

THE ROLE OF ASEAN COOPERATION IN REDUCING SOUTH CHINA SEA CONFLICT

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ABSTRACT

The issue of security among ASEAN countries has always been an interesting phenomenon with many aspects characterized by the complex interdependence between domestic and foreign affairs. In particular, increasing disagreements over the Spratly Islands in the South China Sea region involving ASEAN member countries such as Brunei Darussalam, Malaysia, the Philippines, Vietnam disputes arising from the South China Sea conflict have sparked bilateral conflicts and inter-state disputes have raised fears of possible outbreaks of military conflicts with China. This is what prompted ASEAN countries to include regional security issues into the official agenda of ASEAN. This study aims to describe, explain and analyze the role of ASEAN Cooperation in reducing South China Sea conflict. Indonesia is trying to prevent haze from creating conflict between Indonesia and Malaysia through discussion and negotiation. The role of ASEAN in reducing the conflict is analyzed by using qualitative approach. In this study, the theory used is conflict transformation approach. 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.

Key word: *ASEAN, Cooperation, Conflict, South China Sea*

INTRODUCTION

As with most other developing countries, the issue of security among ASEAN countries has always been an interesting phenomenon with many aspects characterized by the complex interdependence between domestic and foreign affairs. During the Cold War era, ASEAN, which has one of the goals to create an independent regional order, which defines its independence as an effort not to engage in conflicts with other countries, especially the superpower ones. However, after the end of the Cold War, the desired regional order of ASEAN, and ASEAN's relations with

major countries from outside the region would need to be redone. The new strategic environment prompted ASEAN to take new policies on political and security issues. ASEAN can no longer only pay attention to bilateral problems and cooperation. The recent change in political constellation in Asia Pacific has encouraged countries in the region, not to mention members of ASEAN to pay more attention to its regional security issues. In particular, increasing disagreements over the Spratly Islands in the South China Sea region involving ASEAN member countries such as Brunei Darussalam, Malaysia, the Philippines, Vietnam disputes arising from the South China Sea conflict have sparked bilateral conflicts and inter-state disputes have raised fears of possible outbreaks of military conflicts, in which several ASEAN member countries are involved. This is what prompted ASEAN countries to include regional security issues into the official agenda of ASEAN.

The South China Sea dispute conflict is a regional conflict involving several countries in Southeast Asia which are the *Association of Southeast Asian Nations* (ASEAN) which are Malaysia and Philippine with Taiwan and China as the claiming most of the region. In the South China Sea dispute also involves hegemonic state of great power such as the United States, and other non-hegemonic countries such as Japan, South Korea, and others. Conflicts of territory in the form of disputes in the waters of the South China Sea that began to heat up since the beginning of the 21st century in 1992 until this year has disrupted the political stability in Southeast Asia.

The main problem that arises in the South China Sea conflict is the overlapping claims involving six parties: China, Taiwan, the Philippines, Vietnam, Brunei Darussalam and Malaysia based on both historical records and UNCLOS (United Nations on the Law of the Sea) 1982. The majority of countries in the world have ratified the Convention on the Law of the Sea established by the United Nations, known as UNCLOS 1982, which regulates the boundaries of each country's maritime territory. ASEAN countries also refer to this Sea Law Convention in determining the outer boundary of the state marine territory. If not addressed properly these overlapping claims will lead to an open conflict in the region. Meanwhile, disputants who are largely members of the Association of ASEAN for years are unwilling to utilize the ASEAN mechanism in solving the problem on the grounds of national sovereignty. If the countries involved in the territorial conflicts in the South China Sea still insist on attempts to seize the territory on the basis of sovereignty and boundaries claimed in the territory, it is certain that they are building a map to a roadmap to deadlock with the unavoidable consequences of military conflict in the South China Sea.

The dispute started when China claimed the territory of *nine dash lines* including the Spratly and Paracel Islands since the end of World War II, at which time the Japanese surrendered and the two islands were incorporated into China's Guangdong province. (James W. Morly, 1997) China's claim to this region was based on factors -the historical factor of China, where Chinese fishermen since 200 BCE has used these waters as areas for livelihood, especially in the Paracel archipelago. (Larry M. Wortzel, 1999) China claims the South China Sea region uses *nine dash lines* or can be interpreted as nine point lines covering the entire South China Sea region. China's claim to the South China Sea region *unilaterally* was rejected by several countries such as Indonesia, Brunei Darussalam, Malaysia, Vietnam also the Philippines due to overlap with the ZEE region (Exclusive Economic Zone) of each country, especially Vietnam and the Philippines are mutually scrambling with China over ownership of the Spratly and Paracel archipelago.

