China Sea.

The South China Sea is an area that has the most seeds of conflict in it. The South China Sea stretches from the Strait of Malacca in southwest to Taiwan Strait in northeast.¹ The South China Sea, covering an area of 800,000 square kilometers (310,000 square miles), is semi-enclosed with ninety percent of its circumference rimmed by land.² This region covers more than 200 islets, rocks and reefs which are mostly located in the Paracel and Spratly Islands.³ This area has 4 major Islands, there are: Paracel, Spratly, Pratas, and Maccalesfield. Geographically, the South China Sea is surrounded by ten States (RRC and Taiwan, Vietnam, Cambodia, Thailand, Malaysia, Singapore, Indonesia, Brunei Darussalam, and Philippines).⁴

The South China Sea has strategic location because these waters area are very compatible for shipping lane trade (SLOT) and International communication lines (SLOC) that link the Indian oceans and Pacific

¹ U.S Energy Information Administration, South China Sea, 2013. Accessed in March 2015

<http://www.eia.gov/countries/regions-topics.cfm?fips=SCS>

² Simi Mehta, Territorial Disputes in South China Sea: The US – China Differences, 2013. Accessed in March 2015

<http://theindianeconomist.com/territorial-disputes-in-south-china-sea-the-us-china-differences/>

³ The Japan Foundation, Jepang-Indonesia dalam Konflik Laut Cina Selatan, The Japan Foundation. Accessed in September 2014

Download from: <http://www.jpf.or.id/artikel/studi-jepang-pertukaran-intelektual/jepang-indonesia-dan-konflik-laut-cina-selatan>.

⁴ _____, Laut Cina Selatan, 2011. Accessed in September 2014

<http://www.anneahira.com/laut-cina-selatan.htm>

oceans.⁵ This way is usually called as *maritime superhighway* because this area is the busiest trading way in the world. The number of supertanker that across Malacca Straits and Southwest the South China Sea is three times more than Suez Canal and five times more than Panama Canal.⁶ Besides that, the area has abundant natural resources such as oil, natural gas, and fish.

The abundant fish resources are expected to provide the needs of protein for one billion people in Asia, or at least 500 million people in coastal areas.⁷ The statement is also supported by the U.S Energy Information Administration that this area presents 23% of total catch in Asia region, and about 10% of the total catch in the world.⁸ Besides that, U.S. Geological Survey (USGS) said that this area may contain 5 until 22 billion barrels of oil and between 70 and 290 trillion cubic feet of gas (not including the Gulf of Thailand and other areas adjacent to South China Sea).⁹ Another earth resource is the availability of natural gas. In November 2012, the Chinese National Offshore Oil Company (CNOOC) estimated the area to hold around 125 billion barrels of oil and 500 trillion cubic feet of natural gas in undiscovered resources, although independent

⁵ Tuwo, Pengaruh Konflik Laut Cina Selatan Terhadap Keutuhan ASEAN dan Ketahanan Nasional Indonesia, *Tannas Magazine* 96th Ed.– 2013, 2013. Accessed in September 2014

<http://www.lemhannas.go.id>

⁶ Adhitia Nugraha, Manuver Politik China dalam Konflik Laut China Selatan, *Jurnal Pertahanan* Ed. III (2011):55-63. Accessed in September 2014.

<http://unhan.cda-interactive.com>

⁷ Bambang Cipto, *Hubungan Internasional di Asia Tenggara: Teropong Terhadap dinamika, realitas, dan masa depan*, Yogyakarta: Pustaka Pelajar, 2007.p. 205

⁸ U.S Energy Information Administration, *Loc, Cit.*

⁹ *Ibid.*

studies have not confirmed this figure.¹⁰ If the estimation of CNOOC correct then the entire region of South China Sea contains enormous natural gas. In China, Natural gas consumption projected to grow by 5% per year for the next two decades, it is estimated that the number can reach as much as 30 trillion cubic feet (TCF) per year faster than any other fuel.¹¹

Issues which occur across the South China Sea are shipping and navigation, the State territorial boundaries, also a territorial dispute. In the case of the South China Sea, Kwei Bo Huang states that the South China Sea conflict:

Is a series of complex legal, technical, and geographic components critical to understanding the dispute, but the most fundamental issue of political...is the basic of the dispute(Snyder, 1998).¹²

