

CHAPTER IV

THE ROLE OF ASEAN COOPERATION IN REDUCING SOUTH CHINA SEA CONFLICT

After knowing the complexity of the problem in the conflict in the region of South China Sea, ASEAN as a Regional Forum in Southeast Asia needs to make and make some effort to reducing the conflict in the South China Sea as some member countries are involved in the conflict. There are also efforts being made to resolve this problem.

In the effort of reducing the South China Sea conflict, the adoption the concept of conflict transformation that focuses on relationships between the parties can be used by ASEAN which as we noticed before that according to John Paul Lederach that the transformation approach begins with two pro-active bases, which are, a positive orientation about conflict and a desire to engage in conflict as an effort to produce change or constructive growth. These bases refer to the core of transformation as an ability to understand and analyze that conflict has a constructive potential for change. (Lederach, 2003) By this, it is clearly seen that ASEAN wants to see the conflict as something or a bridge to any cooperation and for mutual relation creates with China, and to resolve this problem and see it as a potential change to make some effort that is different from before.

Based on the theoretical framework used above, the role of ASEAN in reducing South China sea conflict would do some changes at the mechanism, such as, the change way of relation and cooperation from bilateral to multilateral, to transforms the proactive military forces into preventive diplomacy way in solving the disputes, and also to create a new change in the non-zero sum game issue in the South China Sea conflict.

In doing such effort, the role of ASEAN in reducing the South China Sea conflict would be based on some principles and the agreements made by ASEAN before, such as the form

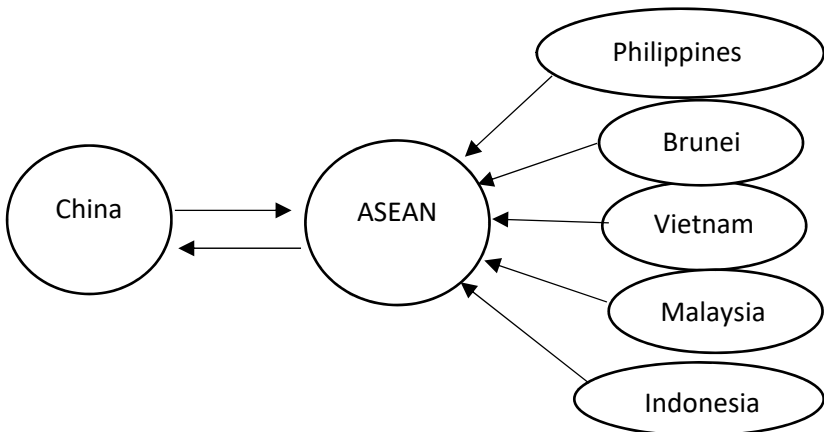
of ASEAN Community, the *Treaty of Amity and Cooperation* (TAC), ZOPFAN which lead to other efforts namely the ARF and the DOC/COC.

Based on all of the things above, ASEAN's effort in reducing the South China Sea conflict in several ways:

A. Multilateral Settlement Efforts

As we noticed before, the conflict in the South China Sea is more a matter of disputes involving many countries and territorial struggles by many countries. It is calculated that there are six dominant countries to fight over the territory in this region, especially China and Vietnam, whose portion of claims is very large in the South China Sea. So, if it is carried out bilaterally as is the case in the North China Sea, it will be very difficult if implemented because when an agreement between the two countries is not necessarily agreed by another country and not necessarily fair.

Figure 4.1 ASEAN Multilateral Relation



In addition, the location of the South China Sea is geographically located in the middle of ASEAN countries. Thus, it is not wrong if the conflict resolution efforts are carried out through multilateral way in the ASEAN forum between the countries involved in the conflict. The multilateral efforts taken are also based on China's strategic position as a full dialogue partner of ASEAN.

As the conflict in the South China Sea region includes not only two parties, namely China and Vietnam, but also many other ASEAN member states, namely the Philippines, Malaysia and Brunei Darussalam. ASEAN, as an associated organization of Southeast Asian countries, has an important role in efforts to resolve conflicts in this region. The role of ASEAN is urgently needed to minimize tensions and to establish a peaceful settlement between the countries concerned.