The South China Sea is an area that has a lively trade line. Because of its strategic geographical location, the South China Sea is very important for the economies of the countries of the world. Large countries like China, which is one of the countries that claim the region desperately needs the resources contained in it. As a large country, China occupies the first position in the world's largest energy use. (Global Energy Statistical Yearbook 2018, n.d.)The amount of energy consumption used to drive the Chinese economy is not accompanied by the production of fuel derived from oil or natural gas. Thus, it encourages China, which has been importing fuel in the form of oil and gas, claimed the South China Sea region that has a large oil and gas content. In addition, the South China Sea is an area passed by various countries to transport its energy materials.

According to data from the US-based *Energy Information Administration* (EIA), the South China Sea is estimated to contain 11 billion barrels of oil, as well as 190 trillion cubic feet of natural gas. The estimate is very close to the original estimated total. (South China Sea, 2013) The use of oil and natural gas in various countries of the world is of paramount importance, since both can stimulate the economy of the country. The territorial disputes occurring in the South China Sea region have made it difficult to know exactly how many of the two natural resources contain.

South China Sea region as mentioned earlier has a very strategic geography. Thus, a country that can control the region has an advantage in terms of geopolitics. The excellence of the region, which makes it such a strategic area, is that the area is a major source of energy trade for the world's major economies, especially in Asia. More than 90% of international trade in the world

takes place through commercial shipments and as much as 45% passes unregulated waters in the South China Sea. Interestingly, the Malacca Strait lies on one end of the South China Sea, which is the second busiest international line in the world after the Strait of Hormuz. (Rowan, 2005)

Due to the crowded shipping lanes, the South China Sea area is often bypassed by military ships. Military ships come from countries adjacent to the South China Sea region. The presence of military ships also aims to uphold the sovereignty of each country's territory, and also to prevent the occurrence of pirate activity that often occurs in the region, although cooperation to fight the pirate activities should be done with rival countries that are equally claimed the region. (Scott, 2012)

ASEAN is concerned with the stability of the region, since 1992 the government of Indonesia has initiated *confident building measures* in the South China Sea by way of its preventive diplomacy. It is a workshop which is a non-formal meeting with the topic of Workshop on Managing Potential Conflicts in the South China Sea involving countries in the region. (Abdul Rivai Ras, 201) The workshop is not aimed at resolving disputes but reducing the level of conflict with the identification of opportunities for cooperation. Through workshop 3 starting from 1990 has reached 23 times, the annual meeting has been able to disclose the issue of South China Sea and achieved *Declaration of Conduct* (DoC). However, this DoC is not a binding agreement for signatories, requiring follow-up to realize the agreement by changing the status of the DoC to *the Code of Conduct* (CoC) as a binding agreement. Any form of conflict in the South China Sea region will threaten the stability of the security of the Asian region as well as internationally. (Hong, 2012) Because of this importance, this research has the purpose of analyzing the development of the South China Sea conflict within the framework of ASEAN and the role of ASEAN in the effort to encourage the transformation of conflict in the South China Sea.

According to the background, the researcher will explain more about the role of ASEAN cooperation in reducing South China Sea conflict.

METHODOLOGY

Conflict Transformation Approach: Theoretical Framework

To analyze the problem, then theoretical framework in this research is to use the conflict transformation:

Conflict Transformation approach:

The concept of conflict transformation was conceived and popularized by John Paul Lederach. Lederach has used conflict transformation terminology since the 1980s after an intensive event while in Central America. This concept emerged from various previous concepts that he thought cannot answer the problem paradigmatically.

According to Lederach, things that can extend the conflict and result in damage must be turned into something constructive. The purpose of constructive change is to change the perspective of conflict to be positive by seeing that conflict is beneficial for a relationship. This constructive change process is called conflict transformation. The conflict transformation is more than just specific techniques. It is a way to see the conflict as a whole. In the conflict resolution approach, according to him, sometimes the researchers are more likely to see in detail focused on the cases that occur, thus blocking the thought of seeing the context of the conflict as a whole. For that we need a different perspective. What Lederach meant by seeing the conflict in its entirety was to see the conflict not only in cases of conflict that occurred on the surface but also at the roots of the conflict that became a sustainable pattern, where if the conflict was not resolved, it would happen again. (Lederach, *The Little Book of Conflict Transformation*, 2003)

Conflict can be used as an opportunity for the entire change process to occur (constructively). Changes that occur first must eliminate violence. Second, bring the value of justice in direct interaction between communities, especially those in conflict. Third, using conflict to build a more tolerant character.

Another interesting thing from what Lederach put forward is his view of change and conflict. Conflict is normal and always exists in human social relations. In this regard, social relations are not static, but they will always be dynamic and adaptive. Thus, the conflict will impact the situation and can change something into something else in sharing forms and in different ways. Furthermore, according to him, change is not only what happens as a result or the impact of a conflict but change is also a projection of the conditions that we want in the future. In understanding change, conflict transformation is not an analytical tool that only analyzes changes that have been and are occurring due to conflict but it provides a framework of change that we want in the future. In view of the transformation of the conflict, Lederach offers to see and analyze these changes in 4 different level dimensions along with projected changes through conflict transformation in each of these dimensions namely: personal, relational, structural and culture.