Conflict in the South China Sea as a maritime rivalry over natural resources and trade competition through the South China Sea areas usually based on unilateral interpretation of the UNCLOS 1982 and the conflict of disputes or overlapping claims in the South China Sea mostly based on historical reasons, occupation and maritime law.¹³ In this regulation, States

¹⁰ *Ibid.*

¹¹ Tuwo, *Loc, cit.*

¹² Jacob Bercovitch and Kwei-Bo Huang, *Conflict Management, Security and Intervention in East Asia: Third-party Mediation in Regional Conflict*, Abingdon: Taylor and Francis-Library, 2008, p. 156. Accessed in March 2015
<https://books.google.co.id/books?id=GRqPlwVz6t8C&printsec=frontcover&hl=id#v=onepage&q&f=false>

¹³ Ralf Emmers, *Maritime Disputes in The South China Sea: Strategic and Diplomatic Status Quo*, on Kwa Chong Guan & John K. Shogan, et.al., *Maritime Security in South East Asia*, London: Routledge, 2007. Accessed in March 2015

Download from:

http://www.mindef.gov.sg/content/imindef/mindef_websites/atozlistings/saftimi/units/saft

which have sovereignty among the Islands in their areas have the authority over natural resources ownership including natural gasses and oil.¹⁴

Claiming territorial sovereignty in the South China Sea is generally based on the invention (discovery), occupation, the administrative jurisdiction, the confirmation of international agreements, international recognition, the implementation of peace and sustainability of authority (peaceful and continuous display of authority), the development of history, transfer of rights from other States (succession right from the foreign government), sovereign rights over the continental shelf, and the sovereign rights over the EEZ. (Bercovitch, 1996)

Territorial dispute in the South China Sea began when the British claimed Spratly Islands in the late 19th century, followed by China in early 20th century.¹⁵ The countries which have territorial conflict in the South China Sea are China and Indonesia over Natuna; China, Taiwan, Malaysia, Philippines, and Vietnam claims over Spratly and Parcel Islands. In addition, China and Taiwan both declared the ownership of 80% of The South China Sea bounded by a line-shaped 'U' made and was published by China in 1947 as the official State map. China's claim was challenged by Vietnam, The Philippines, Malaysia, Brunei, and Taiwan which dispute Parcel Islands. Meanwhile, China, Malaysia, The Philippines, Taiwan, Vietnam and Brunei disputed Spratly Islands.¹⁶

library/events/viewpoints/events09/29_Sept_09/_jcr_content/imindefPars/0028/file.res/China%20-%20Expansion%20of%20Military%20Power%20in%20the%20Pacific.ppt

¹⁴ Aditya Nugraha, *Loc. cit.*

¹⁵ Bambang Cipto, *Op. Cit.* p. 206

¹⁶ Dadang Sobar, keamanan Maritim Laut China Selatan: Tantangan dan Harapan, Jurnal Pertahanan, Volume 3, Nomor 3, 2013. Accessed in March 2015

Refers to the availability of natural resources and strategic location of the South China Sea, it can be certain that the disputes in the South China Sea have potential in triggering open conflict or armed conflict. It is proven by the number of times of armed conflicts among the Claimants States. The first conflict which occurred was between China and Vietnam in 1974 when China invaded the Paracel Islands from Vietnam. Greater confrontation and conflicts were continued after that incident, like the confrontations between China and Vietnam (1974, 1988, 1992, and 1994), between China and the Philippines (1995, 1996, 1997, and 1999), China and Malaysia also had experienced armed conflict in 1995. Besides China, Claimants States from Southeast Asia were involved in armed conflicts, such as between the Philippines and Vietnam (1998, 1999, 2002), and between Malaysia and the Philippines (1999).