Initially, the efforts to resolve conflicts in the South China Sea will continue through multilateral and bilateral channels. China, Malaysia and other countries refused to discuss the issue of the South China Sea dispute together and only wanted the problem to be resolved bilaterally between the two countries involved in the military clash. But after a few years and cooperation is increasing between the conflicted countries, an agreement between China and the ASEAN countries began to emerge. In order to reduce the obstacles to the implementation of CBM and preventive diplomacy in ASEAN, China has been able to come together to discuss issues needed to reduce tensions in the controversial area. Initially China had never wanted to discuss the problem of the South China Sea dispute multilaterally and only wanted to seek dispute resolution through bilateral roads or two-state talks, but with the CBM and Preventive Diplomacy carried out by parties

involved in the field, in the end China is willing to discuss the problem multilaterally with ASEAN countries to find a way to reduce the tension of these problems in a peaceful way. (Vietnam dan China Sepakat Hindari Konflik di Laut China Selatan, 2017)

The beginning of multilateral settlement efforts done by ASEAN regarding to the South China Sea conflict can be seen in the idea of establishing a free and peaceful zone in Southeast Asia began with the launch of the ZOPFAN (Zone of Peace, Freedom and Neutrality Declaration) Declaration in Kuala Lumpur in 1971 or better known as the *Kuala Lumpur Declaration*.

After experiencing ups and downs in its formulation, and only at the Summit 1 ASEAN in 1976 in Bali, ZOPFAN was officially appointed as a framework for ASEAN political cooperation. The presence of ZOPFAN is not only the framework of Southeast Asia's peace and cooperation but also covers the wider Asia Pacific region including major powers in the form of a series of voluntary self-restraint. ZOPFAN not only ruled out the role of the major powers, but it made possible their involvement constructively in handling regional security issues.

To support the implementation of ZOPFAN, countries that are members of ASEAN formulated the *Treaty of Friendship and Cooperation* (TAC) in 1972. One of the important instruments in the effort to realize ZOPFAN and create political and security stability in the Southeast Asia region is by carry out the agreement in the TAC, which basically these principles are also reflected in the *Charter of the United Nations* (UN), among others, the principle of 'non-interference' and peaceful ways of resolving conflicts that arise between countries that sign the TAC agreement. The TAC was also signed by China which by means China agreed to do multilateral relation and cooperation with ASEAN, especially in solving South China Sea conflict.

The creating of ZOPFAN as one of the efforts on multilateral settlement by ASEAN was a success. After restoring diplomatic relations with the member countries of ASEAN in the 1990s, China was then preparing to enter multilateral negotiations with ASEAN. The first initiative was carried out by ASEAN which inviting China as a guest at the *ASEAN Ministerial Meeting* (AMM) in Kuala Lumpur Malaysia in July 1991. The delegate of the Chinese at the time was Qian Chen. In this meeting, Chen gave an indication that Beijing gave support to the Zone of Peace, Freedom, and Neutrality (ZOPFAN) in the Southeast Asia region. As for it, the result of this Chinese decision, China was invited to attend the next AMM in the Philippines. (Setyawan, 2010)

At the AMM in Manila on June 1992, this was the first to make a statement about regional safety issues. The statement emphasized the problem of disputes in the South China Sea. The countries involved in this forum stated that the declaration was named in 1992 the Declaration on the South China Sea. This statement stated that attempts to settle were carried out through multilateral talks and urged participating countries to refrain from increasing cooperation and to use principles contained in the TAC approved in Bali in 1976. The principle of the TAC is to prohibit the use of violence or threats in resolving the conflict requires the disputing parties to resolve the issue peacefully. (Sumakul, 2015)

Then on July 29th until 30th in 1995 at the ASEAN Ministerial Meeting (AMM) meeting, the foreign ministers encouraged the dispute participants to reaffirm their commitment to the relevant principles in international law and UNCLOS and the 1992 ASEAN declaration on the South China Sea. In this meeting the Chinese delegation was directly led by Foreign Minister Qian Qichen arrived in Brunei, he stated that China agreed to discuss disputes multilaterally and ready to cooperate with countries that have an interest in resolving disputes through peace negotiations based on international law

principles and rules other relevant rules at UNCLOS 1982. (Setyawan, 2010)

At the AMM meeting held in Jakarta on July 20th until 21st in 1996, the South China Sea is still referred to as one of the actual security problems. The ASEAN ministers said that the Asia Pacific region still has actual security problems including unresolved territorial disputes and overlapping claims of sovereignty. In the meeting that time was also state that ASEAN ministers agreed on the idea of the creation of COC as the stability requirements in this region. After the monetary crisis, 1997-1998, South China Sea negotiations intensified, especially in developing a code of conduct. (Joint Communique of The 29th ASEAN Ministerial Meeting (AMM) Jakarta, 20-21 July 1996, n.d.)

Previously in August 1999 on behalf of ASEAN, Manila presented a draft code of conduct. At a high-level informal meeting in Manila in November 1999, China rejected a draft made by Manila but agreed to hold further discussions. There are two controversial things contained in the code of conduct. First, whether this code will legally binding the members or just a kind of political declaration. Second, disagreement on how to determine the geographical area. China limited the dispute area only to the Spratly Islands, while Vietnam resisted and proposed to include the Paracel Islands in this code as well.