The South China Sea conflict resolution can adopt the concept of conflict transformation that focuses on relationships between the parties. According to John Paul Lederach, the transformation approach begins with two pro-active bases: (1) a positive orientation about conflict, (2) a desire to engage in conflict as an effort to produce change or constructive growth. Both of these bases refer to the core of transformation as an ability to understand and analyze that conflict has constructive potential for change. This is very different from the approach that believes that conflict will usually result in a cycle of hurt and destructive things that are long-term (Lederach, 2003). These two pro-active based is used by the ASEAN in solving the South China Sea conflict, ASEAN sees the conflict as positive orientation to build cooperation among the countries. ASEAN also engage the conflict for the potential change to make the multilateral cooperation with China also make the growth of conflict resolution from the military forces to become soft diplomacy.

The conflict transformation approach does not analyze conflict as something isolated, but rather seeks and understands the parts of the conflict that are connected with a broader pattern of relationships and interactions between people. Then, the conflict transformation approach views conflict as a valuable opportunity to grow and improve understanding of oneself and others. Through this approach, conflict can be understood as a driver of change that maintains dynamic relationships and social structures in response to human needs. (Lederach, 2003) ASEAN wants to make this conflict between China and ASEAN as a chance to build and improve the mutual understanding toward each other through the cooperation by confident building measures and preventive diplomacy.

In the context of the South China Sea, the approach to conflict transformation becomes more relevant because:

- 1) The point of view of the conflicting actors (claimant states): differences in understanding the root of the problem, while the root of the problem includes political sovereignty (including claim history), state / jurisdictional boundaries, natural resource management issues, and maritime security issues.
- 2) Facilitator's point of view (non-claimant state): ASEAN (Indonesia) had facilitated workshop forums to maintain relations between the conflicting parties, and to prevent the occurrence of armed conflict in the South China Sea. The forum initiated by Indonesia seeks to link the problem of claims to the South China Sea region with the objectives and interests of each actor.

- 3) 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.
- 4) 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 play a role in encouraging this kind of cooperation.

RESULTS AND DISCUSSION

After knowing the complexity of the problem in the conflict in the region of South China Sea, ASEAN as a Regional Forum in the Southeast Asia needs to make and do 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 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 potential change to do 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.

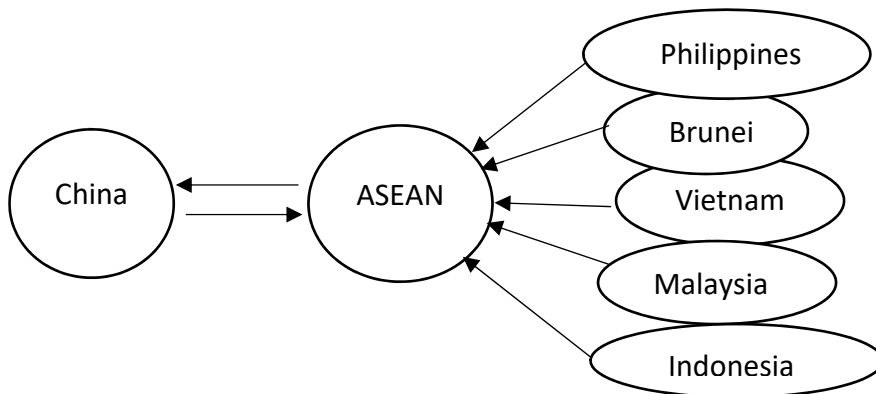
In doing such effort, the role of ASEAN in reducing the South China Sea conflict would be based on some principles and the agreements made by ASEAN before, such as the form of ASEAN Community, the *Treaty of Amity and Cooperation* (TAC), ZOPFAN which lead to other efforts namely the ARF and the DOC/COC.

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 6 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



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

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*.

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 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 at Philippines. (Setyawan, 2010)

At the AMM in Manila on June 1992, that was for the first time ASEAN issued a statement on regional security issues. The statement highlighted the problem of disputes in the South China Sea. The countries which are involved in this forum stated that the statement was called the *ASEAN Declaration on the South China Sea* in 1992. This declaration stated that efforts to settle were carried out through multilateral talks and urged the participating countries to refrain, increase cooperation and use principles contained in the TAC that was 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)

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 resolve the dispute 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 joint meeting on DOCimplementation, 2017)

As a form of realization of good political intentions from the parties, the DOC document has a major role in helping to maintain the stability of the South China Sea as a whole. The DOC document has served as a forum for all parties to the dispute to communicate and exchange views.