Finding the conflict was getting worse, the dispute in the South China Sea should receive special attention. Therefore, ASEAN as a regional organization in which the four member States are the Claimant States, ASEAN must have the courage to act and take part in the resolution of the dispute. The authority and role of regional organizations in resolving disputes governed by Article 33 of the UN charter that states:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial, settlement, resort to regional agencies or

arrangements, or other peaceful means of their own choice.¹⁷

The term refers to an agreement of regional arrangements or multilateral agreements. In this regard, Conflicted States toward South China Sea in a particular region agreed to regulate their relations in the field of dispute resolution without establishing a permanent body or institution or an international regional organization which has the status of a subject of international law. That term also refers to a regional international organization with status as a subject of international law which is essential for carrying out functions in the maintenance of international peace and security, including international dispute settlement. (OLA, 1992)

ASEAN itself is a regional organization which the establishment was marked by the signing of the Bangkok Declaration by the representatives of five States in Southeast Asia (Indonesia, Singapore, Malaysia, Thailand, and Myanmar). Its establishment is essentially based on the desire to contribute to peace, stability and prosperity of the Southeast Asia region and as a statement on the determination of ASEAN member States to overcome political differences, historical and religious backgrounds in order to look for the same characteristics for the development of Southeast Asia region. (Acharya, 2001)

On his book, Weather Bee explains that the goal of the establishment of ASEAN is to create a platform for greater maneuverability among the great powers. To augment—but certainly not

¹⁷ UN Charter, Article 33.

replace—traditional bilateral diplomacy, Southeast Asia States built a multilateral institutional structure to engage the external powers in a regional sectors as well as the bilateral. In the quasi-ideological language of ASEAN's proponents, the pooling of the member States national capabilities creates regional resilience, which through a feedback loop should enhance national resilience in a bilateral context.

In response to security issues which can not be avoided, ASEAN have included it in the Bangkok Declaration. In handling the dispute peacefully, ASEAN is always attached to the norms contained in the ASEAN Treaty of Amity and Cooperation. In ASEAN meeting in Bali, the member States had agreed to (1) perform mutual respect for the independence, sovereignty, and territorial integrity of all nations, (2) maintain the presence of interference, subversion, violence from outside forces by each State (3) non-interference in other countries, (4) resolve disagreements and disputes by peaceful means, (5) reject the threat of use of force.¹⁸

Furthermore, the norms developed into a dispute settlement mechanism will be used by ASEAN in maintaining peace and stability in the region. Such a mechanism called ASEAN Way, it is often used in solving a growing problem in Southeast Asia. The ASEAN Way is a term favored by ASEAN members States to describe the process of intra-mural interaction and to distinguish it from other, especially Western, multilateral settings. But there is no official definition of the term. It is a

¹⁸ Bambang Cipto, *Op. cit*, p. 23

loosely used concept whose meaning remains vague and contested.¹⁹ Several Experts were trying to give ‘words’ to describe that term. Singapore’s Foreign Minister S. Jayakumara said ‘the ASEAN Way stresses informality, organization minimalism, inclusiveness, intensive consultations leading to consensus and peaceful resolution of disputes’.²⁰

In solving disputes, ASEAN Way plays a role in both the decision-making process and conflict management mechanism. As a decision making process, with its emphasis on consensus building, the ASEAN Way encourages the removal of contention, allowing member states to focus on issues that have the potential for cooperation though the decision-making is likely to be slow. As a conflict management mechanism, the ASEAN Way dictates that the member states choose to temporarily set aside contentious issues, agreeing Normative Power of the ASEAN Way to solve them in due course. Thus, this norm does not serve as a conflict resolution method but as a conflict management method. (Kei, 2010)

With the implementation of the ASEAN Way, at least the interference of ASEAN in South China Sea dispute had resulted several declarations regarding the disputes. At the ASEAN Ministerial Meeting/AMM in Manila, in June 1992, for the first time ASEAN issued a joint document on regional security issues highlight the disputes in the South China Sea, called the ASEAN Declaration on the South China Sea. In addition, in July 1993, the AMM meeting in Singapore, had also

¹⁹ Amitav Acharya, *Constructing Security Community in Southeast Asia: Asean and The Problem of Regional Orders*, London: Routledge 11 New Fetter Lane, 2001. p. 63

²⁰ *Ibid.*

decided to establish the ASEAN Regional Forum/ARF. ARF formation shows three important things to handle the peace and stability of the region; First, ASEAN realized that bilateral approach is not enough. Secondly, the participation of huge power, like the US, Russia, China, Japan, Australia, Canada, and EU in the Asia Pacific region showed that stability and security in the region is highly dependent on these policies. Third, ARF indicates recognition that the establishment of political and security issues of Southeast Asia can not be separated from the political and security situation in the Asia Pacific region. (Forbes, 2001)

10 years later, ARF issued a product called The Declaration of Conduct of Parties in the South China Sea was ratified on 4 November 2002. In the declaration, ASEAN and China have agreed that the dispute in the South China Sea will not develop into an international issue that needs power from external region. Nonetheless signing DoC(Declaration of Conduct) aims at preventing tension between the Claimant States so as not to heat up and reduce the risk of military conflict in the South China Sea.²¹ With the intervention of ASEAN in resolving the South China Sea Dispute it is expected to solve the problem and to address the impact of emerging as a result of the conflict and in the end, it will create decisions that have no effect on the conflicted State's bilateral relationship.