To accommodate two different views, on March 15, 2000, ASEAN and China informal consultations to discuss the South China Sea issue were held in In Hus Hin, Thailand. Both parties agreed on three principles. First, agreed to encourage the settlement of disputes peacefully without using military surveillance or violence. Secondly, both parties want to explore the possibility of joint projects in the region such as protection of the marine environment, SAR cooperation, marine research, secure communication and navigation and resistance to trans-

national criminals. Third, agree to use principles that are universally known in international law including UNCLOS.

For the next move on the multilateral efforts, on 4 November 2002 at the ASEAN Summit in Phnom Penh, Cambodia, the *Declaration on the Conduct of Parties in the South China Sea* (DOC) was signed between ASEAN and China which was the adoption of the 1992 ASEAN Declaration. The contains are building mutual trust, enhancing maritime cooperation, maintaining peace and stability in the South China Sea. Although this declaration is not binding, this is the maximum effort made by both parties to reduce the conflict in the South China Sea. It was also stated that both parties agreed to work together multilaterally. The DOC was signed by the participants with the hope that this could provide the basis for maintaining regional stability in the long term and as a basis for understanding between claiming countries. (China, ASEAN to hold a joint meeting on DOCimplementation, 2017)

As a form of achieving good political intentions of the parties, the DOC document has an important role in helping to maintain the stability of the South China Sea as a whole. The DOC document served as a forum for all parties to the dispute to communicate and exchange opinions. Some observers believe that the DOC document is at least a moral barrier to all conflicting countries in the South China Sea in action. They also agreed that the DOC document contributed to the establishment of a number of partnerships in the South China Sea. (Evans, 2006)

At the beginning of the first year after the signing of the DOC document, both ASEAN Member States and China have indeed tried to establish a maritime cooperation. In 2003, China and ASEAN member states decided to hold a regular meeting of senior officials from ASEAN-China (Senior Official Meeting / SOM) to discuss the implementation of the DOC. They also formed a cooperative group to address specific problems related to the problem. In December 2004 the first SOM meeting took

place at the DOC in Kuala Lumpur and during the meeting they decided to form a cooperative group to discuss the implementation of the DOC. They also compile a document that explains the structure, functions and responsibilities of the cooperative group. The cooperation group is charged with studying and offering ideas on DOC implementation policy, and identifying actions that can aggravate the conflict in the South China Sea. The cooperation group is also expected to propose experts who can provide technical assistance or policy advice. The cooperation group is expected to meet at least twice a year and submit reports to SOM after each meeting. Areas of cooperation that are being held include the protection of the marine environment, scientific research on the sea, maritime safety navigation, bailout operations across the country and anti-criminal operations.

The first meeting of the cooperative group took place in Manila from 4 August to 5 August 2005. At the meeting, ASEAN submitted an example document containing seven points of reference relating to the implementation of the DOC. The second item of the document states that ASEAN will continue the tradition of holding internal consultations between ASEAN members before negotiating with China. China rejects this second point, arguing that the South China Sea is only related to a number of ASEAN members and not the whole of ASEAN. So, China states that China prefers to discuss directly with ASEAN countries concerned rather than to deal with ASEAN collectively. Differences in views on this second point continue to overshadow the later meetings. A very important agreement was reached during the second meeting of the Sanya cooperation group in 2006: all parties to the dispute agreed to focus on the six areas of cooperation.

The Declaration of Conduct is referred to as a document that became a springboard between the relations between ASEAN and China regarding the South China Sea in 2002, the document of the *Declaration on the Conduct* (DOC) has not succeeded in fulfilling its mission to build mutual trust between

countries regarding conflict in the South China Sea conflict and to prevent the South China Sea conflict from developing further. So far, the DOC document only serves to provide moral limitations for the parties involved. However, it cannot be denied; the DOC document has at least acted as a reference in case of problems or tensions and also forms the basis for negotiations on the drafting of a code of conduct (COC) document. (China and ASEAN Come to Agreement on a Framework South China Sea Code of Conduct, 2017)

During the ASEAN-China Summit in November 2011, former Chinese Prime Minister Wen Jiabao stated that China is planning to remain a good neighbor, a close friend and a good partner for ASEAN. He stated that China intends to cooperate with ASEAN countries to implement the DOC as a whole. He also added that China intends to discuss the preparation of COC. (China and ASEAN Come to Agreement on a Framework South China Sea Code of Conduct, 2017) ASEAN and China even finally agreed to complete the instructions on the implementation of the DOC in July 2011 at the meeting of the China-ASEAN Foreign Minister. Both parties managed to meet an agreement on the issue of ASEAN unity.

From the end of 2011 to mid-2012, senior ASEAN officials helped to draw up a document outlining the COC documents. Because ASEAN countries do this without China's direct participation, China feels unhappy, but does not directly protest against the tangible manifestation of ASEAN solidarity. During the ASEAN Foreign Ministers in Phnom Penh in July 2012, when ASEAN submitted documents to China containing the key elements of the COC document, China still expressed its intention to cooperate with ASEAN in COC editorial process.