Some observers believe that the DOC document at least acts as a moral barrier for all disputing countries in the South China Sea in action. They also agreed further that the DOC document contributed to the establishment of a number of cooperation in the South China Sea. (Evans, 2006)

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 of Parties in the South China Sea* (DOC) has not succeeded in fulfilling its mission to build mutual trust between countries involved 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 when problems or tensions occur and also acts as a basis for negotiations regarding the preparation of a code of conduct (COC) document. (China, ASEAN Come to Agreement on a Framework South China Sea Code of Conduct, 2017)

From the end of 2011 to mid-2012, senior ASEAN officials worked in drafting a document that outlined the COC documents. Because ASEAN countries do this without direct participation from China, China feels unhappy, but does not directly protest the tangible manifestation of ASEAN solidarity. At the ASEAN Foreign Ministers meeting in Phnom Penh in July 2012, when ASEAN submitted to China documents containing the main elements of the COC document, China still indicated its intention to cooperate with ASEAN in the COC drafting process.

On September 15, 2013, the first *China-ASEAN Senior Officials Meeting* was held in Suzhou. All parties 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 experience a long delay, contrary to the expectations of countries in the same region or outside forces such as America.

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

To do the preventive diplomacy effort, ASEAN use the TAC which is the basis for ASEAN countries to coexist peacefully and regulates the mechanism of resolving conflicts in 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 forth point said to do settlement differences or disputes is by peaceful manner. (Treaty of Amity and Cooperation in Southeast Asia Indonesia, 24 February 1976, 1976) The TAC was also signed by the Chinese government, so it clearly means that China have agreed to solve the conflict with peaceful manner including the conflict of the South China Sea.

To transform the potential conflicts into mutually beneficial cooperation, ASEAN have 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 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. 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. 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 a 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 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 the 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 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 has 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 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 most possible thing is to do functional 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 southern China Sea.

Despite of it, as mentioned before, it is basically the approach used by ASEAN by facilitating exploratory meetings (workshops) in 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.

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 done 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 key words 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 done 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 play a role 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 make several efforts to transforms the sovereignty issue in the South China Sea become *non-zero sum game* by several way of cooperation in maritime field and joint military in the South China Sea.

The workshop was organized on the initiative of 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 is 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 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 ASEAN Foreign Minister and Chinese Deputy Foreign Minister Wang Yi signed the *Declaration on the Conduct of Parties in the South China Sea* at an ASEAN meeting in Phnom Penh aimed at preventing tensions in territorial disputes and to reduce the risk of military conflicts in the Sea South China. Then on October 7, 2003 China signed an agreement of the *Treaty of Amity and Cooperation* in Southeast Asia or the Treaty of Friendship and Cooperation in Southeast Asia which is a treaty or peace agreement between Southeast Asian countries, which is formed by the founding countries of ASEAN. This agreement is a sign of peace relations between China and ASEAN member countries. The two agreements signify good relations between China and ASEAN in resolving the problems of the Spratly Islands and Paracel Islands disputes in the South China Sea, because this agreement is followed by other agreements between China and ASEAN both in cooperation in the military and joint management of natural wealth in the South China Sea, so that all parties benefit from exploration.

Each conflicting 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, the establishment of the *ASEAN Regional Forum* (ARF). The ARF is a forum formed by ASEAN in 1994 as a vehicle for dialogue and consultation on matters related to politics and security in the region, as well as to discuss and equate views between ARF participating countries to minimize threats to regional stability and security. In this connection, ASEAN is the main driver in the ARF. The ARF is the only forum at the government level which was attended by all powerful 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 bring a comprehensive security concept not only covering military aspects and traditional security issues but also related to political, economic, social and other issues such as non-traditional security issues. (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, enhance cooperation, and maintain 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. The 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. The 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. The 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 a major 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)

CONCLUSION

Seen from the International Oceanic System, the South China Sea Region is an area that has economic, political and strategic values. So that this region contains the potential for simultaneous conflict of potential cooperation. In other words, the South China Sea region which contains oil and natural gas contained in it, as well as its very important role as a world oil trade and distribution route, has made the South China Sea region an object of regional debate for many years. (Goh, 2005) The South China Sea region has economic potential, especially oil content and military strategy lies in the choice of international seas. Second, the disputing countries are in dire need of oil for industrial sustainability and national economic sustainability. Territorial disputes in the South China Sea (South China Sea, or SCS) were preceded by Chinese claims to the Spratly and Paracel Islands in 1974 and 1992. (Shincun, 2013) The claim of course immediately gets a response from countries whose borders intersect in the South China Sea, especially ASEAN member countries. (South China Sea, 2008) As for these countries, including Vietnam, Brunei Darussalam, the Philippines and Malaysia.

ASEAN had done the role in reducing South China Sea conflict in several ways 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 play a role 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.

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