²¹ Wu Shicun and Ren Huaifeng, More than a Declaration: A Commentary on the and the Significance of the Declaration on the Conduct of the Parties in the South China Sea, Chinese Journal of International Law, 2003, p. 1. Accessed in September 2014
Download from <http://chinesejil.oxfordjournals.org/content/2/1/311.full.pdf>

B. Research Question

How effective is the implementation of the ASEAN Way in solving The South China Sea disputes?

C. Writing Purposes

1. To describe the policies, and actions which were undertaken by ASEAN in resolving conflicts in The South China Sea Disputes between ASEAN member States and China.
2. To analyze the effectiveness of the ASEAN Way as the path of ASEAN diplomacy in resolving conflicts in The South China Sea disputes.

D. Theoretical Framework

D.1 Concept of International Organization

Definition of International Organization by Teuku May Rudy (2005) in his book entitled *Administrasi dan Organisasi Internasional* asserts that:

International Organization is the study of patterns of cross-border cooperation - a border with the organizational structure based on a clear and complete as well as expected or projected to take place as well as the performance of the functions of continuous and institutionalized in order to pursue the achievement of the necessary and mutually agreed between the government and the government and between the members of non-governmental groups in different States.²²

The emergence of new integration in compliance the national interests of State became a paradigm in the form of regional organization. It led the States in the region form an organization and in turn, it will

²² T. May Rudy, *Administrasi dan Organisasi Internasional*, Bandung: Refika Aditama, 2005. p.3

compliance the national interests of each State. Because of that, the role of international organization should be reliable and can be followed by member States. The role of international organizations can be divided into three categories:²³

- a. As an instrument. International organizations are used by Member States to achieve certain goals based foreign policy objectives.
- b. As an arena. International Organization is a meeting place for members to discuss problems faced. International organizations are not infrequently used several countries to raise the issue in the country, or domestic affairs of other countries with the aim to international attention
- c. As an independent actor. International organizations can make their own decisions without being influenced by power or coercion from outside the organization.

Being viewed from role of international organizations above, ASEAN role can be said as an arena which is aims to address problems which arise on the parties and it is used as a forum for members States in discussing issues. In the case of the South China Sea dispute, ASEAN acts as a mediator in resolving the problem. That is by acting as a third party who seeks to solve the problems of its member States which do not conflict sustained. In carrying out its functions, ASEAN has its own rules which are summarized in the ASEAN Norms and Principles (Cipto, 2007).

One of the objectives of ASEAN is to become an independent regional organization where the problem occurred in the regional environment can be resolved itself without any outside intervention, particularly from countries that have great power. For these reasons, ASEAN functionally can be regarded as an independent actor. This

²³ *Ibid.* p. 77

organization can make their own decision-making without being influenced by power or coercion from outside parties.

D.2 Concept of Conflict Resolution

According to Burton, conflict resolution means to end the conflict in ways which is analytical and into the root of the problem. Conflict resolution in the long term is a process of analysis and problem solving which takes into account the needs of individuals and groups such as the identity and recognition as well as the institutional changes is necessary to meet these needs.²⁴

As being mentioned in the first concept, ASEAN plays an important role in resolving disputes in the South China Sea as a "mediator". However, in measuring the effectiveness of ASEAN Way in solving the South China Sea Dispute, the author will use A Contingency Model of Mediation developed by Bercovitch. According to Bercovitch, objectively, the success of mediation can be seen from the reduction of violent behavior in the absence of open conflict. Mediation can reach a final agreement and the peace agreement reached can survive for so. Jacob Bercovitch also expresses four things which affect the success of mediation which are the nature of the party, the nature of the issue, the nature of the mediator and the environment (Bercovitch, 1996).