Although Beijing did not oppose opening negotiations on COC, former Chinese Foreign Minister Yang Jiechi stated that discussions about COC were based on full agreement on the content of the DOC document by all parties. China hopes

that all parties involved will work harder to promote mutual trust, promote cooperation and support the conditions necessary for preparing the COC. (Xinhua, 2012)

In August 2013, the new Chinese Foreign Minister Wang Yi presented four ideas on the COC process. Firstly, the completion of the COC will take a long time due to the complexity of the South China Sea issue. Secondly, the COC process must achieve maximum agreement and respect the comfort limits of each party to the dispute. Third, interference from outside parties must be avoided. Fourth, negotiations must be held in stages. In short, the COC process must be in line with the DOC implementation.

On 15 September 2013, the first China-ASEAN Senior Official Meeting took place in Suzhou. ASEAN members and China agreed to start the COC process by relying on the principle of respecting consensus and gradual discussion. The COC process will certainly be very tiring or have a long waiting period, in contrast to the expectations of countries in the same region or external forces such as America.

Fortunately, after several decades, the parties to the dispute openly developed a number of principles and norms or agreed to overcome the conflict in the South China Sea. These principles are clearly described in the DOC document and in other documents prepared through negotiations between ASEAN and China. All parties to the dispute agreed on the principle of peaceful resolution of the conflict. They have agreed to comply with UNCLOS and other relevant international laws in resolving and resolving the conflict in the South China Sea. They agreed to use a bilateral approach if the disputed area covered only two countries and involved a multilateral approach if the disputed area included more than two countries. Apart from minor conflicts and frequent battles, the parties to the dispute seem to really want to cooperate in resolving the conflict in the South China Sea.

After the implementation guidelines from DOC to the COC have been agreed, the COC preparation is crucial and strategic because it will regulate how claiming countries act in the South China Sea. It is hoped that with the COC, actions that are categorized as provocative can be prevented as early as possible so that in the end they will contribute positively to the stability of regional security. Given that the peaceful settlement of the South China Sea dispute still requires a long time, the existence of COC is crucial for the effort to maintain the status quo while maintaining security stability. (ASEAN and China Set to Agree on Single Draft South China Sea Code of Conduct, 2018)

B. The Transformation from Proactive Means to Preventive Diplomacy

In the South China Sea conflicts, the conflicted parties to the Spratly Islands are Brunei Darussalam, Malaysia, Philippines, Vietnam, Taiwan, and China. Taiwan and Vietnam also demand ownership of the Paracel, which has been under Chinese control since 1974. All political, economic and military policies claimant states in the South China Sea are important for dispute resolution. Vietnam and Taiwan still want to break the historical argument from China. While the Philippines, Brunei Darussalam, and Malaysia use UNCLOS as a guide in determining the outer boundaries of the region. In the matter of settling disputes, Claimant states ASEAN seeks to bring this dispute into the multilateral realm. Clear determination of boundaries for territorial sovereignty rights still has not found a meeting point. In defending their claims, claimant states ASEAN view China as very aggressive, and its actions can trigger regional instability.

To deal with China's assertive actions that built submarine bases in the Hainan region, the anticipation step launched by Vietnam was to buy warships from Russia and the Philippines from South Korea.

Knowing that the states in the South China Sea are building their military strength, Chinese Prime Minister Wen Jia-bao stated that China on March 5, 2015, will increase the military budget with the aim of winning "local war" related to territorial disputes especially in the China Sea south with neighboring countries. (Ramzy, n.d.) With the increase in the military budget, China is trying to prove that it is able to keep up with the influence of the United States in the Asia Pacific region. China's military capacity enhancement can be seen from the types of military equipment in all dimensions that are increasingly sophisticated and complete.

The Philippines has adopted a series of policies concerning disputes in the South China Sea, including buying the US and Japanese warships. The Philippine government has spent 678 million dollars to modernize the military over the past three years, including to buy two Hamilton-class used cutter ships obtained from US Coastguard troops. In addition, the Philippines also allows warships and US military personnel to originate in the Philippines and plans military exercises with the US with a higher frequency and plans to move the main military armies of the Navy and Air Force to Subic Bay, a former US military base in the Philippines. The action was aimed at getting its military power to be deployed as soon as possible to the disputed southern China sea area with China. The actions of the Philippines will exacerbate the conflict so that it will not be beneficial for problem-solving and peace in the Asia Pacific region.

Regarding resolve the South China Sea conflict, ASEAN also began to do ways to solve problems through the preventive diplomacy.

