

## CHAPTER V CONCLUSION

In the strategic view of parties in the South China Sea, this region has political and economic value. But in addition to ASEAN initiative to facilitate the meeting forum, the bilateral approach is more dominantly run between China and the parties in South China Sea conflicts, except with Taiwan. Regionally, four ASEAN countries (Philippines, Vietnam, Malaysia, Brunei Darussalam) involved in the South China Sea conflict also tend to override the ASEAN regional mechanism in resolving conflicts. In addition to the ASEAN mechanism, the validity is not proven, the bilateral approach in the South China Sea conflict shows that there are still differences in interests among ASEAN member countries which also show mutual suspicion or distrust between countries and the ability of ASEAN to resolve conflicts in the South China Sea according with ASEAN norms and values. With the establishment of the ASEAN Community (especially the ASEAN Political Security Community) in December 2015, ASEAN must increasingly play a role in maintaining the peace and stability of the region, including also contributing to creating peace and stability in the South China Sea.

In this case the security community is defined as a community of countries that solve problems between them not by the use of military force, but by peaceful means. The South China Sea is part of the Pacific Ocean, which covers parts of Singapore and the Malacca Strait to the Taiwan Strait with an area of about 3.5 million km<sup>2</sup>. Based on its size, the South China Sea is the widest or the second widest after the five oceans. The South China Sea is water with enormous potential because it contains petroleum and natural gas and besides that its role is very important as a world oil distribution channel, trade and international shipping. Therefore, with the importance of the strategic position of the South China Sea in the territorial waters

of the Southeast Asian country, it is necessary to make efforts by ASEAN member countries to resolve the South China Sea dispute conflict with China together.

The disputes are overlapping claims over islands in the Spratly and Paracel Islands, although the South China Sea not only consists of two islands, but the disputes in the Spratly Islands and Paracel are more prominent than other parts of the South China Sea. There are 9 countries claiming that only 6 countries officially claim China, Taiwan, Vietnam, Malaysia, Brunei, the Philippines, all of these countries claim basic legality of their respective versions even though existing international sea law (UNCLOS) which regulates the Exclusive Economic Zone and the Continental Shelf.

The South China Sea Region is an area that has a huge potential, namely the potential of natural resources such as petroleum and natural gas as well as natural resources in the form of abundant fish products contained therein as well as the geographical potential that is the strategic location and many of them are carried by ships owned by developed countries, as world oil distribution lines, shipping lines and international communications. This has attracted the attention of many countries that still need energy for the development of industrialization. Both countries are directly adjacent to the South China Sea Region, as well as large countries that have their own global ambitions for the personal interests of each country.

The conflict transformation approach in the case of the South China Sea is increasingly relevant because of two things: first, on the basis of historical claims put forward by China, the Philippines and Vietnam, resolving conflicts in this region has stalled. This is because state parties insist on their respective positions on sovereign claims in the region. While the historical claim cannot be fully decided upon, even though international law cannot accept claims based on history. While China has a "tradition of recording" which is hereditary and difficult to be

matched by any nation in the world, so that China can provide historical evidence that makes it have strong institutional memory, including in the context of the South China Sea. Second, almost all reports and documents that discuss the issue of the South China Sea tend to focus only on the discussion and analysis of interstate party conflicts, both related to historical claims, political sovereignty, and state boundaries or jurisdictions. As a result, this issue seems to have a deadlock. In fact, there are many Indonesian efforts to facilitate meetings and discussion forums as a preventive step (preventive diplomacy) so that there will be no open conflict in the region, if it is not possible to end the conflict in the region. With the conflict transformation approach, the urgency of COC for China and ASEAN countries is increasingly important and relevant, because the dynamics of conflict in the South China Sea have many opportunities that can be managed into beneficial cooperation for states parties, as well as other countries not involved in the South China Sea conflict. Therefore, as part of the conflict transformation in the South China Sea, the views of ASEAN countries that are "non-claimant" (other than Indonesia) in the South China Sea, need to be considered, because directly or indirectly, the conflict in the South China Sea has an impact on the ASEAN region. But also, every ASEAN member country that is not a party in the South China Sea conflict, can act as a facilitator, mediator, collaborate to build the South China Sea region or collaborate on research and development on the natural resource potential in the region.

The efforts made by ASEAN in resolving the South China Sea dispute are as follows:

1. ASEAN adopted the Code of Conduct and Declaration on the Conduct of Parties in the South China Sea.
2. ASEAN member countries optimize the role of the ASEAN Regional Forum and ASEAN Political Security Community in resolving security conflicts related to the South China Sea.

### 3. ASEAN countries meet in resolving the South China Sea conflict.

The South China Sea Conflict has been going on for a long time and has become a serious concern of ASEAN organizations which although its first goal is only focused on the economy, social and politics not on defense and security, but the stability of the South China Sea region will greatly affect the stability of member countries ASEAN. It is not possible if ASEAN will not act as a regional organization that overshadows the interests of its member countries against existing disputes, moreover this dispute involves China and Taiwan which have a large influence in the region.

Based on the explanation in the previous chapter, it can be concluded that ASEAN's efforts in resolving the South China Sea conflict are carried out by means of peace negotiations based on international law regulations. The approach used by ASEAN in resolving the South China Sea conflict with China uses a cooperative security approach, automatically achieving not through military instruments. The role of ASEAN effort in reducing South China Sea conflict is by changing the bilateral relation by China which China only wanted to do the settlement or cooperation just with the conflicted countries and by its preventive diplomacy is a success. Some of the conflicted countries in ASEAN are now in cooperation and do some agreements with China to strengthen and bound the relation between countries. And make better development in many aspects of government both for ASEAN countries and China.

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