²⁴ Burton, W., Conflict Resolution: toward solving problem. Accessed in September 2014 <http://www.gmu.edu/programs/icar/pcs/burton.html>

Bercovitch then formulates it into some of the factors which influence the success of mediation:²⁵

1. Personal factors, namely the characteristics and identity of the mediator in the mediation process. The ranking of the mediators in the eyes of parties should be fair, legal (recognized by its members and parties which involved in conflict and has the characteristic of organization) and measurable. According to Bercovitch the regional and international organizations can be a mediator and produce effective mediation because they have legitimacy to produce an agreement.
2. Situational factors, in this factor mediator should see the condition of the environment in which mediation must take place whereby a neutral place to be able to produce a successful mediation. In addition, the balance of power in the mediation are also influential, when there are parties who feel that there is an imbalance of strength in the conflict which will reduce the desire to agree on mediation. The situation in the conflict also affects the success of mediation in which the mediation done at the right time can also produce a successful mediation.
3. Interactional factors. In these factors there are some points to consider are the relationship between the parties in conflict, relations between the conflicting parties in the conflict resolution efforts before the mediation process will make the process to be an effective mediation. In addition, the political system and economic equality will also make mediation go well because the warring parties have more values and norms in common.
4. Motivational factors, which according to Bercovitch when the warring parties have the same motivation to resolve the conflict, the mediation will be able to achieve success. This motivation can be seen from the actor who are engaged with the mediation process, when the initiation of mediation by all warring parties done, the success of the mediation will be more easily achieved.

According to Johan Galtung conflicts can be prevented or controlled if the conflicting parties could find a way or method to negotiate different interests and agree on rules to regulate the conflict.

²⁵ Jacob Bercovitch, *Mediation Success or Failure: A Search for the Elusive Criteria*, *Cardozo Journal of Conflict Resolution (CJCR)* Volume 7 - Issue 2, 2007. Accessed in March 2015
Download from <http://cardozojcr.com/vol7no2/CAC206.pdf>.

Johan Galtung then offers some models that can be used as a conflict resolution process, including: (Hermawan, 2007)

- a. Peace keeping or security operation involving the security forces and the military. The needs to be implemented in order to reduce conflicts and avoid conflicts transmission to other groups.
- b. Peacemaking, the efforts of negotiation between the groups concerned
- c. Peace building, the strategy or effort trying to restore the state of the destructive consequences of violence which occurred in the conflict by building a bridge of communication between the parties involved in the conflict.
- d. Peace building will emphasize more on the quality rather than the quantity of interaction.

With the intervention of ASEAN in resolving the conflict in South China Sea, it is expected to solve the problem and to address the impact of the conflict and in the end it will result in a decision which has no effect on the State's bilateral relationship for well-conflict stability and peace in The South China Sea. ASEAN as a mediator to negotiate directly with the parties to a conflict to use the ASEAN Way with purposes it does not allow bilateral disputes between ASEAN States to disrupt a wider regional stability and the functioning of ASEAN itself and not to let bilateral issues between ASEAN States and non-ASEAN States negatively affect intra-ASEAN relations. (Weatherbee, 2001) On the other hand, the conflicting States could refrain from provoked actions carried out by one arrogance parties, such as military exercises in the region of the dispute, ask and preventing the truce. This effort is done to prevent an open conflict which could change to a cease-fire and could destabilize regional security.

D.3 Concept of Diplomacy

Beside of the conflict resolution concept, the writer also uses the Concept of Diplomacy to support the first concept. These are several definitions which can be used in terms of conflict resolution issues. According to Chamber's twentieth Century Dictionary, diplomacy is the art of negotiation, especially of treaties between States; political skill.²⁶ Based on KM Panikar in his book, *The Principle and Practice of Diplomacy*, Diplomacy, on relation toward international politics, is the art in proposing national interest in it relation among other States.²⁷

From these two definitions we can see that the purpose of diplomacy is to reach the goal of the actor (in States term the purposes is national interest). In other hand the diplomacy purpose is to gain maximum advantage or profit for own interest. In detail, Kautilya said that the purposes of diplomacy are acquisition, preservation, augmentation, and proper distribution.²⁸ According to Kautilya, to support and reach the diplomacy's purpose, there are four main instrument, peaceful or negotiation, reward or punishment, wrangle creation, and threat.²⁹

In the implementation of diplomacy, every actor has ways and different styles. ASEAN as a political actor in the international arena also has ways and techniques in conducting diplomacy, both for regional and international scale. This technique mostly used the cultural relationships

²⁶ S. L. Roy, *Diplomacy*, trans. Harwanto dan Miraswati, Jakarta: PT. Raja Grafindo Persada, 1995. p.2

²⁷ *Ibid.* p. 3

²⁸ *Ibid.* p. 6

²⁹ *Ibid.* p. 16

and informal meetings. This technique of diplomacy is named as ASEAN Way.