To make the preventive diplomacy effort, ASEAN uses the TAC which is the basis for ASEAN countries to coexist peacefully and regulates the mechanism of resolving conflicts in a peaceful manner. The effort done by ASEAN through the preventive diplomacy way is based on the principle of ASEAN

itself as contained in the Treaty of Amity and Cooperation which in its fourth point said to do settlement differences or disputes is by peaceful manner. (Treaty of Amity and Cooperation in Southeast Asia Indonesia, 1976) The TAC was also signed by the Chinese government, so it clearly means that China has agreed to solve the conflict in a peaceful manner including the conflict of the South China Sea.

Under the TAC, the *Declaration on the Conduct of Parties in the South China Sea* (DOC) was signed between ASEAN and China which was the adoption of the 1992 ASEAN Declaration. The contains are building mutual trust, enhancing maritime cooperation, maintaining peace and stability in the South China Sea. Signing countries are required to control the activities that will complicate disputes and provocative and use peaceful solutions to resolve disputes. Although this declaration is not binding, this is the maximum effort made by both parties to reduce the conflict in the South China Sea.

To transform the potential conflicts into mutually beneficial cooperation, ASEAN has some forums. In this ASEAN forum, China is a country of invited guests. The multilateral efforts taken are based on China's strategic position as ASEAN's full dialogue partner since 1996, and ASEAN's free trade partners in ACFTA. Both parties try to negotiate through formal channels, for example through the *ASEAN Ministers Meeting* (AMM), the *ASEAN Regional Forum* (ARF) and the *ASEAN Summit*. Formal negotiation is the reflection of the government's opinions and attitudes and is also referred to as *Track I*. In addition to the first line negotiations, the *Track II* mechanism is also carried out namely informal negotiations where the parties involved are not representatives of the government. (Callar, 2014)

The informal negotiations or commonly called *Track II Diplomacy* are efforts to resolve disputes which usually assisting formal negotiations that are tough and cautious. Examples of the *Track II Diplomacy* in the case of the South

China Sea dispute are the South China Sea workshop and informal consultation on ASEAN and China to discuss the South China Sea problem held in Thailand in March 2000. Both parties agreed on three principles. First, agreed the amendment urged the settlement of disputes peacefully without using military or violent means. Secondly, both parties agreed to study the possibility of joint projects in the region such as protection of the marine environment, SAR cooperation, marine research, secure communication and navigation and resistance to trans-national criminals. Third, agree to use the principles that are universally known in international law including UNCLOS. (Setyawan, 2010)

Beside of the TAC, in the field of ASEAN development to its way promoting the preventive diplomacy, the ASEAN Community which is paramount aspect, to form an ASEAN Community through the Bali Concord III which was ratified at the 19th *ASEAN Summit* in Bali, ASEAN established itself to realize regional and global interest that are more peaceful and prosperous and affirms ASEAN as the entity that is outward looking and actively provides solutions to global problems. And this these also leads to the role of ASEAN in one of three important pillars of the ASEAN Community, which is ASEAN Political-Security Community (APSC). The coordination of ASEAN cooperation in politics and security is carried out through the APSC. (ASEAN Political-Security Community, n.d.)

The establishment of the APSC is aimed at accelerating political and security cooperation in ASEAN in achieving peace in the regional and global regions. The ASEAN Political-Security Society is open, based on a comprehensive security approach and is not intended to form a defense pact / military alliance or joint foreign policy. The realization of the ASEAN Political-Security Community as one aspect to its preventive diplomacy is based on various existing ASEAN political instruments such as the ASEAN Charter, the Declaration of Peace, Free and Neutral Regions (Zone of Peace, Freedom and

Neutrality), the Treaty of Friendship and Cooperation of ASEAN Countries (Treaty of the Amity and Cooperation in Southeast Asia / TAC), and the Southeast Asia Nuclear Weapon Free Zone (Treaty on Southeast Asia Nuclear-Weapon-Free Zone / SEANWFZ) including the United Nations Charter and other related principles of international law. (2nd Meeting of ASEAN Coordinating Council Working Group on the ASEAN Community's Post-2015 Vision; Joint Preparatory Meeting held, 2014)

AS mentioned above, one of the important instruments carried in the APSC is the *Southeast Asia Nuclear Weapon Free Zone* (SEANWFZ). The establishment of SEANWFZ began on November 27, 1971, when five ASEAN member countries met in Kuala Lumpur and signed the ZOPFAN Declaration. The SEANWFZ discourse at first did not go smoothly because the political conditions in the region were not profitable. Finally, in 1995 the SEANWFZ treaty was signed by ten heads of government of ASEAN countries in Bangkok on December 15, 1995, and entered into force on March 27, 1997. The SEANWFZ is an agreement among ten ASEAN member countries to safeguard the Southeast Asian Region from nuclear use.