The ASEAN Way is a term favored by ASEAN's leaders themselves to describe the process of intra-mural interaction and to distinguish it from other, especially Western, multilateral settings.³⁰ ASEAN Way is often used in solving a growing problem in Southeast Asia region. However, with the development of globalization and the development of neighboring countries, the problem occurs not only within the scope of Southeast Asia alone. Problems that occur outside Southeast Asia region can affect the condition of Southeast Asia political stability, either directly or indirectly.

ASEAN Way also has aspect and technique even the definition and implementation always change in line with the situation. Those are:³¹

1. A disposition to favor summit meetings, especially through the 1960s (this underscores the highly elitist nature of ASEAN decision-making process),
2. A recourse to *musyawarah* principles and concepts in the conduct of high level conferences,
3. A preference for concealed and often unofficial preliminary transactions by special agents prior to formal ministerial conferences,
4. A preference for ad hoc rather than institutionalized practices,
5. An avoidance of judicial or arbitration machinery for the settlement of disputes,
6. Readiness to accept mediation or good offices from friendly third parties in the region, and
7. A tendency of at least three ASEAN members (Malaysia, Indonesia and Philippines to use the recall of an envoy or down-grading of a mission as a diplomatic practice).

³⁰ Acharya, Amitav, *Constructing Security Community in Southeast Asia: Asean and The Problem of Regional Orders*, London: Routledge 11, New Fetter Lane, 2001. p. 63

³¹ *Ibid.*

D.4 Theory of Constructivism in Security Community

Constructivism offers an alternative that is formed not by the political structure or the nature of man, but rather the consequence of historical experiences that build a social reality. Thus, social reality that happening now is a consequence of various measures that happened in the past. Such research model is also owned by the realists, which makes the difference is how constructivism focus on ideas, norms, an identity and non-material things.³² It means constructivists assume that any State action is not constituted by nature that has been given, but has been constructed in such a way by the norms, values, interests, and regulations.

In creating security community, it required a long process that eventually led to a group of States towards the security community. This process is not to be within the framework of security cooperation, but various working relationship eventually led to a security community. In this case the security community is defined as a community of nations to solve the problems between them not to use military force, but by peaceful means.³³ Security community is not a batch of States that join the formal institutions and define themselves as a community security or a group of States that conduct to joint military cooperation.

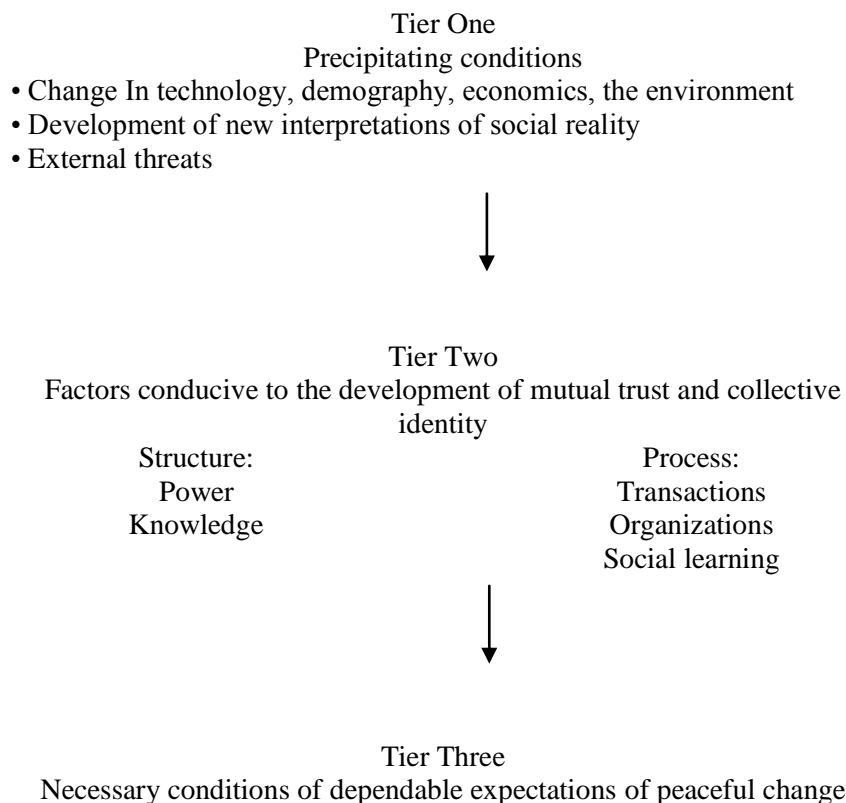
³² Barry Buzan dan Lene Hansen, stated from Lesly Gilbert Cristian Hosang., *Pandangan Paradigma Realisme, Liberalisme, dan Konstruktivisme Terhadap ASEAN Political Security Community 2015 Sebagai Kerjasama Keamanan di Kawasan Asia Tenggara*, Undergraduate Thesis, international relations faculty of social science, UI, 2011. p. 13. Accessed in December 2015