The agreements contained in SEANWFZ, among others, require member states not to develop, produce, or buy and possess or control nuclear weapons, or conduct trials or use them both inside and outside the Southeast Asia region. In addition, the state is not permitted to request or accept nuclear-related assistance by any country and also does not provide special resources or materials, or equipment to any non-nuclear weapon state, unless the country has fulfilled the safety agreement with The International Atomic Energy Agency. (SEANWFZ Treaty, 2018)

The establishment of SEANWFZ shows the seriousness of the efforts of countries in Southeast Asia to improve regional peace and stability both regionally and

globally, in order to participate in supporting the efforts to achieve disarmament and ban on nuclear weapons in general and comprehensively. This SEANWFZ Treaty is a legal instrument regarding the commitment of ASEAN countries in their efforts to obtain guarantees from countries that have nuclear, that they will respect the SEANWFZ Treaty and will not attack countries in the Southeast Asia region. The signing of the SEANWFZ Treaty is a very important milestone for ASEAN in the effort to realize a safe and stable Southeast Asian region, as well as for the effort to realize world peace. The efforts of ASEAN member countries to fight for the SEANWFZ Treaty at the international level include the recognition of the treaty through the UN General Assembly Resolution on January 10, 2008, which was fully supported by Russia and China. (Joint Statement of the 3rd ASEAN-U.S. Leaders' Meeting, 2011)

As China is supporting the SEANWFZ, this means China is agreed not to use military forces or any weapons in the effort of conflict settlement, especially in the South China Sea Conflict between China and ASEAN countries.

The Vietnam and China finally have agreed to avoid conflicts and resolve maritime problems in the disputed South China Sea, which is seen as a step to reduce tensions due to Beijing's claim to most of the sea lanes in the South China Sea. The agreement was announced in a joint statement after Chinese President Xi Jinping made a state visit to Vietnam's capital Hanoi. The two sides agreed to properly manage the sea dispute, not take steps that might complicate or expand the dispute and maintain peace and stability in East Asia. (Vietnam dan China Sepakat Hindari Konflik di Laut China Selatan, 2017)

China and the Philippines also agreed to avoid showing military strength in resolving conflicts in the South China Sea. It was a conclusion in a joint agreement between Beijing and Manila at the end of the visit of the Prime Minister (PM) China Li Keqiang in Manila. (Soal Laut China Selatan, China-Filipina

Sepakat Hindari Konflik, 2017) That way, tensions between China and the Philippines in fighting for the South China Sea are expected to fade. Relations between the two countries also improved. China and the Philippines reaffirmed the importance of peace in the South China Sea and freedom of navigation and aviation.

The two countries agreed not to use violence and threats to resolve tensions through negotiations with other sovereign countries. Previously in a separate statement of the ASEAN Summit, the government of Philippine said the increasing relations between ASEAN and China on the issue of the South China Sea, ASEAN and China have to continue the COC negotiations. (Soal Laut China Selatan, China-Filipina Sepakat Hindari Konflik, 2017) ASEAN and China are discussing a series of rules on how to deal with tensions in the South China Sea to avoid accidents and escalation of the conflict

C. The Changed Non-Zero Sum Game Issue by ASEAN

Noting the complexity of disputes in the South China Sea, it can be stated that the opportunity for political settlement of sovereignty claims will be difficult to achieve. Therefore, the possible thing is to do practical cooperation such as navigation safety, search & rescue, collaborative research and development of science, preservation of the marine environment and so on which are of mutual interest. (Abdul Rivai Ras, 201)

Within the tendency to increase the activity of each disputing country in the disputed territory, the possibility of a military accident is very large. This will happen especially if the issue of claims becomes a domestic political commodity to build nationalism, followed by provocation for the use of military means to occupy the South China Sea.

Despite it, as mentioned before, it is basically the approach used by ASEAN by facilitating exploratory meetings

(workshops) for the purpose of conflict management in the South China Sea. The preventive diplomacy approach, through the establishment of diplomatic channels, makes an elegant way to help avoid the southern China Sea region from the risk of armed conflict in the sea between claimant state parties. Like in the military incidents that happened before, in addition to supporting Vietnam's claim, a leading post was established such as the Southwest Coral Island occupied by Vietnam. Mariveles coral reefs and Ardasler banks are occupied by Malaysia. Whereas Pulau Thitu by the Philippines, it was occupied by Taiwan. The Spratly Islands are occupied by Vietnam. Fiery Cross Coral Reef by China. A longer step taken by China is to build the city of Sasha in the disputed area. The military forces and claiming countries for *the zero-sum game* is not solving the problem but increasing it.

Looking at these conditions, efforts to build preventive diplomacy to avoid open conflict in the South China Sea or in the Southeast Asia region are increasingly needed. Settlement efforts can be made formally or informally. The number of countries involved makes the settlement efforts carried out through multilateral, but it can be done by a bilateral settlement between the two countries. Multilateral efforts are carried out through the ASEAN as a Southeast Asian Regional Organization which has an important role in resolving this conflict.

The peaceful settlement of the parties involved in the dispute is carried out in accordance with the procedures for peaceful settlement agreed and implemented by ASEAN member countries to resolve the conflict. Where ASEAN conflict resolution efforts are called ASEAN Way's. The ASEAN Way itself consists of several keys namely non-interference, informal, minimal institutionalization, consultation, and consensus, not using force/military and without confrontation, in which the keywords are deliberation and consensus. Then this settlement effort is carried out in a

peaceful manner through negotiations discussed in the ASEAN forum and the South China Sea workshop.

In this *non-zero sum game* issue by ASEAN means that ASEAN make the sovereignty and ideological issue of South China Sea conflict before to the *non-zero sum game*, such as cooperation created between the disputed countries in the conflicted region, in this case, is South China Sea region.

ASEAN had made the formal effort and brought some progress in resolve the South China Sea, ASEAN as the oldest regional organization in Southeast Asia has a great opportunity to offer and develop peaceful conflict resolution strategies in accordance with the Blueprint of the ASEAN Security Political Community to create a safe, peaceful and stable region. In addition, to maintain the centrality of ASEAN, the conflict transformation approach in the South China Sea is intended to transform the potential of conflict into mutually beneficial cooperation, where ASEAN can make some efforts in encouraging this kind of cooperation. There is a choice of strategies to prevent open conflict in the South China Sea in the form of cooperation that does not raise the sensitivity of the parties, especially in the field of research and development, including building the connectivity needed by each country.

To transforms the potential of conflict into mutually beneficial cooperation, ASEAN makes several efforts to transforms the issue of sovereignty become *non-zero sum game* by several ways of cooperation in maritime field and joint military in the South China Sea.

The workshop was organized by Indonesia as an ASEAN member country. The workshop was attended by all ASEAN members namely Indonesia, Singapore, Malaysia, Brunei, Thailand, Myanmar, Vietnam, Laos, Cambodia, and the Philippines, and was joined by two outside ASEAN who were also involved in this conflict namely China and Taiwan. In this workshop, the action of collaboration in various fields in general, insensitive and becomes joint attention and

cooperation, which includes the collaboration in the field of oceanographic and marine environment scientific research. Various *Technical Working Groups* (TWG) are made to collaborate in research that will be carried out around the South China Sea. (Litta, 2012) Like the establishment of TWG in the field of marine scientific research, TWG protects the marine environment and TWG security in navigation, and communication. A joint proposal for research in the field of biological diversity in South China Sea, cooperation on sea level studies and monitoring of high tides in the South China Sea in the context of global climate change, as well as the development of databases, information exchange and synergy of scientists is one of the results of this workshop. The workshop process moved from easy problems to complex issues, from the small number of participants to a large number of participants. The workshop also agreed to maintain the informal and formal forms of the South China Sea Workshop because it has been proven to provide concrete technical cooperation results.

The main evidence of the success of the South China Sea workshop is that since the holding of this workshop from 1990 to the present, it has succeeded in creating cooperation and preventing the occurrence of direct armed conflict between countries involved in the disputes. (Press Release 17th Meeting of the TWG/MSC THP ASEAN, 2015)

In November 2002, Foreign Affairs Minister ASEAN and Chinese Vice Foreign Minister Wang Yi signed the Declaration on the conduct of the South China Sea during an ASEAN meeting in Phnom Penh to prevent tension in territorial disputes and reduce the risk of military conflicts in the sea South China. On October 7, 2003, China signed an agreement of the Treaty of Friendship and Cooperation in Southeast Asia or the Treaty of Friendship and Cooperation in Southeast Asia, a treaty or peace agreement between Southeast Asian countries, formed by the founding countries. from ASEAN. This agreement is a sign of peaceful relations between China and

ASEAN countries. The two agreements signify good relations between China and ASEAN in resolving the problems of the Spratly Islands and the Paracel Islands in the South China Sea, as this agreement is followed by other agreements between China and ASEAN, both in cooperation in the military and joint management of natural resources in the South China Sea, so that all parties benefit from the exploration. This is the success of the CBMs and preventive diplomacy programs in strengthening the friendship between the parties involved in the dispute. So that the tensions that exist in the South China Sea region, particularly in the Spratly and Paracel islands, which are caused by existing disputes, can be moderated.