Download from
<http://lib.ui.ac.id/file?file=digital/20281057-Lesly%20Gijsbert%20Christian%20Hosang.pdf>

³³ *Ibid.*,

There are three security community criteria according to Michael Taylor, first, members of the security community must have an identity, communal values and meaning. It means that these things must be owned equally by all members of the security community. Second, members of a security community have direct cooperation with another member. It refuted the notion that a collective defense can be categorized as a security community because the cooperation between them is usually only related to security issues. Third, the community showed a reciprocal behavior that indicates long-term interests. In fact, sometimes this behavior is no longer driven by self-interest, but for the benefit of the community. (Taylor, 1982)

Figure I. Security Community Development Stage³⁴



³⁴ Emanuel Adler dan Michael Barnett, 1998, Security Communities in Theoretical Perspective on Security Communities, Cambridge: Cambridge UP, 1998. p. 38.

Mutual trust

Collective
identity



Dependable expectations of peaceful change

The first level is the existence of conditions that leads the creation of a security community. It is characterized into three things: ³⁵

1. Changes in the technological, environmental, demographic, and economic factors that make the States can not stand alone but requiring other States to face these changes.
2. The existence of a new interpretation of social meaning that indicate the changing needs. Like the emergence of terrorism that began deemed able to threaten everyone anywhere in the world, this is not seen as a threat in the past but now often discussed.
3. The existence of external threats. The existence of a significant external threat in the form 'we-feeling' that makes the need for unity more real.

These three conditions are a precondition which then triggers the new deeper cooperation between the members of a community security. The second level of security community development process includes factors that favor the formation of a collective identity and mutual trust. In its efforts to build mutual trust and collective identity, Adler and Barnett distinguish structures and processes. Here, the structures include power and knowledge. Power is defined as the ability to specify a set meaning together as a form of 'we-feeling' that affect the behavior of the State. Thus, power is defined as core strength of community. While knowledge is defined as ideas that illustrate and limit the behavior of States in a community.

³⁵ Ibid., p. 37-39

Process in the second level refers to the transactions, international organizations, and social learning. Transactions in this case indicate a relationship in various ways between the countries members of the community. It is say that cross-border transactions move more quickly, more diverse, and in large quantities in a community that will ultimately change the social facts sert shaping the collective identity and mutual trust. In addition, the presence of international organizations and institutions will help the formation of collective identity and mutual trust because of the ability of international institutions to improve the quality and quantity of cross-border transactions which can be seen as a trust building efforts. In other word, the international organization can be said as catalyst in the formation of security community. The social learning is the essence of an ongoing reinterpretation and redefinition of the reality of expectations, or reality. These three combinations above make the process towards the security community run faster.

Here, ASEAN Way as the fundamental principles must be trusted and embraced by the Claimant States in order to smoothly the settlement of disputes and the creation of disputes settlement mechanism. ASEAN Way implemented several formal and informal meetings and produced a Declaration of Conduct parties. These implementations of ASEAN Way in solving the South China Sea disputes will be examine as the efforts in creating the security community.

In the South China Sea disputes, according to Acharya, ASEAN is good as a creation of security community, but it still needs strengthening

and safeguarding against possible conflicts between Claimant States. Michael Leifer also noted that ASEAN has a role as a security community. In his writings Leifer identified two alternative role models that can be taken as an ASEAN security community. The first model is the ASEAN as an intramural community in which ASEAN can play a role as a regional mechanism to avoid conflicts between Claimant States. The second model is the diplomatic community in which ASEAN can play a role as a forum for collecting diplomatic aspirations. (Acharya, 2001)

However, it is in conformity with the concept of security community commonly used the concept offered by Karl Deutsch and later modified by Emanuel Adler and Michael questioned the status of ASEAN as a security community. This opinion is based on the fact that ASEAN has not been able to resolve disputes between member states at the level of the institution. In the same year Michael Leifer wrote that ASEAN needs to change its role to be able to manifest itself into a security community. If its not ASEAN will only in intramural mechanism to avoid conflicts between Claimant States or a regional mechanism to voice the aspirations of collective diplomatic.

Another writer, Donald Emmerson in his article published in 2005 also dubious status as the ASEAN security community. Emmerson doubt that the Southeast Asian region is relatively peaceful and stable is caused mainly by the presence of a sense of community among the ASEAN member States. In general there are two different opinions to see ASEAN as a security community, optimistic and pessimistic. Divergent opinion is

primarily due to the different approaches used. They are optimistic about ASEAN as a security community identified using a constructivist approach to look at the aspects of regional norms and identity formation. While those who are pessimistic on the general understanding of the conceptual framework set out the main realism by using the concept of balance of power. (Security, 2005)

In the creation of security itself need a fundamental principles or norms that will uses. The Norms of ASEAN that representative of ASEAN Way were under lied in Treaty of Amity and Cooperation (TAC) in ASEAN meeting in Bali. On that meeting, ASEAN member States had agreed to (1) have mutual respect for the independence, sovereignty, and territorial integrity of all nations, (2) maintain the presence of interference, subversion, violence from outside forces, (3) obey non-interference in other States, (4) resolve disagreements and disputes by peaceful means, (5) rejected the threat of force use. (Cipto, 2007)

E. Hypothesis

From the research question and theoretical framework which are adopted, the writer hypothesizes that ASEAN Way has no sign of effectiveness in resolving disputes in the South China Sea because since 1992 until 2012 there was no obvious resolution mechanism to solve the disputes or armed conflict that appears. However, ASEAN Way is effective in upholding the escalation of armed conflict among Claimant States.

F. Methods of Writing

In writing this undergraduate thesis, the writer uses qualitative descriptive method. Qualitative research is a research which results in an analysis which does not use statistical analysis procedures or other means of quantification.³⁶

The data processed is secondary data which the sources are from valid printed literature, and information obtained via the internet. The data collected are in form of words, pictures, and non numerical data. Those data obtained would analyze using the basic framework of theory or concepts.

G. Research Area

In writing this undergraduate thesis, the writer limits the discussion of an ASEAN intervention in the issue of The South China Sea Disputes around 1992-2012.

H. Organization of Writing

Chapter one : This chapter describes the introduction of the topic. It contains the Background of the issue, Research Question, Theoretical Framework, Hypothesis, Methods of Writing, Research Area, and Organization of Writing.

Chapter two : This chapter describes about the South China Sea Dispute. It also describes the natural resources and geostrategic in the South China Sea, claimants States of the South China

³⁶ Lexy J, Moleong, Metode Penelitian Kualitatif, Bandung: PT. Remaja Rosdakarya, 2001. p. 6-7

Sea, the development of the South China Sea Dispute, and its effect toward peace and regional security.

Chapter three : This chapter describes the general, specific data and information about ASEAN Way's. Specifically this chapter describes about definition, history, structure and members of ASEAN, Norms of ASEAN, ASEAN Way, ASEAN in Solving Territorial Dispute technique and its relations in resolving disputes.

Chapter Four : To describe ASEAN role using the ASEAN Way to solve the South China Sea Dispute. Thus, it explains the effectiveness of ASEAN Way in the South China Sea dispute.

Chapter Five : This chapter concludes the whole chapters of this research in which summarize the discussion mentioned in the previous chapter.