Each different country must implement an agreement that was signed jointly, but there is an agreement that the contents are where each country is required to control itself from activities that will complicate the dispute and being provocative. This agreement has been violated by several countries such as China and the Philippines. But this tension can still be controlled so that there is no direct armed contact that can bring danger to the situation of regional security and stability on a serious level. (Abdul Rivai Ras, 201)

The next move for changing the issue into mutual cooperation in the region, in 2003 the Declaration on ASEAN Concord II emphasizes that maritime issues are cross-border so that their handling must be done in a comprehensive, integrated and comprehensive manner. The waters of Southeast Asia and the South China Sea have important meanings for the economy, trade, transportation and communication of all ASEAN member countries as well as global maritime powers. In addition, the Southeast Asian region is considered to have potential conflicts related to maritime issues and vulnerable to non-traditional maritime security threats. (Hwee, 2001) Therefore, maritime issues need to be addressed in synergy by various ASEAN sectoral bodies, according to their focus and authority and need to be coordinated comprehensively. Maritime cooperation and discussion of maritime issues within the ASEAN framework are

carried out in various mechanisms including the ASEAN Regional Forum (ARF).

The 27th ASEAN Ministerial Meeting in 1994 stated that the ARF could become an effective consultative Asia-Pacific Forum for promoting open dialogue on political and security cooperation in the region. It means that ASEAN would engage in the framework of ARF members to make a better relationship in the region.

The establishment of the ASEAN Regional Forum (ARF). The ARF is a forum set up by ASEAN in 1994 as a medium for dialogue and consultation on issues related to politics and security in the region, and to discuss standpoints between ARF participating countries and equate them with threats to regional stability and safety to a minimum. In this regard, ASEAN is the most important driver in the ARF. The ARF is the only forum at government level attended by almighty countries in the Asia Pacific region and other regions such as the United States, China, Japan, Russia and the European Union (EU). ARF agreed to provide a comprehensive security concept that includes not only military aspects and traditional security issues, but is also related to political, economic, social and other issues, such as non-traditional security issues. (ASEAN Regional Forum, n.d) From this explanation, this means that the establishment of the ARF by ASEAN is to establish multilateral relations and regulation, also to make efforts for preventive diplomacy and to bring about cooperation in the controversial region (non-zero-sum game).

The steps of Confidence Building Measures and Preventive Diplomacy that ARF has taken in creating security dialogues include military cooperation based on the existence of communication, transparency, limitation and verification implemented in programs proposed by ASEAN through ASEAN meetings. Regional forum, including:

1. Cooperation in monitoring weapons used in the field and cooperation in the non-proliferation agreement

2. Transparency of its military power or its use in the South China Sea by publishing documents relating to defense and security policies

3. Joint activities such as joint military training, training courses and exchange of guard officers or visiting military facilities and observations of training among them

4. Early Warning of Conflict Situations

CBMs and preventive diplomatic programs agreed by the parties to the dispute in the South China Sea are being tried and applied by all parties, although initially there were many obstacles, but over time all parties tried their programs well to increase the tension. can be dampened and created through mutual understanding and understanding between them. Related parties also have the desire to resolve disputes multilaterally through the ASEAN Regional Forum. (ASEAN Regional Forum, n.d.)

The formal efforts above have brought some progress in efforts to resolve conflicts in the South China Sea. The use of military power is no longer used to confirm the position of each of the countries involved, even though at present each country has its own land base in the region. The initial basis of the peace agreement among the countries involved has been set in the DOC. The agreement to build mutual trust, improving cooperation and maintaining peace and stability in the South China Sea,, has been carried out by the countries involved in the dispute. (Joint Communique of The 29th ASEAN Ministerial Meeting (AMM) Jakarta, 20-21 July 1996, n.d.)

And for the other cooperation succeed to be made in the conflicted region between ASEAN countries and China are reached by Vietnam. China's official news agency, Xinhua, stated that Beijing and Hanoi had reached an important agreement according to leaders from both parties and the two countries, to properly manage maritime matters, continue to improve all forms of maritime cooperation including joint

development, and together uphold peace and stability in the South China Sea. (Vietnam dan China Sepakat Hindari Konflik di Laut China Selatan, 2017)

The cooperation field also reached by the Philippines in making the cooperation with China in the disputed region. The government of Philippines and China both in improving relations between the two countries would continue. Both countries signed 14 agreements on economic, security and infrastructure development cooperation.

In a meeting with Li, Duterte revealed that he was very happy with the momentum of improving relations between the two countries. Both countries creating a mutually beneficial relationship and confidence can increase the interaction between the two governments.

There was an increase in positive relations between China and the Philippines. Both countries hope to be able to continue cooperation to strengthen relations. China and the Philippines are "developing countries" where both governments face heavy economic tasks and improve people's lives. China has become an excellent trading partner for the Philippines. China imports tropical fruit from the Philippines as many as 13,000 ships. A total of 14 new flights have also been opened between the two countries. (Soal Laut China Selatan, China-Filipina Sepakat Hindari Konflik, 2017)